

FIRST READING: 12.13.21
SECOND READING: 3-28-22
THIRD READING: 4.11.22

ORDINANCE NO. 105-21
BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 301-33-003, FROM ITS PRESENT CLASSIFICATION OF R-6 MULTI-FAMILY RESIDENTIAL, AND PERMANENT PARCEL NOS. 301-33-002, 301-33-004, 301-33-005, AND 301-33-006 FROM THEIR PRESENT CLASSIFICATION OF R-4 MULTI-FAMILY RESIDENTIAL, TO R-5 MULTI-FAMILY RESIDENTIAL, AS FURTHER DESCRIBED IN EXHIBIT "A"

WHEREAS: RR Hilliard Partners II, LLC is the owner of certain real property known as Auditor's Permanent Parcel Nos. 301-33-002, 301-33-003, 301-33-004, 301-33-005, and 301-33-006, located at 18501, 18545, 18613, and 18617 Hilliard Boulevard in Rocky River, OH and is an applicant for rezoning these real properties from R-4 and R-6 Multi-Family Residential to R-5 Multi-Family Residential; and

WHEREAS: the legal description for the affected real property parcels identified as PPNs 301-33-002, 301-33-003, 301-33-004, 301-33-005, and 301-33-006, as described in Exhibit A attached; and

WHEREAS: this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on March 1, 2022; and

WHEREAS: notice of a Public Hearing before City Council 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 April 11, 2022; and

WHEREAS: this Council deems it necessary for the best interest of public peace, health and safety, to change the zoning district classification of these real property parcels identified herein above from R-4 and R-6 Multi-Family Residential to R-5 Multi-Family Residential.

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

SECTION 1. - Permanent Parcel No. 301-33-003 is hereby changed from R-6 Multi-Family Residential, and Permanent Parcel Nos. 301-33-002, 301-33-004, 301-33-005, and 301-33-006 are hereby changed from R-4 Multi-Family Residential, as further identified in Exhibit A, to R-5 Multi-Family Residential zoning classification.

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 zoning district classification of the real properties known as Permanent Parcel No. 301-33-002, 301-33-003, 301-33-004, 301-33-005, and 301-33-006 further identified in Exhibit A attached hereto, from R-4 and R-6 Multi-Family Residential to R-5 Multi-Family Residential.

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 zoning 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 11th day of April, 2022.



Clerk of Council of the City of Rocky River, Ohio

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and that for the further purpose of expediting the redevelopment of the subject property consistent with the construction season and, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 11th, 2022


JAMES W. MORAN
President of Council

PRESENTED TO
MAYOR: April 11th, 2022

APPROVED: April 11th, 2022

ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

Abemer.mydoes.ord:rezonchilliardblvd

City of Rocky River }
County of Cuyahoga } ss

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. 165-21 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 11th DAY OF April, 2022 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. 165-21

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 11th DAY OF April, 2022.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

Legal Description
Re-zoning Parcel
1.3308 Acres

November 23, 2021
SSLLC Project 21-181
Page 1 of 1

Now situated in the City of Rocky River, County of Cuyahoga, and State of Ohio, and being part of Original Rockport Township Section No. 18 and further known as Parcel No. 1, Parcel No. 2, and Parcel No. 3 as described in AFN 201806140765 of Cuyahoga County Records and Sublot 33 of Valley View Subdivision No. 1 as shown in Volume 93, Page 3 of Cuyahoga County Plat Records bounded and described as follows:

Commencing at the northeast corner of said Sublot 33 and being the **Point of Beginning**;

Thence North 89°57'26" West along the southerly line of Hilliard Boulevard, 80' wide, 330.00 feet to the northwesterly corner of said Parcel No. 1;

Thence South 00°05'26" East in the westerly line of said Parcel No. 1 a distance of 130.00 feet to the southwesterly corner thereof;

Thence South 89°57'26" East in the southerly line thereof 15.17 feet to a northwesterly corner of said Parcel No. 3;

Thence South 43°49'57" East in the southwesterly line of said Parcel No. 3 a distance of 120.63 feet to the northwesterly corner thereof;

Thence North 89°45'54" East in the southerly line of said Parcel No. 3 a distance of 131.42 feet to the southeasterly corner thereof;

Thence North 00°05'26" West in the easterly line of said Parcel No. 3 a distance of 86.32 feet to the southwesterly corner of said Sublot 33;

Thence South 89°57'26" East in the southerly line of said Sublot 33 a distance of 100.00 feet to the southeasterly corner thereof;

Thence North 00°05'26" West in the easterly line of said Sublot 33 a distance of 130.00 feet to the Point of Beginning, enclosing an area of 57,911 Square Feet, 1.3295 Acres

This description was prepared from record documents by Straub Surveying, LLC in November, 2021. The basis of bearings for this survey is the southerly line of Hilliard Boulevard being North 89°57'26" West per AFN 201806140765.



A handwritten signature in blue ink that reads "Michael Straub". The signature is written in a cursive style and is positioned above a dashed horizontal line.

Michael Straub
Ohio Professional Surveyor No. S-7055



phone 330.666.5770
fax 330.666.8812

3660 Embassy Parkway
Fairlawn, OH 44333

mpg-architects.com

December 1, 2021

Kate Straub, Planning & Zoning Coordinator
City of Rocky River Building Department
21012 Hilliard Blvd.
Rocky River, Ohio 44116

Re: Hilliard Boulevard Apartments
MPG Project No. 25120

Dear Kate,

I am writing this letter in response to the submission requirements found in Chapter 1137.21 Sections A-E for the rezoning of the property on Hilliard Blvd. Below is the required information per section.

- (a) The name, address and phone number of the applicant and the property owner if other than the applicant;

Applicant:

RR Hilliard Partners II LLC
2017 East 9th Street, Suite 300, Cleveland, Ohio 44114
(216) 452-8026

Property Owner:

Willy Mayes Hayes, LLC
1481 Lindazzo Boulevard, Cleveland, OH 44114
(330) 239-6100

- (b) A statement of the reason(s) for the proposed amendment;

Currently our two parcels are zoned R-4 and R-6 respectively. We are asking to rezone the overall site to R-5 as a compromise between the two existing zoning classifications. The existing R-4 zone allows a maximum height requirement of 36'. The existing parcel to the East is zoned as R-6 which has a maximum building height requirement of 100'. Rezoning the property to R-5 will allow a maximum height of 50' which will lend to our proposed development of the site to more appropriately transition between the neighboring properties. As you can see from our submitted drawings, we have varied the top of the building to further reinforce the proposed transition, with our median height at exactly 50'-0" (See SK18 in particular).

- (c) A statement on the ways to which the proposed amendment relates to the Master Plan;

We do not propose any revisions or variances to the Rocky River master plan.

The master plan notes a desire for diversity in housing options. This project will provide a higher-end and modern option for residents in an area which currently has more dated housing options.

This project can be considered a gateway for visitors and residents entering the city from the east along Hilliard Boulevard. We are on the western edge of an identified "target areas" within the master plan for which "upgrades" are desired. This project would likely inspire continued beautification and rehabilitation within this region.

Lastly, the master plan identifies goals when creating multi-family projects which can be summarized as follows:

- Maximum front and side setbacks
- Lower parking requirements
- Parking in the rear or side of buildings
- Façade design and articulation
- Minimum area, size, and placement of windows
- Pedestrian entrances
- Design standards and materials
- Minimum building heights
- Active first-floor uses, such as retail (not applicable)

While working closely with city representatives, we feel that we have met the goals noted above as closely as possible.

(d) The payment of the application fee;

The requested application fee has been included within our submittal.

(e) Amendments to the Zoning Map adopted as part of this Development Code shall contain the following additional information:

1) Legal description of the parcel(s) to be rezoned, drawn by an Ohio registered /licensed surveyor;

Zoning Map Attached. Parcels 30133006, 30133005, 30133004, 30133002, 30133003. We have included the requested document within our submittal.

2) Present use and zoning district;

R-4 Multi-Family District & R-6 Multi-Family District

3) Proposed use and zoning district.

R-5 Multi-Family District

4) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;

Please see the included drawings from Straub Surveying, LLC.

5) A list of all owners of property within, abutting on and directly across the street from the parcel or parcels to be rezoned or redistricted, and in addition, the owners of property which is contiguous to (touches upon) any of the aforesaid property which abuts on or is directly across the street from the parcel or parcels to be rezoned or redistricted, as such addresses appear on the County Auditor's then current tax list or the County Treasurer's mailing list;

Parcel(s) Owner Information: Willy Mayes Hayes, LLC, Scott D. & Jeanne A. Bell

Abutting Parcel(s) Information: RR Hilliard Partners, LLC, Hilroc Condominiums.

Please see the included drawings from Straub Surveying, LLC.

6) Photographs of the subject property and adjacent properties

Photographs have been included within our submittal.

- 7) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 250 feet outside the proposed Site, and including property lines, casements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;

Please see the included drawings from Straub Surveying, LLC.

I appreciate your time in reviewing this letter and attached materials.

Please feel free to reach out with any questions

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andy Gray', is positioned above the printed name and title.

Andy Gray, AIA
Vice President

CITY OF ROCKY RIVER

REQUEST FOR ZONING CHANGE

Date: 12/01/2021

Owner (Applicant): RR Hilliard Partners II, LLC

Address: 2017 East 9th Street - Suite 300, Cleveland, OH 44114 Phone No. (216) 452-8026

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

Parcels 30133006, 30133005, 30133004, 30133002, 30133003

Present Use: Multi-Family District

Present Zoning: R-4 & R-6

Proposed Use: Multi-Family District

Proposed Zoning: R-5

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.)

Please refer to separate letter included with this submittal.

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 12/01/2021

Date Paid

Signature: _____

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

