

# Ordinance No.972-2019

Council Member McCormack

## AN ORDINANCE

Changing the Use, Height and Area Districts of parcels along the towpath trail and Literary Ave as identified on the attached map. (Map Change No. 2601); and subjecting an area titled the Site Development Boundary to Section 333.02 of the Cleveland Zoning Code; and attaching the Approved Site Development Plan.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

**Section 1.** That the Use District of lands bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being all of Sublot Nos. 847 through 852, 877, and 878 and part of Sublot Nos. 843 through 846 and 864 through 876 in the S.S. Stone's Survey of College Tract of part of Original Brooklyn Township Lot No. 87, as shown on the plat recorded in Volume 2, Page 31 of Cuyahoga County Map Records and being part of Railway Street as vacated by the City of Cleveland Ordinance No. 100232 and further bounded and described as follows:

Beginning at a drill hole in a stone found in a monument box at the centerline intersection of Jefferson Avenue S.W. (formerly Franklin Street) (66 feet wide) and West 4th Street (formerly Lawrence Street) (66 feet wide);

Thence North 37°35'29" West along the centerline of West 4th Street, 562.47 feet to a point;

Thence South 52°24'31" West, 33.00 feet to a 5/8" iron pin found on the southerly right of way of West 4th Street at the northeasterly corner of the Re-Subdivision Plat of Bergen Village Subdivision as shown on the plat recorded in AFN. 201802280486 of Cuyahoga County Map Records and being the **Principal Place of Beginning** of the premises herein described;

Thence South 52°35'13" West along a northerly line of said Re-Subdivision Plat of Bergen Village Subdivision, 126.85 feet to a 5/8" iron pin set;

Thence North 37°32'51" West, 343.38 feet to a 5/8" iron pin set;

Thence North 48°59'42" West, 63.84 feet to a 5/8" iron pin set;

Thence South 52°35'13" West, 8.75 feet to a 5/8" iron pin set at the southeasterly corner of land conveyed to WRA Literary, LLC by deed recorded in AFN. 201510160459 of Cuyahoga County Deed Records;

Thence North 37°32'51" West along an easterly line of land so conveyed to WRA Literary, LLC, 111.87 feet to an angle point in said easterly line;

Thence North 81°44'24" West along said easterly of land so conveyed to WRA Literary, LLC, 15.68 feet to a point on the easterly right of way of Literary Road, S.W. (formerly Literary Street) (60 feet wide);

Thence North 08°15'36" East along the easterly right of way of Literary Road, S.W., 200.31 feet to a 5/8" iron pin found on the northerly right of way of vacated Railway Street (50 feet wide) (Vacated City of Cleveland Ordinance No. 100232);

Thence South 85°19'20" East along said northerly right of way of vacated Railway Street, 20.36 feet to a 5/8" iron pin found on the westerly right of way of said West 4th Street;

Thence South 37°35'29" East along the westerly right of way of West 4th Street, 655.32 feet to the **Principal Place of Beginning**, containing 1.8861 acres of land as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in June 2019, subject to all legal highways, restrictions, reservations and easements of record.

# Ordinance No. 972-2019

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**Deed of Reference:**

P.P.N. 004-32-020 & -021

Land described to Electric Gardens, LLC by deed dated August 30, 2018 and recorded in AFN. 201808300392 of Cuyahoga County Deed Records.

**Basis of Bearing:**

The centerline of West 5th Street as North 37°29'50" West as shown in the Plat of Lot Split & Consolidation of West 5th Townhomes as recorded in AFN. 201712280555 of Cuyahoga County Map Records.

**And as identified on the attached map shall be changed to a 'Limited Retail District' District, a 'G' Area District and a '2' Height District;**

**Section 2.** That the Use District of lands bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Sublot Nos. 843, 844 and 864 through 876 in the S.S. Stone's Survey of College Tract of part of Original Brooklyn Township Lot No. 87, as shown on the plat recorded in Volume 2, Page 31 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a drill hole in a stone found in a monument box at the centerline intersection of Jefferson Avenue S.W. (formerly Franklin Street) (66 feet wide) and West 4th Street (formerly Lawrence Street) (66 feet wide);

Thence North 37°35'29" West along the centerline of West 4th Street, 562.47 feet to a point;

Thence South 52°24'31" West, 33.00 feet to a 5/8" iron pin found on the southerly right of way of West 4th Street at the northeasterly corner of the Re-Subdivision Plat of Bergen Village Subdivision as shown on the plat recorded in AFN. 201802280486 of Cuyahoga County Map Records;

Thence South 52°35'13" West along a northerly line of said Re-Subdivision Plat of Bergen Village Subdivision, 126.85 feet to a 5/8" iron pin set and being the **Principal Place of Beginning** of the premises herein described;

Thence South 52°35'13" West continuing along said northerly line of Re-Subdivision Plat of Bergen Village Subdivision, 21.42 feet to a 5/8" iron pin found on an easterly line of the Bergen Village Subdivision as shown by the plat recorded in Volume 340, Pages 53-54 of Cuyahoga County Map Records;

Thence North 37°32'51" West along said easterly line of the Bergen Village Subdivision, 395.92 feet to a 5/8" iron pin found;

Thence South 52°35'13" West along a northerly line of said Bergen Village Subdivision, 3.74 feet to a 5/8" iron pin found;

Thence North 08°17'22" East along a northeasterly line of said Bergen Village Subdivision, 5.21 feet to a 5/8" iron pin found;

Thence North 37°32'51" West along and the easterly line of said Bergen Village Subdivision, 6.36 feet to a 5/8" iron pin set at the southeasterly most corner of land conveyed to WRA Literary, LLC by the deed recorded in AFN. 201510160459 of Cuyahoga County Deed Records;

Thence North 52°35'13" East, 8.75 feet to a 5/8" iron pin set;

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Thence South 48°59'42" East, 63.84 feet to a 5/8" iron pin set;

Thence South 37°32'51" East, 343.38 feet to the northerly line of said Re-Subdivision Plat of Bergen Village Subdivision and the **Principal Place of Beginning** and containing 0.1907 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in July 2019, subject to all legal highways, restrictions, reservations and easements of record.

**Deed of Reference:**

P.P.N. 004-32-020 & -021

Land described to Electric Gardens, LLC by deed dated August 30, 2018 and recorded in AFN. 201808300392 of Cuyahoga County Deed Records.

**Basis of Bearing:**

The centerline of West 5th Street as North 37°29'50" West as shown in the Plat of Lot Split & Consolidation of West 5th Townhomes as recorded in AFN. 201712280555 of Cuyahoga County Map Records.

**And as identified on the attached map shall be changed to a 'Townhouse 2 (RA)' District and a '1' Height District;**

**Section 3.** That the lands bounded and described as follows:

Beginning at the intersection of Literary Road and the northwesterly prolongation of the northerly line of a parcel of land conveyed to WRA Literary, LLC by the deed recorded in AFN. 201510160459 of Cuyahoga County Deed Records;

Thence southwesterly along said centerline of Literary Road to its intersection with the centerline of West 5<sup>th</sup> Street;

Thence southeasterly along said centerline of West 5<sup>th</sup> Street to its intersection with the southwesterly prolongation of the southeasterly line of said parcel conveyed WRA Literary, LLC;

Thence northeasterly along said southeasterly line of said parcel conveyed WRA Literary, LLC to its intersection with the northeasterly line of said parcel conveyed WRA Literary, LLC thereof;

Thence northwesterly along said northeasterly line conveyed WRA Literary, LLC a distance of 111.87' to said northerly line of a parcel of land conveyed to WRA Literary, LLC;

Thence southwesterly said northerly line of a parcel of land conveyed to WRA Literary, LLC to the place of beginning;

**And as identified on the attached map shall be changed to a 'Limited Retail District' District, a 'G' Area District and a '2' Height District;**

**Section 4.** That the lands bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being all of Sublot Nos. 847 through 852, 877, and 878 and part of Sublot Nos. 843 through 846 and 864 through 876 in the S.S. Stone's Survey of College Tract of part of Original Brooklyn Township Lot No. 87, as shown on the plat recorded in Volume 2, Page 31 of Cuyahoga County Map Records and being part of Railway Street as vacated by the City of Cleveland Ordinance No. 100232 and further bounded and described as follows:

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Thence North 37°35'29" West along the centerline of West 4th Street, 562.47 feet to a point;

Thence South 52°24'31" West, 33.00 feet to a 5/8" iron pin found on the southerly right of way of West 4th Street at the northeasterly corner of the Re-Subdivision Plat of Bergen Village Subdivision as shown on the plat recorded in AFN. 201802280486 of Cuyahoga County Map Records and being the **Principal Place of Beginning** of the premises herein described;

Thence South 52°35'13" West along a northerly line of said Re-Subdivision Plat of Bergen Village Subdivision, 126.85 feet to a 5/8" iron pin set;

Thence North 37°32'51" West, 343.38 feet to a 5/8" iron pin set;

Thence North 48°59'42" West, 63.84 feet to a 5/8" iron pin set;

Thence South 52°35'13" West, 8.75 feet to a 5/8" iron pin set at the southeasterly corner of land conveyed to WRA Literary, LLC by deed recorded in AFN. 201510160459 of Cuyahoga County Deed Records;

Thence North 37°32'51" West along an easterly line of land so conveyed to WRA Literary, LLC, 111.87 feet to an angle point in said easterly line;

Thence North 81°44'24" West along an said easterly of land so conveyed to WRA Literary, LLC, 15.68 feet to a point on the easterly right of way of Literary Road, S.W. (formerly Literary Street) (60 feet wide);

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Thence South 37°35'29" East along the westerly right of way of West 4th Street, 655.32 feet to the **Principal Place of Beginning**, containing 1.8861 acres of land as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in June 2019, subject to all legal highways, restrictions, reservations and easements of record.

#### **Deed of Reference:**

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#### **Basis of Bearing:**

The centerline of West 5th Street as North 37°29'50" West as shown in the Plat of Lot Split & Consolidation of West 5th Townhomes as recorded in AFN. 201712280555 of Cuyahoga County Map Records.

**Shall be titled the Site Development Boundary and shall be subject to the regulations of Section 333.02 of the Cleveland Zoning Code and the Approved Site Development Plan attached to this Ordinance;**

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**Section 5.** That the lands described in Section 4 of this Ordinance shall, in perpetuity, be exempted from the requirements set forth in the Chapter 349.01 of the Cleveland Codified Ordinances or any subsequent regulations that regulate the number of parking spaces required for automobiles.

**Section 6.** In accordance with Section 333.02 of the Cleveland Zoning Code, within a period of six (6) months from the effective date of this zoning map amendment or within such extension period approved by the Planning Commission, the only allowable building permits issued for the property described in Section 34 of this legislation shall be for the construction of the Development as presented in the attached Approved Site Development Plan.

**Section 7.** In accordance with Section 333.02 of the Cleveland Zoning Code, if a building permit for such Development is not issued within six (6) months from the effective date of this zoning map amendment or within such extension period approved by the Planning Commission, this zoning map amendment approval shall be void and the zoning shall revert to the classifications that existed prior to the approval of this zoning map amendment.

**Section 8.** That the change of zoning of lands described in Section 1 through 3 shall be identified as Map Change No. 2601, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

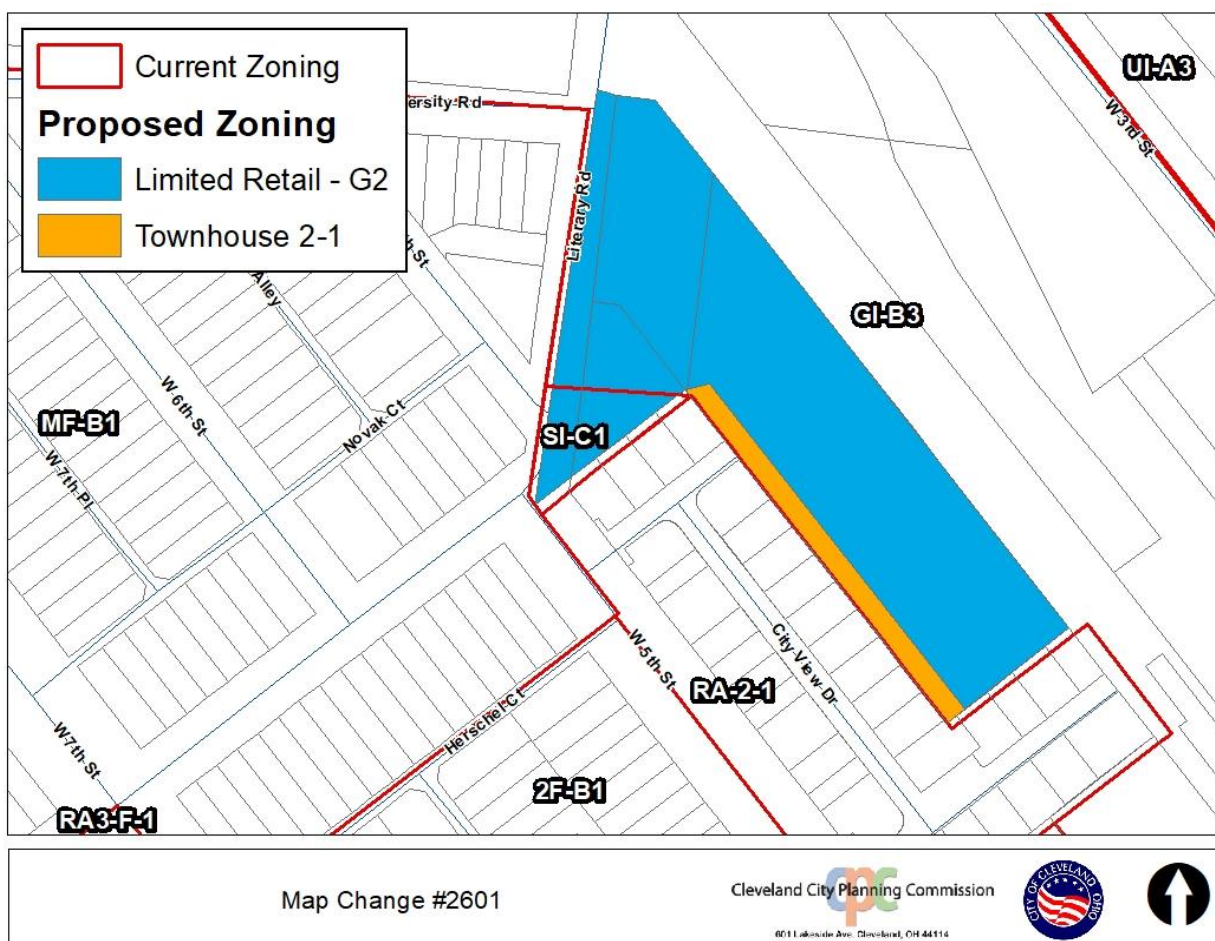
**Section 9.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

KMcC:ge  
8-21-19

FOR: Councilmember McCormack

# Ordinance No. 972-2019

## Zoning Change Map



# Ordinance No. 972-2019

## Approved Site Development Boundary



Site development boundary for Electric Gardens  
Siteplan Specific Rezoing

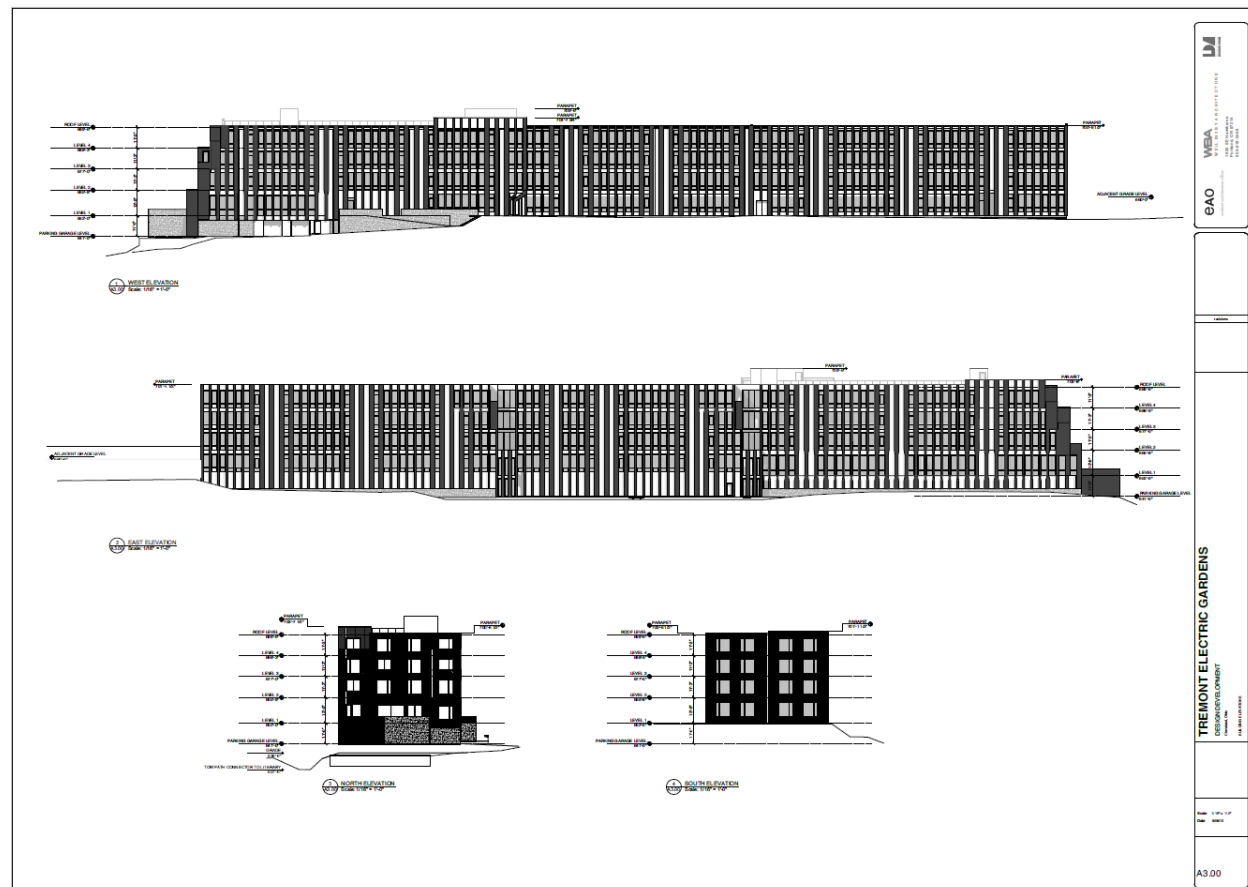
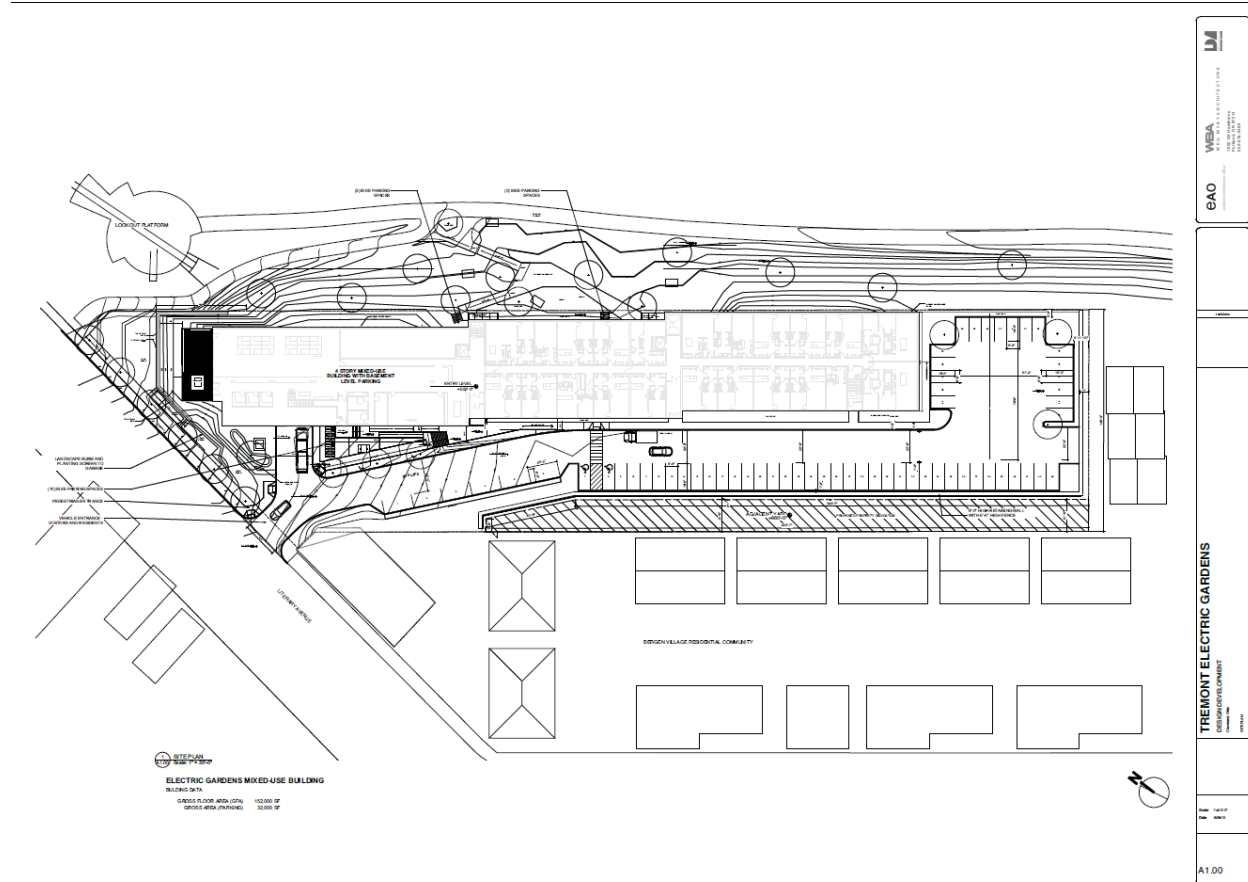
Cleveland City Planning Commission

6011 Lakeside Ave. Cleveland, OH 44114



# Ordinance No. 972-2019

## Approved Site Development Plan





**Ord. No. 972-2019**

**REPORT**  
after second Reading

**Council Member McCormack**

**AN ORDINANCE**

Changing the Use, Height and Area Districts of parcels along the towpath trail and Literary Ave as identified on the attached map. (Map Change No. 2601); and subjecting an area titled the Site Development Boundary to Section 333.02 of the Cleveland Zoning Code; and attaching the Approved Site Development Plan.

**READ FIRST TIME on AUGUST 21, 2019** **REPORTS**  
 and referred to **DIRECTORS** of City Planning Commission, and Law **COMMITTEES** on Development Planning and Sustainability

by the council \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

**READ SECOND TIME**

by the council \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

**READ THIRD TIME**

by the council \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CITY CLERK

**APPROVED**

\_\_\_\_\_  
MAYOR

Recorded Vol. \_\_\_\_\_ Page \_\_\_\_\_  
Published in the City Record \_\_\_\_\_

