

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2017-52

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING CERTAIN REAL PROPERTY WHICH IS LOCATED ADJACENT TO THE BAGLEY ROAD UNDERPASS, AND IS MORE FULLY IDENTIFIED IN THE LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN, FROM RESIDENTIAL SINGLE FAMILY B (R-SF-B) DISTRICT TO COMMERCIAL CENTER (CC) DISTRICT.

WHEREAS, Dr. Caitlin Filips-Rees and Randy Rees have petitioned the City of Berea to rezone certain real property which is located adjacent to the Bagley Road Underpass, as more fully identified on the map attached hereto and identified as Exhibit "A" and incorporated herein by reference, from Residential Single Family B (R-SF-B) District to Commercial Center (CC) District, in the City of Berea; and

WHEREAS, pursuant to Chapter 105 of the Zoning Code of the Codified Ordinances of the City of Berea, this Council has referred said request to the Municipal Planning Commission for review and consideration, and the Planning Commission has recommended approval and acceptance of the rezoning petition; and

WHEREAS, the Clerk of Council has notified the Zoning Administrator of the application for rezoning and the Zoning Administrator has inspected the property and made a written report to the Planning Commission; and

WHEREAS, the report of the Zoning Administrator and this Ordinance have been referred to a Planning Advisor who has reviewed the application and has evaluated the same and reported that the rezoning is consistent with the general purposes and overall objectives of the Zoning Code and has provided such report to the Planning Commission; and

WHEREAS, the Planning Commission has provided prior written notice by mail at least ten (10) days prior to the meeting of the Planning Commission to consider the rezoning application to all owners of property within two hundred feet of the affected property; and

WHEREAS, the Clerk of Council has published notice of a public hearing on the application for rezoning in a newspaper of general circulation at least thirty (30) days prior to the holding of said public hearing, and notice of the rezoning petition has been provided to owners of property within the affected area, contiguous to the affected area, and across the street from the affected area, and that the public hearing has been held and consideration of the public hearing has been made by this Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That this Council has considered and accepts the recommendation of the Municipal Planning Commission, the Zoning Administrator and the Planning Advisor, and has further duly considered all matters arising at the public hearing on the petition for rezoning, and hereby rezones the certain real property which is located adjacent to the Bagley Road Underpass, and is more fully identified on the map attached hereto and identified as Exhibit "A", and incorporated herein by reference, from Residential Single Family B (R-SF-B) District to Commercial Center (CC) District, in the City of Berea; and

SECTION 2. That the Zoning Administrator is hereby directed to revise the official zoning map of the City to reflect the rezoning of the affected area as indicated herein and approved hereby.

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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 of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

PASSED: November 6, 2017




President of Council

ATTEST: 


Clerk of Council

APPROVED: November 6, 2017



Mayor

APPROVED AS TO FORM:



Director of Law

Exhibit
"A"

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

Dr. Filips

DESCRIPTION
Rezoning Berea Area

Sept. 25, 2017

Situated in the City of Berea, County of Cuyahoga, and State of Ohio and being part of sublots No. 103, 104, & 105, in the Kew Gardens Subdivision as shown by the recorded plat in Volume 113, Page 28 of Cuyahoga County Records, of part of Original Middleburg Township Lots No. 3 & 4, Section No. 24 and further bounded and described as follows:

Beginning at the intersection of the centerline of Bagley Road, with the centerline of Lindberg Boulevard, said point being station 276+30.09 (Bagley Road/ 20+00 (Lindberg Boulevard) as shown by Cuyahoga County Improvement Plans #21273;

Thence North 89 degrees 25 minutes 20 seconds West, along said centerline of Bagley Road, a distance of 116.22 feet to a point;

Thence South 00 degrees 34 minutes 40 seconds West, a distance of 50.00 feet to the principal place of beginning, said point being at Station 275+13.87 (50.00 feet right):

Thence continuing South 00 degrees 34 minutes 40 seconds West, a distance of 30.00 feet to a point, said point being at Station 275+13.87 (80.00 feet right);

Thence North 89 degrees 25 minutes 20 seconds West, a distance of 159.22 feet to a point, said point being at Station 273+54.63 (80.00 feet right);

Thence North 03 degrees 06 minutes 40 seconds West, a distance of 30.06 feet to a point, said point being at Station 273+53.17 (50.00 feet right);

Thence South 89 degrees 25 minutes 20 seconds East, a distance of 160.70 feet to the principal place of beginning and containing 4,799.836 s.f. - 0.11 acres of land

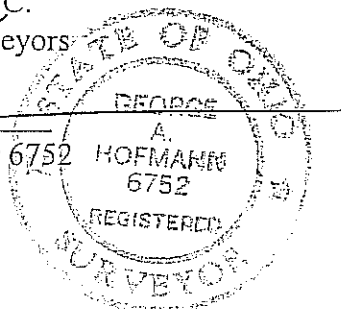
The courses used in this description are based on the centerline of Bagley Road bearing North 89 degrees 25 minutes 20 seconds West and are used to indicate angles only.

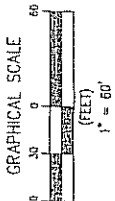
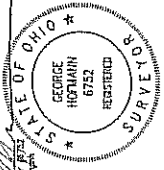
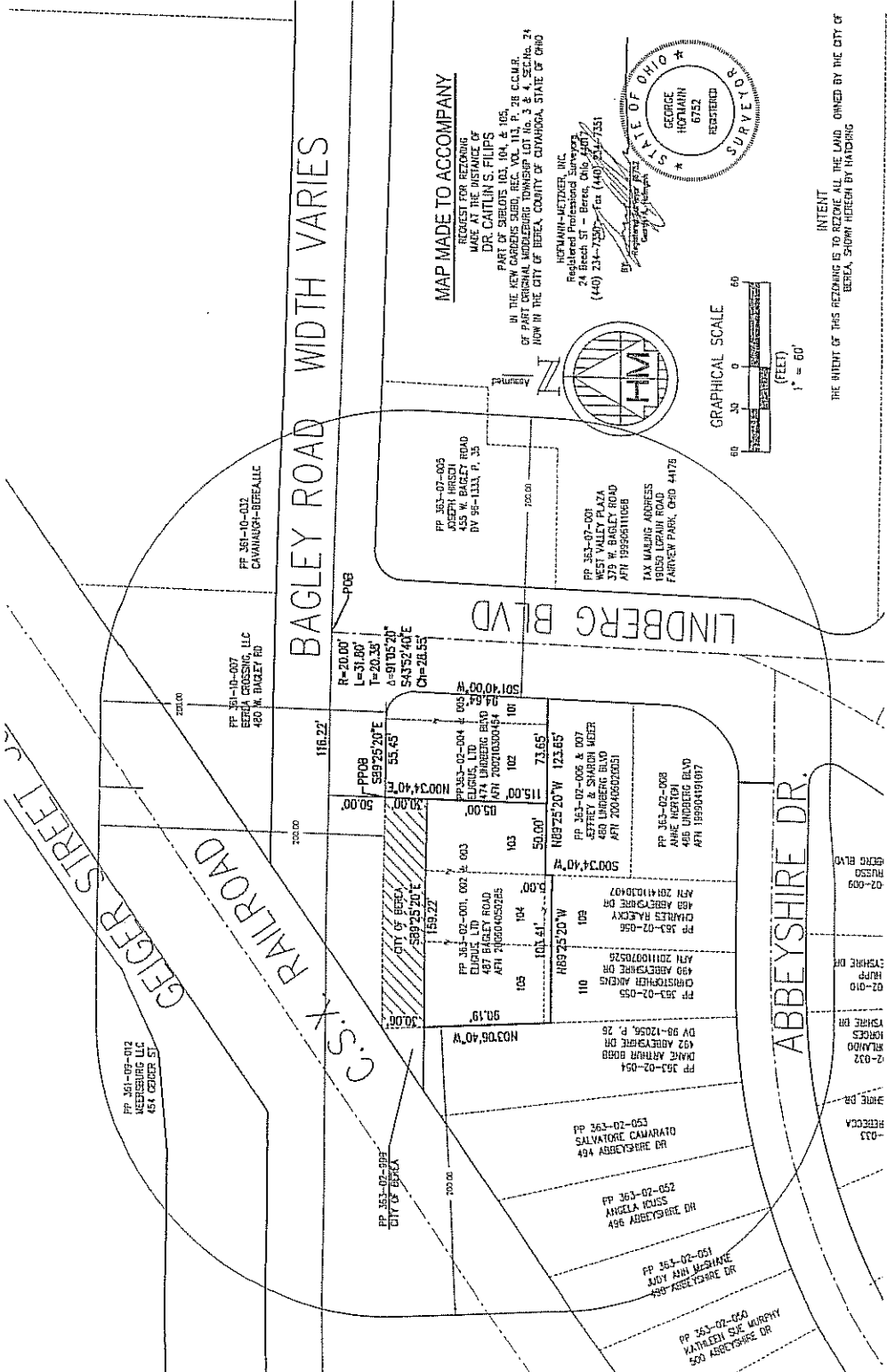
Distances are given to feet and decimal parts thereof.

HOFMANN-METZKER, INC.

Registered Professional Surveyors

Registered Surveyor Number 6752





INTENT
 THE INTENT OF THIS RECORDING IS TO RECORD ALL THE LAND OWNED BY THE CITY OF
 BELEA, SHOWN HEREON BY HATCHING