

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 229

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 VACANT REAL ESTATE LOCATED NEAR WESTWOOD DRIVE AND OLYMPUS WAY (PART OF PPN 392-30-006) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO PF (PUBLIC FACILITIES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

WHEREAS, the owner of vacant property located near Westwood Drive and Olympus Way, being part of permanent parcel number 392-30-006, (the "property") has submitted a petition to the City requesting rezoning of the property from R1-75 (One Family 75) to PF (Public Facilities); 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 PF (Public Facilities) 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 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 process rezoning of such property in order to meet the deadline for submittal of this issue to the ballot in accordance with law, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: December 1, 2014 Referred to Planning Commission
 Second reading: December 15, 2014 December 2, 2014
 Third reading: January 20, 2015 Approved: January 21, 2015
 Public Hearing: January 20, 2015

Michael Daymut
 President of Council

Approved: Thomas B. Burier
 Mayor

Date Passed: January 20, 2015

Date Approved: January 21, 2015

	<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	<u>Absent</u>	_____
Schonhut	<input checked="" type="checkbox"/>	_____
Southworth	<u>Absent</u>	_____

Attest: Jimmi Pientko
 Clerk of Council

ORD. No. 2014 - 229 Amended: _____
 1st Rdg. 12-1-14 Ref: PC/PZE
 2nd Rdg. 12-15-14 Ref: PC/PZE
 3rd Rdg. 1-20-15 Ref: _____

 Pub Hrg. 01-20-15 Ref: _____
 Adopted: 1-20-15 Defeated: _____

PETITION FOR ZONING CHANGE

Ordinance Number: 2014-229

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 (residential) use to a class PF (public facilities) use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The Strongsville City School District Board of Education ("Board of Education") purchased the subject property for school purposes. Specifically, the Board of Education intends to grade out the property so that it may be used as physical education space, including a football practice field and track (shot and discus) space. At the current time, the Board of Education does not intend to build any structures on the space. The property is adjacent to Board of Education property on the east and north sides. The property that is the subject of this petition was split from two other parcels and consolidated with parcel number 392-30-006, which is already owned by the Board of Education and zoned for public facilities use. The Board now seeks to have the zoning changed on this newly acquired land to conform with the zoning already placed on the balance of this parcel, and to permit the Board of Education to use it for school purposes.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The Board of Education respectfully submits that development of the subject property for school use will not be detrimental to the use of any neighboring properties. The property will be used solely as a physical education space, primarily for practice uses for the football and track programs. It is important to note that the property is adjacent to other property also owned by the Board of Education, and has been consolidated with an existing parcel already zoned for public facilities use. The Board of Education does not believe that such use will in any way interfere with or be detrimental to neighboring property owners.

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

1. Fourteen (14) copies of two (2) deeds reflecting the Board of Education's ownership of the property.
2. Fourteen (14) copies of a map of the property prepared by Hofmann-Metzker, Inc., registered surveyors.
3. Fourteen (14) copies of the legal description of the subject property.

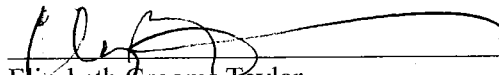
THE PROPOSED USE OF THE PROPERTY IS: As set forth above, the Board of Education intends to grade out the property so that it may be used as physical education space, including a football practice field and track (shot and discus) space.

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

Name: Strongsville City School District Board of Education

Address: 13200 Pearl Road, Strongsville, Ohio 44136

Telephone Number: (440) 572-7000 (Mark Donnelly, Business Director)


Elizabeth Grooms Taylor
Attorney for Owner, Strongsville City School District Board of Education


State of Ohio)
County of Cuyahoga)

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

RECEIVED

NOV 14 2014

CITY OF STRONGSVILLE
CITY COUNCIL


Notary Public

My Commission Expires: May 31, 2018

Sarah Brainard
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 5.31.18

PROPERTY DESCRIPTION FORM

Ordinance Number: 2014-229

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: The property that is the subject of this petition was split from two other parcels and consolidated with parcel number 392-30-006. See the attached survey map. It does not have a separate address.

Permanent Parcel Number: The property that is the subject of this petition was split from two other parcels and consolidated with parcel number 392-30-006. See the attached survey map. The remainder of parcel number 392-30-006 is already zoned for public utilities use.

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) The property is bordered to the east and north by property owned by the Board of Education. To the west and south, the property is bounded by single family residences.

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

Acreage: Approximately 1.125 acres

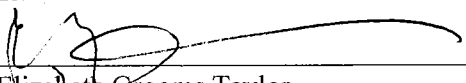
Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): None

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

Said property is presently under lease or otherwise encumbered as follows: None

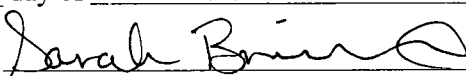
Nine (9) copies of a written legal description and nine (9) copies of a survey plat of this property, prepared by a registered surveyor, are hereto attached and made part of this property description.

Owner(s)	Percent of Ownership:
1. <u>Strongsville City School District Board of Education</u>	<u>100%</u>
2. _____	_____
3. _____	_____


Elizabeth Grooms Taylor
Attorney for Owner, Strongsville City School District Board of Education

State of Ohio)
County of Cuyahoga)

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


Notary Public

Sarah Brainard
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 5.31.18

My Commission Expires: May 31, 2018

*Please pay attention to the details in item number 5 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.

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

Strongsville Board of Education
Rev: 10-29-2013

DESCRIPTION
0.876 Acres
EXHIBIT "A"

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being the Northerly 0.876 Acres of land conveyed to the Board of Education of the Strongsville City School District by deed recorded in AFN 201308010442 of part of Original Strongsville Township Lot No. 55, and further bounded and described as follows:

Beginning at an Iron pin in a monument box reference at the intersection of the centerline of Westwood Drive (60') with the Westerly line of said Original Lot No. 55, said point being distant South 81 degrees 30 minutes 23 seconds East, 190.22 feet from the intersection of said centerline of Westwood Drive with the centerline of Olympus Way (60');

Thence South 80 degrees 09 minutes 01 seconds East along said centerline, a distance of 50.00 feet to the Southwesterly corner of said land conveyed;

Thence North 01 degrees 18 minutes 50 seconds East along the Westerly line of said land, a distance of 357.11 feet to an Iron Pin Set at the principal place of beginning;

Thence continuing North 01 degrees 18 minutes 50 seconds East, a distance of 303.99 feet to the Northwesterly corner of said land conveyed to the Board of Education of the Strongsville City School District, (axle shaft with punch mark found 0.45'E-0.58'S)

Thence North 84 degrees 05 minutes 29 seconds East along the Northerly line of said land, a distance of 119.77 feet to the Northeasterly corner thereof, (5/8" Iron Pin Found 0.38'E-0.37'S);

Thence South 01 degrees 12 minutes 09 seconds West along the Easterly line of said land, a distance of 336.40 feet to a point, (5/8" Iron Pin Found 0.46'E- 1.11'N);

Thence North 80 degrees 25 minutes 26 seconds West, a distance of 120.73 feet to the principal place of beginning and containing 38,149.412 Sq. Ft. - 0.876 Acres of land according to a survey by George A. Hofmann, Registered Surveyor No. 6752.

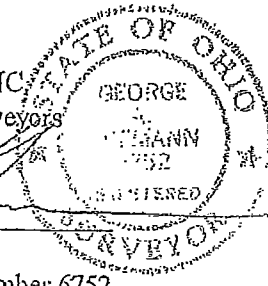
The basis of bearings is the centerline of Westwood Road in Original Lot No. 55, bearing South 80 degrees 09 minutes 01 seconds East. The courses used in this description are used to indicate angles only.

Distances are given in feet and decimal parts thereof.

HOFMANN-METZKER, INC.
Registered Professional Surveyors

By:

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



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

Strongsville Board of Education
3-12-2014

DESCRIPTION

Split from Hickle (0.249 Acres)
EXHIBIT "A"

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Parcel "A" of a Lot Split And Consolidation made for the John Sokolowski and recorded in Vol. 340 , Pg. 1 of Cuyahoga County Map Records, of part of Original Strongsville Township Lot No. 55, and further bounded and described as follows:

Beginning at an Iron pin in a monument box reference at the intersection of the centerline of Westwood Drive (60') with the Westerly line of said Original Lot No. 55, said point being distant South 80 degrees 09 minutes 23 seconds East, 190.22 feet from the intersection of said centerline of Westwood Drive with the centerline of Olympus Way (60');

Thence South 80 degrees 09 minutes 01 seconds East along said centerline, a distance of 50.00 feet to the Southeasterly corner of Parcel "B" in in said lot split and consolidation;

Thence North 01 degree 18 minutes 50 seconds East along the Easterly line of said Parcel "B" and Parcel "A", a distance of 438.46 feet to an Iron Pin Set at the principal place of beginning;

Thence North 88 degrees 41 minutes 10 seconds West , a distance of 49.36 feet to an Iron Pin set on the Westerly line of said Parcel "A" ;

Thence North 01. degree 18 minutes 21 seconds East along said Westerly line, a distance of 216.38 feet to the Northwesterly corner of said Parcel "A" (5/8" Iron Pin Found capped 6752/7477, 0.22°W-0.09°S);

Thence North 84 degrees 05 minutes 29 seconds East along the Northerly line of said Parcel "A", a distance of 49.78 feet to the Northeasterly corner thereof (Axle w/punch mark found 0.45' E-0.58°S);

Thence South 01 degree 18 minutes 50 seconds West along the Easterly line of said Parcel "A", a distance of 222.64 feet to the principal place of beginning and containing 10,837.796 Sq. Ft. - 0.249 Acres of land according to a survey by George A. Hofmann, Registered Surveyor No. 6752.

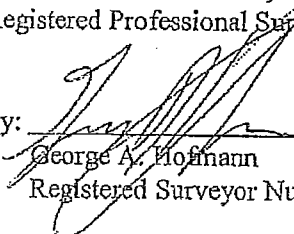
Page 2
Split from Hickle
0.249 Acres

The basis of bearings is the centerline of Westwood Road in Original Lot No. 55, bearing South 80 degrees 09 minutes 01 seconds East. The courses used in this description are used to indicate angles only.

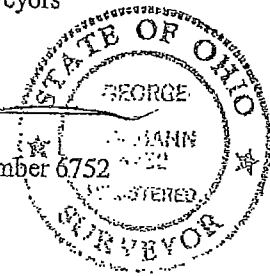
Distances are given in feet and decimal parts thereof. Iron Pin Set are 5/8" rebar, 30" long capped 6752/7477.

HOFMANN-METZKER, INC.
Registered Professional Surveyors

By:


George A. Hofmann

Registered Surveyor Number 6752



CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: November 14, 2014

SUBJECT: Rezoning Application
Strongsville City School District, Owners;
Mark Donnelly, Business Director
PPN 392-30-006
From R1-75 to PFD

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

To: Ken Kraus, Law Director

CC: Mayor Thomas Perciak
Aimee Pientka, Clerk of Council

From: Lori Daley, Engineering

Date: November 17, 2014

Re: Rezoning Application
Strongsville City School District, Owners
Mark Donnelly, Business Director
Part of PPN 392-30-006
From R1-75 to PF

Ken,

The legal descriptions included in the Clerk of Council's November 14, 2014 memo regarding a portion of the above referenced parcel appear to accurately describe the areas be rezoned.

Also included in the memo is a legal description for a parcel of land that was conveyed to the School District that is **not** part of the rezoning request.

For clarity, attached are the legal descriptions included in the application that reflect the areas to 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: December 2, 2014
SUBJECT: Referral from Council: Ordinance No. 2014-229

At its regular meeting of December 1, 2014, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2014-229 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 VACANT REAL ESTATE LOCATED NEAR WESTWOOD DRIVE AND OLYMPUS WAY (PART OF PPN 392-30-006) IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO PF (PUBLIC FACILITIES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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

AKP
Attachment

MEMORANDUM

RECEIVED
DEC 05 2014
CITY OF STRONGSVILLE
CITY COUNCIL

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 5, 2014

Please be advised that at its meeting of December 4, 2014 the Strongsville Planning Commission gave Favorable Recommendation to the following;

Ordinance No. 2014-229

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 vacant real estate located near Westwood Drive and Olympus Way (Part of PPN 392-30-006) in the City of Strongsville from R1-75 (One Family 75) classification to PF (Public Facilities) classification.