

ORDINANCE NO. 87-21

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON OVER A 16.64 ACRE PARCEL OF LAND LOCATED AT 39115 DETROIT ROAD (F.K.A. THE KURTZ BROTHERS PROPERTY) TO CREATE A PUBLIC PARK AND RECREATIONAL FACILITIES AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon recently acquired 16.64 acres of land from the KB Compost Services, Inc located at 39115 Detroit Road for use as a public park; and

WHEREAS, the zoning regulations for the City of Avon require public parks and recreational facilities located in an R-1 zoning district to obtain a Special Use Permit pursuant to ACO '1262.03(c)(3); and

WHEREAS, the City submitted an application and presented plans and specifications to the Planning Commission on October 20, 2021 to construct, maintain, and operate a public park and recreational facility at 39115 Detroit Road said plans to include bathrooms, fencing, picnic tables, fishing pier, playground equipment, signage and road infrastructure; and

WHEREAS, following a public hearing on October 20, 2021 the Planning Commission voted to recommend approval of the Special Use Permit by a vote of Five (5) to Zero (0); and

WHEREAS, Council, after reviewing the application, plans and specifications, together with the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the community that the Special Use Permit be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That having considered the recommendation of Planning Commission in the matter of granting a Special Use Permit to the City of Avon to create a new public park and recreational facility over 16.64 acres of land located at 39115 Detroit Road (to be named at a later date) and adjacent to the existing Veterans Park, Council hereby accepts the recommendations of the Planning Commission and agrees to grant said Special Use Permit for the construction, maintenance, and operation of a public park and recreational facility at said location to include bathrooms, fences, picnic tables, fishing pier, playground equipment, signage and road infrastructure, per the plans and specifications submitted and approved by the Planning Commission on October 20, 2021, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance. (See attached [Exhibit A](#))

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its October 20, 2021 meeting; 2) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(m) and 1280.06(z) of the Codified Ordinances of the City of Avon; and 3) that all necessary safety precautions, including the addition of fencing, be utilized. The Safety Director, Service Director and Recreation Coordinator shall implement a safety plan for the site. Any other expansion, development,

enlargement, improvement, change in ownership, tenancy, use or the like, other than maintenance of the property in its current condition, will require an additional amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by Council.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to grant a Special Use Permit to the City of Avon over 16.64 acres of land located at 39115 Detroit Road, adjacent to Veterans Park, for the construction, maintenance, and operation of a public park and recreational facility; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director