

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 064

By: Mr. Daymut

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 16939 PEARL ROAD (PART OF PPN 397-10-009) IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at 16939 Pearl Road (part of PPN 397-10-009), in the City of Strongsville, from PF (Public Facilities) classification to GB (General Business) classification, which property is more fully described in Exhibit "A" and depicted in Exhibit "B," all attached hereto and incorporated herein by reference.

Section 2. That the Clerk of Council is hereby authorized to cause the necessary changes on the Zoning Map to be made in order to reflect the zoning change in classification as provided in this Ordinance.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to rezone such property in order to provide for the orderly development of lots and lands within the City, and to enhance economic development within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 - 064
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upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: May 1, 2017

Referred to Planning Commission

Second reading: May 15, 2017.

May 2, 2017

Third reading: June 19, 2017

Favorable recommendation by
Approved: PC 05-11-17.

Public Hearing: June 19, 2017

Kenneth M. Dooner
President of Council

Approved: James S. Birrell
Mayor

Date Passed: June 19, 2017

Date Approved: June 20, 2017

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: Aimee Pisotka
Clerk of Council

ORD. No. 2017-064 Amended: _____
1st Rdg. 05-01-17 Ref: PC/PZE
2nd Rdg. 05-15-17 Ref: PZE
3rd Rdg. 06-19-17 Ref: _____

Pub Hrg. 06/19/17 Ref: _____
Adopted: 06-19-17 Defeated: _____



**LEGAL DESCRIPTION FOR THE RE-ZONING OF A PORTION OF PERMANENT
PARCEL NUMBER 397-10-009**

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio, and being a part of Original Strongsville Township Lot No. 58 and being more particularly described as follows:

Beginning at the centerline intersection of Pearl Road, width varies, and Drake Road, Thence North 04 degrees 15 minutes 15 seconds East, a distance of 1527.18 feet to the southwest corner of land conveyed to Anton J. Hlinka and Anna Hlinka by deed recorded in Volume 255, Page 331 of Cuyahoga County Records; Thence along the southerly line of said Anton J. Hlinka and Anna Hlinka lands, South 87 degrees 18 minutes 30 seconds East, a distance of 45.02 feet to the easterly line of Pearl Road as established in document recorded in AFN #201006170245 of Cuyahoga County Records and the principal place of beginning of the parcel described herein:

Course 1) Thence continuing along the southerly line of said Anton J. Hlinka and Anna Hlinka lands, South 87 degrees 18 minutes 30 seconds East, a distance of 600.00 feet to a point;

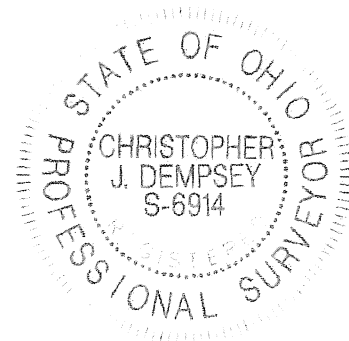
Course 2) Thence South 04 degrees 15 minutes 15 seconds West, a distance of 100.00 feet to a point;

Course 3) Thence North 87 degrees 18 minutes 30 seconds West, a distance of 600.00 feet to the easterly line of Pearl Road;

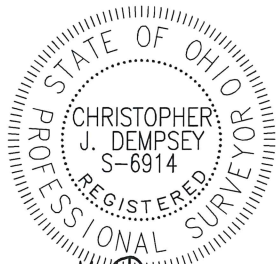
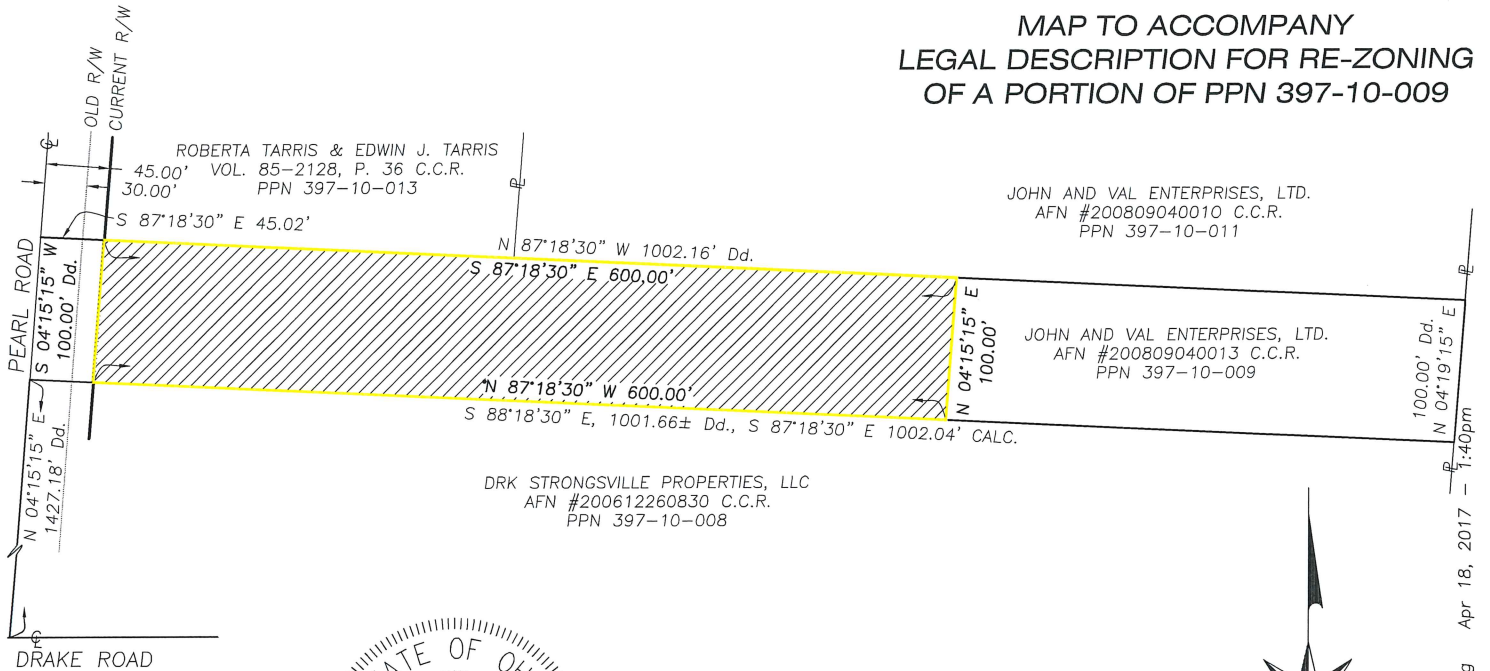
Course 4) Thence along the easterly line Pearl Road, North 04 degrees 15 minutes 15 seconds East, a distance of 100.00 feet to the principal place of beginning as described by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company on April 13, 2017.

Christopher J. Dempsey 4/14/2017

Christopher J. Dempsey, PS
Professional Surveyor No. 6914



MAP TO ACCOMPANY
LEGAL DESCRIPTION FOR RE-ZONING
OF A PORTION OF PPN 397-10-009



Chris Dempsey
4/11/17

 AREA TO BE RE-ZONED



SCALE: 1" = 100'

DATE: 04-13-2017
FILE NO. 9048

www.dempseysurvey.com

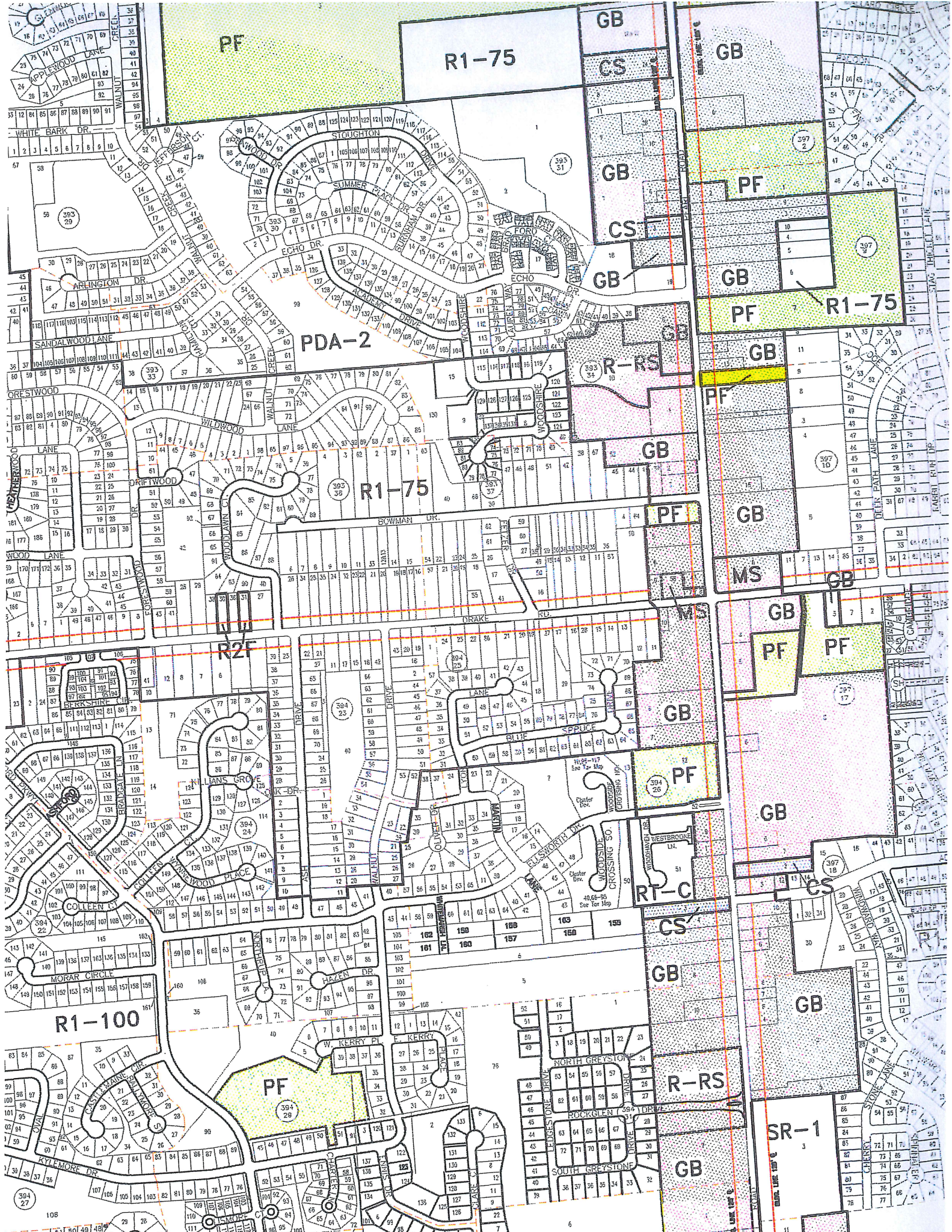
est. 62



DEMPSEY / SURVEYING / COMPANY
P 216/226/1130 12815 DETROIT AVENUE
F 216/226/1131 CLEVELAND, OH 44107-2835

Drawing File: W:\9000-9099\9048\9048.dwg Apr 18, 2017 - 1:40pm

EXHIBIT B



PETITION FOR ZONING CHANGE

Ordinance Number: 2017-064

To the Council of the City of Strongsville, County of Cuyahoga, State of Ohio:

I/We, the undersigned owner(s) of the property set above our names on the Property Description Form attached to this document, hereby petition your Honorable Body that said property be changed from a class PF use to a class GB use. *Not requesting any change to the RI-75 portion of this parcel.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The adjacent parcels are all zoned GB and this property is difficult to

redevelop or sell with a zoning of PF.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: All adjacent parcels are zoned GB.

Please list other supporting documents (if any) which accompany this petition: None

1. _____
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: No proposed use at this time.

Name, address and **telephone number** of applicant or applicant's agent:

Name: Nick Catanzarite, Esq.

Address: 1301 E. 9th Street, Suite 3500, Cleveland, Ohio 44114

Telephone Number: (216)781-1212

Valentina P. Palmer
Signature of Owner(s)

State of ~~Ohio~~ NC)
County of ~~Cuyahoga~~ Brunswick)

Sworn to and subscribed in my presence this 12th day of April, 2017.

Ashley N. McDaniel
Notary Public

My commission expires: 11-19-2020

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

Ashley N. McDaniel
NOTARY PUBLIC
Brunswick County, NC
My Commission Expires: 11-19-20

PROPERTY DESCRIPTION FORM

Ordinance Number: 2017-064

The following described property is that property for which a change is being requested in the attached Petition for Zoning Change and which is hereby incorporated into and made part of said petition:

Address of Property: 16939 Pearl Road

Permanent Parcel No.: 397-10-009

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Pearl (West). Drake (South)

Number and type of buildings which now occupy property (if any): 1 Building, which is a former Day Care Center.

Acreage: 2.1 (portion zoned PF is approximately 100' x 600')

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): N/A

Said deed restrictions (will) (have) expire(d) on: N/A

Said property is presently under lease or otherwise encumbered as follows: N/A

Owner(s)	Percent of Ownership:
1. <u>John and Val Enterprises, Ltd.</u>	<u>100%</u> %
2. _____	_____ %
3. _____	_____ %

Valentina P. Palmer
Signature of Owner(s)

State of Ohio ~~OH~~ NC)
County of ~~Guahoga~~ Brunswick

Sworn to and subscribed to in my presence this 12th day of April, 2017.

Ashley N. McDaniel
Notary Public

Ashley N. McDaniel
NOTARY PUBLIC
Brunswick County, NC
My Commission Expires: 11-19-20

My commission expires 11-19-2020

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: April 19, 2017

SUBJECT: Rezoning Application
John and Val Enterprises, Ltd.; Owners
PPN: 397-10-009
Address: 16939 Pearl Road
From Public Facilities (PF) to General Business (GB)

Please check the legal description on the attached application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

AKP
Attachments

cc: Thomas P. Perciak, Mayor
Neal Jamison, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
Brent Painter, Economic Development Director
All Members of Council
Carol Opera, Planning Commission Secretary

RECEIVED

APR 19 2017

CITY OF STRONGSVILLE
CITY COUNCIL

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Lori Daley, Assistant City Engineer
Aimee Pientka
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Oprea, Planning Commission Secretary

From: Ken Mikula, P.E., City Engineer

Date: 4/19/2017

Re: Rezoning Application
John and Val Enterprises, Ltd., Owners
PPN: 397-10-009
Address: 16939 Pearl Road
From Public Facilities (PF) to General Business (GB)

Neal,

The legal description included in the Clerk of Council's April 19, 2017 memo regarding the above referenced application accurately describes the area to be rezoned.

Please feel free to contact me with any questions.

Thank You

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Tiffany Mekeel, Assistant Clerk of Council
DATE: May 2, 2017
SUBJECT: Referral from Council: Ordinance No. 2017-064

At its regular meeting of May 1, 2017, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-064 by Mr. Daymut. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 16939 PEARL ROAD (PART OF PPN 397-10-009) IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY.

A copy of the ordinance is attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: May 12, 2017

Please be advised that at its meeting of May 11, 2017, the Strongsville Planning Commission gave Favorable Recommendation the following;

ORDINANCE NO. 2017-064

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to Change the Zoning Classification of Certain Real Estate Located at 16939 Pearl Road (Part of PPN 397-10-009) in the City of Strongsville from PF (Public Facilities) Classification to GB (General Business) Classification and Declaring an Emergency.