

ORDINANCE NO. 05-83 AC CMS

**AN ORDINANCE REZONING APPROXIMATELY 9.987 ACRES
OF PROPERTY OWNED BY TRIAD REALTY LLC AND LOCATED ON THE SOUTHWEST
CORNER OF U.S. ROUTE 20 AND STATE ROUTE 58 IN THE CITY OF OBERLIN FROM "R-
1A"/SINGLE-FAMILY DWELLING DISTRICT TO "C-2"/GENERAL BUSINESS DISTRICT USE**

**WHEREAS, a Petition to Rezone certain property owned by Triad Realty LLC
and located within the City of Oberlin was presented to this Council; and**

**WHEREAS, the Oberlin Planning Commission has considered said Petition
and request and has reported back to this Council; and**

**WHEREAS, this Council has held a public hearing concerning said Petition
and has given notice of same pursuant to law.**

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin,
County of Lorain, State of Ohio, a majority of all members elected thereto
concurring:**

**SECTION 1. That the following real property owned by Triad Realty LLC and
located on the southwest corner of U.S. Route 20 and State Route 58 in the City of
Oberlin is hereby rezoned from "R1-A"/Single-Family Dwelling District to "C-
2"/General Business District, use:**

DESCRIPTION OF A 9.987 ACRE TRACT

**Situated in the Township of Pittsfield, County of Lorain, State of Ohio and
being part of Original Pittsfield Township Lot 26. Also being part of a tract
conveyed to Mohrman Family Partnership by a deed recorded in 019890 Film No.
2111 of the Lorain County Deed Records.**

**Beginning at the intersection of the northeast corner of Lot 26 and
centerline of Kipton Nickle Plate Road (S.R. 20), a variable width public right-of-
way, and the true place of beginning;**

- 1. Thence S 00°48'57" W along the east line of Lot 26 a distance of
495.62 feet to a point;**
- 2. Thence S 89°58'46" W along the north line of a tract now or formerly
owned by Darl Y. and Doris Hendricks (P.P.N. 14-00-026-000-013 -
68.79 ac.), 880.22 feet to a ¾-inch iron pipe found (passing over a
¾-inch iron pipe found at 49.02 feet);**
- 3. Thence N 01°02'46" E along the east line of a tract now or formerly
owned by Land Concepts Company, Inc. (P.P.N. 14-00-026-000-002
- 11.00 ac.), 494.09 feet to a point on the centerline of Kipton Nickle
Plate Road and the north line of Lot 26 (passing over a ¾ -inch iron**

pipe found at 54.38 feet from the centerline of Kipton Nickle Plate Road);

4. Thence N 89°55'07" E along the north line of Lot 26 and the centerline of Kipton Nickle Plate Road, 878.26 feet to a point and the true place of beginning.

The above described tract contains 9.987 acres of which 1.295 acres lie within the public right-of-way as surveyed under the supervision of Charles F. Hammontree, P.S. #7263 of Hammontree and Associates, Limited, Engineers, Planners and Surveyors of North Canton, Ohio on July 11, 2005.

The basis of bearings is S 00°48'57" W along the easterly line of Original Lot 26 by a deed recorded in 019890 Film No. 2111 of the Lorain County Records.

Subject to all easement of record.

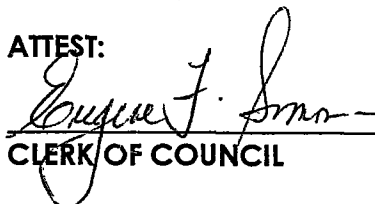
SECTION 2. The City Manager is hereby directed to mark the present zoning map of the City of Oberlin to show that said area has been rezoned, and is further directed to inform the Petitioners by certified mail of the decision of Council in this Matter.

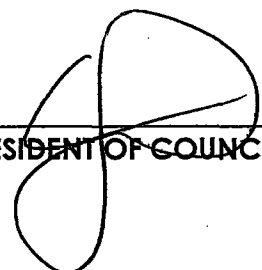
SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were 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 at the earliest date allowed by law.

PASSED: 1st Reading – November 21, 2005
2nd Reading – December 5, 2005
3rd Reading – December 19, 2005 (Effective in 30 days)

ATTEST:


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

POSTED: December 20, 2005

EFFECTIVE DATE: January 20, 2006

Oberlin Planning Commission

69 South Main Street Oberlin, Ohio 44074

To: President and Members of Oberlin City Council

From: David R. Gibson, Chair
Oberlin Planning Commission

Subject: Application to Amend the Zoning Map
"R-1A"/Single-Family Dwelling District
to "C-2"/General Business District
Proposed Commercial Development
Triad Realty, LLC
46023 U.S. Route 20

Date: September 23, 2005

This petition seeks an amendment to the Zoning Map to accommodate proposed commercial development at the southwest corner of the intersection of U.S. Route 20 and State Route 58. The application submitted to Council indicates that future commercial development would possibly include retail uses, restaurants, financial institutions, a fueling station, etc. This request was referred to the Oberlin Planning Commission for review and a report by City Council at its meeting on August 22, 2005.

Please be advised that the Planning Commission considered this petition at its meeting on September 21, 2005. After reviewing this request, the Planning Commission moved to recommend to Council that the requested zoning change be approved. The Commission further noted that the preliminary site plan provided with this request was not approved, and the applicant's consultant was reminded of the need for access management, the coordination of traffic movements with existing and proposed commercial development in the area, the need to integrate this site with other properties to the west and south, etc.

It is also noted for your information that the applicant would need to obtain design review/site plan approval for any buildings or signs on this property if Council decides to amend the Zoning Map. That site plan review and approval process by the Commission can ensure that site development details are adequately addressed including the location of the access driveway connections, the design of the required parking lots, landscaping, screening, stormwater management, etc.

Attached for your reference is a copy of the staff report on this petition to amend the Zoning Map.

This recommendation is hereby respectfully submitted for your consideration.

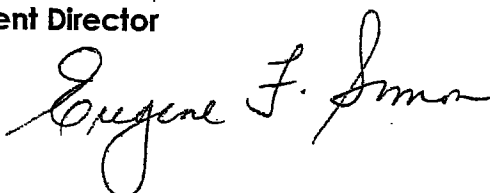
City of *Oberlin*

85 South Main Street, Oberlin, Ohio 44074
(440) 775-1531

APPENDIX I

MEMORANDUM

TO: Oberlin Planning Commission
Gary Boyle, Planning & Development Director

FROM: Eugene F. Simon, Clerk of Council 

DATE: August 23, 2005

RE: Motion to Refer – Proposed Rezoning Petition
Oberlin Commercial Center, Route 20/Route 58
Triad Realty, Inc.

At its regular meeting on August 22, 2005, Council passed the following motion pertaining to the matter captioned above:

"Motion to refer to the Planning Commission the proposed rezoning petition – Oberlin Commercial Center, Route 20/Route 58 – for review and report back to City Council".

The motion passed 6 Ayes/0 Nays with one member of Council not present.

The location of the property is 46023 State Route 20 and the existing zoning is R-1A Residential. The rezoning request is to C2 – General Business to accommodate a proposed Commercial Development consisting of 9.987 acres to include a 48,000 square foot retail development.

/js

a:/Council.Misc.MotiontoRefer.PC.TriadRealty

"Ohio's Best College Town"

—OHIO Magazine

APPENDIX II

CITY OF OBERLIN

APPLICATION FOR PLANNING COMMISSION APPROVAL

TYPE OF APPLICATION (Please check all that apply):

- ☒ Amendment to the Zone Map/Rezoning
☐ Conditional Use Permit
☐ Rooming House License/Appeal
☐ Site Plan/Off-Street Parking Plan
☐ Design Review
☐ Parking/Loading Variance
☐ Other _____

RECEIVED
AUG - 8 2005

APPLICANT/AGENT INFORMATION:

Property Owner Name: TRIAD REALTY, LLC.
Property Owner Address: 3951 CONVENIENCE CIR NW, ST 301
CANTON, OH 44718
Property Owner Telephone: (330) 493-9131
Contact Person: MR. ROBERT BROWN
Authorized Agent Name: MS CONSULTANTS, INC
Authorized Agent Address: 2221 Schrock Rd
COLUMBUS, OH 43229
Authorized Agent Telephone: (614) 898-7100
Contact Person: MR. BRIAN CRIDER

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 46023 STATE ROUTE 20
Legal Description of Property (Check property deed for description):

Existing Zoning: R-1A - RESIDENTIAL

PROPOSED DEVELOPMENT (Check those that apply):

- X New Construction (new building(s))
 Addition to Existing Building(s)
 Change of Use in Existing Building(s)

Description of Proposed Development (Describe in detail your development plans for example-proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc. (Use additional page if necessary):

THE PROPOSED COMMERCIAL DEVELOPMENT
WILL CONSIST OF 9.987 ACRES AND INCLUDE A 48,000 SQUARE FOOT RETAIL, STRIP
CENTER (+/-) AND FOUR (#) PROPOSED OUTLOTS. OUTLOT USES WILL RANGE FROM
RESTAURANT, BANK, DRUG STORE, FUEL STATION, OR RETAIL. HOURS OF OPERATION
AND SEATING CAPACITIES (AS NEEDED) WILL BE DEVELOPED AS USES
ARE SOLIDIFIED AND WILL VARY WITH THE PROPOSED USE.

DETAILED PROPERTY INFORMATION:

Land Area of Property: 9.987 ACRES (in sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: _____ (in sq. ft. or acres)
Building #2: _____ (in sq. ft. or acres)
Building #3: _____ (in sq. ft. or acres)
Additional : _____ (in sq. ft. or acres)

Total Building Coverage (as % of lot area): _____

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses-for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space; in sq. ft.):

Proposed Building(s) Height (for any new construction): _____

Number of Dwelling Units (if applicable): NOT APPLICABLE

Number of Off-Street Parking Spaces Provided: _____

Parking Area Coverage (including driveways): _____ (in sq. ft.)

Landscaped Area: _____ (in sq. ft.)

Requested Zoning District Classification (for rezoning applications only): CZ- GENERAL BUSINESS

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

B. Gil (Agent) ms consultants, inc 8/2/05
Signature of Owner or Agent Date

Note: Applicants and/or their Authorized Agents are strongly encouraged to attend Planning Commission meetings.

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 46023 STATE ROUTE 20 (municipal street
address of property), I hereby authorize ms consultants, inc
to act on my behalf during the Planning Commission approval process.

Robert Brown 7/27/05
Signature of Owner or Agent Date

REQUIRED SUBMITTALS:

For Conditional Use Permits, Site Plan/Off-Street Parking Approvals, etc.

- 18 copies of a Site Plan/Off-Street Parking Plan for property
- Application fee for Site Plan/Off-Street Parking Approvals \$50.00
- Application fee for Conditional Use Permits \$75.00

Please note: In addition to said fees, the City may also collect from the applicant any extraordinary costs (as determined by the City) that the City may incur in providing any required hearing notification.

For Amendment to the Zone Map/Rezoning Applications:

- 18 copies of a Site Plan/Off-Street Parking Plan for property
- 1 copy of the deed or legal description for property
- \$125 application fee
- a draft ordinance
- list of property owners within 200 feet

August 5, 2005

DESCRIPTION OF A 9.987 ACRE TRACT

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Original Lot: 026

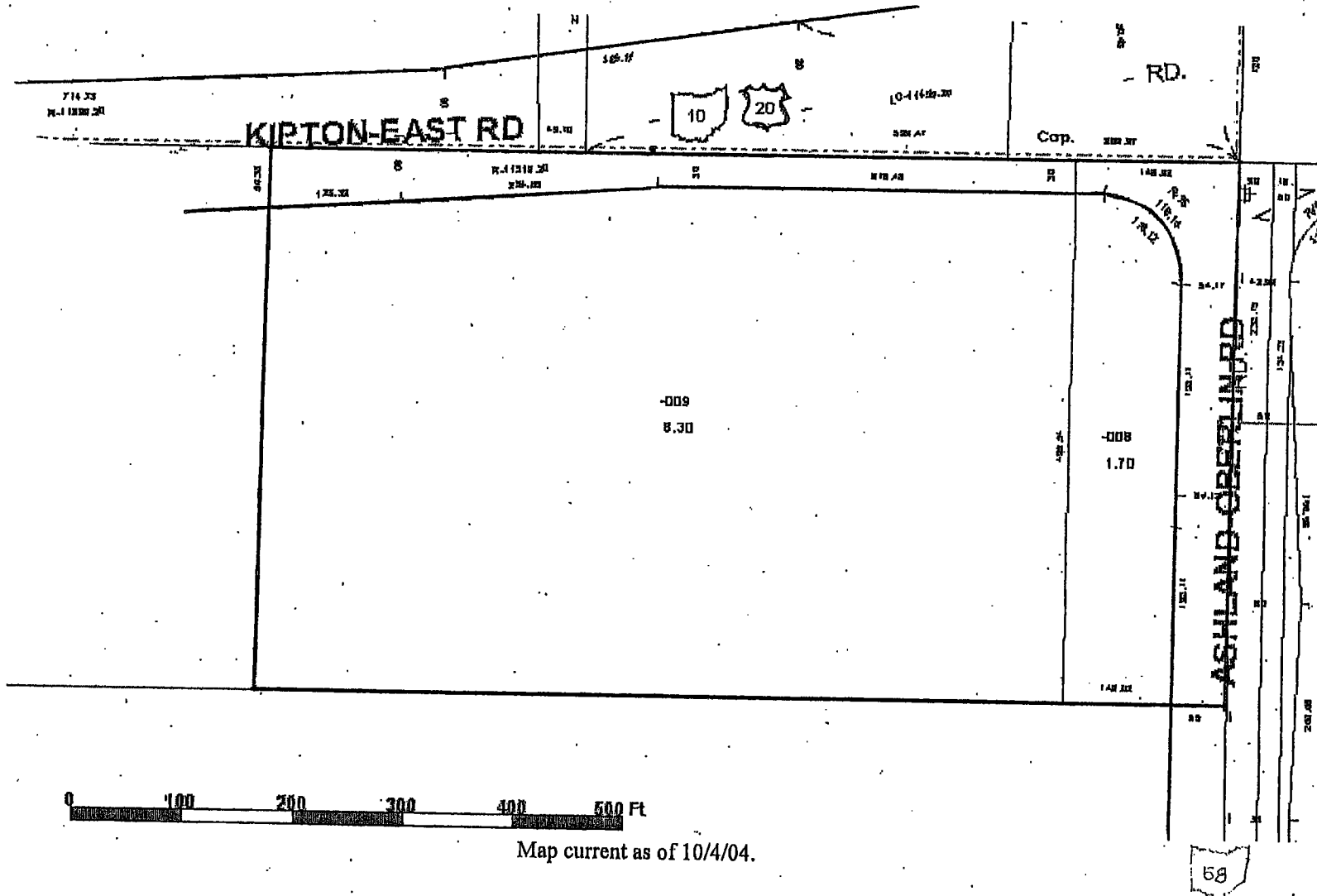


FIGURE 1

