

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 050

By: Mr. Schonhut

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 10750 PROSPECT ROAD (PPN 391-16-017) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION, AND DECLARING AN EMERGENCY.

WHEREAS, the owner of property located at 10750 Prospect Road, being Permanent Parcel No. 391-16-017, (the "property") has submitted a petition to the City requesting rezoning of the property from R1-75 (One Family 75) classification to Senior Residence (SR-1) classification; and

WHEREAS, Article VIII, Section 6 of the City Charter provides that neither the Council, the Mayor, any Board, including Board of Appeals, or Commission appointed pursuant to this Charter, or any ordinance or resolution of this Municipality, nor any other agent, employee, person or organization acting for or on behalf of this Municipality, by whatever authority or purported authority, shall by ordinance, resolution, motion, proclamation, statement, legislative or administrative action, or variance effect a change in the zoning classification or district of any property or area in the City of Strongsville from R1-75 (One Family 75) or R1-100 (One Family 100) commonly known as single family residential, or by whatever other name called, to any other zoning classification or district unless the change or grant, after adoption in accordance with applicable administrative and/or legislative procedures, is approved at a regularly scheduled election by a majority vote of the electors voting thereon in the City of Strongsville, and in each ward in which the change is applicable to property in the ward.

NOW, THEREFORE, 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 from R1-75 (One Family 75) classification to Senior Residence (SR-1) classification, of certain property described in Exhibit A, and depicted in Exhibit B, attached hereto and incorporated herein as if fully rewritten; provided that such amendment is approved at a regularly scheduled election by a majority vote of the electors voting thereon in the City of Strongsville and in each ward in which the change is applicable to the property in the ward.

Section 2. That, after approval by the electors as set forth in Section 1 above, 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.

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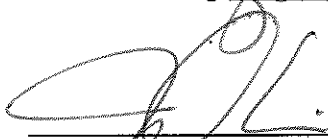
Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were 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 process rezoning of such property in order to meet the deadline for submittal of this issue to the ballot in accordance with law, to afford the applicant an opportunity to submit plans and commence construction, 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 upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First Reading: April 16, 2018
 Second Reading: May 7, 2018
 Third Reading: June 18, 2018
 Public Hearing: June 18, 2018

Referred to Planning Commission

April 17, 2018
 Favorable recommendation by
 Approved: Planning Commission 4-26-18



 President of Council

Approved: Thomas S. Brink

 Mayor

Date Passed: June 18, 2018

Date Approved: June 18, 2018

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Daymut	<input checked="" type="checkbox"/>	_____
DeMio	<input checked="" type="checkbox"/>	_____
Kosek	<input checked="" type="checkbox"/>	_____
Roff	<input checked="" type="checkbox"/>	_____
Schonhut	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____

Attest: Aimee Piontka

 Clerk of Council

ORD. No. 2018-050 Amended: _____
 1st Rdg. 04-16-18 Ref: PC/PZE
 2nd Rdg. 05-07-18 Ref: PZE
 3rd Rdg. 06-18-18 Ref: _____

Pub Hrg. 06-18-18 Ref: _____
 Adopted: 06-18-18 Defeated: _____

Legal Description

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being Sublot No. 18 in Hickory Branch Subdivision of part of Original Strongsville Township Lot No. 88 as shown by the recorded plat in Volume 362 of Maps, Pages 85 through 87 of Cuyahoga County Records and being 89.97 feet front on the westerly side of Prospect Road (80 feet wide) and extending back 463.73 on the northerly line, 464.03 on the southerly line, both as measured from the centerline of the road, and having a rear line of 89.98 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No.: 391-16-017

EXHIBIT A

PETITION FOR ZONING CHANGE

Ordinance Number: 2018-050

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 R1-75 use to a class SR use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The change would enable development of the parcel consistent with other parcels in the immediate area that would not otherwise be possible without the zoning change.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The requested change is to Senior Residential. The parcel immediately adjacent to this property is zoned SR and is an existing senior residence facility.

Please list other supporting documents (if any) which accompany this petition:

1. Legal description.
2. Survey.
3. _____

THE PROPOSED USE OF THE PROPERTY IS: Consolidation with adjacent Kemper House property for accessory uses (parking, walking path, landscaping, small addition.)

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

Name: Kemper Martin Enterprises, Inc. and KEM Management, Inc., Mary Cavanaugh, Esp.

Address: 10307 Detroit Ave. #101, Cleve., OH 44102

Telephone Number: 216.472.4200

Rusty J. Kemper, President
Signature of Owner(s) Land. Acq. Rep.

State of Ohio)
County of Cuyahoga)

Subscribed in my presence this 28th day of March, 2018.

MY COMMISSION HAS NO EXPIRATION DATE,
O.R.C. 147.03

Mary Cavanaugh
Notary Public

My commission expires: NA

* 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.

PROPERTY DESCRIPTION FORM

Ordinance Number: 2018-056

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: 10750 Prospect Road, Strongsville, OH

Permanent Parcel No.: 39116.017

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) The property is west of Prospect Road and north of Albion Road.

Number and type of buildings which now occupy property (if any): none, vacant land

Acreage: 0.896 acres

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

Said deed restrictions (will) (have) expire(d) on: _____

Said property is presently under lease or otherwise encumbered as follows: NA

Owner(s)	Percent of Ownership:
1. <u>Kemper Martin Enterprises, Inc.</u>	<u>50</u> %
2. <u>KEM Management, Inc.</u>	<u>50</u> %
3. _____	_____ %

Bobby J. Kemper, Pres.
Signature of Owner(s) *et Auth. Rep.*

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 28th day of March, 2018.

Mary A. Cavanaugh
Notary Public

My commission expires NA

MARY A. CAVANAUGH
ATTORNEY AT LAW
MY COMMISSION HAS NO EXPIRATION DATE,
O.R.C. 147.03

* 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: Tiffany Mekeel, Assistant Clerk of Council

DATE: April 9, 2018

SUBJECT: Rezoning Application
Kemper Martin Enterprises, Inc. and KEM Management, Inc.; Owners
PPN: 391-16-017
Address: 10750 Prospect Road
From Residential (R1-75) to SR (Senior Residential)

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

Thank you.

TAM
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

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

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

From: Lori Daley, Assistant City Engineer

Date: April 10, 2018

Re: Rezoning Application
Kemper Martin Enterprises, Inc. and KEM Management, Inc.; Owners
PPN 391-16-017
10750 Prospect Road
From R1-75 to SR

Neal,

The legal description included in the Clerk of Council's April 9, 2018 memo regarding the above referenced application accurately depicts the parcel 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: April 17, 2018

SUBJECT: Referral from Council: Ordinance No. 2018-049 & 2018-050

Please be advised that at its regular meeting of April 16, 2018, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2018-049 by Mr. Schonhut. 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 21219 LUNN ROAD (PPN 393-14-022) IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 04-16-18.*

- Ordinance No. 2018-050 by Mr. Schonhut. 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 10750 PROSPECT ROAD (PPN 391-16-017) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 04-16-18.*

A copy of this 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: April 27, 2018

Please be advised that at its meeting of April 26, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE 2018-050:

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 10750 Prospect Road (PPN 391-16-017) in the City of Strongsville from R1-75 (One Family 75) Classification to SR-1 (Senior Residence) Classification.

At that same meeting the Planning Commission gave Unfavorable Recommendation to the following;

ORDINANCE 2018-049:

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 21219 Lunn Road (PPN 393-14-022) in the City of Strongsville From GI (General Industrial) Classification to R1-75 (One Family 75) Classification.