

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2025-48

By: Councilwoman Mary K. Brown Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

APPROVING DIGERONIMO DEVELOPMENT, AN AFFILIATE OF BEREA MIXED USE PROJECT, LLC, AND AUTHORIZED AGENT OF RENTAL ACQUISITIONS, LLC/BEREA, STAGE II-B PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN.

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, DiGeronimo Development, an affiliate of Berea Mixed Use Project, LLC and authorized agent of Rental Acquisitions, LLC, has filed a Stage II-B Planned Unit Development Preliminary Development Plan; and

WHEREAS, DiGeronimo proposes to build two mixed-use residential and commercial buildings and a community field; and

WHEREAS, the Planning Commission approved DiGeronimo's Stage I Planned Unit Development Concept Plan on November 21, 2024; 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-B Planned Unit Development Preliminary Development Plan to the Municipal Planning Commission for review and consideration; and

WHEREAS, the Clerk of Council has notified the Zoning Administrator of the Stage II-B Planned Unit Development Preliminary Development Plan 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-B Preliminary Development Plan and has evaluated the same and reported that the Stage II-B Planned Unit Development Preliminary Development Plan 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 Public Hearing of the Planning Commission to consider the Stage II-B

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Planned Unit Development Preliminary Development Plan 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-B Planned Unit Development Preliminary Development Plan on July 3, 2025; 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 DiGeronimo Development Stage II -B Planned Unit Development Preliminary Development Plan and accompanying waivers, as described in Exhibit "A", and with the conditions specified in Exhibit "B", both exhibits being attached hereto and incorporated herein, as set forth in the minutes of the Planning Commission meeting dated July 3, 2025.

WHEREAS, the Clerk of Council has published notice of a public hearing for the Stage II-B Planned Unit Development Preliminary Development Plan 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-B Planned Unit Development Preliminary Development Plan, 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

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 DiGeronimo Development as part of its Stage II-B Planned Unit Development Preliminary Development Plan; and

WHEREAS, after consideration of these factors and applying the standards contained in Section 210.09(D), this Council hereby approves DiGeronimo's Phase II-B Planned Unit Development Preliminary Development Plan.

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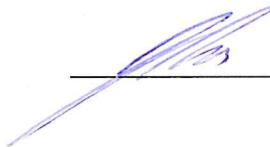
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That this Council has considered and accepts the recommendations 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-B Planned Unit Development Preliminary Development Plan and hereby approves the Stage II-B Planned Unit Development Preliminary Development Plan, with the conditions specified in Exhibit "B", attached hereto and incorporated herein.

SECTION 2. 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 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: July 14, 2025



President of Council

ATTEST: Alyssa Eason
Clerk of Council

APPROVED:


7/15/25
Date

APPROVED AS TO FORM:

Mayor

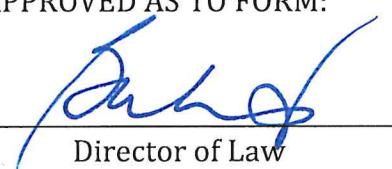

Director of Law

EXHIBIT "A"

District 46 Stage IIB – Preliminary Development Plan Waivers

Front Setback Waiver for Mixed Use Building No. 4 on the Delineation of Proposed Uses (Page C1.6). A waiver shall be granted from Zoning Code Section 205.05(B), Table 6 which requires buildings to be setback at least 15 feet from the front property line. The waiver shall permit Mixed Use Building No. 4 to be constructed with a front setback of 1.1 feet from the front property line.

Front Setback Waiver for Mixed Use Building No. 5 on the Delineation of Proposed Uses (Page C1.6). A waiver shall be granted from Zoning Code Section 205.05(B), Table 6 which requires buildings to be setback at least 15 feet from the front property line. The waiver shall permit Mixed Use Building No. 5 to be constructed with a front setback of 1 foot from the front property line.

Height Waiver for Mixed Use Buildings No. 4 & 5 on the Delineation of Proposed Uses (Page C1.6). A waiver shall be granted from Zoning Code Section 205.05(B), Table 6 which limits the height of a building to 40 feet. The waiver shall permit Mixed Use Buildings No. 4 and 5 to be constructed with a height of 64.66 feet.

Dwelling Unit Density Waiver for District 46 PUD District. A waiver shall be granted from Zoning Code Section 205.05(B), Table 6 which limits the number of dwelling units for a 19.17 acre PUD district to 153 units. The waiver shall permit the District 46 PUD District to contain 162 dwelling units.

Minimum Size Dwelling Unit Waiver for District 46 PUD District. A waiver shall be granted from Zoning Code Section 205.05(B), Table 6 requires dwelling units to have a minimum area of 800 square feet and an additional 100 square for each additional sleeping room over one. The waiver shall permit the dwelling units in the District 46 PUD District to be no smaller than 451 square feet.

Architectural Design Standard, First Floor Glass Waiver for Mixed Use Building No. 5 on Delineation of Proposed Uses (Page C1.6). A waiver shall be granted from Zoning Code Section 205.12(H)(3) which requires the front elevation of the first floor to contain at least 75% glass windows. The waiver shall permit Mixed Used Building No. 5 to be constructed with 10% glass windows.

Building Foundation Landscaping Waiver for Mixed Use Building No. 4 on the Delineation of Proposed Uses (Page C1.6). A waiver shall be granted from Section 302.08 which requires a 6-foot landscape area containing 1,782 square feet of landscaping with 18 trees and 214 shrubs to be installed along the face of a building that has 297 lineal feet facing public rights of way. The waiver will allow the installation of hardscape up to the building face along with 9 trees planted in the right of way as specified on page L2.0 - Dated 5.12.2025 of the PUD Stage IIB Submittal.

Building Foundation Landscaping Waiver for Mixed Use Building No. 5 on the Delineation of Proposed Uses (Page C1.6). A waiver shall be granted from Section 302.08 which requires a 6-foot landscape area containing 2,658 square feet of landscaping with 27 trees and 319 shrubs to be installed along the face of a building that has 443 lineal feet facing public rights of way. The waiver will allow the installation of hardscape up to the building face along with 5 trees planted in the right of way as specified on page L2.0 - Dated 5.12.2025 of the PUD Stage IIA Submittal.

EXHIBIT "B"

MUNICIPAL PLANNING COMMISSION

**RECOMMENDATION TO CITY COUNCIL TO ADOPT ORDINANCE NO. 6-3 WITH THE
FOLLOWING CONDITIONS:**

1. That there be increased glazing on the Front Street side of the western building;
2. That the developers consider the width of the sidewalk on the Front Street side of the western building, with regard to increased foot traffic in the area, and consider how best to prevent spill over in to the street.