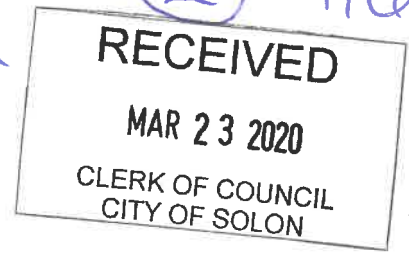


HAWTHORNE GOLF ESTATES LLC

25250 Rockside Road
Bedford Heights, OH 44146
440-439-3400

~~5~~ 4/28
④ 5/12
② 4/6



March 23, 2020

Carol McConoughey
Clerk of Court
City of Solon
34200 Bainbridge Road
Solon, OH 44139

RE: Hawthorne Golf Estates
28500 Aurora Road
Solon, OH

Dear Ms. McConoughey:

Pursuant to Chapter 1292 of the Solon Zoning Code we are hereby requesting to rezone approximately thirty five (35) acres of land adjacent to The Hawthorne Valley Country Club from R-1-D, Single Family Residential to R-3-A, Multi-Family Residential Senior Citizen -1. The site we are proposing to rezone, does not abut with any existing single-family homes.

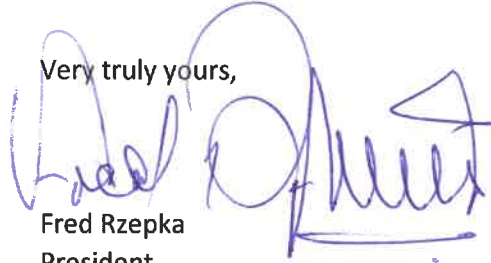
We are planning to develop one hundred five (105) single family homes with access from Hawthorn Parkway. This development is aimed at persons over fifty (50) years of age, to live in new, maintenance free single-family homes in Solon, adjacent to the Metroparks.

We understand that this proposal will be submitted to City Council and then referred to the Planning Commission for Review and Public Hearing. We are working on a Preliminary Site Plan that will detail roads, landscaping and setbacks.

Please feel free to contact us if you need any additional information.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Fred Rzepka". The signature is stylized with large, flowing loops and a prominent initial "F".

Fred Rzepka
President

TransCon Builders, Inc., Manager

cc:

E. Kraus

R. Frankland

5 4/28

March 27, 2020

**PROPOSED CONSOLIDATED PARCEL
OF LAND FOR
HAWTHORNE GOLF ESTATES, LLC**

Situated in the City of Solon, County of Cuyahoga, and State of Ohio, and known as being a part of Original Solon Township Lot No. 32, Tract No. 1, and Original Solon Township Lots No. 1 and No. 2, Tract 2 and is more particularly bounded and described as follows:

Beginning in the centerline of Aurora Road, 60 feet in width, at a 3/4 inch iron pin monument found marking its intersection with the easterly line of Original Solon Township Lot No. 32, Tract No. 1, said point of beginning bearing North 61°25'10" West along said centerline of Aurora Road from a 3/4 inch iron pin monument found marking its intersection with Cochran Road;

Thence South 06°55'34" West along said easterly line of Original Solon Township Lot No. 32, Tract No. 1, a distance of 1592.36 feet to a point therein and the Principal Point of Beginning of the following described parcel of land;

COURSE I Thence continuing South 06°55'34" West along said easterly line of Original Solon Township Lot No. 32, Tract No. 1, the same being the westerly line of land (PPN 951-19-015) now or formerly owned by the Cleveland Metropolitan Park District, a distance of 440.00 feet to a 5/8 inch iron pin with cap (#7394 Ciuni & Lynn) found marking the southeasterly corner of said Original Solon Township Lot No. 32;

COURSE II Thence South 83°18'41" East along the southerly line of Original Solon Township Lot No. 31, Tract No. 1, the same being a southerly line of said land of Cleveland Metropolitan Park District, a distance of 333.34 feet to a 5/8 inch iron pin set with cap (#7394 Ciuni & Lynn) found on the westerly line of land (PPN 953-06-001) now or formerly owned by the Board of Park Commissioners as recorded in Volume 6053, page 112 of Cuyahoga County Deed Records;

COURSE III Thence South 01°55'08" East along said westerly line of land of the Board of Park Commissioners, and at 896.14 feet passing by a 1/2 inch iron pin found 0.16 feet northerly and 0.05 feet easterly therefrom, and at 937.50

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CITY OF SOLON

feet passing through a 5/8 inch iron pin with cap (#7394 Ciuni & Lynn), a total distance of 957.51 feet to a point;

- COURSE IV Thence South 89°44'36" West, a distance of 1229.00 feet to a point;
- COURSE V Thence North 03°29'00" West, and at 20.03 feet passing through a 5/8 inch iron pin with cap (#7394 Ciuni & Lynn), a total distance of 1148.74 feet to a 5/8 inch iron pin with cap (#7394 Ciuni & Lynn) found marking an angle therein;
- COURSE VI Thence South 81°50'37" East a distance of 636.77 feet to a point;
- COURSE VII Thence North 41°26'05" East a distance of 169.15 feet to a point;
- COURSE VIII Thence North 17°40'55" East a distance of 59.17 feet to a point;
- COURSE IX Thence North 67°29'39" West a distance of 83.27 feet to a point;
- COURSE X Thence North 05°11'42" West a distance of 95.55 feet to a point;
- COURSE XI Thence North 16°21'27" East a distance of 76.92 feet to a point;
- COURSE XII Thence North 07°08'11" East a distance of 34.13 feet to a point;
- COURSE XIII Thence South 82°51'49" East a distance of 290.40 feet to the Principal Point of Beginning and containing 32.645 Acres of land, be the same more or less, but subject to all legal highways and easements of record, as calculated and described from existing records on March 27, 2020 by CT Consultants, Inc.

The above is a description of the consolidated lands of Hawthorne Golf Estates, LLC consisting of all the lands conveyed to the same by instrument recorded in AFN 200605220291 (PPN 953-02-001) together with a 0.564 Acre parcel of land to be split from adjacent lands of Hawthorne Valley Country Club, LLC (PPN 951-17-012).

Bearings stated herein are based upon those contained in deed to Hawthorne Golf Estates, LLC recorded in AFN 200605220291 of Cuyahoga County Records.



**MEMORANDUM
ROBERT S. FRANKLAND, AICP
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

④ 5/12

DATE: MAY 6, 2020

TO: PLANNING COMMISSION

**RE: PROPOSED REDEVELOPMENT OF A PORTION OF THE
HAWTHORN COUNTRY CLUB SITE FOR SENIOR HOUSING PURPOSES,
AND THE CREATION OF A NEW "R-2-A" (ONE AND TWO FAMILY
SENIOR CITIZEN RESIDENTIAL) ZONING CLASSIFICATION**

An applicant is requesting that the Planning Commission and City Council approve the rezoning of an approximately 32.6 acre portion of the Hawthorn Country Club property from the current "R-1-D" (Single Family Residential) zoning to senior housing zoning. These approvals, if granted, would authorize the placement of the rezoning request on the November 2020 ballot.

CONCEPTUAL DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT

A conceptual development plan (Hawthorn Golf Estates) has been submitted along with the rezoning application. This plan proposes 105 single family residential structures, including accessory outdoor parking areas, as well as potential future clubhouse/recreation area.

Access to the site would be provided via a private street connection to the Cleveland Metroparks Hawthorn Parkway, in accordance with an easement agreement with that entity. The commission may want to request confirmation as to the continuing validity of this easement as part of this review process. The proposed private street configuration within the development would preclude the provision of city services, such as snow plowing and waste removal. Therefore, the Commission may want to both confirm that the applicant understands and agrees to these conditions and has a viable plan for the private provision of these services.

It should be noted that the proposed development plan is conceptual in nature and is not required by law to be constructed as submitted should a rezoning be granted. Rather, any configuration of development that falls within the parameters of the approved zoning is permitted. Therefore, should the Planning Commission and/or City Council wish to guarantee that the submitted conceptual plan serves as the basis for any redevelopment that actually occurs subsequent to a rezoning, a binding and recorded Development Agreement between the applicant and the City is

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advised. This agreement would define the development in legal terms, essentially as designated on the preliminary plans, and would also define any other development parameters, limitations, characteristics, approval requirements and processes, etc. - as agreed to between the parties. The applicant has agreed in principal to the desirability of entering into a development agreement for this project, and such document can be negotiated and ready for review and approval prior to any City Council level action on this rezoning request.

PRESERVATION OF THE BALANCE OF THE HAWTHORN VALLEY COUNTRY CLUB SITE

As part of the rezoning request, the applicant is proposing to guarantee the perpetual preservation of a majority of the balance of the Hawthorn Country Club golf course site as greenspace. This would encompass approximately 150 acres of land. However, it should be noted that this would not include the existing clubhouse and immediate vicinity, which would be placed on a separate lot so as to remain available for future use. The exact boundaries, acreage and method for guaranteeing the perpetual preservation of the golf course area can be worked out through the development agreement process and then submitted to City Council. However, the Commission may want to make the perpetual preservation of this this a contingency for any recommendation for zoning approval.

PROPOSED NEW "R-2-A" (ONE AND TWO FAMILY RESIDENTIAL - SENIOR CITIZEN) ZONING CLASSIFICATION

The applicant is requesting that the existing "R-3-A" (Multi Family Residential - Senior Citizen - 1) zoning classification be applied to the 32.6 acre property in question. This has been requested primarily to allow persons 50 and older to reside within the development, as the other existing Senior Citizen zoning - "R-3-B" - restricts residency to persons 55 years of age and older.

However, as neither of the city's existing Senior Citizen Zoning classifications are adapted to the development plan as proposed, and in fact would necessitate the granting of hundreds of variances, the Planning Department has prepared a new zoning classification for consideration in association with this project.

This new zoning, the "R-2-A" (One and Two Family Residential - Senior Citizen) classification (attached), is specifically designed and intended to exclusively permit lower intensity, senior citizen restricted developments, comprised of single family detached and/or attached two-family residences. (Note: All of the existing Solon senior housing zoning classifications permit much higher intensity type uses, including apartments, assisted living facilities and nursing homes). The proposed "R-2-A" zoning restricts development density to 4 units per acre, and is intended to have general application throughout the City, as warranted, and is not exclusively intended for the current project in question.

MISCELLANEOUS AND CONCLUSIONS

It should be noted that the applicant's site plan is preliminary in nature. While the proposed development agreement can provide legal guarantees that the project will reflect the basic layout as submitted, a more developed and engineered plan will need to be prepared and submitted for Planning Commission and Council approval, should the ballot issue pass. At that time, the City would still need to consider any variances, wetlands issues, storm water design concepts, lot consolidations, etc, that may arise through the typical site plan review process. Various studies may also be required by the city, as necessary. However, it should be noted that the applicant has agreed to prepare a traffic impact study for consideration prior to City Council placing this matter on the ballot.

In conclusion, the proposed site plan, as submitted, provides a potential opportunity to address important Master Plan goals, such as continuing to broaden access to diverse senior living markets within the community. The proposed perpetual preservation of the balance of the golf course property would remove substantial land area from future development and would provide one of the largest preserved green areas in the City. And, the proposed new "R-2-A" zoning would provide the city with yet another tool to appropriately and rationally respond to development opportunities as they arise.

Please do not hesitate to let me know if I can answer any questions that you may have regarding this planning report or the accompanying new zoning classification. Thank you.

CC: Ed Kraus, Mayor
Nancy Meany, Vice Mayor
Lon Stolarsky, Legal Advisor to the Planning Commission
Tom Lobe, Law Director
Bill Drsek, Public Works Director
John Busch, City Engineer

PROPOSED DRAFT ORDINANCE #1 - MAY 6, 2020

CHAPTER 1269-A

**“R-2-A” (ONE AND TWO-FAMILY RESIDENTIAL -
SENIOR CITIZEN)**

1269-A.01- PURPOSE:

The “R-2-A” (One and Two-Family Residential –Senior Citizen) zoning district has been established to permit lower intensity residential developments, in one and two family housing unit configurations, specifically planned and designed to exclusively accommodate one or more individuals of at least 50 years of age or older.

1269-A.02 PERMITTED USES AND ACCESSORY USES:

The following uses shall be permitted in accordance with the provisions of this ordinance:

- A. Single Family Homes exclusively occupied by one or more persons fifty (50) years of age or older as authorized under the Federal Fair Housing Amendments Act of 1988, 42 U. S. C. A. 3607(b), as amended and in effect on the date of site plan approval by the Council of the City of Solon.
- B. Two Family Homes in which each separate living unit is exclusively intended and operated for occupancy by one or more persons fifty (50) years of age or older, as authorized under the Federal Fair Housing Amendments Act of 1988, 42 U. S. C. A. 3607(b), as amended and in effect on the date of site plan approval by the Council of the City of Solon.

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CITY OF SOLON**

1269-A.03 ACCESSORY USES

The following accessory uses shall be permitted in accordance with the provisions of this ordinance as approved by the City Planning Commission, and confirmed by City Council:

1. Parking Garages;
2. Outdoor Parking Areas;
3. Outdoor Recreational Areas for the exclusive use of residents and their visitors;
4. Clubhouses and Meeting Rooms for the exclusive use of residents;
5. Any other uses that are determined by the City of Solon to be incidental and accessory to any of the above permitted principal or accessory uses shall be permitted on the same lot as the principal use or accessory use, in accordance with the provisions of this Ordinance;
6. Any use that is determined by the City of Solon to be substantially similar to any of the above listed accessory uses shall be permitted on the same lot as the principal use or accessory use, in accordance with the provisions of this Ordinance.

1269-A.04 PROHIBITED USES

Prohibited uses within the "R-2-A" zoning district shall include, but are not limited to, those listed below. This list shall be considered to be supplemental to "Item A" (Principal Uses) and "Item B" (Accessory Uses) of this Chapter.

1. Commercial use of any building or premises, including the parking or storing of commercial vehicles or equipment, except as specifically permitted under the provisions of this ordinance;
2. Keeping of agricultural animals, such as pigs, cows, goats, donkeys, horses, chickens or other fowl, unless otherwise explicitly permitted within this ordinance;
3. Any use that is determined by the City of Solon to pose a general nuisance, or an imminent danger to the health safety and welfare of the general public;
4. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.

1269-A.05 DEVELOPMENT STANDARDS:

A. LOT REQUIREMENTS:

- 1. MINIMUM PROJECT AREA:** Any proposed "R-2-A" (One and Two-Family Residential -Senior Citizen) development shall consist of at least twenty five (25) acres of contiguous property under single ownership.
- 2. MAXIMUM/MINIMUM PROJECT DENSITY:** The maximum overall site density within a "R-2-A" development shall not exceed four (4) dwelling units per acre.
- 3. MINIMUM GREEN SPACE:** At least thirty percent (30%) of the total project site shall be reserved as green space.

B. SET-BACKS AND DIMENSION REQUIREMENTS FOR SINGLE FAMILY AND TWO -FAMILY HOMES:

- 1. MINIMUM FRONT YARD SET-BACKS:** No Single Family Home or Two-Family home shall be located closer than one hundred (100) feet to any public right of way, nor closer than forty (40) feet to the centerline of any private street.
- 2. MINIMUM SIDE YARD SETBACKS:** No Single Family Home or Two Family Home shall be located closer than eight (8) feet to any interior side property line, nor closer than fifty (50) feet to the right of way line of any public side street, nor closer than forty (40) feet to the centerline of any private side street.
- 3. MINIMUM REAR YARD SET-BACK FROM STREETS:** No Single Family Home or Two Family Home shall be located closer than thirty (30) feet to any interior rear property line, nor closer than one hundred (100) feet to any public rear street right of way line, nor closer than forty (40) feet to the centerline of any private rear street.
- 4. MINIMUM SETBACK BETWEEN PRINCIPAL STRUCTURES -** No side wall of any Single Family or Two Family Home shall be located closer than fifteen (15) feet to the side wall of any other building. Nor shall the rear wall of any Single Family or Two Family Home be located closer than sixty (60) feet to any opposing rear wall or side wall of any other building.
- 5. MINIMUM SET-BACK FROM PROJECT PERIMETER -** No Single Family Home or Two Family Home shall be located closer than fifty (50) feet to any property not zoned "R-2-A" (One and Two Family Residential - Senior Citizen).
- 6. MAXIMUM HEIGHTS:** No Single Family Home or Two Family Home shall exceed a height of thirty five (35) feet above the existing grade, nor shall

any structure exceed two and one-half (2 ½) stories.

7. **MINIMUM EXTERIOR WALL WIDTH** – No Single Family Home or Two Family Home shall have front, side or rear wall dimension of less than thirty (30) feet.

C. SET-BACKS AND DIMENSION REQUIREMENTS FOR ACCESSORY USES:

1. REQUIREMENTS FOR CLUBHOUSES, MEETING ROOMS AND/OR OUTDOOR RECREATIONAL AREAS.

- A.. **MINIMUM SET-BACK FROM STREETS:** No clubhouse, meeting room or accessory outdoor recreational area shall be located closer than one hundred (100) feet to any public right of way line, nor closer than forty (40) feet to the centerline of any private street .
- B. **MINIMUM SIDE YARD SET-BACK:** No clubhouse, meeting room, or accessory outdoor recreation area shall be located closer than fifty (50) feet to any interior side property line, nor closer than one hundred (100) feet to the right of way line of any public side street, nor closer than forty (40) feet to the centerline of any private side street.
- C. **MINIMUM REAR YARD SET-BACK:** No clubhouse, meeting room, or accessory outdoor recreational area shall be located closer than fifty (50) feet to any interior rear property line, nor closer than one hundred (100) feet to any public rear street right of way line, nor closer than forty (40) feet to the centerline of any private rear street.
- D. **MINIMUM SET-BACK FROM PROJECT PERIMETER** - No clubhouse, meeting room, or accessory outdoor recreational area shall be located closer than one hundred (100) feet to any property not zoned “R-2-A” (Two Family Residential - Senior Citizen).
- E. **MAXIMUM HEIGHTS:** No clubhouse, meeting room, or accessory outdoor recreational area structure shall exceed a height of thirty five (35) feet above the existing grade, nor shall any building or structure exceed two and one-half (2 ½) stories.
- F. **MAXIMUM BUILDING SIZE** – No clubhouse, meeting room, or outdoor recreational area shall exceed four thousand (4,000) square feet in area.
- G. **MINIMUM DISTANCE BETWEEN STRUCTURES** - No sidewall of any clubhouse, meeting room, or outdoor recreational area structure shall be located closer than twenty five (25) feet to side wall of any other any other building, nor shall the rear wall of any clubhouse, meeting room or outdoor recreational area structure be located closer than sixty (60) feet to the rear wall of

any other building.

2. REQUIREMENTS FOR OUTDOOR PARKING AREAS:

- A. MINIMUM SET-BACK FROM PUBLIC STREETS** - No open air public parking area shall be located closer than one hundred (100) feet to any public street right of way line nor closer than forty (40) feet to the centerline of any private street.
- B. MINIMUM SET-BACK FROM PROJECT PERIMETER**- No open air public parking area shall be located closer than fifty (50) feet to any to any property not zoned "R-2-A" (One and Two Family Residential - Senior Citizen)

1269-A.06 PARKING REQUIREMENTS:
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Parking shall be provided in accordance with Section 1286.07 of this code except as follows:

- A. REQUIRED PARKING PROVISIONS FOR ONE FAMILY AND TWO FAMILY DWELLING UNITS:** Two (2) private parking spaces shall be provided for each dwelling unit, of which at least one (1) parking space shall be enclosed.

1269-A.07 LANDSCAPING AND SITE BUFFERING REQUIREMENTS:

- A. LANDSCAPING REQUIRED:** All landscape provisions including green areas, gardens, woods, natural vegetation, lakes, and any other proposed landscaping shall be designated on the site plan for the project and shall be subject to Planning Commission review and approval.
- B. LANDSCAPE MAINTENANCE AGREEMENT REQUIRED:** Proposed condominium agreements, or other evidence shall be submitted to the Planning Commission indicating that adequate provisions have been made to insure the future maintenance of all landscape amenities.

1269-A.08 APPLICATION REQUIREMENTS:
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All applications for the review of a proposed Two-Family Residential-Senior Citizen project shall include the following information:

- a) Letter summarizing the scope of the project;
- b) Site plan, drawn to scale, indicating the location, type and use of buildings and structures; the use and division of all land; site topography; general location of landscape and greenspace

areas; wetlands locations, storm water runoff provisions; location of floodplains; the proposed circulation system for vehicles, pedestrians, other public ways; proposed parking provisions; and the location, purpose and dimensions or any proposed easements. The site plan shall also include a summary table designating the total number of acres in the project; total area and percentage of proposed green space; number of dwellings by type, and the number and types of proposed non-residential uses,

- c) Architectural drawings of any proposed non-residential buildings and structures, including signage.
- d) Landscape plan, indicating the grading and planting plan, site buffering, and any existing natural areas;
- e) Landscape Maintenance Agreement;
- f) Utility Provision and Service Plan;
- g) Erosion Control Plan, Storm Water Management Plan, Wetlands Delineation, and other other engineering related information required by the City of Solon;
- h) Traffic Impact Analysis;
- i) Environmental Impact Evaluation, as required by the Planning Commission and/or City Council;
- j) The substance of any covenants, deed restrictions, grants of easements, condominium agreements, or the restrictions proposed to be imposed upon the use or maintenance of land and buildings;
- k) A construction schedule and cost estimates, including staged construction timelines and cost estimates for the project;
- l) Any other information, plans, studies etc. determined to be necessary by the City of Solon in order to make informed decisions and appropriately protect the health safety and welfare of the general public.