

CHAPTER 12--

“MPD-A” (MIXED-USE PLANNING DISTRICT – A)

1286.01 PURPOSE:

The “MPD-A” (Mixed-Use Planning District - A) zoning classification is exclusively intended to promote the quality redevelopment of the Aurora Road/Solon Road Planning Area within the Central Retail District, in accordance with the recommendations of the City of Solon Master Plan (see Map A, below).

Map A - Boundaries of the Aurora Road/Solon Road Planning Area



As such, the “MPD-A” zoning classification is designed to accommodate comprehensively planned projects that incorporate a diverse mixture of commercial and office uses, while providing alternative housing opportunities for currently underserved markets, as determined and identified by the City of Solon. The City shall have full and complete discretion to approve, deny, or modify any site plan application, for any reason relating to the health, safety and welfare of the community, whether specified within the ordinance or not. The “MPD-A” zoning classification shall exclusively be implemented through the specific approval processes established herein.

1286.02 PERMITTED USES:

The following residential, commercial, office and institutional uses may be permitted within a “MPD-A” (Mixed-Use Planning District - A), subject to review and approval by the Planning Commission and City Council, and in accordance with the development ratios specified herein.

- 1. RESIDENTIAL USES** - The residential uses listed below may be permitted within an “MPD - A” (Mixed-Use Planning District - A). Such uses shall not occupy in excess of 33% of the total area of the Aurora Road/Solon Road Planning Area nor exceed a maximum of 200 units. Compliance with the required development ratios shall be the exclusive determination of the City of Solon.

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- A. Townhomes;
- B. Residential dwelling units located above and/or otherwise attached to retail, office, or institutionally used buildings;
- C. Multi-Family Residential Buildings;
- D. Any use that is customarily incidental and accessory to any of the above listed permitted uses, as determined by the City of Solon

- 2. COMMERCIAL, OFFICE AND INSTITUTIONAL USES** – The commercial, office and institutional uses listed below may be permitted within an “MPD-A” (Mixed-Use Planning District-A). Such uses shall comprise not less than sixty seven percent (67%) of total project area and not more than ninety percent (90%) of total project area. Compliance with the required development ratios shall be the exclusive determination of the City of Solon.

- A. Retail sales such as clothing stores, electronics stores, houseware stores, jewelers, office supply stores, bakeries, food stores, etc.;
- B. Retail services such as beauty shops, barbers, travel agents, dry cleaners, photographers, insurance sales, etc.;

- C. Business and professional offices, including medical and dental offices;
- D. Sit-down restaurants;
- E. Casual restaurants;
- F. Fast food restaurants;
- G. Hotels;
- H. Conference Centers and Banquet Centers;
- I. Banks and other financial institutions;
- J. Physical therapists;
- K. Child day care and pre-schools;
- L. Exercise and fitness studios;
- M. Pet shops;
- N. Colleges, Schools and Universities;
- O. Churches, Synagogues, Temples, and other places of worship;
- P. Post Office;
- Q. Parks and indoor/outdoor entertainment facilities;
- R. Any use that is determined to be substantially similar to any of the above listed Uses, as determined by the City of Solon;
- S. Any use that is customarily incidental and accessory to any of the above listed permitted uses, as determined by the City of Solon.

<p>1286.03 PROHIBITED USES:</p>
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The following uses shall be prohibited within the “MPD-A” (Mixed-Use Planning District-A). This list shall be considered to be supplementary to Item 1286.02 (Permitted Uses) above.

1. Gasoline sales;
2. Repair shops, including but not limited to automobile repair and/or servicing;
3. Automobile sales;
4. Contractor shops and landscape businesses;
5. Tattoo Parlors and/or body piercing shops;
6. Businesses selling products commonly used for drug paraphernalia;
7. Gambling establishments, including, but not limited to, internet gambling businesses;
8. Pawnshops, thrift stores, consignment shops, or any other businesses substantially dealing in the acquisition and/or resale of previously used goods;
9. 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;
10. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.

1286.04 SUMMARY OF THE “MPD-A” REVIEW AND APPROVAL PROCESS

An application for a proposed “MPD-A” (Mixed Use Planning District-A) project shall be subject to the following approval processes and procedures:

- 1. ADMINISTRATIVE REVIEW OF THE “MPD-A” DEVELOPEMNT PLAN**
An “MPD-A” Development Plan Application (see item 1286.06 below) shall be submitted to the City to initiate the Administrative Review Process. The Administrative Review Process is intended to provide architectural review in accordance with Section 1290.05 of the zoning code and provide detailed site plan review and plan development in accordance with Section 1291.02, Item 1-A-1 of the zoning code.
- 2. PLANNING COMMISSION REVIEW AND RECOMMENDATION OF THE “MPD-A” DEVELOPMENT PLAN:** Once the Administrative review process is completed, the applicant shall be authorized to submit the “MPD-A” Development Plan to the Planning Commission for further review in accordance with the provisions of Section 1291.02, Items 2 and 3, of the zoning code and as supplemented under Section 1286.06, below. The Planning Commission may recommend the modification of the plan, request additional information and reviews, and following a minimum of two (2) public hearings shall ultimately provide a recommendation to approve or deny the “MPD-A” Development Plan to City Council. However, prior to the holding of the initial required public hearing, all property owners located within a radius of one hundred (100) feet from the property on which the project would be located shall be notified by mail by the Clerk of Councils office and provided a copy of the “MPD-A” application materials. The referral from the Planning Commission shall provide recommended actions on any variances associated with the project, in accordance with the provisions of Chapter 1293 of the Zoning Code.
- 3. COUNCIL APPROVAL OF THE “MPD-A” DEVELOPMENT PLAN:** Once the Planning Commission review process is complete, the “MPD-A” Development Plan shall be referred to City Council for further review and final determination. City Council shall have the authority to require the modification of the plan, request additional information and reviews, and following a minimum of one (1) public hearing, approve or deny the plan.

Subsequent to any Council approval of a “MPD-A” Final Development Plan, the plan and any and all associated supporting documents comprising the conditions for site plan approval, shall constitute the zoning regulations for the subject area.

1286.06 –DEVELOPMENT PLAN – APPLICATION REQUIREMENTS

The following information and materials, below, shall be included in any application for review of an “MPD-A” (Mixed-Use Planning District- A) Development Plan:

1. **APPLICATION FORM AND COVER LETTER** - A completed “APPLICATION TO THE SOLON PLANNING COMMISSION/ COUNCIL FOR SITE PLAN REVIEW” form shall be submitted along with a cover letter reviewing the background and scope of the proposed project. The cover letter should also include an explanation of how the proposed project would advance the City Master Plan goals for the area in question, and should note any expected variances and/or anticipated challenges to successful completion of development. A specific sequence and timeline for the construction of each project phase shall also be provided.
2. **“MPD-A” SITE PLAN** - A Site Plan shall be submitted that is drawn to a scale acceptable to the City. The Site plan shall clearly indicate the following:
 - a. Location of all existing and proposed lot lines;
 - b. Location of all existing and proposed buildings and structures, including setbacks from all property lines and right of way lines, proposed height, dimensions and number of stories, and including a notation of the number and general type of individual residential and/or business unit(s) intended within each building;
 - c. Location and design details of existing and proposed parking lot provisions, including proposed dimensions and setbacks of parking spaces, aisle-ways, cross access drives and street access points;
 - d. Location and design detail of greenspaces and proposed recreation areas;
 - e. Location of floodplains, streams, bodies of water, including any wetlands as identified by the wetlands delineation required herein;
 - f. Existing and proposed site topography at one (1) foot intervals;
 - g. Location and design details of any dumpsters facilities and enclosures;
 - h. Location and design details of any loading or service areas;
 - i. Location and design details of any free standing signs;
 - j. Location and design details of any pedestrian/multipurpose circulation provisions including demonstrated compliance with ADA accessibility requirements;
 - k. Location and design details of existing and proposed onsite easements and right of ways, and demonstrated access to offsite utilities, as needed.
 - l. Location and design details of proposed storm water management areas;
 - m. Location and design details of proposed above ground mechanical equipment;
 - n. Photometrics Plan, demonstrating compliance with all City of Solon lighting requirements and location and design details of all lighting fixtures and poles;
 - o. A summary table indicating total site acreage, total green space, total provided parking and total building coverage by use category in accordance with Section 1286.02, above.

- 3. ELEVATION PLANS** – Elevation Plans shall be submitted, drawn to a scale acceptable to the City, illustrating the front, side, and rear views of all buildings. Such Elevation Plans shall clearly indicate all proposed materials colors and architectural design. Design details shall also be provided for all above ground structures, including but not limited to signage, fencing, mechanical equipment, dumpsters, lighting poles and fixtures, benches, aesthetic amenities, etc..
- 4. LANDSCAPE PLAN** - A Landscape Plan shall be submitted indicating the location and specific design of all landscape, greenspace, and site buffering provisions. The plan shall clearly denote the location, number, spacing and height of vegetation at planting and maturity, as well as the specific proposed plant species. The plan shall also denote the location and dimensions of any proposed landscape mounds and the location, dimensions and design details of any other proposed landscape related features such as planters, fountains, art, sculpture, fences, walls, etc..
- 5. WETLANDS DELINEATION STUDY AND PLAN** - A Wetlands Delineation study shall be submitted in, a format acceptable to the City Engineer, clearly indicating the location and classification of all wetland areas located within the project site. If wetlands are proposed to be removed as part of the project plan, the proposed means and method for the removal are to be noted. The City Engineer shall have the authority to request additional studies and or information as determined necessary.
- 6. STORM WATER MANAGEMENT PLAN** – A storm water management plan shall be submitted in a format that is acceptable to the City Engineer. This plan, which shall clearly indicate the location and method by which storm water run-off is to be addressed, including detailed calculations and other supporting documentation to enable final review and approval by the City Engineer in accordance with Federal, State, Local and City requirements. The City Engineer and/or his/her designee shall complete the review of the storm water management plan and shall provide written recommendations to the Planning Commission and City Council prior to either board taking action on the proposed project.
- 7. TRAFFIC IMPACT ANALYSIS** – Any proposed development that generates more than 100 trips (in and out) in the peak hour according to the relevant model provided in the most current edition of the Institute of Traffic Engineers Trip Generation Manual, shall be subject to the submittal of a professionally prepared, detailed traffic impact analysis for review by the City. The proposed consultant or entity to provide the analysis shall be subject to approval by the City Engineer and shall be paid for by the property owner. The traffic analysis shall examine the likely impacts that the proposed use will have on the existing roadway system and shall identify methods for mitigating any potential negative impacts. The City Traffic Engineer, under the direction of the City Engineer and/or his/her designee, shall complete the review of the traffic impact analysis and plan and shall provide written recommendations to the Planning Commission and City Council prior to either board taking final action relating to the proposed project.

8. **DEVELOPMENT AGREEMENT** – In addition to any plans and studies required above, a legally binding Development Agreement may be required, at the discretion of the City. The purpose of the Development Agreement shall be to further define the scope, scale, timeframes, operation, regulation and any other approval contingencies relating to the project, as deemed necessary by the Planning Commission or City Council. Any required Development Agreement shall constitute an integral and binding component of the “MPD-A” Development Plan and shall be recorded with the Cuyahoga County Recorder’s Office within 30 days of Council’s approval of the Development Plan.
9. **SUPPLEMENTARY INFORMATION** – The Planning Commission and/or City Council shall have the authority to request any additional information, studies, plans, etc. that they consider to be necessary to make an informed decision prior to making any determination on a Development Plan application.

1286.07 –AMENDMENT TO AN APPROVED DEVELOPMENT PLAN

An amendment may be requested to a previously approved Development plan, by petition to City Council. Council shall have the discretion to refer the request to the Planning Commission for further study and recommendation. Following any subsequent recommendation from the Planning Commission, City Council shall have authority to amend the Final Development Plan at their discretion.

1286.08 –COMPLIANCE WITH MINIMUM NON-RESIDENTIAL USE STANDARDS

Unless specified otherwise within this ordinance, an “MPD-A” (Mixed- Use Planning District-A) project shall comply with all standards that are applicable to the “C-3” (Commercial) zoning district. These shall include: building and structure design and color standards; parking requirements; landscaping and site buffering; average site lighting levels and lighting intensities at property lines; signage; as well as any other applicable nuisance and health safety welfare ordinances and policies, as determined by the City of Solon.

Any building and/or premises located within an “MPD-A” zoned area whose ownership determines not to be included in an “MPD-A” Final Development plan, as per the requirements of Section 1286.06, above, shall exclusively be governed by the zoning code requirements that are applicable to “C-3” (Commercial) zoning districts and shall be subject to all rights and restrictions provided thereunder.

1286.09 MINIMUM DEVELOPMENT STANDARDS

A. LOT REQUIREMENTS:

1. **MINIMUM PROJECT AREA** - Any proposed “MPD-A” (Mixed Use Planned Development-A) project shall consist of at least six (6) contiguous acres of property under common ownership.
2. **MINIMUM PROJECT GREEN SPACE** - At least twenty five percent (25%) of the project site shall be reserved as green space.

B. BUILDING SET-BACKS AND DIMENSION REQUIREMENTS:

1. **MINIMUM SETBACK FROM PUBLIC STREETS** – A minimum setback of forty (40) feet shall be provided from any public street right of way.
2. **MAXIMUM STRUCTURE HEIGHT** - No structure may exceed sixty five (65) feet, or six (6) stories in height above finished grade. However, elevator housings or other rooftop mounted mechanical equipment may extend to a height of fifteen (15) feet above the roofline of the structure on which they are located, provided that they are set-back from all main building walls, and provided that they are designed as an integral part of the building or are otherwise enclosed with similar architectural treatment as are the main building walls.
3. **MINIMUM SET-BACK BETWEEN BUILDINGS** - A minimum setback of twenty (20) feet shall be provided between buildings on the same, or adjacent lots.

C. PARKING AREA SET-BACKS AND DIMENSION REQUIREMENTS:

1. **MINIMUM FRONT YARD SET-BACK** - Parking areas shall be located no closer than twenty (20) feet to any front property line.
2. **MINIMUM SETBACK FROM BUILDINGS** - Parking areas and street access drives shall be located no closer than ten (10) feet to any building.
3. **MINIMUM PARKING AREA GREEN SPACE:** Large unbroken parking areas shall be avoided. Therefore, no parking area shall contain more than twenty (20) spaces without interruption by green space, and at least five percent (5%) of the interior area of any parking area containing twenty-one (21) or more parking spaces shall be reserved as green space. Parking area green space shall be included in the calculation of total site green space.

**SUMMARY TABLE OF
“MPD-A” (MIXED- USE PLANNING DISTRICT-A)
REQUIREMENTS***

LOT

MIN. PROJECT AREA.....8 ACRES
MIN. PROJECT GREENSPACE.....25% OF SITE

LAND USE MIX

**MIN. RESIDENTIAL DEVELOPEMENT
ACREAGE.....10% OF SITE**

**MAX. RESIDENTIAL DEVELOPMENT
ACREAGE..... 33% OF SITE
(NOT TO EXCEED 200 TOTAL
DWELLING UNITS)**

**MIN. NON-RESIDENTIAL DEVELOPEMNT
ACREAGE.....67 %OF SITE**

**MAX. NON- RESIDENTIAL DEVELOPMENT
ACREAGE.....90% OF SITE**

SET-BACKS

**MIN. SET-BACK OF BUILDINGS FROM STREET
RIGHT OF WAYS.....40 FEET**

**MIN. SET-BACK OF PARKING AREAS FROM STREET
RIGHT OF WAYS.....20 FEET**

**MAX. BUILDING HEIGHT65 FEET
(NOT TO EXCEED 6 STORIES)**

** SEE TEXT FOR COMPLETE REQUIREMENTS*

PROPOSED AMENDMENT #2

ORDINANCE ADDING DEFINITIONS FOR “SUBSTANTIAL COMPLIANCE” AND “TOWNHOMES” AND TO SECTION 1261.02 OF THE CITY ZONING CODE:

SUBSTANTIAL COMPLIANCE - A determination, made exclusively by the City of Solon Planning Commission and/or Solon City Council, that an “MPD-A” (Mixed-Use Planning District-A) Final Development Plan accurately reflects the scope, scale, layout, design, intentions, quality and character of the approved “MPD-A” Development Plan and does not require any new variances.

TOWNHOME – A multi-story single family dwelling unit which is attached to one or more similar single family dwelling units, by shared walls.

**PROPOSED AMENDMENT TO THE
CITY OF SOLON ZONING CODE TO ADD THE**

**“MPD-A” (MIXED USE PLANNING
DISTRICT-A) ZONING CLASSIFICATION**