

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 019

By: Mr. Maloney

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 16403 and 16445 PEARL ROAD (PARTS OF PPNS 397-09-009 and 397-09-003), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION.

WHEREAS, the owner of certain property located at 16403 and 16445 Pearl Road, being parts of permanent parcel numbers 397-09-009 and 397-09-003, (the "property") has submitted a petition to the City requesting rezoning of the property from R1-75 (One Family 75) classification to GB (General Business) 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 GB (General Business) 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.

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 shall take effect and be in force from and after the earliest period allowed by law.

First reading: February 3, 2014 Referred to Planning Commission
 Second reading: March 17, 2014 February 4, 2014
 Third reading: May 5, 2014 Favorable Recommendation by PC
 Approved: March 13, 2014
 Public Hearing: April 21, 2014

Michael Daymut
 President of Council

Approved: Thomas J. Zurek
 Mayor

Date Passed: May 5, 2014

Date Approved: May 6, 2014

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

Attest: Aimee Pientka
 Clerk of Council

ORD. No. 2014-019 Amended: _____
 1st Rdg. 02/03/14 Ref: PC/PZE
 2nd Rdg. 03/17/14 Ref: _____
 3rd Rdg. 05/05/14 Ref: _____
2/13/14 Tabled by P.C.
3/13/14 Favorable Recommendation by P.C.
 Pub Hrg 04-21-14 Ref: _____
 Adopted: 05-05-14 Defeated: _____

HOFMANN - METZKER, INC.

REGISTERED PROFESSIONAL SURVEYORS
P. O. BOX 343 - 24 BEECH STREET
BEREA, OH 44017 (440) 234-7350
FAX: (440) 234-7351

George A. Hofmann, P.S., President
Richard D. Metzker, P.S., Vice President

Mancuso

DESCRIPTION

1-2-2014

Rezoning

P.P. 397-09-003 & 009

EXHIBIT "A"

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Original Strongsville Township Lot No. 57 & 58, and further bounded and described as follows:

Beginning at the Southwesterly corner of a parcel of land conveyed to J-Lin-J, Inc. by deed dated October 2, 1995 and recorded in Volume 95-08339, Page 30 of Cuyahoga County Deed Records;

Thence North 88 degrees 49 minutes 40 seconds East, a distance of 625.13 feet to the principal place of beginning;

Thence North 00 degree 00 minutes 00 seconds West, a distance of 166.82 feet to a point in the northerly line of said land conveyed;

Thence North 88 degrees 50 minutes 40 seconds East along said northerly line , a distance of 371.67 feet to the northeasterly corner thereof;

Thence South 00 degree 42 minutes 20 seconds West along the easterly line of said land conveyed, a distance of 19.61 feet to an angle point in said line;

Thence South 00 degrees 04 minutes 55 seconds East, a distance of 147.12 feet to the southeasterly corner of said land conveyed;

Thence South 88 degrees 49 minutes 40 seconds West along the southerly line of said land, a distance of 371.64 feet to the place of beginning and containing 61,946.063 SF-1.422 Acres of land..

The basis of bearings is the centerline of Pearl Road, bearing North 00 degrees 00 minutes 00 seconds East. The courses used in this description are used to indicate angles only.

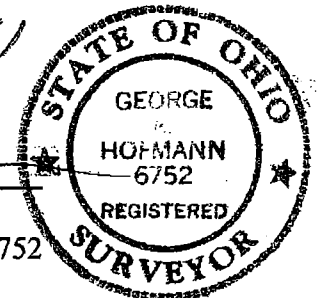
Distances are given in feet and decimal parts thereof.

The intent of this description is to describe all land in Permanent Parcels 397-09-003 & 009 that is current zoned R1-75 and is intended to be rezoned to GB (General Business) to match the zoning of the rest of these parcels.

HOFMANN-METZKER, INC.
Registered Professional Surveyors

By:

George A. Hofmann
George A. Hofmann
Registered Surveyor Number 6752



INTENT

The intent of this Rezoning is to Change that portion of PP 397-09-003 & 009 currently zoned R1-75 to General Business

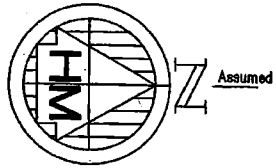


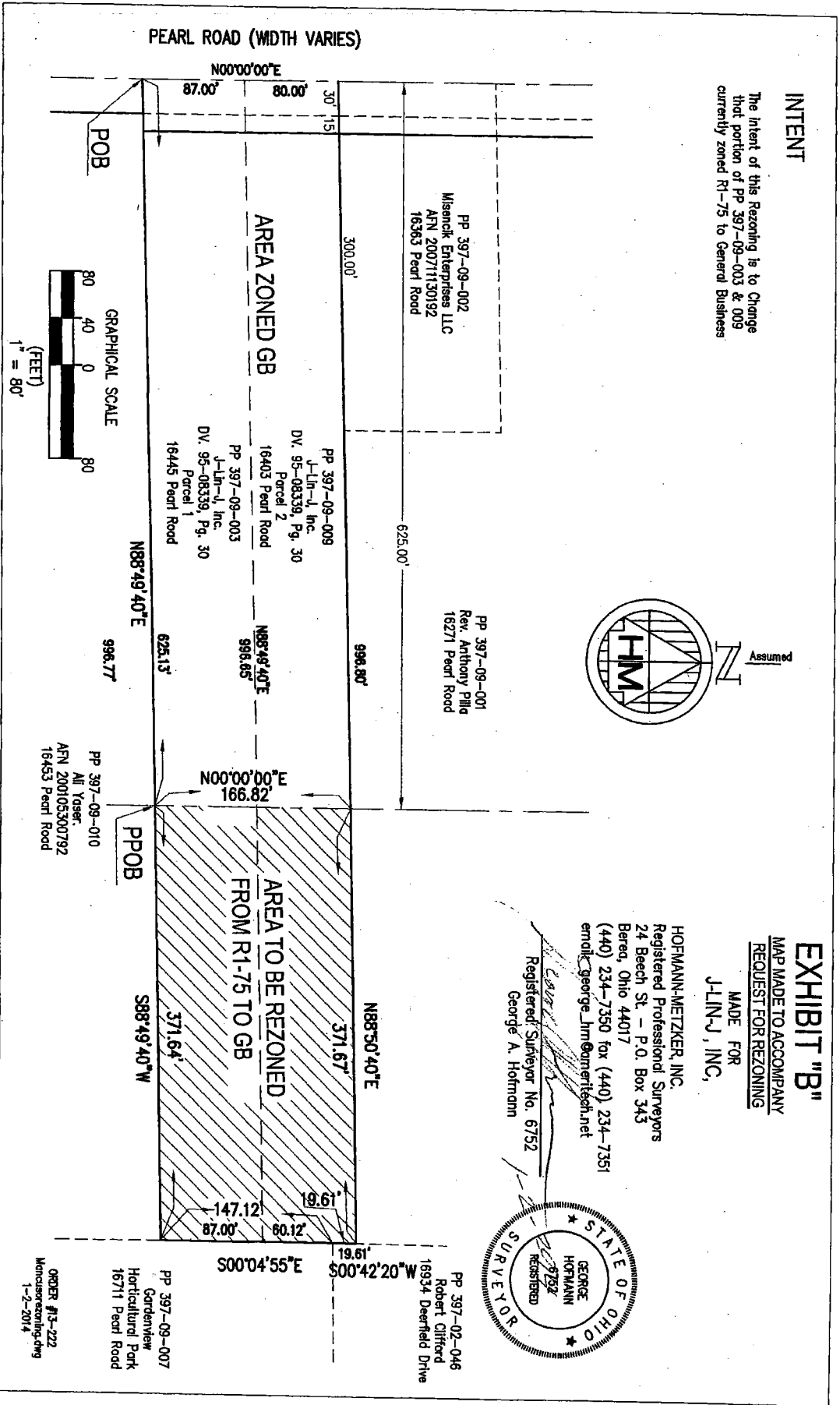
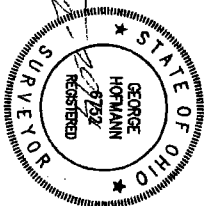
EXHIBIT "B"

MAP MADE TO ACCOMPANY
REQUEST FOR REZONING

MADE FOR
J-LIN-U, INC.

HOFMANN-METZKER, INC.
Registered Professional Surveyors
24 Beech St - P.O. Box 343
Berea, Ohio 44017
(440) 234-7350 fax (440) 234-7351
email: george_jim@hmetz.net

Registered Surveyor No. 6752
George A. Hofmann



ORDER #13-222
Misc/res zoning.dwg
1-2-2014

PROPERTY DESCRIPTION FORM

Ordinance Number: 2014-019

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: 16403 + 16445 Pearl Rd

Permanent Parcel No.: 397-09-009 + 397-09-003

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) East of Pearl Rd

Number and type of buildings which now occupy property (if any): ① House ② Kitchenette ③ 4 unit Apartment Bldg ④ 4 unit Apt Bldg

Acreage: Approx 3.8 Acres

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

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

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

Owner(s)	Percent of Ownership:
1. <u>J-LIN-J INC (FRAN + VINCE MARCUSO)</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %
	<u>Vince Marcuso</u> % <u>Francis Marcuso</u> Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 15th day of January, 2014.

Aliya Peabody
Notary Public



ALIYA PEABODY
NOTARY PUBLIC
STATE OF OHIO My commission expires _____
MY COMMISSION EXPIRES
OCTOBER 22, 2018

* 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.

PETITION FOR ZONING CHANGE

Ordinance Number: 2014-019

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 GB use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: _____

Future Development

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: _____

Future Development

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

1. All required documentation
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: Rezoning only for possible future development

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

Name: Jim Mancuso

Address: 14666 Regency Dr Strongsville, OH 44149

Telephone Number: 440-666-0952

Vincent Mancuso
Signature of Owner(s)
Francis Mancuso

State of Ohio)
County of Cuyahoga)



Sworn to and subscribed in my presence this 15th day of January, 2014.
ALIYA PEABODY
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
OCTOBER 22, 2018 My commission expires: _____
Aliya Peabody
Notary Public

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: Planning Commission

FROM: Leslie Seefried, Clerk of Council

DATE: February 4, 2014

SUBJECT: Referral from Council: Ordinance No. 2014-019

At its regular meeting of February 3, 2014, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2014-019 by Mr. Maloney. 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 16403 and 16445 PEARL ROAD (PARTS OF PPNS 397-09-009 and 397-09-003), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (J-LIN-J Inc. [Fran and Vince Mancuso], Owner. Proposed rezoning for possible future development.) *First reading 02-03-14.*

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

LJS
Attachment

MEMORANDUM

TO: Leslie Seefried, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: February 14, 2014

Please be advised that at its meeting of February 13, 2014 the Strongsville Planning Commission Tabled the following;

ORDINANCE NO. 2014-019

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 16403 and 16445 Pearl Road (Parts of PPNs 397-09-009 and 397-09-003), in the City of Strongsville from R1-75 (One Family 75) Classification to GB (General Business) Classification.

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

STRONGSVILLE ROTARY FOUNDATION/Bill Davison, Agent

Site Plan approval of a 2,915 SF Food Bank building and a 960SF Storage Garage located on Zverina Lane, PPN 396-08-005 zoned Public Facility. *ARB Favorable Recommendation 2-4-14.*

STRONGSVILLE BOARD OF EDUCATION/ Rodwell King, Agent

Site Plan approval of an 11,550 SF Temporary Classrooms while the High School is being renovated, located at 20025 Lunn Road, PPN 393-26-003 zoned Public Facility.

RECEIVED

FEB 28 2014

MEMORANDUM

CITY OF STRONGSVILLE
CITY COUNCIL

TO: Leslie Seefried, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: February 28, 2014

Please be advised that at its meeting of February 27, 2014 the Strongsville Planning Commission gave Favorable Recommendation the following;

FIELDSTONE PRESERVE-PHASE 2/ Greg Modic, Agent

Preliminary and Final Subdivision Plan approval of Phase 2 for the Fieldstone Preserve Subdivision consisting of 59 Single Family Sublots; property located on the west side of Pearl Road, north of Boston Road, PPN 394-31-003 zoned R1- 100. *ARB Favorable Recommendation 2-19-14.

RINI & RINI DEVELOPMENT/ George Hoffman, Agent

Modification of Subdivision Plat to remove cluster area designation and change to single family designation of PPN 393-23-021 located on Lunn Road zoned R1-75.

At that same meeting the Planning Commission left Ordinance No. 2014-019 Tabled and will hear it at the March 13, 2014 meeting.

ORDINANCE NO. 2014-019

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MEMORANDUM

TO: Amy Pientka, Acting Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: March 14, 2014

Please be advised that at its meeting of March 13, 2014 the Strongsville Planning Commission gave Favorable Recommendation the following;

STRONGSVILLE MIDDLE SCHOOL/Rodwell King, Agent

Site Plan approval of a 192,480 SF Middle School for property located at 13200 Pearl Road, PPN 392-30-006, and 007 zoned PF and R1-75. *ARB Favorable Recommendation 12-17-13. *BZA Variance Granted 2-12-14.

SPRINT COM INC./ April Adams, Agent

Site Plan approval for the replacement of 3 existing antennas with 3 new antennas for the Sprint co-location on an existing telecommunications tower located at 18778 Royalton Road, PPN 396-10-014 zoned Public Facility.

ORDINANCE NO. 2014-019

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ORDINANCE NO. 2014-035

An Ordinance amending Chapter 1212 of Title Two, Part Twelve-Planning and Zoning Code; amending Section 1273.05(c) of Title Six, Part Twelve-Planning and Zoning Code; and amending the Title of Prior Chapter 290 of Title Eight, Part Two-Administration Code of the Codified Ordinances of the City of Strongsville in order to streamline implementation of the Town Center District.