

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 021

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 13621 ON~~ ROYALTON ROAD (PPN 398-29-019) IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, 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 13621 on~~ Royalton Road (PPN 398-29-019), in the City of Strongsville, from LB (Local Business) classification to R-RS (Restaurant-Recreational Services) classification, 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 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 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, and to enhance economic development within the City. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members

CITY OF STRONGSVILLE, OHIO
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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: February 2, 2015 Referred to Planning Commission
 Second reading: February 17, 2015 February 3, 2015
 Third reading: April 20, 2015 Approved: February 12, 2015 *Favorable Recommendation by PC*
 Public Hearing: April 6, 2015

Michael Daymut
 President of Council

Approved: Thomas S. Bruud
 Mayor

Date Passed: April 20, 2015

Date Approved: April 21, 2015

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

Attest: Dinze Pientka
 Clerk of Council

C7D. No. 2015-021 Amended: 2-17-15
 1st Rdg. 2-2-15 Ref: PC/P2E
 2nd Rdg. 2-17-15 Ref: P2E
 3rd Rdg. 04-20-15 Ref: _____

 Pub Hrg. 4-6-15 Ref: _____
 Adopted: 04-20-15 Defeated: _____

SUBJECT

10
Dec

QUIT-CLAIM DEED—with Dover Clause—No. 89-B

487671

The Ohio Legal Blank Co. Cleveland
Publishers and Dealers Since 1883

Know all Men by these Presents

That, FLORENCE SARCYK, a Married Person

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who claim title by or through instrument, recorded in Volume _____, Page _____, the Grantor,

County Recorder's Office, for the consideration of

Ten and no/100 _____ Dollars (\$10.00)

received to her full satisfaction of FLORENCE SARCYK TRUST

whose TAX MAILING ADDRESS will be 9940 Forest View Terrace
Brecksville, Ohio 44141 the Grantee,

have Given, Granted, Releized, Released and Forever Quit Claimed and do by these presents absolutely give, grant, remise, release and forever quit-claim unto the said grantee, its successors and assigns forever, all such right and title as she, the said grantor, has or ought to have in and to the following described piece or parcel of land, situated in the City of Strongsville County of Cuyahoga and State of Ohio:

ALL OF MY RIGHT, TITLE AND INTEREST IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

And known as being a part of Original Strongsville Township Lot No. 6 and bounded as described as follows:
Beginning in the westerly line of West 130th Street at the Northeast corner of land conveyed to the Tremarco Corporation by deed recorded in Volume 8632, Page 279 of Cuyahoga County Deed Records; thence South 88°-57'55" West 150.00 feet along the Northerly line of land so conveyed to the Tremarco Corporation to the Northwest corner thereof; thence South 01°-02'-05" East along the Westerly line of land so conveyed to Tremarco Corporation 5.80 feet to a point therein and principle place of beginning; Thence continuing South 01°-02'-05" East along the Westerly line of land so conveyed to the Tremarco Corporation, 144.20 feet to the Northerly line of Royalton Road; Thence Westerly on the said Northerly line of Royalton Road on the arc of a curve deflecting to the right 157.17 feet and having a radius of 779.02 feet, the chord of which bears South 82°-18'07" West 156.91 feet to a point of tangency therein; Thence continuing along the said Northerly line of Royalton Road South 01°-55'-05" East 10.00 feet to a point therein; Thence continuing South 88°-04'-55" West along the said Northerly line of Royalton Road 64.29 feet to a point therein; Thence North 01°-02'-05" West and parallel to the Westerly line of land conveyed to the Tremarco Corporation as aforesaid 170.00 feet; Thence North 88°-04'-55" East and parallel with the center line of said Royalton Road 220.00 feet to a point in the Westerly line of land conveyed to the Tremarco Corporation as aforesaid and the principal place of beginning.

Permanent Parcel No.: 398-29-019

PARCEL NO.

CONVEYANCE IS IN COMPLIANCE WITH SEC. 319.202 O.R.C.
PAID

APR 29 1993

J. Timothy McCornack
CUYAHOGA COUNTY AUDITOR

THE GREAT SEAL OF THE U.S. DEPARTMENT OF THE INTERIOR
COMMISSIONER OF LANDS AND MINES
RECEIVED FOR THE DEPT.

Conveyance Fee TYPE _____ Receipt No. _____
J. TIMOTHY MCCORNACK, Cuyahoga County Auditor Deputy

EXHIBIT A

To Have and to Hold the premises aforesaid, with the appurtenances thereunto belonging to the said grantee, its successors heirs and assigns, so that neither the said grantor, nor her heirs, nor any other persons claiming title through or under her, shall or will hereafter claim or demand any right or title to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred. And for valuable consideration

do hereby remise, release and forever quit-claim unto the said grantee, heirs and assigns, all right and expectancy of power in the above described premises.

In Witness Whereof, I have hereunto set my hand, the 27th day of April, in the year of our Lord one thousand nine hundred and ninety-three.

Signed and acknowledged in presence of
[Signature]
[Signature]
FLORENCE SARGYK

State of Ohio, ss. Before me, a Notary Public
Cuyahoga County, in and for said County and State, personally appeared
the above named FLORENCE SARGYK

who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Brecksville, Ohio this 27th day of April, A. D. 1993

Prepared by: ROGER A. WADSWORTH, Attorney
NOTARY PUBLIC
8927 Brecksville Road
Brecksville, Ohio 44141
(216) 526-6722



93 APR 29 PM 12:00

FLORENCE SARGYK, a Married Person

TO

FLORENCE SARGYK TRUST

Transferred _____ 19__

COUNTY AUDITOR _____

State of Ohio

County of _____ 55

Recorded for Record in the

_____ day of _____ 19__

at _____ o'clock _____ M.

and Recorded _____ 19__ in

Book _____ Page _____

COUNTY RECORDER _____

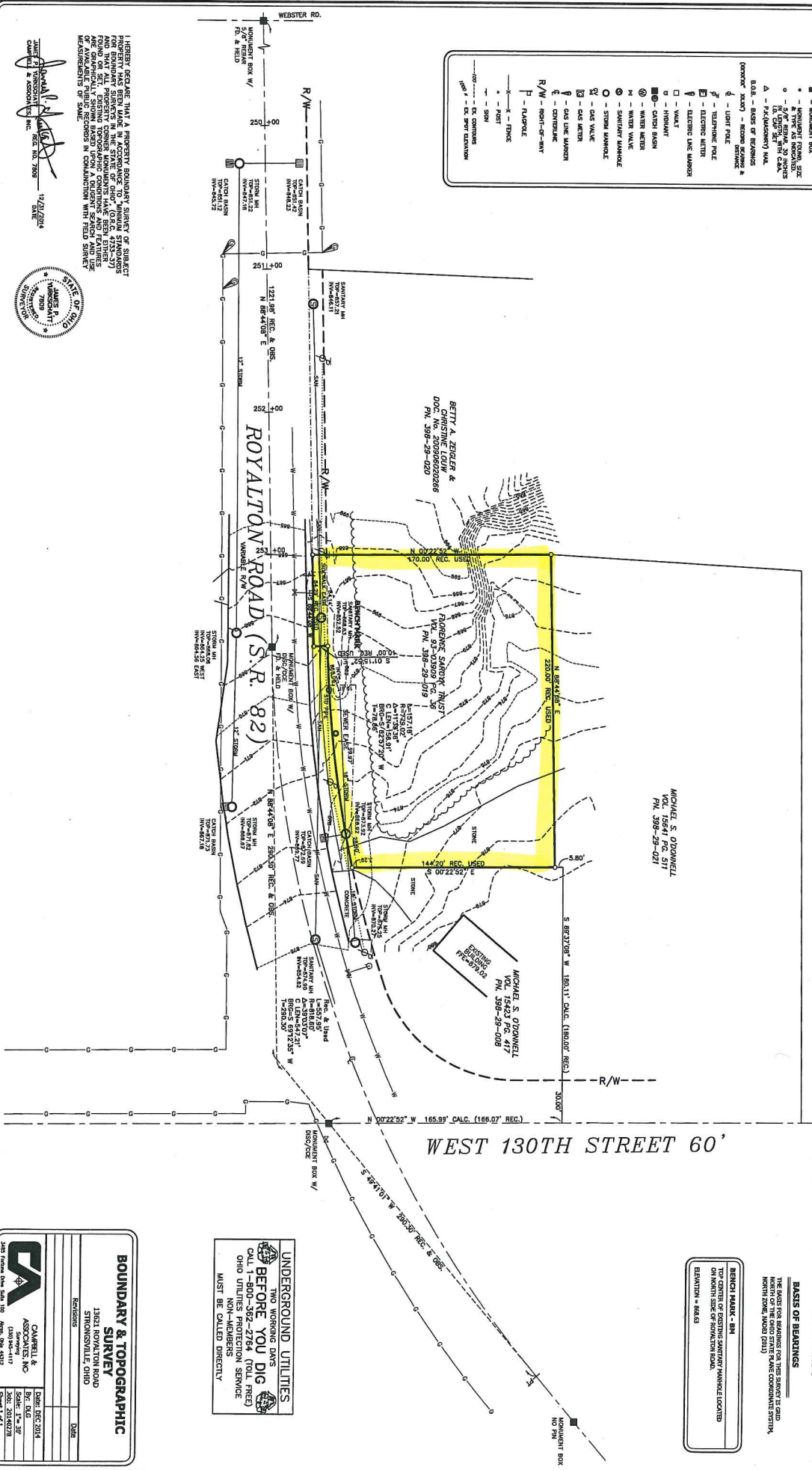
This instrument prepared by:
ROGER A. WADSWORTH
8927 BRECKSVILLE RD.
BRECKSVILLE, OH 44141

STATE OF OHIO, COUNTY OF CUYAHOGA
 CITY OF STRONGSVILLE
 BEING PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT 6

EXHIBIT B

LEGEND

REC. - RECORD DISTANCE
 CALC. - CALCULATED DISTANCE
 ORS. - ON ROAD SURVEY
 ORS. - OFF ROAD SURVEY
 T/O.D.L. - TRUE PLACE OF
 F.O.A. - PLACE OF BEGINNING
 M. - MONUMENT BOX
 M. - MONUMENT BOX, SIZE
 6" x 6" x 6", 20 INCHES
 12" x 12" x 12" IN CASE
 18" x 18" x 18" IN CASE
 A. - FACQUONOMETRY WALL
 S.I.B. - BASIS OF BEARINGS
 (OCCUPY 2007) - RECORD SURVEY A
 4. - LIGHT POLE
 5. - TELEPHONE POLE
 6. - ELECTRIC METER
 7. - ELECTRIC LINE MARKER
 8. - WALK
 9. - HYDRANT
 10. - CATCH BASIN
 11. - WATER METER
 12. - WATER VALVE
 13. - SANITARY MANHOLE
 14. - STORM MANHOLE
 15. - GAS VALVE
 16. - GAS METER
 17. - GAS LINE MARKER
 18. - CONDUIT
 R/W - RIGHT-OF-WAY
 P - PLANT
 X - FENCE
 * - BENT
 * - SIGN
 * - STAKE
 * - E.C. CORNER
 * - E.C. SPOT ELEVATION



I HEREBY DECLARE THAT A PROPERTY BOUNDARY SURVEY OF SUBJECT LOT 6 HAS BEEN MADE IN ACCORDANCE TO MINIMUM STANDARDS FOR SURVEYING PRACTICE IN OHIO. I HAVE FOUND THAT ALL PROPERTY CORNER MONUMENTS HAVE BEEN EITHER FOUND OR RECONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND ARE GRAPHICALLY SHOWN BASED UPON A DILIGENT SEARCH AND USE OF MEASUREMENTS OF SAME.

Michael S. O'Donnell
 MICHAEL S. O'DONNELL, INC.
 12/21/2014
 DATE



MICHAEL S. O'DONNELL
 VOL. 15641 PG. 511
 PK. 398-29-021

MICHAEL S. O'DONNELL
 VOL. 15641 PG. 511
 PK. 398-29-008

WEST 130TH STREET 60'



BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS SURVEY IS THE GRID NORTH OF THE 2011 STATE PLANE COORDINATE SYSTEM, NAD 83 (NAD 83) ZONE 16N (NAD 83).

SEARCH MARK - B.M.
 THE POSITION OF THE SEARCH MARK IS LOCATED ON NORTH SIDE OF ROYALTOWN ROAD.
 BEARINGS - 86.63

UNDERGROUND UTILITIES
 TWO WORKING DAYS
BEFORE YOU DIG
 CALL 1-800-362-2764 (TOLL FREE)
 OHIO UTILITIES PROTECTION SERVICE
 MUST BE CALLED DIRECTLY

BOUNDARY & TOPOGRAPHIC SURVEY

1321 ROYALTOWN ROAD
 STRONGSVILLE, OHIO

CA
 CANNIBELL &
 ASSOCIATES, INC.
 1321 ROYALTOWN ROAD
 STRONGSVILLE, OHIO 44131
 (330) 944-1117
 FAX: (330) 402-7778

DATE: _____
 SHEET 1 OF 1

PETITION FOR ZONING CHANGE

Ordinance Number: 2015-021

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 R-RS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The current zoning of LB gives commercial use but limits this type if only in a multi-tenant building. This site is too small for a multi-tenant building. Furthermore the use is consistent with the area.
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 is consistent with other area uses

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

1. floor plan
2. site plan
3. elevations

THE PROPOSED USE OF THE PROPERTY IS: Dunkin' Donuts

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

Name: Ken Blum

Address: 2595 Center Road, Hinckley, Ohio 44233

Telephone Number: (508) 688-4820

[Signature]
Signature of Owner(s)

State of Ohio)
County of ~~Cuyahoga~~) PORTAGE

Sworn to and subscribed in my presence this 8th day of JANUARY, 2015

[Signature]
Notary Public
My commission expires: _____

* 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.

THOMAS JACKMAN, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration
Date: Section 147.03 R.C.



PROPERTY DESCRIPTION FORM

Ordinance Number: 2015-021

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: 13621 Royalton Road

Permanent Parcel No.: 398 29 019

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Royalton Road (south)

Number and type of buildings which now occupy property (if any): none/vacant

Acreage: .82 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: n/a

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

[Signature]
Signature of Owner(s) Kenneth A. Blum Mager

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 8th day of January, 2015.



[Signature]
Notary Public
TITUS JACKMAN, Attorney at Law
Notary Public, State of Ohio
My Commission expires _____
Date. Section 147.03 R.C.

* 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: Aimee Pientka, Clerk of Council

DATE: January 14, 2015

SUBJECT: Rezoning Application
Ken Blum, Purchaser of Property;
PPN 398-29-019
From LB to R-RS (Proposed Dunkin Donuts)

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: January 14, 2015

Re: Rezoning Application
Ken Blum, Purchaser of Property
PPN 398-29-019
From LB to R-RS (Proposed Dunkin Donut)

Ken,

The legal description included in the Clerk of Council's January 14, 2015 memo regarding the above referenced parcel appears to accurately describe the area 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: February 3, 2015
SUBJECT: Referral from Council: Ordinance No. 2015-021

At its regular meeting of February 2, 2015, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2015-021 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 13621 ROYALTON ROAD (PPN 398-29-019) IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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: February 13, 2015

Please be advised that at its meeting of February 12, 2015, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE 2015-021

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 Royalton Road (PPN 398-29-019) in the City of Strongsville from LB (Local Business) Classification to R-RS (Restaurant-Recreational Services) Classification.

Also, at that same meeting the Planning Commission set for Public Hearing on February 26, 2015, the following;

ORDINANCE 2015-008

An Ordinance approving and adopting the 2015 Comprehensive Plan update for the City of Strongsville.

City of Strongsville

Memorandum

To: Ken Kraus, Law Director

CC: Mayor Perciak
Dan Kolick, Assistant Law Director
Aimee Pientka, Clerk of Council

From: Lori Daley, Design Engineer

Date: February 9, 2015

Re: Ord. 2015-021
Rezoning Application
Ken Blum, Purchaser of Property
PPN 398-29-019
From LB to R-RS (Dunkin Donuts)

Ken,

Please note, the permanent parcel number referenced above is a vacant parcel and should be referenced as such in Ord. 2015-021. An official address will be assigned after building plans are submitted along with a permit application.

Please feel free to contact me with any questions.

Thank you.