

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2008 - 130

By: Mayor Perciak and Mr. Haseley

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 21138 ROYALTON ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICE) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 392-16-002) AND FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 392-16-002) AND FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION (PART OF PPN 392-16-002), 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 21138 Royalton Road in the City of Strongsville from R-RS (Restaurant-Recreational Service) classification to MS (Motorist Service) classification (part of PPN 392-16-002); from GI (General Industrial) classification to MS (Motorist Service) classification (part of PPN 392-16-002); and from GI (General Industrial) classification to GB (General Business) classification (part of PPN 392-16-002) which property is more fully described in Exhibits "A", "B", and "C" respectively, attached hereto and incorporated herein as if fully rewritten.

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 changes in classifications as provided in this Ordinance.

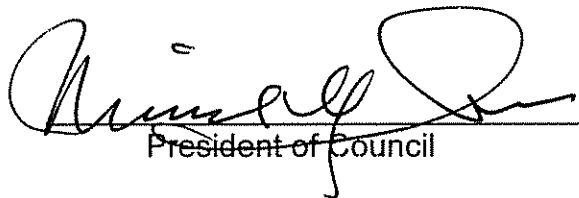
Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its

committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

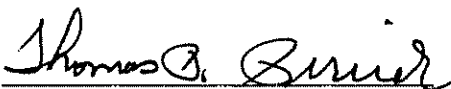
Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to rezone such property in order to afford the applicant an opportunity to submit plans and commence construction during the building season, 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: 6-16-08
Second reading: 2nd 6-27-08
Third reading: 7-29-08
Public Hearing: 7-29-08

Referred to Planning Commission
Favorable by P/C 6-26-08
Approved: 7-29-08



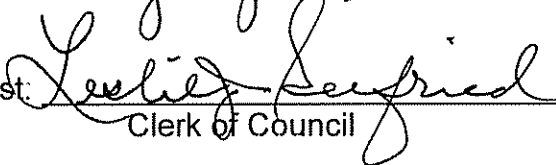
President of Council

Approved: 

Mayor

Date Passed: July 29, 2008

Date Approved: July 29, 2008

Attest: 

Clerk of Council

ORD. No. 2008-130 Removed: _____
1st Rdg. 6-16-08 Ref: PC/PZE
2nd Rdg. 6-27-08 Ref: PZE
3rd Rdg. 7-29-08 Ref: _____

Pub Hrg. 7-29-08 Ref: _____
Adopted: 7-29-08 Defeated: _____

ZONE R-RS TO BE REZONED MS

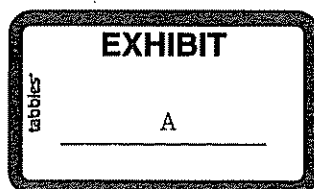
Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being a part of Original Strongsville Township Lot 86, Township 5 North, Range 14 West, and being further bounded and described as follows:

Commencing at a 5/8 inch rebar with cap "6752-7477" found at the centerline intersection of Royalton Rd. (S.R. 82, variable width) and Prospect Rd. (S.R. 237, variable width) and the southeast corner of said O.L. 86, thence along the centerline of said Royalton Rd. and the south line of said O.L. 86, S 89° 03' 57" W for a distance of 154.34 feet to a point, thence N 0° 56' 03" W for a distance of 46.00 feet to a point on the north right of way line of said Royalton Rd., said point being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following six (6) courses and distances:

- 1) Thence along said north right of way line, S 89° 03' 57" W for a distance of 171.03 feet to a point;
- 2) Thence N 0° 06' 43" W for a distance of 308.87 feet to a point;
- 3) Thence N 89° 03' 43" E for a distance of 280.03 feet to a point on the west right of way line of said Prospect Rd.;
- 4) Thence along said west right of way line, S 0° 06' 43" E for a distance of 174.89 feet to a point;
- 5) Thence S 89° 03' 57" W for a distance of 109.00 feet to a point;
- 6) Thence S 0° 06' 43" E for a distance of 134.00 feet to the True Place of Beginning and containing 1.6502 acres of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for GPD Associates, in June of 2008.

Basis of Bearing is State Plane Grid North, NAD 83(2007), Ohio North Zone.

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Parcel name: R-RS TO MS.

North: 602842.59810497 East : 2142979.00004171.
Line Course: S 89-03-57.02 W Length: 171.0305
North: 602839.80971523 East : 2142807.99227343.
Line Course: N 00-06-42.98 W Length: 308.8710
North: 603148.68012576 East : 2142807.38883187.
Line Course: N 89-03-42.99 E Length: 280.0291
North: 603153.26461519 East : 2143087.38040192.
Line Course: S 00-06-42.98 E Length: 174.8917
North: 602978.37324897 East : 2143087.72208800.
Line Course: S 89-03-57.02 W Length: 108.9984
North: 602976.59619739 East : 2142978.73817501.
Line Course: S 00-06-42.98 E Length: 133.9984
North: 602842.59805313 East : 2142978.99996781.

Perimeter: 1177.8190 Area: 71,882.4587 sq.ft. 1.6502 acres.

Mapcheck Closure - (Uses listed courses, radii, and deltas).
Error Closure: 0.00009027 Course: S 54-56-49.59 W.
Error North: -0.000051845 East : -0.000073897
Precision 1: 13,047,735.6818 .

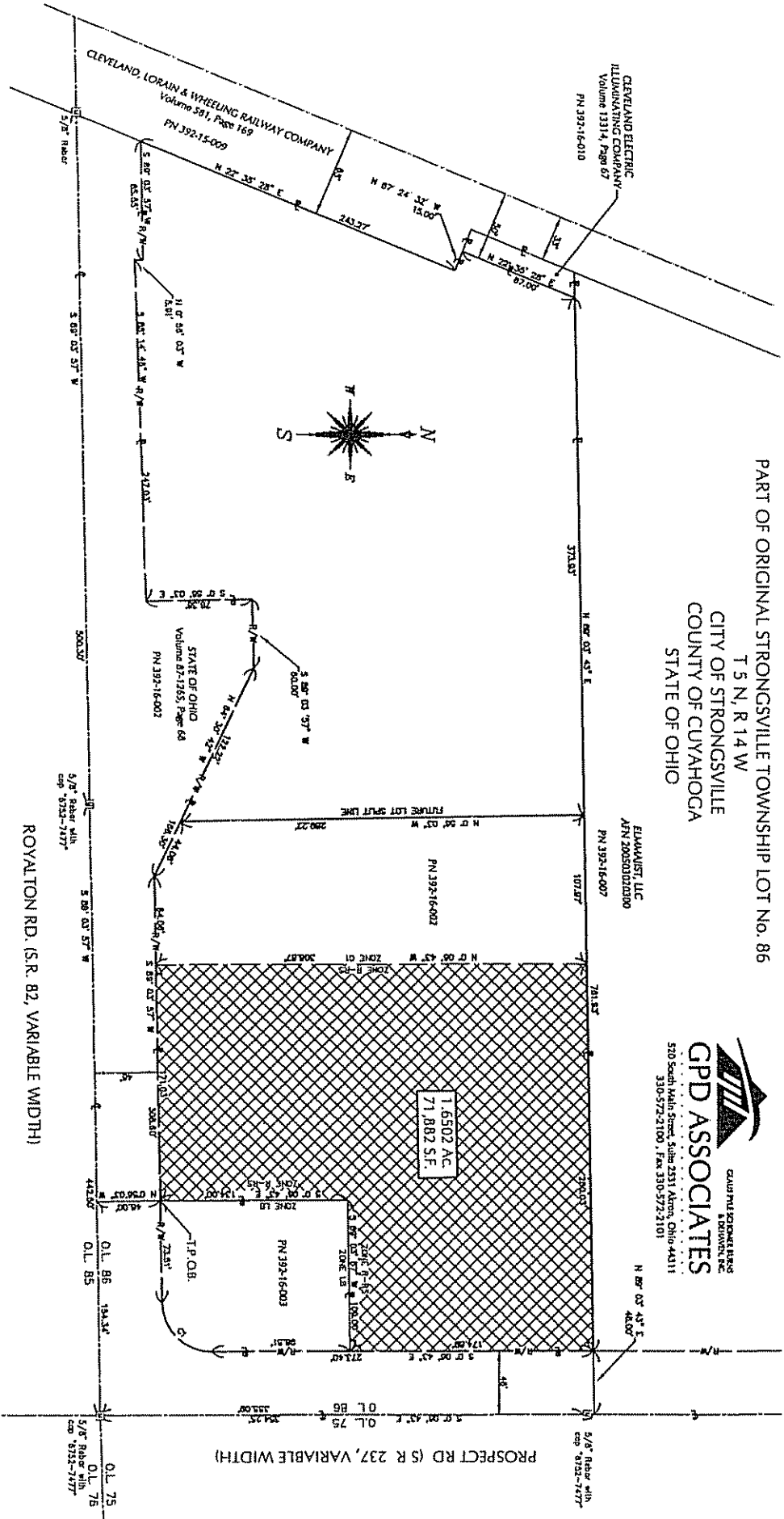
Area to be Rezoned
 from R-RS to MS
 (Parcel No. 392-16-002)

PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT No. 86

T 5 N, R 14 W
 CITY OF STRONGSVILLE
 COUNTY OF CUYAHOGA
 STATE OF OHIO



GPD ASSOCIATES
 CAD/POLYGRAPHIC/PLANS
 520 South Main Street, Suite 2131 Akron, Ohio 44311
 330-572-2100 • Fax 330-572-2101



PROSPECT RD (S R 237, VARIABLE WIDTH)

ROYALTON RD. (S.R. 82, VARIABLE WIDTH)

ZONE G-1 TO BE REZONED MS

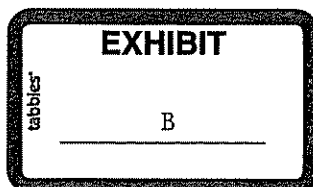
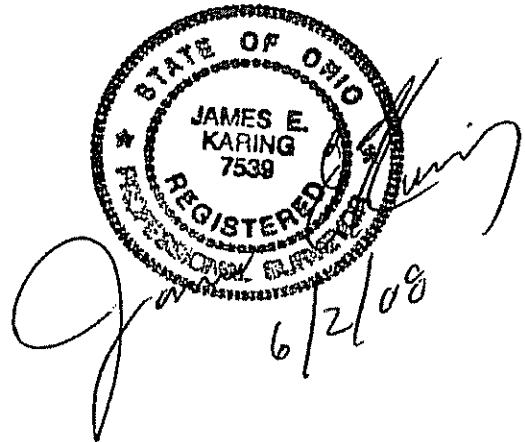
Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being a part of Original Strongsville Township Lot 86, Township 5 North, Range 14 West, and being further bounded and described as follows:

Commencing at a 5/8 inch rebar with cap "6752-7477" found at the centerline intersection of Royalton Rd. (S.R. 82, variable width) and Prospect Rd. (S.R. 237, variable width) and the southeast corner of said O.L. 86, thence along the centerline of said Royalton Rd. and the south line of said O.L. 86, S 89° 03' 57" W for a distance of 325.37 feet to a point, thence N 0° 56' 03" W for a distance of 46.00 feet to a point on the north right of way line of said Royalton Rd., said point being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following five (5) courses and distances:

- 1) Thence along said north right of way line, S 89° 03' 57" W for a distance of 64.06 feet to a point;
- 2) Thence continuing along said north right of way line, N 64° 30' 42" W for a distance of 44.08 feet to a point;
- 3) Thence N 0° 56' 03" W for a distance of 289.22 feet to a point;
- 4) Thence N 89° 03' 43" E for a distance of 107.97 feet to a point;
- 5) Thence S 0° 06' 43" E for a distance of 308.87 feet (32,274 sq.ft.) to the True Place of Beginning and containing 0.7409 acres of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for GPD Associates, in June of 2008.

Basis of Bearing is State Plane Grid North, NAD 83(2007), Ohio North Zone.

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Parcel name: G1 TO MS.

North: 603753.31667641 East : 2142807.99229221.
Line Course: S 89-03-57.02 W Length: 64.0616
North: 603752.27225037 East : 2142743.93920666.
Line Course: N 64-30-41.98 W Length: 44.0819
North: 603771.24189932 East : 2142704.14767080.
Line Course: N 00-56-02.98 W Length: 289.2160
North: 604060.41945953 East : 2142699.43244792.
Line Course: N 89-03-42.99 E Length: 107.9709
North: 604062.18710243 East : 2142807.38887749.
Line Course: S 00-06-42.98 E Length: 308.8710
North: 603753.31669190 East : 2142807.99231905.

Perimeter: 814.2015 Area: 32,273.6294 sq.ft. 0.7409 acres.

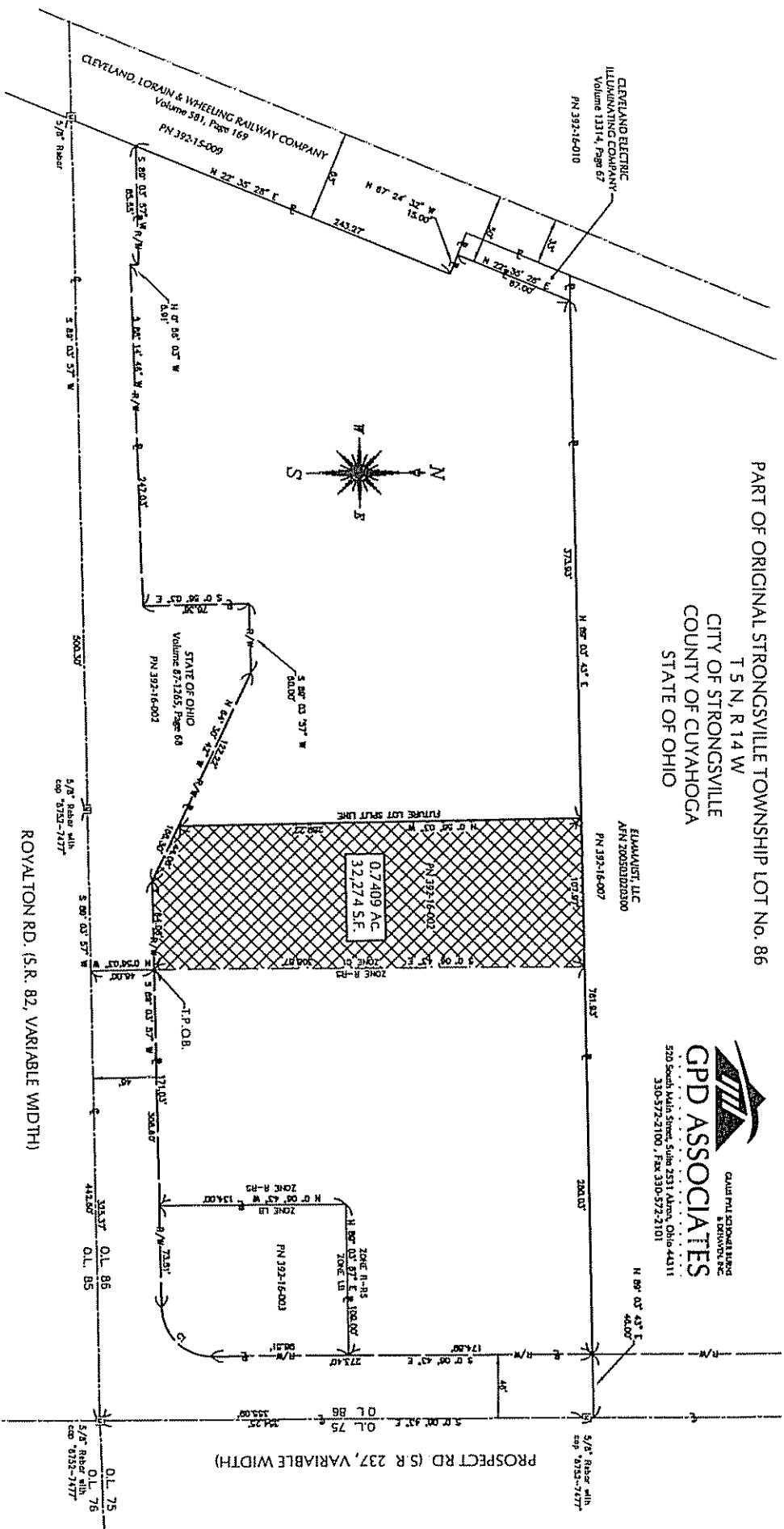
Mapcheck Closure - (Uses listed courses, radii, and deltas).
Error Closure: 0.00003099 Course: N 60-00-36.46 E.
Error North: 0.000015489 East : 0.000026838
Precision 1: 26,273,036.4634 .

Area to be Rezoned
 from GI to MS
 (Parcel No. 392-16-002)

PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT No. 86
 T 5 N, R 14 W
 CITY OF STRONGSVILLE
 COUNTY OF CUYAHOGA
 STATE OF OHIO



GPD ASSOCIATES
 QUALITY PLANNING SERVICES
 A DIVISION OF
 520 South Main Street, Suite 2311 Akron, Ohio 44311
 330-572-2100, FAX 330-572-2101



ZONE G-1 TO BE REZONED GB

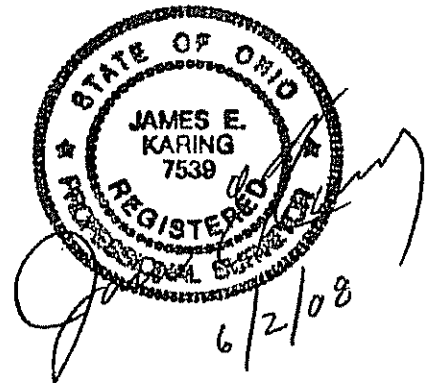
Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being a part of Original Strongsville Township Lot 86, Township 5 North, Range 14 West, and being further bounded and described as follows:

Commencing at a 5/8 inch rebar with cap "6752-7477" found at the centerline intersection of Royalton Rd. (S.R. 82, variable width) and Prospect Rd. (S.R. 237, variable width) and the southeast corner of said O.L. 86, thence along the centerline of said Royalton Rd. and the south line of said O.L. 86, S 89° 03' 57" W for a distance of 428.91 feet to a point, thence N 0° 56' 03" W for a distance of 65.62 feet to a point on the north right of way line of said Royalton Rd., said point being the **TRUE PLACE OF BEGINNING** of the parcel of land hereinafter described, thence clockwise along the following eleven (11) courses and distances:

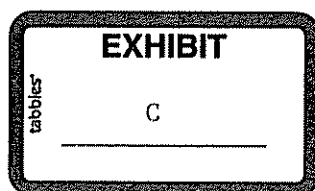
Thence along said north right of way line for the following six courses:

- 1) Thence N 64° 30' 42" W for a distance of 122.22 feet to a point;
- 2) Thence S 89° 03' 57" W for a distance of 50.00 feet to a point;
- 3) Thence S 0° 56' 03" E for a distance of 76.38 feet to a point;
- 4) Thence S 88° 14' 46" W for a distance of 247.03 feet to a point;
- 5) Thence N 0° 56' 03" W for a distance of 5.91 feet to a point;
- 6) Thence S 89° 03' 57" W for a distance of 85.55 feet to a point;
- 7) Thence N 22° 35' 28" E for a distance of 243.27 feet to a point;
- 8) Thence N 67° 24' 32" W for a distance of 15.00 feet to a point;
- 9) Thence N 22° 35' 28" E for a distance of 87.00 feet to a point;
- 10) Thence N 89° 03' 43" E for a distance of 373.93 feet to a point;

11) Thence S 0° 56' 03" E for a distance of 289.22 feet to the True Place of Beginning and containing 2.8635 acres (124,736 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of James E. Karing, P.S. Number 7539, for GPD Associates, in June of 2008.



Basis of Bearing is State Plane Grid North, NAD 83(2007), Ohio North Zone.



Parcel name: G1 TO GB.

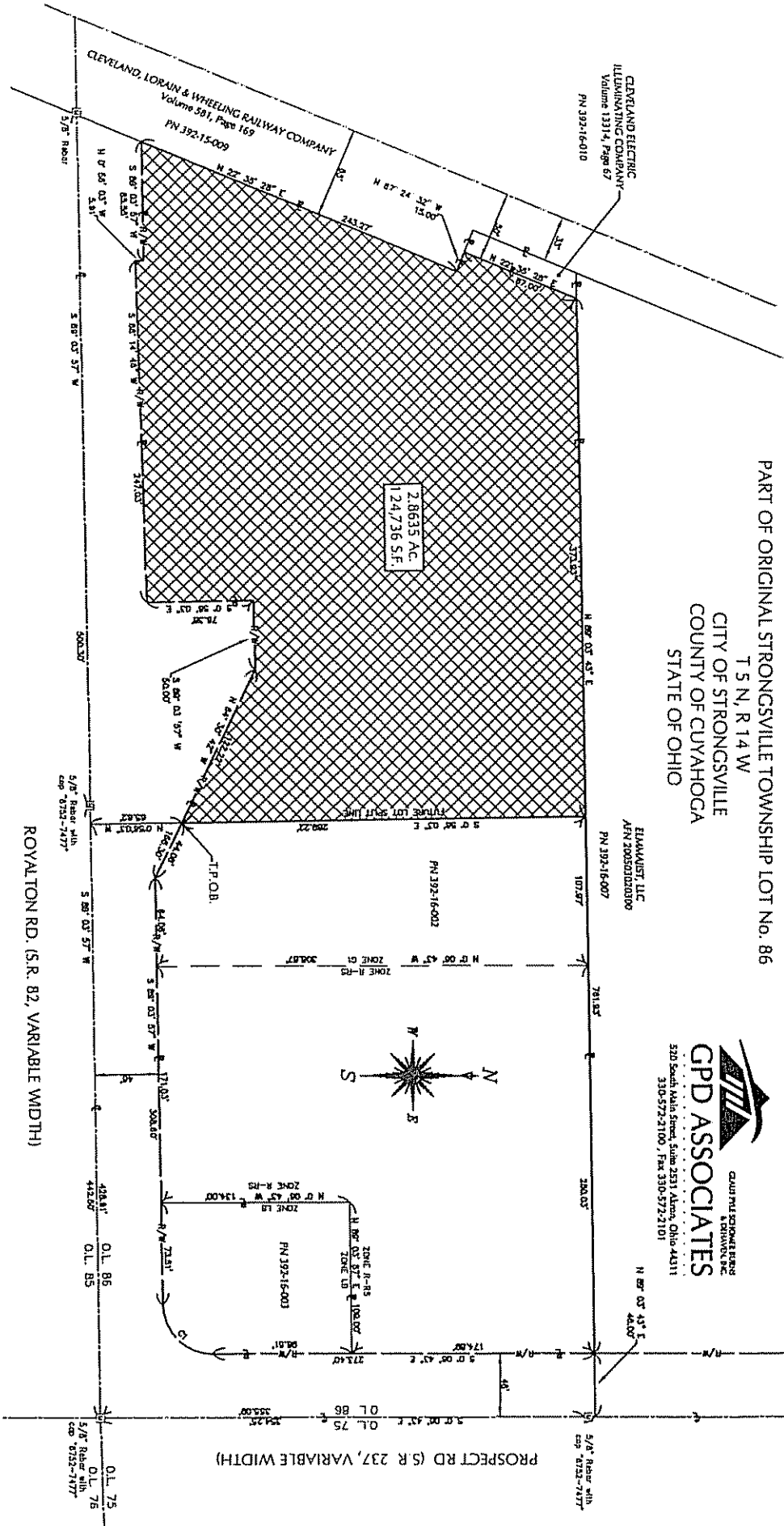
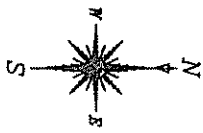
North: 604680.59674699 East : 2142704.14765178.
Line Course: N 64-30-41.98 W Length: 122.2151
North: 604733.18925192 East : 2142593.82739483.
Line Course: S 89-03-57.02 W Length: 50.0000
North: 604732.37407868 East : 2142543.83404035.
Line Course: S 00-56-02.98 E Length: 76.3800
North: 604656.00423037 East : 2142545.07929899.
Line Course: S 88-14-46.40 W Length: 247.0273
North: 604648.44410386 East : 2142298.16771272.
Line Course: N 00-56-02.98 W Length: 5.9136
North: 604654.35691788 East : 2142298.07130055.
Line Course: S 89-03-57.02 W Length: 85.5500
North: 604652.96215646 East : 2142212.53267103.
Line Course: N 22-35-28.09 E Length: 243.2699
North: 604877.56587386 East : 2142305.98540976.
Line Course: N 67-24-31.91 W Length: 15.0000
North: 604883.32816127 East : 2142292.13636489.
Line Course: N 22-35-28.09 E Length: 87.0000
North: 604963.65262152 East : 2142325.55763184.
Line Course: N 89-03-42.99 E Length: 373.9250
North: 604969.77432534 East : 2142699.43251782.
Line Course: S 00-56-02.98 E Length: 289.2160
North: 604680.59676513 East : 2142704.14774070.

Perimeter: 1595.4970 Area: 124,735.6139 sq.ft. 2.8635 acres.

Mapcheck Closure - (Uses listed courses, radii, and deltas).
Error Closure: 0.00009075 Course: N 78-27-56.83 E.
Error North: 0.000018145 East : 0.000088915
Precision 1: 17,581,233.0579 .

Area to be Rezoned
 from GI to GB
 (Parcel No. 392-16-002)

PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT No. 86
 T 5 N, R 14 W
 CITY OF STRONGSVILLE
 COUNTY OF CUYAHOGA
 STATE OF OHIO



RECEIVED

PROPERTY DESCRIPTION FORM

JUN 4 2008

Ordinance Number: _____ CITY OF STRONGSVILLE
CITY COUNCIL

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: 21138 Royalton Road, Strongsville, Ohio

Permanent Parcel No.: 392-16-002

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Northwest corner of intersection of Royalton Road (S.R. 82)
and Prospect Road (S.R. 237)

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

Acreage: 5.2546 acres

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): None

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

Said property is presently under lease or otherwise encumbered as follows: No lease.
Property subject to easements for electrical power lines and public
right-of-way

Nine (9) copies of a written legal description and nine (9) copies of a survey plat of this property, prepared by a registered surveyor, are hereto attached and made part of this property description.

Owner(s)	Percent of Ownership:
1 <u>Catanzarite Investment Company, LLC</u>	<u>100</u> %
2 _____	_____ %
3 _____	_____ %
	<u>[Signature]</u>
	Signature of Owner(s) Michael Catanzarite Catanzarite Investment Company, LLC

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 3rd day of June, 2008

[Signature]
Notary Public



WILLIAM H. LORENTZ, Notary Public
Residence - Stark County
State Wide Jurisdiction, Ohio
My Commission Expires 2-27-2013

My commission expires 2-27-2013

PETITION FOR ZONING CHANGE

Ordinance Number: _____

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 R-RS & GT use to a class MS & GB use

Such change is necessary for the preservation and enjoyment of a substantial property right because: The property is vacant and undeveloped under existing zoning.

The new zoning will permit the beneficial and productive development
and use of the property by Sheetz, Inc.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The new zoning will permit the beneficial

development of the property in a manner that is consistent with the surrounding area, which already provides for MS zoning on 2 of the other corners of the intersection. The GB zoning will be a better compliment to the MS zoning at the intersection.

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

1. Legal descriptions and Survey of Specific Areas Subject to Rezoning
2. Existing Deed for Parcel with list of Owners within 500 feet
3. Cover Memorandum with Site Layout for Proposed Sheetz

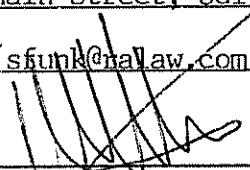
THE PROPOSED USE OF THE PROPERTY IS. The property will be sold to Sheetz, Inc. A portion will be consolidated with the adjacent parcel to construct a new Sheetz convenience store, which is a permitted use under the MS zoning classification. The remaining portion of the property will remain subject to future, commercial development under the General Business classification.

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

Name: Stephen W. Funk, Attorney for Applicant Sheetz, Inc.

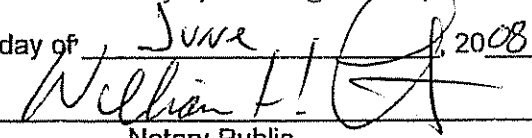
Address: Roetzel & Andress, 222 S. Main Street, Suite 400, Akron, OH 44308

Telephone Number: 330.849-6602 (sfunk@raLaw.com)

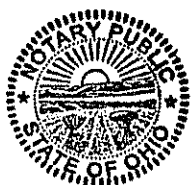

Signature of Owner(s) Michael Catanzarite,
Managing Member, Catanzarite Investment Co., LLC
13000 Darice Pkwy., Strongsville, OH 44136

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 3rd day of June, 2008.


Notary Public

My commission expires: 2-27-2013



WILLIAM H. LORENTZ, Notary Public
Residence - Stark County
State Wide Jurisdiction, Ohio
My Commission Expires 2-27-2013