

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 056

By: Mr. Daymut

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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST-SERVICE)~~ **CS (COMMERCIAL SERVICE)** CLASSIFICATION (PPN 395-03-006), 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 9200 Pearl Road in the City of Strongsville, from R-RS (Restaurant-Recreational Services) classification to ~~MS (Motorist-Service)~~ **CS (Commercial Service)** classification (PPN 395-03-006) 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 changes in zoning classifications 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, to enhance economic development within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of

CITY OF STRONGSVILLE, OHIO  
 ORDINANCE NO. 2016 - 056  
 Page 2

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: March 7, 2016

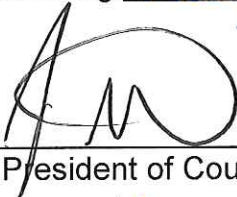
Referred to Planning Commission

Second reading: April 4, 2016

March 8, 2016  
 Favorable recommendation by PC  
 Approved: 3-31-16

Third reading: July 18, 2016

Public Hearing: May 16, 2016

  
 \_\_\_\_\_  
 President of Council

Approved:   
 \_\_\_\_\_  
 Mayor

Date Passed: October 17, 2016

Date Approved: October 18, 2016

	Yea	Nay
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"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest:   
 \_\_\_\_\_  
 Clerk of Council

ORD. No. 2016-056 (subby) Amended: 07/18/16  
 (orig.) 1st Rdg. 03-07-16 Ref: PL/PZE  
 (orig.) 2nd Rdg. 04-04-16 Ref: PZE  
 3rd Rdg. 07-18-16 Ref: \_\_\_\_\_  
Tabled per email sent by applicant 5/3/16  
 4th Rdg. 09-06-16; P.H. 10-17-16 & 5th Rdg. \_\_\_\_\_  
 (orig.) Pub Hrg. 05-16-16 Ref: PZE  
 Adopted: 10-17-16 Seated: \_\_\_\_\_

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio, and known as being a part of Original Strongsville Township Lots 49 and 50, also known as being a portion of a parcel of land conveyed to North Pearl II, LLC as recorded in AFN 201302060015 of said County's records, and being further bounded and described as follows:

Commencing at 1 inch rebar in a monument box found at the centerline intersection of Pearl Rd. (S.R. 42, variable width) and Whitney Rd. (70 feet wide), thence along the centerline of said Whitney Rd., N 81° 43' 35" W for a distance of 454.65 feet to a point, said point being the **TRUE PLACE OF BEGINNING** for the parcel of land hereinafter described, thence clockwise along the following thirteen (13) courses and distances:

1. S 8° 16' 25" W for a distance of 215.00 feet to a Mag Nail set, passing over a Drill Hole set on the south right of way line of said Whitney Rd. at 30.00 feet;
- 2, S 81° 43' 35" E for a distance of 309.00 feet to a 5/8 inch rebar with cap "GPD" set on the new west right of way line of said Pearl Rd., said rebar set being at 50.00 feet by perpendicular measurement from the centerline of said Pearl Rd.;
3. Thence along said new right of way line, S 31° 17' 15" W for a distance of 120.84 feet to a 5/8 inch rebar with cap "GPD" set on the existing west right of way line of said Pearl Rd.;
4. Thence along said west right of way line, S 46° 10' 35" W for a distance of 31.13 feet to a 5/8 inch rebar with cap "GPD" set;
5. Thence continuing along said west right of way line, N 58° 42' 45" W for a distance of 22.00 feet to a 5/8 inch rebar with cap "GPD" set;
6. Thence continuing along said west right of way line, S 31° 17' 15" W for a distance of 96.88 feet to a point on the north right of way line of the Ohio Turnpike (variable width), said point witnessed by a 5/8 inch rebar found N 45° 47' 36" E at 1.17 feet;
7. Thence along said north right of way line along the arc of a curve to the left having the following properties:

Delta	=	8° 08' 13"
Radius	=	3029.79
Tangent	=	215.50
Chord	=	429.92
Chord Bearing	=	N 64° 51' 41" W for an arc distance of 430.28 feet to a point;
8. Thence continuing along said north right of way line and an east line of a parcel of land conveyed to Beatrice Wach as recorded in AFN 200503180254, N 23° 22' 19" E for a distance of 93.06 feet to a 5/8 inch rebar found, passing over a 5/8 inch rebar found at 6.58 feet;
9. S 81° 43' 35" E for a distance of 112.00 feet to a 5/8 inch rebar with cap "GPD" set;
10. N 8° 16' 25" E for a distance of 41.79 feet to a 5/8 inch rebar with cap "GPD" set on a south line of a parcel of land conveyed to James Polivchak and Ann Polivchak as recorded in AFN 200210020823;
11. Thence along the south line of said James Polivchak and Ann Polivchak, S 81° 43' 35" E for a distance of 45.33 feet to a 5/8 inch rebar found at the southeast corner of said James Polivchak and Ann Polivchak;
12. Thence along the east line of said James Polivchak and Ann Polivchak, N 8° 16' 25" E for a distance of 175.00 feet to a point on the centerline of said Whitney Rd., said point being the northeast corner of said James Polivchak and Ann Polivchak, passing over a 5/8 inch rebar found on the south right of way line of said Whitney Rd. at 145.00 feet;

**EXHIBIT A**

13. Thence along said centerline, S 81° 43' 35" E for a distance of 45.35 feet to the True Place of Beginning and containing 1.9643 acres (85,562 square feet) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed by Steven L. Mullaney, P.S. Number 7900, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in March of 2013.

Basis of Bearing is State Plane Grid North, NAD 83 (2007 NSRS), Ohio North Zone.

N:\2009\2009118\04 - Strongsville, OH Quality Catering\survey\2013 ALTA and SplitParcel 2.doc



**PETITION FOR ZONING CHANGE**

Ordinance Number: 2016-056

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 R-RS use to a class MS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: Due to the configuration of the parcel, the best use of the property is MS.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The surrounding property on Pearl Rd. is General Business

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

- 1. None
- 2. -
- 3. -

THE PROPOSED USE OF THE PROPERTY IS: MS - Motor Services - Car Wash

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

Name: Dan Catanzarite

Address: 13000 Danice Parkway Strongsville, OH 44136

Telephone Number: 216-409-5827

[Signature] on Behalf of North Pearl II LLC  
Signature of Owner(s)

State of Ohio )  
County of Cuyahoga )



Sworn to and subscribed in my presence this 17 day of February, 2016.  
[Signature]  
Notary Public  
My commission expires: Aug 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.

**PROPERTY DESCRIPTION FORM**

Ordinance Number: 2016-056

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: 9200 Pearl Rd.

Permanent Parcel No.: 395-03-006

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Pearl (West) Whitney (South)

Number and type of buildings which now occupy property (if any): N/A

Acreage: 1.9

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>North Pearl II, LLC</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

DJL on behalf of North Pearl II LLC  
Signature of Owner(s)

State of Ohio )  
County of Cuyahoga )

Sworn to and subscribed to in my presence this 17 day of February, 2016.

Ch. By  
Notary Public



**CHRISTOPHER M BYRNES**  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES Aug 10, 2016  
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:** Ken Mikula, City Engineer

**FROM:** Tiffany Mekeel, Assistant Clerk of Council

**DATE:** February 19, 2016

**SUBJECT:** Rezoning Application  
North Pearl II, LLC; Owner  
PPN: 395-03-006  
Address: 9200 Pearl Road  
From R-RS 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.

TAM  
Attachments

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



# City of Strongsville

## *Memorandum*

**To:** Ken Kraus, Law Director

**CC:** Mayor Thomas Perciak  
Aimee Pientka, Clerk of Council  
Neal Jamison, Staff Attorney

**From:** Lori Daley, Assistant City Engineer

**Date:** February 24, 2016

**Re:** Rezoning Application  
North Pearl II, LLC, Owner  
PPN 395-03-006  
9200 Pearl Road  
From R-Rs to MS

---

Ken,

The legal description included in the Clerk of Council's February 19, 2016 memo regarding the above referenced parcel was incorrect. The attached revised legal description accurately describes the parcel to be rezoned and should be used for the legislation.

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:** March 8, 2016  
**SUBJECT:** Referral from Council: Ordinance No. 2016-056

---

---

At its regular meeting of March 7, 2016, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2016-056 by Mr. Daymut. 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

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

AKP  
Attachment

## MEMORANDUM

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** March 11, 2016

---

Please be advised that at its meeting of March 10, 2016, the Strongsville Planning Commission Tabled the following;

**ORDINANCE NO. 2016-056**

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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

This Ordinance will be place on the March 31<sup>st</sup> Planning Agenda for consideration.

## MEMORANDUM

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** April 1, 2016

---

Please be advised that at its meeting of March 31, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

### **ORDINANCE NO. 2016-056**

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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY.

### **AT & T / Laura Tworzydlo, Agent**

- a) Certificate of Appropriateness for the Site Plan for the addition of three (3) RRH's to the existing antenna and modifications to the mounting system for the AT & T co-location on the existing water tower located at 18688 Royalton Road, PPN 396-10-014 zoned Public Facility.
- b) Site Plan approval for the addition of three (3) RRH's to the existing antenna and modifications to the mounting system for the AT & T co-location on the existing water tower located at 18688 Royalton Road, PPN 396-10-014 zoned Public Facility.

**CITY OF STRONGSVILLE**  
**OFFICE OF THE COUNCIL**

**MEMORANDUM**

---

**TO:** Planning Commission

**FROM:** Tiffany Mekeel, Assistant Clerk of Council

**DATE:** July 19, 2016

**SUBJECT:** Referral from Council: Ordinance No. 2016-056 (Amended by Substitution)

---

---

Please be advised that at its regular meeting of July 18, 2016, City Council moved to amend by substitution Ordinance No. 2016-056 and refer it back to Planning Commission for amendment.

- Ordinance No. 2016-056 by Mr. Daymut. 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO MS ~~(MOTORIST SERVICE)~~ **CS (COMMERCIAL SERVICE)** CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY, **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16.*

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

TAM  
Attachment

## MEMORANDUM

**TO:** Aimee Pientka, Council Clerk  
Neal Jamison, Law Director

**FROM:** Carol Oprea, Administrative Assistant, Boards & Commissions

**SUBJECT:** Referrals to Council

**DATE:** July 29, 2016

---

Please be advised that at its meeting of July 28, 2016, the Strongsville Planning Commission gave Favorable Recommendation to the following;

**MITCHELL'S ICE CREAM/ Matt Plecnik, Agent**

- a) Certificate of Appropriateness for a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational.
- b) Site Plan approval of a 2,980 SF Ice Cream Store to be located on Westwood Drive, PPN 396-10-016 zoned Restaurant Recreational **subject to the Engineering Report.** *\*BZA Variance Granted 6-22-16. \*ARB Favorable Recommendation 7-12-16.*

**MICHAEL L. PERRY/ MICHAEL PERRY, PRINCIPAL**

- a) Deviation to permit a subdivision without sanitary sewers at 19408 Boston Road, PPN 394-32-013 zoned R1-75, pursuant to Codified Ordinance Section 1228.01(i).
- b) Subdivision of PPN 394-32-013, property located at 19408 Boston Road zoned R1-75 **should be made subject to the location of the septic systems on the two homes and if necessary an easement for the discharge.**

**ALTENHEIM SENIOR LIVING SHORT TERM REHAB AND MEMORY CARE/ Rudy Jovanov, Agent**

- a) Vacation of current Storm Sewer Easement and acceptance of the relocated Storm Sewer Easement by the City **subject receipt of the final easements by the Law Office on the vacation.**
- b) Site Plan approval of a proposed 52,521 SF addition to the current Short Term Rehab and Memory Care buildings for property located at 18627 Shurmer Road, PPN 397-01-006 and 012 zoned Public Facility and Senior Residence 1 **subject to Fire and Engineering Reports.** *\*ARB Favorable Recommendation 7-12-16.*

Council Memo  
July 29, 2016  
Page Two

**ORDINANCE NO. 2016-056**

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 9200 Pearl Road in the City of Strongsville from R-RS (Restaurant-Recreational Services) classification to MS (~~Motorist Service~~) CS (Commercial Service) Classification (PPN 395-03-006), and Declaring an Emergency, As Amended.

## Tiffany Mekeel

---

**From:** Nick Catanzarite <ncatanzarite@walterhav.com>  
**Sent:** Monday, July 18, 2016 5:21 PM  
**To:** Tiffany Mekeel  
**Subject:** FW: Pearl / Whitney - Rezoning

Nick Catanzarite  
Walter Haverfield LLP  
Direct: (216) 928-2981  
Cell: (216) 952-3178

---

**From:** Nick Catanzarite  
**Sent:** Monday, July 18, 2016 5:20 PM  
**To:** Neal Jamison (Neal.Jamison@strongsville.org)  
**Cc:** 'Daniel Kolick'; Brent Painter (Brent.Painter@strongsville.org); Aimee Pientka (Aimee.Pientka@strongsville.org); Mike Catan (mikec@darice.com); Dan Catan (Dan\_Catan@darice.com)  
**Subject:** Pearl / Whitney - Rezoning

Neal,

We would like to amend our zoning application to rezone the property to Commercial Services, rather than Motorist Services. Please remove the vote from the agenda tonight and advise next steps. Thank you.

**Nick Catanzarite**  
Attorney

---



Walter | Haverfield LLP  
The Tower at Erieview  
1301 East 9th Street, Ste 3500  
Cleveland, Ohio 44114-1821

Direct Line: (216) 928-2981  
Direct Fax : (216) 916-2358  
Office: (216) 781-1212  
Mobile: (216) 952-3178

Email: [ncatanzarite@walterhav.com](mailto:ncatanzarite@walterhav.com)

[Transfer large files to me](#)  
[Download my vCard](#)

---





**ATTENTION:** This e-mail message, including any attachment, is sent by the law firm of Walter | Haverfield LLP and may contain **PRIVILEGED** and **CONFIDENTIAL INFORMATION**. If you are not the intended recipient, then please (i) do not print, forward, or copy this e-mail, (ii) notify us of the error by a reply to this e-mail, and (iii) delete this e-mail from your computer. Thank you.