

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 085

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 ON PEARL ROAD (PART OF PPN 393-31-009 AND ALL OF PPN 393-31-010) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION.

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 properties located on Pearl Road (part of PPN 393-31-009 and all of PPN 393-31-010) from GB (General Business) classification to MS (Motorist Service) classification, which properties are more fully described in Exhibit A, and depicted in Exhibits B-1 and B-2, all attached hereto and incorporated herein by reference.

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

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

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

First reading: May 5, 2014 Referred to Planning Commission

Second reading: September 2, 2014 May 6, 2014

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2014 - 085
Page 2

Third reading: _____ Approved: _____

Public Hearing: _____

President of Council *Defeated* Approved: _____ Mayor

Date Passed: _____ Date Approved: _____

	<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. 2014-085 Amended: _____
1st Rdg. 05-05-14 Ref: PC/P2E
2nd Rdg. 09-02-14 Ref: _____
3rd Rdg. _____ Ref: _____
Tabled by PC 5/22/14

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: 09-02-14



DONALD G. BOHNING & ASSOCIATES, INC.

CIVIL ENGINEERING & SURVEYING

7979 HUB PARKWAY • VALLEY VIEW, OHIO 44125 • (216) 642-1130
FAX • (216) 642-1132

Consolidated Parcel "C"
DGB 4174-LSC

April, 2014

LEGAL DESCRIPTION

Situated in the City of Strongsville, County of Cuyahoga, and State of Ohio, and known as being part of Split Parcel "B", as shown by the Map of Survey and Lot Split recorded in Volume 371, Page 39 of Cuyahoga County Map Records, and part of Sublot 3 in Sunrise Development Co's. Pearl Road Subdivision, as shown by the plat recorded in Volume 229, Page 23 of Cuyahoga County Map Records, of part of Original Strongsville Township Lot 57, and bounded and described as follows:

Beginning at an iron monument found at an angle point in the centerline of Pearl Road (U.S. 42), 90 feet wide and variable, said angle point being distant southerly along said centerline of Pearl Road approximately 460 feet from its intersection with the centerline of Lunn Road;

Thence South 0 degrees 11 minutes 15 seconds West along the centerline of Pearl Road, 1758.07 feet to a point;

Thence South 89 degrees 39 minutes 35 seconds West, 45.00 feet to a drill hole set in the westerly line of Pearl Road at its intersection with the southerly line of Split Parcel "A" as shown by said Map of Survey and Lot Split, and the principal place of beginning of the parcel herein described;

Thence South 0 degrees 11 minutes 15 seconds West along the westerly line of Pearl Road, 165.12 feet to a capped iron pin found (D.G. Bohning Assoc.) at its intersection with the northerly line of Sublot 4 in Pearl Road Subdivision No. 2 as shown by the recorded plat in Volume 229, Page 105 of Cuyahoga County Map Records;

Thence South 89 degrees 39 minutes 35 seconds West along the northerly line of said Sublot 4, 228.00 feet to a nail found at an angle point, therein;


Thence North 0 degrees 11 minutes 15 seconds East along the northerly line of said Sublot 4, 25.00 feet to a capped iron pin found (D.G. Bohning Assoc.) at an angle point, therein;

Thence South 89 degrees 39 minutes 35 seconds West along the northerly line of said Sublot 4, 136.00 feet to an iron pin set;

Thence North 0 degrees 11 minutes 15 seconds East, 140.12 feet to a drill hole set in the southerly line of said Split Parcel "A";

Thence North 89 degrees 39 minutes 35 seconds East along the southerly line of said Split Parcel "A", 364.00 feet to the principal place of beginning, and containing 56,701 square feet or 1.3017 acres of land, according to the survey by Donald G. Bohning & Associates, Inc. dated April, 2014.

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.


Kenneth L. Bohning
Registered Surveyor No. 6720

m:\adcaddp\4174\documents\legal descriptions\2014\consolidated parcel c legal 4-7-14.doc

EXHIBIT A

PETITION FOR ZONING CHANGE

Ordinance Number: 2014-085

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 GB use to a class MS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: PARCEL IS SITUATED IN BUSINESS AREA WITH FRONTAGE OFF REAR ROAD

DUE TO NATURAL AND SHAPE OF LOT REZONING TO (MS) WILL ALLOW FOR INCREASED PROPERTY MANEUVERABILITY AND USE.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: LOCATED ON REAR ROAD BUSINESS SECTION

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

1. _____
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: AUTO SPECIALIST ON CAR

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

Name: TIMOTHY J. DEAN

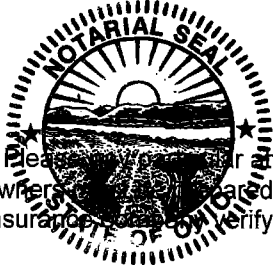
Address: 13000 WINDY RIDGE, STRONGSVILLE, OHIO 44149

Telephone Number: 440-846-2108

Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 21 day of April, 2014.



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

Christopher M. Byrnes
Notary Public
My Commission Expires: August 10, 2016

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

MILOR KNOWLTON, LLC

PROPERTY DESCRIPTION FORM

Ordinance Number: 2014-085

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: 16160 Pearl Run

Permanent Parcel No.: PPN # 393-31-009 (Portion of Property)

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) South of Knowlton Parkway

Number and type of buildings which now occupy property (if any): CURRENTLY 9,000 SF, VACANT BUILDING FORMERLY OCCUPIED BY MENDOZA.

Acreage: .4375 SURVORAL "B2"

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

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

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

Owner(s)	Percent of Ownership:
1. MILOR KNOWLTON, LLC	100% %
2.	%
3.	%

Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 21 day of August APRIL, 2014.

Christopher M. Byrnes
Notary Public



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

EYESMAN PROPERTIES, LLC

PETITION FOR ZONING CHANGE

Ordinance Number: 2014-085

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 CB use to a class M5 use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: PARCEL 393-31-010 FRONTS PEARL ROAD, SITUATED NORTH OF MARCY GREEN STONE. DUE TO NATURE, SIZE AND DEPTH OF LOT, REZONING TO (M5) WILL ALLOW FOR BEST USE OF PROPERTY.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: LOCATED ON PEARL ROAD IN BUSINESS SECTION.

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

- 1.
2.
3.

THE PROPOSED USE OF THE PROPERTY IS: AUTO SPECIALIST

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

Name: TIMOTHY J. DEAN
Address: 13000 DANIEL AVE., STRONGSVILLE, OHIO 44149
Telephone Number: 440-846-2108

Signature of Owner(s) [Handwritten Signature]

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 21 day of APRIL, 2014.

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



CHRISTOPHER M BYRNES
NOTARY PUBLIC - OHIO
My commission expires: August 10, 2016
My commission expires: August 10, 2016
My commission expires: August 10, 2016
My commission expires: August 10, 2016

Particular attention to the details in item number 4 on page one. The certified list of property insurance should 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: 2014-085

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: PEARL ROAD

Permanent Parcel No.: 393-31-010

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) SOUTH OF KNOWLTON PARKWAY

Number and type of buildings which now occupy property (if any): VACANT LAND

Acreage: .8642

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

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

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

Owner(s)	Percent of Ownership:
1. <u>EYESMAN PROPERTIES, LLC</u>	<u>100%</u> %
2. _____	_____ %
3. _____	_____ %

[Signature]
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 21 day of APRIL, 2014.

Christopher M. Byrnes
Notary Public



CHRISTOPHER M BYRNES
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES
AUGUST 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: Planning Commission

FROM: Aimee Pientka, Clerk of Council

DATE: May 6, 2014

SUBJECT: Referral from Council: Ordinance No. 2014-085

At its regular meeting of May 5, 2014, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2014-085 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 ON PEARL ROAD (PART OF PPN 393-31-009 and ALL OF PPN 393-31-010) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION. (Milor Knowlton, LLC, Owner [Tim Dean, Agent]; and Eyesman Properties, Owner [Tim Dean, Agent]. Proposed rezoning for possible auto specialist car care). First reading and referred to Planning Commission 05-05-14.

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

AKP
Attachment

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: May 23, 2014

Please be advised that at its meeting of May 22, 2014 the Strongsville Planning Commission Tabled the following;

ORDINANCE NO. 2014-085

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 on Pearl Road (Part of PPN 393-31-009 and all of PPN 393-31-010) in the City of Strongsville from GB (General Business) classification to MS (Motorist Service) classification.

Also at that meeting Planning Commission gave favorable recommendation to the following;

FLORENCE S. VENTRESKA/ Gino Ventresca, Agent

- a) Deviation to permit a subdivision without sanitary sewers at 22226 Boston Road, PPN 394-18-001 zoned R1-75, pursuant to Codified Ordinance Section 1228.01(i).
- b) Subdivision of PPN 394-18-004 property located at 22226 Boston Road zoned R1-75.

This approval is subject to an easement for the septic system.

MEMORANDUM

TO: Amie Pientka, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: June 6, 2014

Please be advised that at its meeting of June 5, 2014 the Strongsville Planning Commission Tabled the following;

ORDINANCE NO. 2014-085

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 on Pearl Road (Part of PPN 393-31-009 and all of PPN 393-31-010) in the City of Strongsville from GB (General Business) classification to MS (Motorist Service) classification.

Walter | Haverfield LLP
ATTORNEYS AT LAW

Nick R. Catanzarite
ncatanzarite@walterhav.com
216.928.2981 direct line
216.916.2358 direct fax

August 29, 2014

Via Email and Federal Express
aimee.pientka@strongsville.org

Aimee Pientka
Clerk of Council
Strongsville City Council
16099 Foltz Parkway
Strongsville, OH 44149

RECEIVED
SEP 02 2014
CITY OF STRONGSVILLE
CITY COUNCIL

Re: Withdrawal of Zoning Application for PPN 393-31-010 (the "Property")

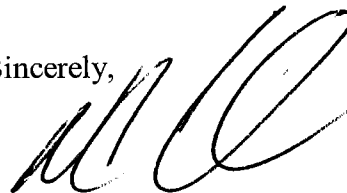
Dear Aimee:

Our firm represents Milor Knowlton, LLC in connection with its application to rezone the Property, which is owned by Eyesman Properties, LLC ("Eyesman"), from GB to MS in connection with the proposed Goodyear tire center project.

It is my understanding that Ordinance No. 2014-132, which amends sections of the zoning code regarding automotive uses in general business districts and motorist service districts, is scheduled for a public hearing before Council on September 2, 2014. If and when such Ordinance is passed by Council, I hereby request that the aforementioned rezoning application be formally withdrawn.

Please allow this letter to serve as formal notice of our desire to withdraw said application upon Council's approval of the Ordinance. Please contact me with any questions. Thank you.

Sincerely,



Nick Catanzarite

cc: Mayor Thomas P. Perciak (tom.perciak@strongsville.org)
Michael J. Daymut, Council President (mdaymut@aol.com)
Kenneth A. Kraus, Law Director (ken.kraus@strongsville.org)
Daniel J. Kolick, Assistant Law Director (dkolick@sbcglobal.net)
Timothy J. Dean (Tim Dean@Darice.com)