

FIRST READING: 5.8.17
SECOND READING: 6.26.17
THIRD READING: 7.24.17

AMENDED
ORDINANCE NO. 32-17
BY: BRIAN J. SINDELAR

AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF PORTIONS OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 301-15-012 AND 301-15-019 FROM THEIR PRESENT CLASSIFICATION OF SM SERVICE MANUFACTURING TO OB-1 OFFICE BUILDING DISTRICT, AS FURTHER DESCRIBED IN EXHIBIT "A"

WHEREAS: GKHE Properties has an option to purchase portions of certain real property known as Auditor's Permanent Parcel Nos. 301-15-012, Parcels A and C, and 301-15-019 located on Ingersoll Drive, a private drive in Rocky River, OH and is an applicant for rezoning this real property from SM Service Manufacturing to OB-1 Office Building District classification; and

WHEREAS: the legal descriptions for the affected real property parcels identified as PPNs 301-15-012 and 301-15-019, as described in Exhibit A attached; and

WHEREAS: this Council deems it necessary for the best interest of public peace, health and safety, to change the "District Classification" of the real property parcel identified herein above from SM Service Manufacturing to OB-1 Office Building District classification in part; and

WHEREAS: this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on June 20th, 2017; and

WHEREAS: notice of a Public Hearing on the aforesaid zoning change has been duly given on the proposed change herein set forth; and

WHEREAS: in accordance with said Notice, a Public Hearing was held according to law on July 17th, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. - Portions of Permanent Parcel Nos. 301-15-012, Parcels A and C, and 301-15-019 further identified in Exhibit A, is hereby changed from SM Service Manufacturing to OB-1 Office Building District classifications in part.

SECTION 2. - That the map entitled "Zoning Map" of the City of Rocky River, adopted by Ordinance No. 60-73 on July 23, 1973, as subsequently amended, be and the same is hereby further amended by changing the "District Classification" of portions of the real property known as Auditor's Permanent Parcel Nos. 301-15-012 and 301-15-019 further identified in Exhibit A attached to, from SM Service Manufacturing to OB-1 Office Building District classification.

SECTION 3. - That the Building Commissioner of the City of Rocky River be and is hereby authorized and directed to make said change in this "District Classification" on the Zoning Map of the City of Rocky River, Ohio, as provided for herein.

~~I, the undersigned Clerk of Council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 24th day of July, 20 17.~~

Andrew G. Bease
Clerk of Council of the City of Rocky River, Ohio

SECTION 4. - That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: July 24th, 2017


JAMES W. MORAN
President of Council

PRESENTED TO
MAYOR: July 24th, 2017

APPROVED: July 24th, 2017

ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 32-17 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 24th DAY OF July, 20 17 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 32-17

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 24th DAY OF July, 20 17.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

CITY OF ROCKY RIVER

REQUEST FOR ZONING CHANGE

Date: 5-4-17
Owner/Applicant: G/K/H Properties
Address: 19700 Franklin Dr Phone No. 440-532-2727

Property requested to be rezoned is described as follows: (Show addresses and permanent parcel numbers and attach legal description (Exhibit "A")).

Portions of parcel 301-15-012 (Service MFG) to be rezoned from SM- (Service MFG) to OB-2 Office Building

Present Use: Service MFG
Present Zoning: Service MFG
Proposed Use: Unknown / Mixed Use
Proposed Zoning: Office Building OB-2

How does this proposed rezoning relate to the Comprehensive Plan for the City of Rocky River?
(A copy of the Comprehensive Plan is available for your use in the Building Division Office.) -

see attached

Attached is a vicinity map showing property lines, streets, existing and proposed zoning (Exhibit "B").
Also attached is a list of the names and addresses of all owners of property within, abutting on, and directly across the street from the parcel or parcels to be rezoned. In addition the names and addresses of all owners of property which is contiguous to any of the aforesaid property which abuts on or is directly across the street from the parcel or parcels proposed to be rezoned (Exhibit "C").

\$500.00 Filing Fee Date Paid Signature: Jon Jay REP G/K/H Properties

Note: This application is to be submitted to the Director of Community Development, after which it will be transmitted to the Law Department for preparation of an ordinance for the consideration of the City Council and recommendation of the Planning Commission.

All documentation or other information shall be delivered to:

Director of Community Development
City of Rocky River
Building Department
21012 Hilliard Blvd.
Rocky River, Ohio 44116

GKHE is requesting rezoning for portions of parcel # 301-15-012 from SM (service Manufacturing) to OB-2 (office building) for the purposes of mixed use development.

Objective: rezone portion of Ingersoll drive from Service manufacturing to OB-2

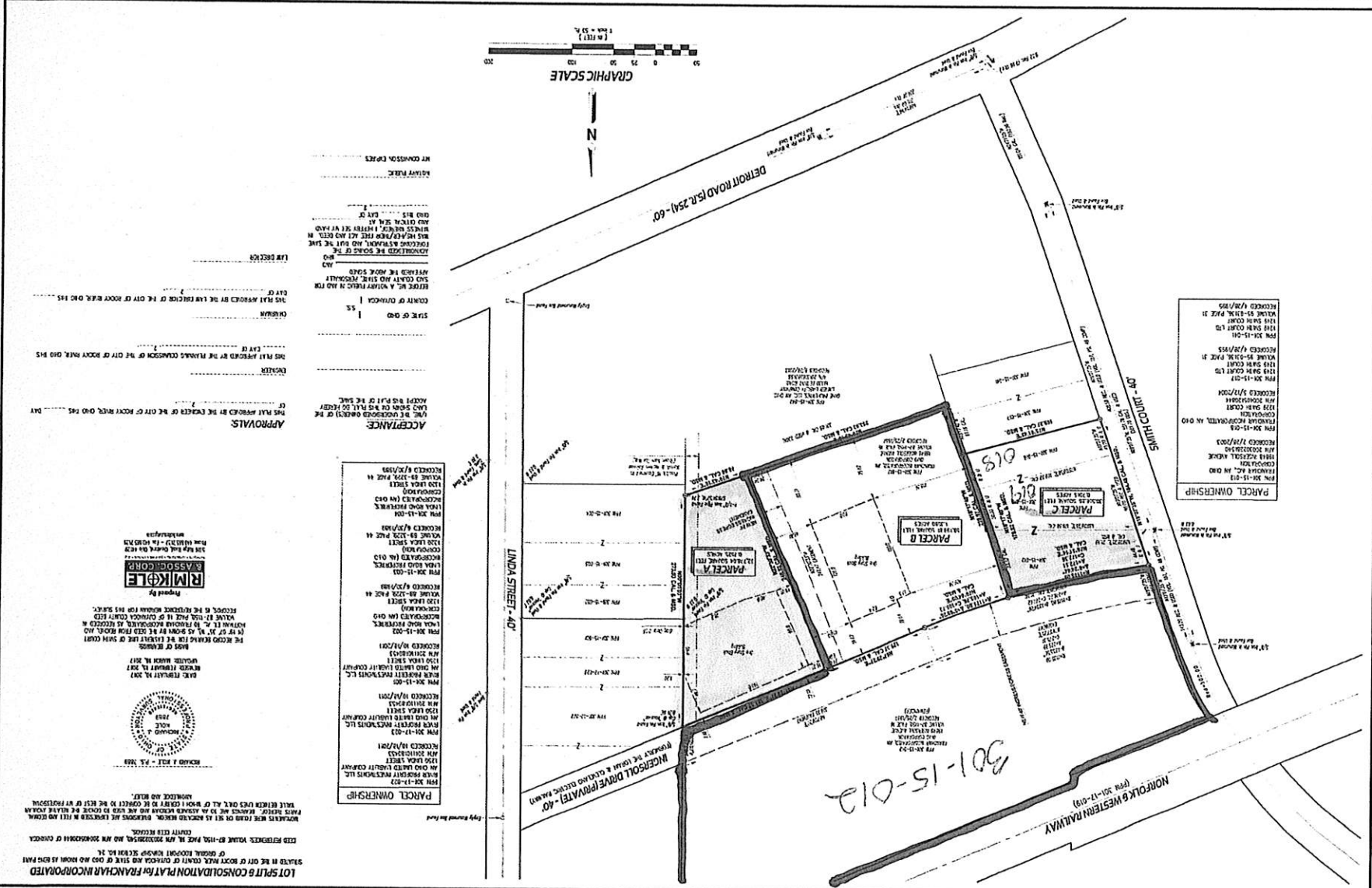
Master plan criteria the proposed rezoning/future development addresses:

1. Enhance the viability of downtown rocky river and adjacent areas to become of more vibrant mixed use area providing a pedestrian friendly accessibility and connectivity to multiple areas.
2. Enhance the streetscape and aesthetics of a very antiquated, industrial looking/feeling area.
3. Initiate development with the plan to continue growth in the area to create destination place consisting of restaurants, retail shops, businesses, residences and open space.
4. To create a comprehensive communal space of arts, business, nature and work/live

Support for redevelopment efforts: Ingersoll and adjacent areas has been identified as one of the "least favorite places" in RR. We hope to address the many needs identified in the master plan including but not limited to

- A gathering place for Rocky River
- Quality Housing – Maintaining high residential standards
- Housing Diversity – Accommodating a broad range of lifestyles
- Commercial Sustainability – Planning for the long-term
- Parks & Public Space – Enhancing our quality of life
- Parking Solutions – Dealing with the automobile
- Infrastructure Improvements – Creating great streets Connectivity – Creating a cohesive environment
- Community Identity – Communicating a spirit of Rocky River

Parcel A + Parcel C to be rezoned to OB-2 (parcel 018 + 019 are currently zoned OB-2) = Remainder of 012 (parcel B) following rezoning (and approved lot splits + consolidation by Planning Commission)





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March 16, 2017

LEGAL DESCRIPTION
Parcel A

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 24.

Starting at the intersection of the centerlines of Smith Court, 40.00 feet wide, and Detroit Road (a.k.a. State Route 254), 60.00 feet wide; thence North 24° 21' 05" West along the said centerline of Smith Court, 181.04 feet to a 5/8" iron pin in a monument box found at an angle point therein; thence North 19° 07' 35" West, continuing along the said centerline of Smith Court, 408.58 feet; thence North 89° 28' 25" East, 21.10 feet to a point in the easterly line of Smith Court; thence North 19° 07' 35" West along the said easterly line of Smith Court, 44.48 feet; thence northeasterly by a curve to the left, an arc distance of 278.27 feet, said arc having a radius of 1,175.00 feet, a central angle of 13° 34' 09", and a chord which bears North 74° 16' 31" East, 277.62 feet; thence North 67° 29' 27" East, 129.37 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) set at the Principal Place of Beginning;

thence continuing North 67° 29' 27" East, 182.37 feet to a point in an easterly line of land conveyed to Franchar Incorporated, an Ohio corporation in deed dated February 25, 1987 and recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records (a 5/8" iron pin – cap ID "Hoevar" – was found 0.21 feet northeast of this point);

thence South 0° 05' 03" East along an easterly line of said land so conveyed, 273.93 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a southeasterly corner thereof (a 1-1/2" iron pipe was found South 79° 34' 57" West, 3.74 feet from this point);

thence South 70° 43' 10" West along a southerly line of said land so conveyed, 78.00 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889);



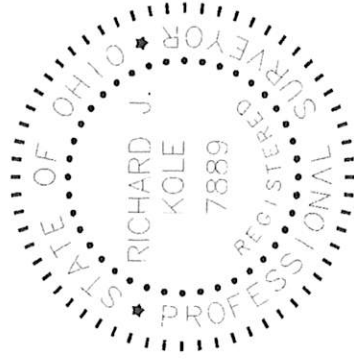
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thence North 22° 30' 33" West, 248.82 feet to the Principal Place of Beginning and containing 32,778.04 square feet (0.7525 acres) of land, as described on March 16, 2017 by Richard J. Kole, Ohio Surveyor # 7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline line of Smith Court (North 19° 07' 35" West), as shown by the deed from Reichel and Hoffman et. al. to Franchar Incorporated, an Ohio corporation, as recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, is the reference meridian for this survey.



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March 16, 2017

LEGAL DESCRIPTION
Parcel B

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 24.

Starting at the intersection of the centerlines of Smith Court, 40.00 feet wide, and Detroit Road (a.k.a. State Route 254), 60.00 feet wide; thence North 24° 21' 05" West along the said centerline of Smith Court, 181.04 feet to a 5/8" iron pin in a monument box found at an angle point therein; thence North 19° 07' 35" West, continuing along the said centerline of Smith Court, 408.58 feet; thence North 89° 28' 25" East, 21.10 feet to a point in the easterly line of Smith Court; thence North 19° 07' 35" West along the said easterly line of Smith Court, 44.48 feet; thence northeasterly by a curve to the left, an arc distance of 172.51 feet, said arc having a radius of 1,175.00 feet, a central angle of 8° 24' 44", and a chord which bears North 76° 51' 14" East, 172.36 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) set at the Principal Place of Beginning;

thence continuing northeasterly by a curve to the left, an arc distance of 105.76 feet, said arc having a radius of 1,175.00 feet, a central angle of 5° 09' 26", and a chord which bears North 70° 04' 09" East, 105.73 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a point of tangency;

thence North 67° 29' 27" East, 129.37 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889);

thence South 22° 30' 33" East, 248.82 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) in a southerly line of land conveyed to Franchar Incorporated, an Ohio corporation, in deed dated February 25, 1987 and recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records;



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thence South 70° 43' 10" West along a southerly line of said land so conveyed, 253.03 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a southwest corner thereof;

thence North 18° 17' 40" West along a westerly line of said land so conveyed and its northerly prolongation, 239.97 feet to the Principal Place of Beginning and containing 59,199.81 square feet (1.3590 acres) of land, as described on March 16, 2017 by Richard J. Kole, Ohio Surveyor # 7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline line of Smith Court (North 19° 07' 35" West), as shown by the deed from Reichel and Hoffman et. al. to Franchar Incorporated, an Ohio corporation, as recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, is the reference meridian for this survey.



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March 16, 2017

LEGAL DESCRIPTION **Parcel C**

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 24.

Starting at the intersection of the centerlines of Smith Court, 40.00 feet wide, and Detroit Road (a.k.a. State Route 254), 60.00 feet wide; thence North $24^{\circ} 21' 05''$ West along the said centerline of Smith Court, 181.04 feet to a $5/8''$ iron pin in a monument box found at an angle point therein; thence North $19^{\circ} 07' 35''$ West, continuing along the said centerline of Smith Court, 408.58 feet; thence North $89^{\circ} 28' 25''$ East, 21.10 feet to a point in the easterly line of Smith Court; thence North $19^{\circ} 07' 35''$ West along the said easterly line of Smith Court, 44.48 feet to a $5/8''$ capped iron pin set (cap ID Kole & Assoc S-7889) set at the Principal Place of Beginning;

thence northeasterly by a curve to the left, an arc distance of 172.51 feet, said arc having a radius of 1,175.00 feet, a central angle of $8^{\circ} 24' 44''$, and a chord which bears North $76^{\circ} 51' 14''$ East, 172.36 feet to a $5/8''$ capped iron pin set (cap ID Kole & Assoc S-7889);

thence South $18^{\circ} 17' 40''$ East, 178.82 feet to a $5/8''$ capped iron pin set (cap ID Kole & Assoc S-7889) in a westerly line of land conveyed to Franchar Incorporated, an Ohio corporation, in deed dated February 25, 1987 and recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, said point also being the southeast corner of land conveyed to Franchar Incorporated, an Ohio corporation in deed dated May 12, 2004 and recorded by AFN 200405120844 of Cuyahoga County Deed Records;

thence South $75^{\circ} 01' 49''$ West along the southerly line of said land so conveyed to Franchar Incorporated by AFN 200405120844, 169.27 feet to a $5/8''$ capped iron pin set (cap ID Kole & Assoc S-7889) at the southwest corner thereof, said point also being in the said easterly line of Smith Court;



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thence North 19° 07' 35" West along the said easterly line of Smith Court, 184.48 feet to the Principal Place of Beginning and containing 30,556.86 square feet (0.7015 acres) of land, as described on March 16, 2017 by Richard J. Kole, Ohio Surveyor # 7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline line of Smith Court (North 19° 07' 35" West), as shown by the deed from Reichel and Hoffman et. al. to Franchar Incorporated, an Ohio corporation, as recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, is the reference meridian for this survey.