

COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2016-72

By Nick Haschka Sponsored By Councilwoman Margarette S. Key

AN ORDINANCE

APPROVING BEREA SHELDON, LLC.'S STAGE II PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN AND AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING THE AREA OF LAND AT PERMANENT PARCEL NUMBER 361-22-001 FROM RESIDENTIAL-SINGLE FAMILY-B (R-SF-B) DISTRICT TO PLANNED UNIT DEVELOPMENT / MULTIPLE FAMILY RESIDENTIAL (MFR) DISTRICT.

WHEREAS, Chapter 210 of the City of Berea Zoning Code sets forth the procedure for the creation of Planned Unit Developments ("PUD") to promote progressive development of land and achieve the objectives of Zoning Code Section 210.01; and

WHEREAS, David Cerny, President of Berea Sheldon, LLC., has filed a Stage II Planned Unit Development Preliminary Development Plan and an application to rezone the parcel of land identified as permanent parcel number 361-22-001, which is currently zoned Residential-Single Family-B (R-SF-B) District, and requests that the parcel be zoned Planned Unit Development / Multiple Family Residential (MFR) District in the City of Berea, as more fully shown on the map attached hereto and identified as Exhibit "A", and incorporated herein by reference; and

WHEREAS, Berea Sheldon, LLC. proposes to construct an active senior apartment complex containing approximately 100 residential units, parking lot, nature trail, landscaping and other amenities; and

WHEREAS, the Planning Commission approved Berea Sheldon LLC.'s Stage I Planned Unit Development Concept Plan on June 2, 2016, and

WHEREAS, pursuant to Chapters 105 and 210 of the Zoning Code of the Codified Ordinances of the City of Berea, this Council has referred said Stage II Planned Unit Development Preliminary Development Plan and application to rezone to the Municipal Planning Commission for review and consideration; and

WHEREAS, the Clerk of Council has notified the Zoning Administrator of the Stage II Planned Unit Development Preliminary Development Plan and 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 Stage II Preliminary Development Plan and application to rezone and has evaluated the same and reported that the Stage II Planned Unit Development Preliminary Development Plan and rezoning are 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 Stage II Planned Unit Development Preliminary Development Plan and the application to rezone to all owners of property within two hundred feet of the affected property; and

WHEREAS, the Planning Commission reviewed and conducted public hearings on the Stage II Planned Unit Development Preliminary Development Plan and application to rezone on August 18, 2016; and

WHEREAS, after considering all of the factors set forth in the Zoning Code of the Codified Ordinances of the City of Berea as well as plans, elevations, drawings, evidence and comments presented at the public hearing, the Planning Commission voted to recommend approval of Berea Sheldon LLC.'s Stage II Planned Unit Development Preliminary Development Plan and acceptance of the application to rezone as set forth in the minutes of the Planning Commission meeting dated August 18, 2016; and

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WHEREAS, the Clerk of Council has published notice of a public hearing for the Stage II Planned Unit Development Preliminary Development Plan and the application to rezone in a newspaper of general circulation at least thirty (30) days prior to the holding of said public hearing, and that the public hearing has been held and consideration of the public hearing has been made by this Council; and

WHEREAS, the Clerk of Council has provided written notice of a public hearing for the Stage II Planned Unit Development Preliminary Development Plan and the application to rezone, by first class mail, at least twenty (20) days before the date of the public hearing, to the owners of properties within and contiguous to and directly across the street from the parcel in question; and

WHEREAS, this Council conducted a public hearing on the recommendation of the Planning Commission to approve the Stage II Planned Unit Development Preliminary Development Plan and to accept the application to rezone; and

WHEREAS, this Council has considered all of the factors set forth in the Zoning Code of the Codified Ordinances of the City of Berea as well as comments presented at the public hearing, the comments made during the public hearing before the Planning Commission, and the record of proceedings before the Planning Commission including the materials submitted by Berea Sheldon, LLC. as part of its Stage II Planned Unit Development Preliminary Development Plan; and

WHEREAS, after considering all of these factors and applying the standards contained in Section 210.10(D), this Council hereby approves Berea Sheldon LLC.'s Stage II Planned Unit Development Preliminary Development Plan, accepts Berea Sheldon LLC.'s application to rezone and rezones the above referenced parcel of land to Planned Unit Development / Multiple Family Residential District.

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 Stage II Planned Unit Development Preliminary Development Plan and the application to rezone, and hereby rezones that certain parcel of land identified on Exhibit "A" attached hereto and incorporated herein from Residential-Single Family-B (R-SF-B) Zoning District to Planned Unit Development / Multiple Family Residential (MFR) Zoning District.

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.

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: September 6, 2016



President of Council

ATTEST: 
Clerk of Council

APPROVED: September 8, 2016



Mayor

APPROVED AS TO FORM:

Director of Law