

City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3110
Council Office Fax: 440-572-1648
www.strongsville.org

City Council

Michael J. Daymut
Ward 1

Matthew A. Schonhut
Ward 2

James E. Carbone
Ward 3

Gordon C. Short
Ward 4

Joseph C. DeMio
At-Large

Kenneth M. Dooner
President Pro Tem
At-Large

Duke Southworth
President of Council
At-Large

Aimee Pientka, CMC
Clerk of Council
aimee.pientka@strongsville.org

Tiffany Mekeel, CMC
Assistant Clerk of Council
tiffany.mekeel@strongsville.org

October 13, 2016

MEETING NOTICE

City Council has scheduled the following meetings for **Monday, October 17, 2016**, to be held in the Caucus Room and the Council Chamber at the **Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road:**

Caucus will begin at 7:30 p.m. All committees listed will meet immediately following the previous committee:

7:30 P.M. **Planning, Zoning and Engineering Committee** will meet to discuss Ordinance Nos. 2016-056, 2016-178, 2016-179, 2016-198 and Resolution No. 2016-197.

Public Service and Conservation Committee will meet to discuss Resolution No. 2016-199.

Economic Development will meet to discuss items pertinent to the committee.

Committee of the Whole The Council will consider a motion to adjourn into **Executive Session** to discuss personnel matters pertaining to the Council office.

8:00 P.M. **Regular Council Meeting**

Any other matters that may properly come before this Council may also be discussed.

BY ORDER OF THE COUNCIL:

Aimee Pientka, MMC
Clerk of Council

STRONGSVILLE CITY COUNCIL REGULAR MEETING
MONDAY, OCTOBER 17, 2016 AT 8:00 P.M.
Mike Kalinich Sr. City Council Chamber
18688 Royalton Road, Strongsville, Ohio

AGENDA

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - *Council Meeting – October 3, 2016*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
7. PUBLIC HEARING:
 - Ordinance No. 2016-056 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST SERVICE)~~ CS (COMMERCIAL SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16. Third reading, amended and referred to Planning Commission 07-18-16. Favorable recommendation by Planning Commission 07-28-16. Fourth reading 09-06-16.*
8. REPORTS OF COUNCIL COMMITTEE:
 - SCHOOL BOARD – Mr. Carbone:
 - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Southworth:
 - BUILDING AND UTILITIES – Mr. Schonhut:
 - COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:
 - ECONOMIC DEVELOPMENT – Mr. Daymut:
 - FINANCE – Mr. Dooner:
 - PLANNING, ZONING AND ENGINEERING – Mr. Daymut:
 - PUBLIC SAFETY AND HEALTH – Mr. DeMio:

- PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:
 - *A motion to ratify, note and approve the burial of Frank Soltis in Section F, Lot #56 Grave I; and to note and approve the future burial of Moravia Soltis in Section F, Lot#56 Grave G based on the owners' designation of wishes for interments in the Strongsville Municipal Cemetery.*
 - RECREATION AND COMMUNITY SERVICES – Mr. Short:
 - COMMITTEE-OF-THE-WHOLE – Mr. Southworth:
9. REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS AND OTHER OFFICERS:
- MAYOR PERCIAK:
 - FINANCE DEPARTMENT:
 - LAW DEPARTMENT:
10. AUDIENCE PARTICIPATION:
11. ORDINANCES AND RESOLUTIONS:
- Ordinance No. 2016-056 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST-SERVICE)~~ **CS (COMMERCIAL SERVICE)** CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16. Third reading, amended and referred to Planning Commission 07-18-16. Favorable recommendation by Planning Commission 07-28-16. Fourth reading 09-06-16.*
 - Ordinance No. 2016-178 by Mr. Carbone and Mr. Schonhut. AN ORDINANCE AMENDING SECTIONS 1242.07(b), 1258.02, 1258.03 AND 1258.04, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN LARGE RETAIL BUSINESSES, AND DECLARING AN EMERGENCY. *First reading 09-19-16.*
 - Ordinance No. 2016-179 by Mr. Carbone and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1258.09 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH LAND COVERAGE REQUIREMENTS IN CERTAIN BUSINESS ZONING DISTRICTS, AND DECLARING AN EMERGENCY. *First reading 09-19-16.*

- Resolution No. 2016-197 by Mr. Daymut. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF A DETERMINATION THAT A TRAINING/AMUSEMENT FACILITY IS A SIMILAR MAIN USE AND PERMITTED IN A GENERAL BUSINESS DISTRICT.
- Ordinance No. 2016-198 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1258.03 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR TRAINING AND AMUSEMENT FACILITIES IN A GENERAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY.
- Resolution No. 2016-199 by Mr. Carbone. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. [Vanderwyst]

12. COMMUNICATIONS, PETITIONS AND CLAIMS:
13. MISCELLANEOUS BUSINESS:
14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 056

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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST SERVICE)~~ CS (COMMERCIAL SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY, **AS AMENDED**.

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 9200 Pearl Road in the City of Strongsville, from R-RS (Restaurant-Recreational Services) classification to ~~MS (Motorist Service)~~ CS (Commercial Service) classification (PPN 395-03-006) 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 changes in zoning 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 provide for the orderly development of lots and lands within the City, 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

CITY OF STRONGSVILLE, OHIO
 ORDINANCE NO. 2016 - 056
 Page 2

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: March 7, 2016

Referred to Planning Commission

Second reading: April 4, 2016

March 8, 2016
 favorable recommendation by PC
 Approved: 3-31-16

Third reading: _____

Public Hearing: May 16, 2016

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2016-056 (subby) Amended: 07/18/16
 (orig.) 1st Rdg. 03-07-16 Ref: PC/PZE
 (orig.) 2nd Rdg. 04-04-16 Ref: PZE
 3rd Rdg. 07-18-16 Ref: _____
Tabled per email sent by applicant 5/3/16
 4th Rdg. 09-06-16; P.H. 10-17-16
 (orig.) Pub Hrg. 05-16-16 Ref: PZE
 Adopted: _____ defeated: _____

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio, and known as being a part of Original Strongsville Township Lots 49 and 50, also known as being a portion of a parcel of land conveyed to North Pearl II, LLC as recorded in AFN 201302060015 of said County's records, and being further bounded and described as follows:

Commencing at 1 inch rebar in a monument box found at the centerline intersection of Pearl Rd. (S.R. 42, variable width) and Whitney Rd. (70 feet wide), thence along the centerline of said Whitney Rd., N 81° 43' 35" W for a distance of 454.65 feet to a point, said point being the **TRUE PLACE OF BEGINNING** for the parcel of land hereinafter described, thence clockwise along the following thirteen (13) courses and distances:

1. S 8° 16' 25" W for a distance of 215.00 feet to a Mag Nail set, passing over a Drill Hole set on the south right of way line of said Whitney Rd. at 30.00 feet;
- 2, S 81° 43' 35" E for a distance of 309.00 feet to a 5/8 inch rebar with cap "GPD" set on the new west right of way line of said Pearl Rd., said rebar set being at 50.00 feet by perpendicular measurement from the centerline of said Pearl Rd.;
3. Thence along said new right of way line, S 31° 17' 15" W for a distance of 120.84 feet to a 5/8 inch rebar with cap "GPD" set on the existing west right of way line of said Pearl Rd.;
4. Thence along said west right of way line, S 46° 10' 35" W for a distance of 31.13 feet to a 5/8 inch rebar with cap "GPD" set;
5. Thence continuing along said west right of way line, N 58° 42' 45" W for a distance of 22.00 feet to a 5/8 inch rebar with cap "GPD" set;
6. Thence continuing along said west right of way line, S 31° 17' 15" W for a distance of 96.88 feet to a point on the north right of way line of the Ohio Turnpike (variable width), said point witnessed by a 5/8 inch rebar found N 45° 47' 36" E at 1.17 feet;
7. Thence along said north right of way line along the arc of a curve to the left having the following properties:

Delta	=	8° 08' 13"
Radius	=	3029.79
Tangent	=	215.50
Chord	=	429.92

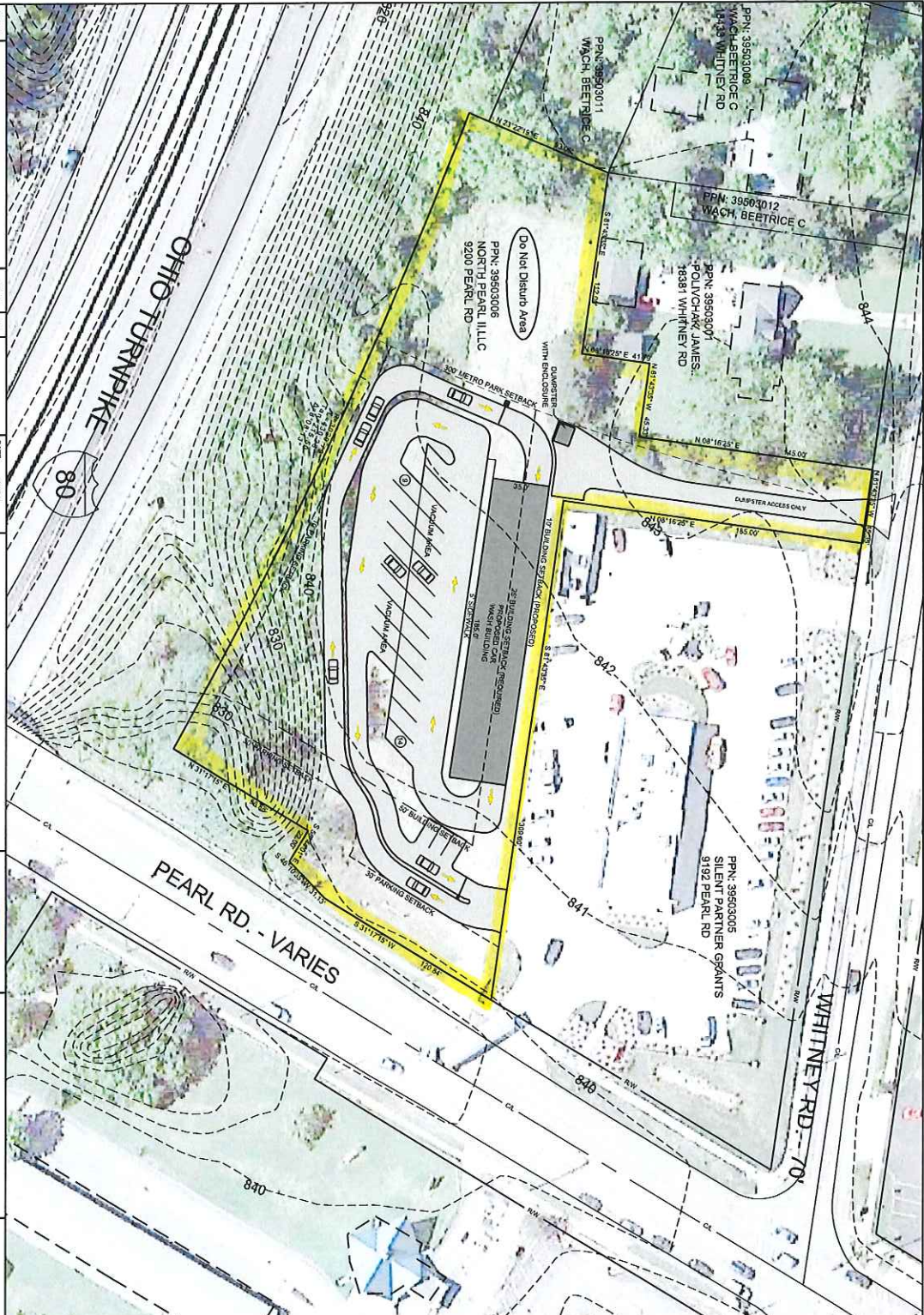
Chord Bearing = N 64° 51' 41" W for an arc distance of 430.28 feet to a point;
8. Thence continuing along said north right of way line and an east line of a parcel of land conveyed to Beetrice Wach as recorded in AFN 200503180254, N 23° 22' 19" E for a distance of 93.06 feet to a 5/8 inch rebar found, passing over a 5/8 inch rebar found at 6.58 feet;
9. S 81° 43' 35" E for a distance of 112.00 feet to a 5/8 inch rebar with cap "GPD" set;
10. N 8° 16' 25" E for a distance of 41.79 feet to a 5/8 inch rebar with cap "GPD" set on a south line of a parcel of land conveyed to James Polivchak and Ann Polivchak as recorded in AFN 200210020823;
11. Thence along the south line of said James Polivchak and Ann Polivchak, S 81° 43' 35" E for a distance of 45.33 feet to a 5/8 inch rebar found at the southeast corner of said James Polivchak and Ann Polivchak;
12. Thence along the east line of said James Polivchak and Ann Polivchak, N 8° 16' 25" E for a distance of 175.00 feet to a point on the centerline of said Whitney Rd., said point being the northeast corner of said James Polivchak and Ann Polivchak, passing over a 5/8 inch rebar found on the south right of way line of said Whitney Rd. at 145.00 feet;

EXHIBIT A

13. Thence along said centerline, S 81° 43' 35" E for a distance of 45.35 feet to the True Place of Beginning and containing 1.9643 acres (85,562 square feet) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed by Steven L. Mullaney, P.S. Number 7900, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in March of 2013.

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

N:\2009\2009118\04 - Strongsville, OH Quality Catering\survey\2013 ALTA and Split\Parcel 2.doc



GRAPHIC SCALE
 1" = 30 FEET
 1" = 60 FEET
 1" = 120 FEET

NOTE:
 This plan was prepared by Polaris Engineering & Surveying, Inc. for the use of the City of Strongsville, Ohio. It is not to be construed as a guarantee of accuracy or a warranty of any kind. The user of this plan assumes all responsibility for its use. The user of this plan should consult with the City of Strongsville, Ohio, for any questions regarding the use of this plan.

DEVELOPER INFORMATION:
 6021 ROCK CANYON BLVD
 STRONGSVILLE, OHIO 44130
 PH: 440-233-1100
 FAX: 440-233-1101
 WWW.POLARISENG.COM

PARCEL DATA:
 PARCEL IDENTIFICATION:
 PPN: 39503008
 TOTAL TO CORNER: 120 FEET
 TOTAL TO CORNER: 120 FEET
 PROPOSED ZONING: M-1 MOTOR SERVICES

ZONING DATA:

USE	MINIMUM SETBACK	REQUIRED	PROPOSED
BUILDING	120' From CL	120'	120'
DRIVEWAY	30' From CL	30'	30'
FRONT SETBACK	30' From CL	30'	30'
REAR SETBACK	30' From CL	30'	30'
PARKING AND DRIVE	40' From RW	40'	40'
FRONT AND DRIVE	40' From RW	40'	40'
REAR SETBACK	10' From RW	10'	10'

Distances shown are minimum requirements. Distances shown are minimum requirements. Distances shown are minimum requirements.

REV. NO.	DATE	BY	SCALE	DATE	BY

GOO GOO CAR WASH
 9200 Pearl Road
 CITY STRONGSVILLE - CUYAHOGA COUNTY - OHIO



POLARIS ENGINEERING & SURVEYING, INC.
 2500 WILLOWBROOK HILLS, OHIO 44130
 440-233-1100
 WWW.POLARISENG.COM

CONCEPTUAL DEVELOPMENT PLAN

SHEET	OF
01	01

EXHIBIT B

PETITION FOR ZONING CHANGE

Ordinance Number: 2016-056

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 use to a class MS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: Due to the configuration of the parcel, the best use of the property is MS.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The surrounding property on Pearl Rd. is General Business

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

- 1. None
- 2. -
- 3. -

THE PROPOSED USE OF THE PROPERTY IS: MS - Motor Services - Car Wash

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

Name: Dan Catanzarite

Address: 13000 Danice Parkway Strongsville, OH 44136

Telephone Number: 216-409-5827

[Signature] on Behalf of North Pearl LLC
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)



Sworn to and subscribed in my presence this 17 day of FEBRUARY, 2016.

CHRISTOPHER M. BYRNES
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES
AUGUST 10, 2016

[Signature]
Notary Public
My commission expires: AUG 10, 2016

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: 2016-056

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: 9200 Pearl Rd.

Permanent Parcel No.: 395-03-006

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

Number and type of buildings which now occupy property (if any): N/A

Acreage: 1.9

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

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>North Pearl II, LLC</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

D. D. [Signature] on behalf of North Pearl II LLC
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 17 day of February, 2016.

Ch. By
Notary Public



CHRISTOPHER M BYRNES
NOTARY PUBLIC - OHIO My commission expires Aug 10, 2016
MY COMMISSION EXPIRES
AUGUST 10, 2016

* 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: February 19, 2016

SUBJECT: Rezoning Application
North Pearl II, LLC; Owner
PPN: 395-03-006
Address: 9200 Pearl Road
From R-RS to MS

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.

TAM
Attachments

cc: Thomas P. Perciak, Mayor
Kenneth A. Kraus, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
All Members of Council
Carol Opera, Planning Commission Secretary

City of Strongsville

Memorandum

To: Ken Kraus, Law Director

CC: Mayor Thomas Perciak
Aimee Pientka, Clerk of Council
Neal Jamison, Staff Attorney

From: Lori Daley, Assistant City Engineer

Date: February 24, 2016

Re: Rezoning Application
North Pearl II, LLC, Owner
PPN 395-03-006
9200 Pearl Road
From R-Rs to MS

Ken,

The legal description included in the Clerk of Council's February 19, 2016 memo regarding the above referenced parcel was incorrect. The attached revised legal description accurately describes the parcel to be rezoned and should be used for the legislation.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Aimee Pientka, Clerk of Council
DATE: March 8, 2016
SUBJECT: Referral from Council: Ordinance No. 2016-056

At its regular meeting of March 7, 2016, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2016-056 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

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

AKP
Attachment

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: March 11, 2016

Please be advised that at its meeting of March 10, 2016, the Strongsville Planning Commission Tabled the following;

ORDINANCE NO. 2016-056

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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

This Ordinance will be place on the March 31st Planning Agenda for consideration.

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: April 1, 2016

Please be advised that at its meeting of March 31, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2016-056

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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

AT & T / Laura Tworzydlo, Agent

- a) Certificate of Appropriateness for the Site Plan for the addition of three (3) RRH's to the existing antenna and modifications to the mounting system for the AT & T co-location on the existing water tower located at 18688 Royalton Road, PPN 396-10-014 zoned Public Facility.
- b) Site Plan approval for the addition of three (3) RRH's to the existing antenna and modifications to the mounting system for the AT & T co-location on the existing water tower located at 18688 Royalton Road, PPN 396-10-014 zoned Public Facility.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Tiffany Mekeel, Assistant Clerk of Council
DATE: July 19, 2016
SUBJECT: Referral from Council: Ordinance No. 2016-056 (Amended by Substitution)

Please be advised that at its regular meeting of July 18, 2016, City Council moved to amend by substitution Ordinance No. 2016-056 and refer it back to Planning Commission for amendment.

- Ordinance No. 2016-056 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS ~~(MOTORIST SERVICE)~~ **CS (COMMERCIAL SERVICE)** CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY, **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16.*

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: July 29, 2016

Please be advised that at its meeting of July 28, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

MITCHELL'S ICE CREAM/ Matt Plecnik, Agent

- a) Certificate of Appropriateness for a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational.
- b) Site Plan approval of a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational **subject to the Engineering Report.** **BZA Variance Granted 6-22-16. *ARB Favorable Recommendation 7-12-16.*

MICHAEL L. PERRY/ MICHAEL PERRY, PRINCIPAL

- a) Deviation to permit a subdivision without sanitary sewers at 19408 Boston Road, PPN 394-32-013 zoned R1-75, pursuant to Codified Ordinance Section 1228.01(i).
- b) Subdivision of PPN 394-32-013, property located at 19408 Boston Road zoned R1-75 **should be made subject to the location of the septic systems on the two homes and if necessary an easement for the discharge.**

ALTENHEIM SENIOR LIVING SHORT TERM REHAB AND MEMORY CARE/ Rudy Jovanov, Agent

- a) Vacation of current Storm Sewer Easement and acceptance of the relocated Storm Sewer Easement by the City **subject receipt of the final easements by the Law Office on the vacation.**
- b) Site Plan approval of a proposed 52,521 SF addition to the current Short Term Rehab and Memory Care buildings for property located at 18627 Shurmer Road, PPN 397-01-006 and 012 zoned Public Facility and Senior Residence 1 **subject to Fire and Engineering Reports.** **ARB Favorable Recommendation 7-12-16.*

Council Memo
July 29, 2016
Page Two

ORDINANCE NO. 2016-056

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 9200 Pearl Road in the City of Strongsville from R-RS (Restaurant-Recreational Services) classification to ~~MS (Motorist Service)~~ CS (Commercial Service) Classification (PPN 395-03-006), and Declaring an Emergency, As Amended.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 178

By: Mr. Carbone and Mr. Schonhut

AN ORDINANCE AMENDING SECTIONS 1242.07(b), 1258.02, 1258.03 and 1258.04, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN LARGE RETAIL BUSINESSES, AND DECLARING AN EMERGENCY.

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging development patterns that minimize the secondary effects of land uses; and

WHEREAS, this Council does hereby determine that it is in the best interests of the health, safety and welfare of the citizens of the City of Strongsville to enact this Ordinance.

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

Section 1. That Section 1242.07(b) of Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Conditional Use Permits, be and is hereby amended to read in part as follows:

1242.07 CONDITIONAL USE PERMITS.

* * *

(b) Standards for Evaluating Conditional Use Permits. An application for a conditional use permit shall not be approved unless the following conditions and standards are complied with as set forth for the following districts:

* * *

(12) Retail Stores Greater Than 75,000 Square Feet of Gross Floor Area. In addition to complying with the other applicable requirements and standards in Section 1242.07, each retail store greater than 75,000 square feet of gross floor area in a General Business District shall comply with the following specific standards and conditions:

- A. The minimum lot area shall be ten (10) acres.
- B. The minimum lot frontage shall be three hundred (300) feet.

- C. Each retail store greater than 75,000 square feet shall have direct access only on either Royalton Road or Pearl Road.
- D. Each retail store greater than 75,000 square feet shall be located within a two (2) mile radius of an interchange on I-71 or I-80.

~~(Ord. 2011-055. Passed 6-20-11.)~~

* * *

Section 2. That Section 1258.02 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; Local Business Districts, be and is hereby amended to read in part as follows:

1258.02 USE REGULATIONS; LOCAL BUSINESS DISTRICT.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in Local Business Districts, only for the uses set forth in the following schedules and regulations:

(a) Main Buildings and Uses Permitted.

- (1) Office buildings and offices, including professional, financial, govern mental, public utility, sales, executive and administrative;
- (2) Retail stores and services, **provided that no individual retail store shall be larger than 75,000 square feet of gross floor area, and where such stores and services are** conducted wholly within enclosed buildings and devoted to supplying neighborhood needs to the following limited extent:
 - A. Retail sales.
 - 1. The sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products and packaged beverages;
 - 2. The sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies (provided that no loudspeakers broadcast onto the street) and sporting and athletic goods;
 - 3. The sale of wearing apparel, shoes and hats; variety stores;
 - 4. The sale of hardware, tools, paint, garden supplies and household appliances; and
 - 5. The sale, serving and consumption of food, soft drinks, juices and ice cream in carry-out and sit-down restaurants whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or

more similar business buildings, but not as a separate business building or use, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.

6. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
- B. Services.
1. Personal services, such as beauty and barber shops; interior decorating;
 2. Laundry agencies and laundromat; tailor, pressing and dry cleaning shops in which only nonexplosive nonflammable solvents are used provided that no work shall be done on the premises for retail outlets elsewhere; and
 3. Repair services, such as shoe and hat, radio and television, household appliances.
- (3) Retail sales in open yards to the following limited extent: Garden equipment and supplies, garden furniture, nursery stock and monuments may be sold on an open lot provided the operation is in connection with an established related business conducted within a store building or retail greenhouse, not more than 150 feet therefrom, and provided the sales in open yards comply with the setbacks established in Section 1258.11 of this Zoning Code.
- (4) Child/Adult Day Care Centers. Buildings and land for child/adult day care centers, provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.

* * *

~~(Ord. 2009-155. Passed 11-16-09.)~~

Section 3. That Section 1258.03 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; General Business District, be and is hereby amended to read in part as follows:

1258.03 USE REGULATIONS; GENERAL BUSINESS DISTRICT.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in General Business Districts, only for uses set forth in the following schedules and regulations:

- (a) Main Building and Uses Permitted.
 - (1) Offices, stores, services and other use classifications as permitted in Local Business Districts;

- (2) Mortuaries (Funeral Homes);
- (3) Additional retail business stores and services conducted wholly within enclosed buildings and devoted to supplying the retail business needs of the community to the following extent:
 - A. Retail sales.
 - 1. The sale of all food; frozen food lockers;
 - 2. The sale of all general merchandise; dry goods, variety and department stores;
 - 3. The sale of all hardware, appliances, china, furniture, floor and wall covering, business equipment, music, radio and television, provided no loudspeakers broadcast outside the parcel;
 - 4. The sale of bicycles, sport and athletic equipment, pet shops;
 - 5. Wholesale offices and showrooms, with storage limited to samples;
 - 6. The sale, serving and consumption of food, soft drinks, juices and ice cream in carry-out and sit-down restaurants whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings, but not as a separate business building or use, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
 - 7. Restaurants, taverns, night clubs, delicatessens, eating establishments, businesses permitting dancing and live entertainment, whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings but not as a separate building or use provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance

with the standards set forth in Section 1242.07 of the Zoning Code.

8. Individual retail business stores of 100,000 square feet and larger may be permitted a limited area to display merchandise outside the store building in an approved designated, self-contained, screened area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.
9. The sale and/or exchange of propane canisters not exceeding twenty (20) pounds at freestanding "big box" stores exceeding 50,000 square feet gross floor area; and freestanding "super" drug stores exceeding 14,000 square feet gross floor area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.

(Ord. 2014-132. Passed 9-2-14.)

10. Brewpubs and microbreweries which include attached restaurant facilities for the on-site consumption of food and beverages provided that a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.

(Ord. 2015-114. Passed 7-20-15.)

- 11. Individual retail stores of greater than 75,000 square feet of gross floor area may only be permitted provided that a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.**

* * *

~~(Ord. 2014-132. Passed 9-2-14.)~~

Section 4. That Section 1258.04 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; Shopping Center District, be and is hereby amended to read in its entirety as follows:

1258.04 USE REGULATIONS; SHOPPING CENTER DISTRICT.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved or maintained in whole or in part in Shopping Center Districts only for the uses set forth in the following schedules and regulations:

- (a) Main Buildings and Uses Permitted.

- (1) **Retail stores greater than 75,000 square feet of gross floor area;**
- (2) Indoor theaters; freestanding restaurants; and offices, stores, services and other use classifications as permitted in General Business Districts, except dwellings, wholesale offices and showrooms, mortuaries, transmittal towers, telephone exchanges, transformer stations, bus passenger stations, hotels and motels;
- (b) Similar Main Uses Permitted. Any other general business store, shop or service not listed above or in any subsequent use classification and determined as similar by the Planning Commission in accordance with standards set forth in Section 1242.08 of this Zoning Code; and
- (c) Accessory Uses Permitted. Any accessory use such as storage of goods or processing operations which are clearly incident to conducting a retail business, office or service establishment or other permitted main use, provided such an accessory use is compatible with contiguous office, retail and service establishments.
 - (1) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Zoning Code;
 - (2) Signs in Shopping Center Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code;
 - (3) Oil and gas well drilling, operation and maintenance, provided that a conditional use permit is granted in accordance with standards and procedures set forth in Section 1242.07 of this Zoning Code;
 - (4) Outdoor dining in conjunction with an approved sit-down restaurant, provided that a conditional use permit is granted in accordance with standards and procedures set forth in Section 1242.07 of this Zoning Code.

~~(Ord. 2009-155. Passed 11-16-09.)~~

Section 5. 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 6. 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 necessary to provide for the appropriate regulation of such establishments as conditional permitted uses in certain districts, and to ensure the safety of the general public. Therefore, provided this

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2016 – 178
Page 7

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: September 19, 2016 Referred to Planning Commission

Second reading: _____

Third reading: _____ Approved: _____

Public Hearing: _____

 President of Council Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2016-178 Amended: _____
 1st Rdg. 09-19-16 Ref: PSE
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 179

By: Mr. Carbone and Mr. Schonhut

AN ORDINANCE AMENDING SECTION 1258.09 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH LAND COVERAGE REQUIREMENTS IN CERTAIN BUSINESS ZONING DISTRICTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City has a legitimate, substantial and compelling interest in encouraging development patterns that minimize the secondary effects of land uses; and

WHEREAS, this Council does hereby determine that it is in the best interests of the health, safety and welfare of the citizens of the City of Strongsville to enact this Ordinance.

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

Section 1. That Section 1258.09 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Land Coverage, be and is hereby amended to read in its entirety as follows:

1258.09 LAND COVERAGE.

In Local Business, General Business, Shopping Center, Motorist Service and Restaurant-Recreational Services Districts, notwithstanding any other provision of this Zoning Code, the land area occupied by main and accessory buildings shall not exceed twenty-five percent (25%) of the total area of the parcel being developed, **and a minimum of twenty-five percent (25%) of the total land area shall be maintained as landscaped green area.** In General Business Districts, such percentage of building coverage may be increased if the Planning Commission finds that by providing the required number of accessory parking spaces on an adjacent parcel within a walking distance of 250 feet from the main building, the off-street parking and loading facility requirements set forth in Chapter 1270 of this Zoning Code will be satisfied.

Whenever the required accessory off-street parking facilities are proposed to be located on a parcel other than the one occupied by the main building served, the Planning Commission may require a copy of the agreements covering such an arrangement as set forth in Section 1270.07 of this Zoning Code.

~~(Ord. 1978-165. Passed 10-16-78.)~~

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2016 – 179
Page 2

Section 2. 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 3. 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 necessary to establish land coverage requirements in certain business zoning districts, and to ensure the safety of the general public. 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: September 19, 2016 Referred to Planning Commission
 Second reading: _____
 Third reading: _____ Approved: _____
 Public Hearing: _____

 President of Council
 Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2016-179 Amended: _____
 1st Rdg. 09-19-16 Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 197

By: Mr. Daymut

A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF A DETERMINATION THAT A TRAINING/ AMUSEMENT FACILITY IS A SIMILAR MAIN USE AND PERMITTED IN A GENERAL BUSINESS DISTRICT.

WHEREAS, the agent for a business known as the Escape Room has requested a determination of similar main use for property located at 14765 Pearl Road, and further identified as PPN 396-19-001, which is zoned General Business, in order to occupy 3,798 square feet of the space to be utilized as a training/amusement facility; and

WHEREAS, pursuant to City of Strongsville Codified Ordinance Sections 1242.08 and 1258.03(b), the Planning Commission has determined that such intended use is not listed in any other classification of permitted buildings or uses; such use is more appropriate and conforms to the basic characteristics of the classification to which it is to be added than to any other classification; such use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and such use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added; namely, General Business; and

WHEREAS, therefore, at its meeting of September 22, 2016, the Commission gave favorable recommendation to the determination of a similar main use as a training/amusement facility conducted within an enclosed building in a General Business District in accordance with those standards set forth in Codified Ordinance Section 1242.08.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That this Council hereby confirms the City Planning Commission's approval of the determination of a similar main use as a training/amusement facility conducted within an enclosed building to be permitted in accordance with City of Strongsville Codified Ordinance Sections 1242.08 and 1258.03(b).

Section 2. That pursuant to Section 1242.08 of the Codified Ordinances of the City of Strongsville, a training/amusement facility conducted wholly within an enclosed building shall hereinafter be included in the enumeration of uses permitted by right in the General Business District.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2016 – 197
Page 2

Section 3. That 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.

Section 4. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

_____ Approved: _____
 President of Council Mayor

Date Passed: _____ Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

RES
ORD. No. 2016-197 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 198

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AMENDING SECTION 1258.03 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR TRAINING AND AMUSEMENT FACILITIES IN A GENERAL BUSINESS DISTRICT, 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 Section 1258.03 of Chapter 1258 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville concerning Use Regulations; General Business District, be and is hereby amended to read in its entirety as follows:

1258.03 USE REGULATIONS; GENERAL BUSINESS DISTRICT.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, in General Business Districts, only for uses set forth in the following schedules and regulations:

(a) Main Buildings and Uses Permitted.

- (1) Offices, stores, services and other use classifications as permitted in Local Business Districts;
- (2) Mortuaries (Funeral Homes);
- (3) Additional retail business stores and services conducted wholly within enclosed buildings and devoted to supplying the retail business needs of the community to the following extent:
 - A. Retail sales.
 1. The sale of all food; frozen food lockers;
 2. The sale of all general merchandise; dry goods, variety and department stores;
 3. The sale of all hardware, appliances, china, furniture, floor and wall covering, business equipment, music, radio and television, provided no loudspeakers broadcast outside the parcel;
 4. The sale of bicycles, sport and athletic equipment, pet shops;
 5. Wholesale offices and showrooms, with storage limited to samples;
 6. The sale, serving and consumption of food, soft drinks, juices and ice cream in carry-out and sit-down restaurants whenever such use is within a business building located adjacent to another business building

having one or more party walls and a common roof with one or more similar business buildings, but not as a separate business building or use, provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.

7. Restaurants, taverns, night clubs, delicatessens, eating establishments, businesses permitting dancing and live entertainment, whenever such use is within a business building located adjacent to another business building having one or more party walls and a common roof with one or more similar business buildings but not as a separate building or use provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code. An outdoor eating area adjacent to and as an accessory use to the main building may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.
8. Individual retail business stores of 100,000 square feet and larger may be permitted a limited area to display merchandise outside the store building in an approved designated, self-contained, screened area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.
9. The sale and/or exchange of propane canisters not exceeding twenty (20) pounds at freestanding "big box" stores exceeding 50,000 square feet gross floor area; and freestanding "super" drug stores exceeding 14,000 square feet gross floor area provided a conditional use permit is granted in accordance with the provisions of Section 1242.07 of this Zoning Code.
(Ord. 2014-132. Passed 9-2-14.)
10. Brewpubs and microbreweries which include attached restaurant facilities for the on-site consumption of food and beverages provided that a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.
(Ord. 2015-114. Passed 7-20-15.)

B. Services.

1. Shops for custom work for the making of articles to be sold only at retail on the premises, excluding internal combustion engines;
2. All personal service establishments without limitations on the number of persons engaged in such work;
3. Photographic developing, blueprinting, letter, job and newspaper printing, radio or television stations with ancillary transmittal towers, telephone exchanges, transformer stations;
4. Bus passenger stations, taxi stations; and
5. Veterinary office/out-patient clinic provided such use is a single use in a free-standing building with no dog runs and no overnight housing of animals.

C. Churches. Buildings and land for churches provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code. To be located in a General Business District, a church shall be governed by and meet all requirements, standards and procedures of Chapter 1256 and other Codified Ordinance sections referenced therein.

D. Child/Adult Day Care Centers. Buildings and land for child/adult day care centers, provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.

E. Exercise Facilities. Dance instruction, gymnastics, yoga, martial arts training, gymnasiums, and physical fitness centers, none of which shall exceed 5,000 square feet, provided that a conditional use permit is granted in accordance with the procedures and standards set forth in Section 1242.07 of this Zoning Code.

F. Automotive Service Centers. Automotive Service Centers in accordance with the provisions of Section 1258.14 and provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of the Zoning Code.

G. Training/Amusement Facilities.

(b) Similar Main Uses Permitted. Any other general business store, shop or service not listed above or in any subsequent use classification and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1242.08.

(c) Accessory Uses Permitted. Any accessory use such as storage of goods or processing operations which are clearly incident to conducting a retail business, office or service establishment or other permitted main use, provided that such accessory use serves solely as an accessory use to permitted main uses on the same zoning lot, and provided such an

accessory use has no injurious effect on the adjoining residential districts. The following accessory uses are also permitted:

- (1) Accessory off-street parking and loading facilities as required in Chapter 1270 of this Zoning Code; and
- (2) Signs in General Business Districts shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design size, location, illumination and other provisions set forth in Chapter 1272 of this Zoning Code.
- (3) Crematories only as an integral component of a licensed mortuary (funeral home) provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07.

~~(Ord. 2014-132. Passed 9-2-14.)~~

Section 2. 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 3. 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 necessary to provide for the appropriate regulation of training/amusement facilities in General Business Districts to ensure the safety and welfare of the general public and compliance with all applicable State requirements. 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: _____

Second reading: _____

Third reading: _____

Public Hearing: _____

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2016 - 198
Page 5

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2016-198 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

MEMORANDUM

RECEIVED

SEP 23 2016

LAW DEPARTMENT
CITY OF STRONGSVILLE

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: September 23, 2016

Please be advised that at its meeting of September 22, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2016-158

AN ORDINANCE AMENDING SECTIONS 1242.07(B), 1258.02, 1258.03 and 1258.06, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR CERTAIN BUSINESSES AND DECLARING AN EMERGENCY.

ESCAPE ROOM/ Nimer Elder, Agent

Determination of a Similar Use pursuant to Codified Ordinance Section 1242.08 and 1258.03(b) to permit a training center conducted within an enclosed building in a General Business District.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 199

By: Mr. Carbone

A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. [Vanderwyst]

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

Section 1. That pursuant to Codified Ordinance Section 1060.09, and consistent with documentation presented to the City, Council hereby authorizes the Sexton to transfer the certificate for burial rights in the Strongsville Municipal Cemetery for Graves E and G, in Lot 97 of Section F, from Cheryl Vanderwyst to Arleen Miciunas; and further waives the City's right to repurchase such lots.

Section 2. That 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.

Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

RES

ORD. No. 2016-199 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____