

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2019-90

By Nick Haschka Sponsored By Mayor Cyril M. Kleem
AN ORDINANCE

**AUTHORIZING AN ADDITIONAL ONE-YEAR EXTENSION OF BEREA SHELDON, LLC'S
PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FINAL DEVELOPMENT
PLAN FOR THE AREA OF LAND AT PERMANENT PARCEL NUMBER 361-22-001,
AND DECLARING AN EMERGENCY**

WHEREAS, Chapter 210, (PUD) Planned Unit Development Overlay District, of the Zoning Code of the City of Berea sets forth the procedures 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, in 2016, Berea Sheldon, LLC, proposed to construct an active senior apartment complex containing approximately 100 residential units, parking lot, nature trail, landscaping and other amenities; and

WHEREAS, the Municipal Planning Commission approved Berea Sheldon's LLC Stage III Planned Unit Development Final Development Plan on December 15, 2016, with said approval expiring on December 15, 2018; and

WHEREAS, in Ordinance No. 2018-67, the Council of the City of Berea approved a one-year extension to expire on December 17, 2019; and

WHEREAS, Berea Sheldon, LLC requested an additional one-year extension for the purpose of modifying the approved final development plan; and

WHEREAS, Section 210.12, Expiration and Extension of PUD Approval Period, of Chapter 210, (PUD) Planned Unit Development Overlay District, of the Zoning Code of the City of Berea grants City Council the authority to extend the time limit or modification of the approved final development plan, if Council finds that such extension or modification is not in conflict with the public interest; and

WHEREAS, this Council has considered and concluded that an additional one-year extension of time for the purpose of modifying the approved final development is not in conflict with the public interest.

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

SECTION 1. That this Council authorizes a one-year extension of Berea Sheldon, LLC's previously approved Planned Unit Development Final Development Plan for Permanent Parcel Number 361-22-001, as originally enacted on December 15, 2016, and as further extended by Ordinance No. 2018-67 to December 17, 2019.

SECTION 2. That the duly authorized additional one-year extension shall expire on December 17, 2020.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is in the interests of the City of Berea and its residents to grant the extension of this Planned Unit Development before the current extension has expired. Therefore, provided this

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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.

PASSED: December 16, 2019

Nick Haschka
President Pro Tempore of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: December 18, 2019

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Director of Law