

Defeated 2-2-15.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 - 197

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 ROYALTON ROAD AND WEST 130th STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005).

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 Royalton Road and West 130th Street, from LB (Local Business) classification to MS (Motorist Service) classification (PPN 399-01-005), which property is more fully described in Exhibit "A" and as depicted in Exhibit "B", attached hereto and incorporated herein as if fully rewritten.

Section 2. That the Clerk of Council is hereby authorized to cause the necessary change 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: October 20, 2014 Referred to Planning Commission

Second reading: November 17, 2014 October 21, 2014

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2014 - 197
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Third reading: January 5, 2015 Approved: Favorable recommendation by PC
Public Hearing: January 5, 2015 11-6-14

President of Council

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: _____
Clerk of Council

CRD. No. 2014-197 Amended: _____
1st Rdg. 10-20-14 Ref: PC/P2E
2nd Rdg. 11-17-14 Ref: P2E
3rd Rdg. 01-05-15 Ref: P2E

Pub Hrg. 01-05-15 Ref: _____
Adopted: _____ Defeated: 02-02-15

PETITION FOR ZONING CHANGE

Ordinance Number: 2014-197

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 LB use to a class MS use.
(Local Business) (Motorist Service)

Such change is necessary for the preservation and enjoyment of a substantial property right because: Local zoning is overly restrictive by precluding a use that is in great demand in the

neighborhood. Rezone to MS would allow development that would provide and enhance
convenience for the neighborhood.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The proposed use fits harmoniously with other adjacent

commercial uses, provides convenience by enhancing neighborhood services, and will include
required screening between adjacent properties.

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

- 1. _____
- 2. _____
- 3. _____

THE PROPOSED USE OF THE PROPERTY IS: Gas Station/Convenience Store

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

Name: Mark Bush - Agent

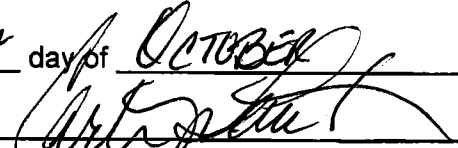
Address: 361 Summit Blvd. Suite 110, Birmingham, AL 35243

Telephone Number: 205-968-9220

Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 14 day of OCTOBER, 2014.


Notary Public

My commission expires: CARLA M. SANTORA
Notary Public - State of Ohio

* Please pay particular attention to the details in item number 4 on page one. The commission expires October 2, 2017. 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: 2014-197

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: Royalton Rd. (S.R. 82), Strongsville, OH

Permanent Parcel No.: 399-01-005

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Royalton Rd. (S.R. 82) to the north and w. 130th St. to the East.

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

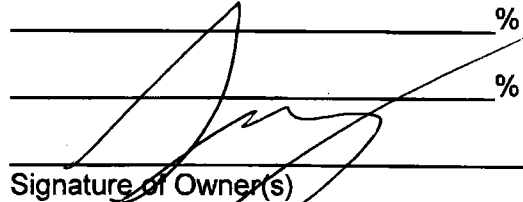
Acreage: 67,125 sqft or 1.541 acres

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): See attached Deed.

Said deed restrictions (will) (have) expire(d) on: December 29, 2007

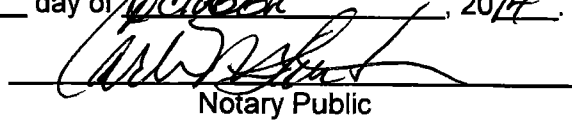
Said property is presently under lease or otherwise encumbered as follows: N/A

Owner(s)	Percent of Ownership:
1. <u>Petros Family LTD PA</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %


Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 6th day of October, 2014.


Notary Public

My commission expires _____
CARLA M. SANTORA
Notary Public - State of Ohio
Recorded in Cuyahoga County
My Commission Expires December 2, 2017

* 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.

EXHIBIT "A"

SITUATED IN THE TOWNSHIP OF STRONGSVILLE, COUNTY OF CUYAHOGA, STATE OH OHIO:

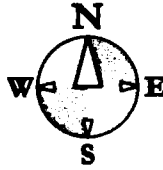
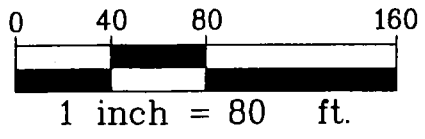
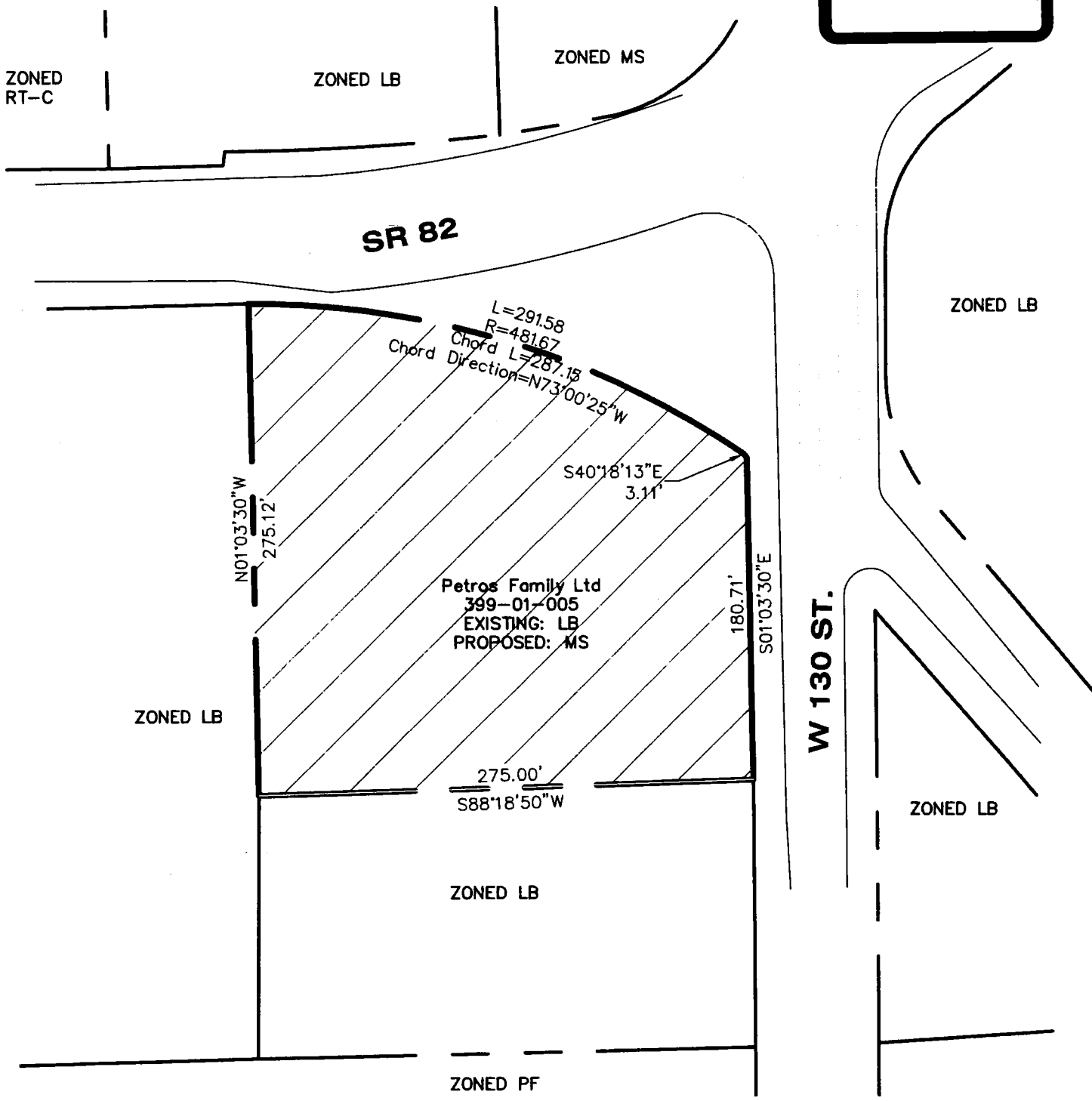
AND KNOWN AS BEING PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT NO. 5 AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING IN THE WESTERLY LINE OF WEST 130TH STREET, 80 FEET WIDE, AT THE NORTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO FRANK W. DONNER BY DEED RECORDED IN VOLUME 10122, PAGE 160 OF CUYAHOGA COUNTY RECORDS; THENCE SOUTH 88° 18' 50" WEST ALONG THE NORTHERLY LINE OF SAID LAND, 275.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LAND; THENCE NORTH 1° 03' 30" WEST ALONG THE PROLONGATION NORTHERLY OF THE WESTERLY LINE OF SAID LAND COVED TO FRANK W. DONNER, BEING ALSO THE EASTERLY LINE OF A PARCEL OF LAND CONVEYED TO HARRY NICHOLSON BY DEED RECORDED IN VOLUME 7480, PAGE 644 OF CUYAHOGA COUNTY RECORDS, 275.12 FEET TO A POINT IN THE SOUTHERLY CURVED LINE OF ROYALTON ROAD AS SHOWN BY THE RECORDED PLAT IN VOLUME 125, PAGE 18 OF CUYAHOGA COUNTY RECORDS; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY CURVED LINE OF ROYALTON ROAD, BEING THE ARC OF A CIRCLE DEFLECTING TO THE RIGHT, 291.58 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF EDGERTON ROAD, 60 FEET WIDE; SAID ARC HAVING A RADIUS OF 481.67 FEET AND A CHORD WHICH BEARS SOUTH 73° 00' 25" EAST, 287.15 FEET; THENCE SOUTH 40° 18' 13" EAST ALONG THE SOUTHWESTERLY LINE OF EDGERTON ROAD, 60 FEET WIDE, 3.11 FEET TO ITS INTERSECTION WITH THE WESTERLY LINE OF WEST 130TH STREET, 80 FEET WIDE; THENCE SOUTH 1° 03' 30" CAST ALONG THE WESTERLY LINE OF WEST 130TH STREET 180.71 FEET TO THE PLACE OF BEGINNING ACCORDING TO THE SURVEY OF WARREN J. ROOT & ASSOCIATES, CIVIL ENGINEERS & SURVEYORS, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS. THE COURSES USED IN THIS DESCRIPTION ARE GIVEN TO A ASSUMED MERLDIAN, AND ARE USED TO INDICATE ANGLES ONLY.

LESS AND EXCEPT THE DESCRIPTION RECORDED 07/25/2013 IN DOCUMENT NO. 200307250669, AND RE-RECORDED 10/07/2033 IN DOCUMENT NO. 200310071633

TAX I.D. NUMBER: 399-01-005

EXHIBIT B



DIMENSIONS SHOWN ALONG PROPERTY, RIGHT-OF-WAY AND/OR LEASE LINES ARE PRELIMINARY AND SHOWN FOR INFORMATIONAL PURPOSES ONLY



hurley & stewart, llc
 2800 south 11th street
 kalamazoo, michigan 49009
 269.552.4960 fax 269.552.4961
 www.hurleystewart.com

Job No.: 14-011
 Date: 10/02/14
 Scale: AS NOTED
 P.M.: TM
 DfT: AS
 QA/QC: 10/02/14

Title:
 Project:
 Client:

**Petition for Rezone
 Zoning Change App
 City of Strongsville**

Drawing No.

1

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: October 10, 2014

SUBJECT: Rezoning Application
Petros Family LTD PA, Owners; Mark Bush, Agent
PPNs 399-01-005
From LB 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.

akp
Attachments

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

City of Strongsville
Memorandum

RECEIVED
OCT 10 2014
CITY OF STRONGSVILLE
CITY COUNCIL

To: Ken Kraus, Law Director

CC: Mayor Thomas Perciak
Aimee Pientka, Clerk of Council

From: Lori Daley, Engineering

Date: October 10, 2014

Re: Rezoning Application
Petros Family LTD PA, Owners
Mark Bush, Agent
PPN 399-01-005
From LB to MS

Ken,

The legal description included in the Clerk of Council's October 10, 2014 memo regarding the above referenced parcel appears to accurately describe the area be rezoned.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Aimee Pientka, Clerk of Council

DATE: October 20, 2014

SUBJECT: Referral from Council: Ordinance No. 2014-197

At its regular meeting of October 20, 2014, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2014-197 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 ROYALTON ROAD AND WEST 130TH STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005). First reading and referred to Planning Commission on 10-21-14.

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

AKP
Attachment

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: November 7, 2014

Please be advised that at its meeting of November 6, 2014 the Strongsville Planning Commission gave Favorable Recommendation to the following;

CLOVER CONSTRUCTION/ Nate Bellinger, Agent

Approval of two (2) Sanitary Sewer Easements and vacation of two (2) Sanitary Sewer Easements, **subject to the receipt by the Law Department of the final easements.**

T-Mobile/ Chris Galloway, Agent

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

Ordinance No. 2014-197

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1253.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of Certain Real Estate located at Royalton Road and West 130th Street, in the City of Strongsville from LB (Local Business) Classification to MS (Motorist Service) Classification (Part of PPN 399-01-005).