

**A RESOLUTION INITIATING AN AMENDMENT TO THE PLANNING AND ZONING CODE TO REZONE CERTAIN PROPERTIES LOCATED WITHIN THE VILLAGE AND REFERRING THE PROPOSED AMENDMENT TO THE PLANNING AND ZONING COMMISSION FOR REPORT AND RECOMMENDATION, AND DECLARING AN EMERGENCY**

WHEREAS, Section 1109.01 grants Council the authority to amend the Planning and Zoning Code by changing the number, shape, or regulations of districts established on the Zoning Districts Map or the regulations set forth in the Planning and Zoning Code; and

WHEREAS, an amendment to the Planning and Zoning Code may be initiated, among other ways, by filing of an application with Council by one or more property owners within the area proposed to be changed or affected by the proposed amendment to this Zoning Code; and

WHEREAS, Section 9.06 of the Charter and Section 1109.07 require the proposed amendment to the Planning and Zoning Code to be submitted to the Planning and Zoning Commission for a report and recommendation; and

WHEREAS, the Village has received a request to rezone the following properties: (1) 2500 Brecksville Road (PPN 50-00251 owned by John W. Constantine, Jr. and Cindy Constantine; (2) 2518 Brecksville Road (PPN 50-00253) owned by John W. Constantine, Jr. and Cindy Constantine; (3) 2536 and 2538 Brecksville Road (PPN 50-01132) owned by Constantine Nursery and Garden Center, Inc.; (4) rear of 2542 Brecksville Road (PPN 50-00252) owned by Jonathan Kerkian and Jeffrey Bowler; and (5) rear of 2558 Brecksville Road (PPN 50-02317) owned by Robert A. Ormsby, Jr. and Ann M. Ormsby; and

WHEREAS, all of said properties are currently zoned C-1 Local Retail; and

WHEREAS, the proposed amendments to the Planning and Zoning Code would rezone the properties from C-Commercial to R-4 Multi Family Residential; and

WHEREAS, Council desires to refer the proposed amendment to the Planning and Zoning Commission for a report and recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

**SECTION 1.** Pursuant to Section 1109.03 of the Planning and Zoning Code, Council hereby adopts this Resolution to refer the proposed amendments to the Planning and Zoning Code that would rezone (1) 2500 Brecksville Road (PPN 50-00251 owned by John W. Constantine, Jr. and Cindy Constantine; (2) 2518 Brecksville Road (PPN 50-00253) owned by John W. Constantine, Jr. and Cindy Constantine; (3) 2536 and 2538 Brecksville Road (PPN 50-01132) owned by Constantine Nursery and Garden Center, Inc.; (4) rear of 2542 Brecksville Road (PPN

50-00252) owned by Jonathan Kerkian and Jeffrey Bowler; and (5) rear of 2558 Brecksville Road (PPN 50-02317) owned by Robert A. Ormsby, Jr. and Ann M. Ormsby from C-1 Local Retail to R-4 Multi Family Residential.

SECTION 2. Pursuant to Section 9.06 of the Charter and Section 1109.07 of the Planning and Zoning Code, Council refers the proposed amendment to Planning and Zoning Code for a report and recommendation on the proposed rezoning of the properties described in Section 1 of this Resolution.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public health, safety, and welfare and for the further reason that it is necessary to refer the proposed rezoning amendment to the Planning Commission's evaluation and recommendation as soon as possible; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_

11-6-2024

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President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

11/6/2024