

ORDINANCE NO. 4-24

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969
COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON,
OHIO, AS AMENDED, REZONING TWO PARCELS OF LAND CONSISTING OF
APPROXIMATELY 16.93 ACRES OF LAND LOCATED AT 34925 CHESTER ROAD,
PERMANENT PARCEL NOS. 04-00-021-000-255 & 04-00-021-000-266 FROM C-4/O-2
GENERAL BUSINESS/PLANNED OFFICE RESEARCH OFFICE PARK TO C-4/O-
2/M-1 GENERAL BUSINESS/PLANNED OFFICE RESEARCH OFFICE
PARK/GENERAL INDUSTRIAL OVERLAY**

WHEREAS, an application to rezone two parcels of land consisting of approximately 16.93 acres of land located at 34925 Chester Road, from C-4/O-2 General Business/Planned Office Research Office Park to C-4/O-2/M-1 General Business/Planned Office Research Office Park/General Industrial Overlay was submitted to Planning Commission pursuant to Article VII, Section 2(d) and Article VII, Section 2(e)(1) of the Avon City Charter; and

WHEREAS, the Planning Commission, on December 20, 2023, held a Public Hearing on said amendment; and

WHEREAS, on December 20, 2023, the Planning Commission reviewed the proposed amendment to rezone these parcels of land as further described herein and considered the public comments and presentations of all interested parties and by a vote of Five (5) in favor and Zero (0) opposed, recommended the amendment to Ordinance No. 413-68 to allow the two parcels of land consisting of approximately 16.93 acres located at 34925 Chester Road to be rezoned C-4/O-2 General Business/Planned Office Research Office Park to C-4/O-2/M-1 General Business/Planned Office Research Office Park/General Industrial Overlay; and

WHEREAS, Council, on January 2, 2024, authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on February 12, 2024, at 7:25 P.M.; and

WHEREAS, notice of the time and place of such Public Hearing has been given to record title holders of property immediately adjacent to, adjoining and abutting on such area, zone, or district proposed to be modified.

WHEREAS, Council finds that the recommendation of Planning Commission is reasonable and in the best interests of the safety, health, and welfare of the City and deems it desirable that Ordinance No. 413-68 be amended to rezone the two parcels of land consisting of approximately 16.93 acres and located at 34925 Chester Road, from C-4/O-2 General Business/Planned Office Research Office Park to C-4/O-2/M-1 General Business/Planned Office Research Office Park/General Industrial Overlay.

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

Section 1 - That Ordinance No. 413-68, passed January 15, 1969, commonly known as the Zoning Ordinance of the City of Avon, Ohio, as amended, shall be further amended as provided hereafter.

Section 2 - That from the effective date of this Ordinance the two parcels of land consisting of approximately 16.93 acres and located at 34925 Chester Road, be and the same are hereby rezoned from C-4/O-2 General Business/Planned Office Research Office Park to C-4/O-2/M-1 General Business/Planned Office Research Office Park/General Industrial Overlay, Permanent Parcel Nos. 04-00-021-000-255 & 04-00-021-000-266 and more fully described in Exhibit A, which is attached hereto and incorporated herein by this reference.

Section 3 - That all provisions of Ordinance No. 413-68 and its various amendments, shall remain in full force and effect.

Section 4 - 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 5 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading 1-8-24
Second Reading 1-22-24
Third Reading 2-12-24

PASSED: February 12, 2024 DATE SIGNED: February 12, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: February 13, 2024

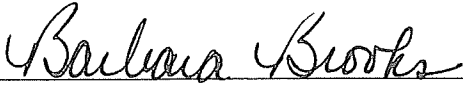
[Signature]

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:


Barbara Brooks, Clerk of Council

Posted: February 14, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 4-24, passed by the Council of said City on February 12, 2024.

IN WITNESS WHEREOF, I have on this 13th day of February, 2024, affixed my signature and official seal.

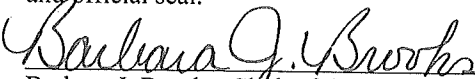

Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 4-24

Rezoning Application – 34925 Chester Road, Avon, Ohio 44011

1a. – Applicant requests a change in zoning to add a M-1 Industrial Overlay

1b. – The proposed use will have a manufacturing, warehouse and retail component

1c. – Legal Description

Parcel Number 1

Situated in the City of Avon, County of Lorain and State of Ohio:
and being known as part of Original Avon Township Section No. 21, bound and described as follows:
Beginning at an iron pin found in the centerline of Chester Road 60 foot-wide at its intersection with the centerline of Jaycox Road;
Thence South 88° 10'20" East along the centerline of Chester Road, a distance of 367.02 feet to a point and the principal place of beginning;
Thence South 3° 24'20" West in a line parallel to the centerline of Jaycox Road, a distance of 1,104.96 feet to a point and the Southerly line now or formerly owned by Avery S. Cohen as recorded in Volume 947, Page 395 in Lorain County Record of Deeds; said line passes through an iron pin set on the Southerly right-of-way line of Chester Road, and an iron pin set on the Northerly right-of-way line of I-90 (SR 2);
Thence South 88° 09'53" East along Cohen's Southerly line, a distance of 428.00 feet to a point;
Thence North 3° 24' 20" East in a line parallel to the centerline of Jaycox Road, a distance of 1,105.02 feet to a point on the centerline of Chester Road; said line passes through an iron pin set on the Northerly right-of-way line of I-90 and an iron pin set on the Southerly right-of-way line of Chester Road;
Thence North 88° 10'20" West along the centerline of Chester Road, a distance of 428.00 feet to a point and principle place of beginning;
Containing within said bounds 10.84 acres of which 0.83 acre lies in right-of-way, to be the same more or less, but subject to all legal highways.
Excepting therefrom .2948 acres (parcel 7) as recorded in the Jaycox Road and Chester Road Dedication Plat in Plat Volume 95, Page 39 of Lorain County Records.
Also excepting .05 acres deeded to the City of Avon on November 29, 2010, in Instrument Number 20100355504 of Lorain County Records.

Property Address: (for informational purposes only)

Permanent Parcel Number: 04-00-021-000-266 (for informational purposes only)

Prior Instrument Reference: 19990660319

Parcel Number 2

Situated in the City of Avon, County of Lorain and State of Ohio:
and being known as part of Original Avon Township Section No. 21, bound and described as follows:
Beginning at an iron pin found in the centerline of Chester Road 60 Foot-wide at its intersection with the centerline of Jaycox Road;
Thence South 3° 24' 20" West along the centerline of Jaycox Road, a distance of 30.02 to a point on the westerly extension of the Southerly right-of-way line of Chester Road;

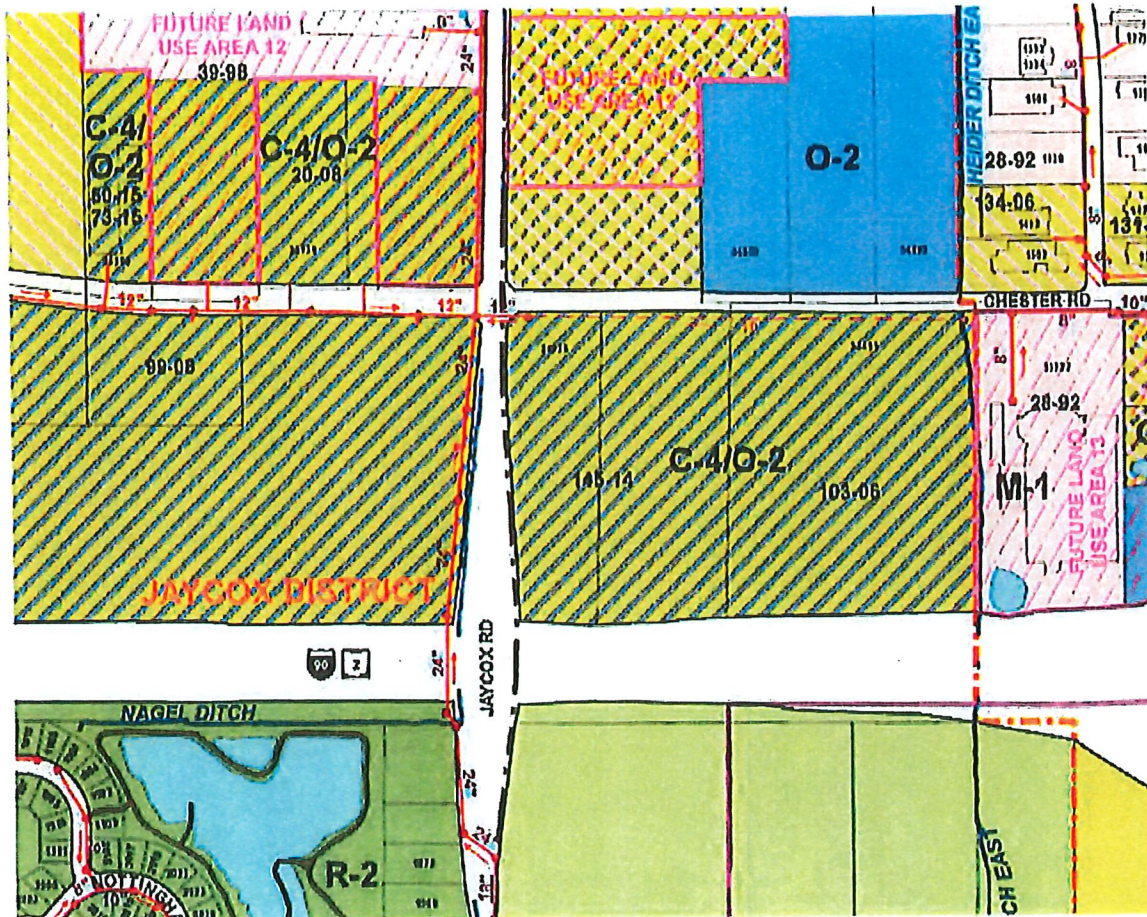
Thence South 88° 10' 20" East along the westerly extension of the Southerly right-of-way line of Chester Road, a distance of 30.02 feet to an Iron pin found along the Easterly right-of-way line of Jaycox Road;
Thence South 5° 7' 19" East along the Easterly right-of-way line of Jaycox Road, a distance of 101.16 feet to an Iron pin set;
Thence continuing along the Easterly right-of-way line of Jaycox Road South 3° 24' 20" West, a distance of 150.00 feet to an Iron pin set;
Thence continuing along the Easterly right-of-way line of Jaycox Road South 1° 21' 29" East, a distance of 602.08 feet to an Iron pin set;
Thence continuing along the Easterly right-of-way line of Jaycox Road South 0° 47' 9" East, a distance of 163.23 feet to an Iron pin set on the Northerly right-of-way line of Interstate 90 (SR 2);
Thence South 89° 41' 39" West along the Northerly right-of-way line of I-90, a distance of 107.15 feet to a point on the centerline of Jaycox Road;
Thence South 3° 24' 20" West along the centerline of Jaycox Road, a distance of 55.95 feet to a point at the Southwesterly corner of lands now or formerly owned by Avery S. Cohen as recorded in Volume 947, Page 395 in Lorain County Record of Deeds;
Thence South 88° 09' 53" East along Cohen's Southerly line, a distance of 373.02 feet to a point;
Thence North 3° 24' 20" East in a line parallel to the centerline of Jaycox Road, a distance of 1,104.96 feet to a point on the centerline of Chester Road; said line passes through an iron pin set in the Northerly right-of-way line of I-90 and an iron pin set on the Southerly right-of-way line of Chester Road;
Thence North 88° 10' 20" West along the centerline of Chester Road, a distance of 367.02 feet to a point and the place of beginning;
Containing within said bounds 7.71 acres, in which 0.71 acre lies in right-of-way, to be the same more or less, but subject to all legal highways.
Excepting from the above described premises land conveyed to the State of Ohio by deed dated 4-19-68 and recorded in Volume 967 page 23 of Lorain County Records. It is the intention of this deed to convey about 7.25 acres of land.
Also excepting from the above .2926 acres (parcel 5) as recorded in the Jaycox Road and Chester Road Dedication Plat in Plat Volume 95, Page 39 of Lorain County Records.

Property Address: (for informational purposes only)

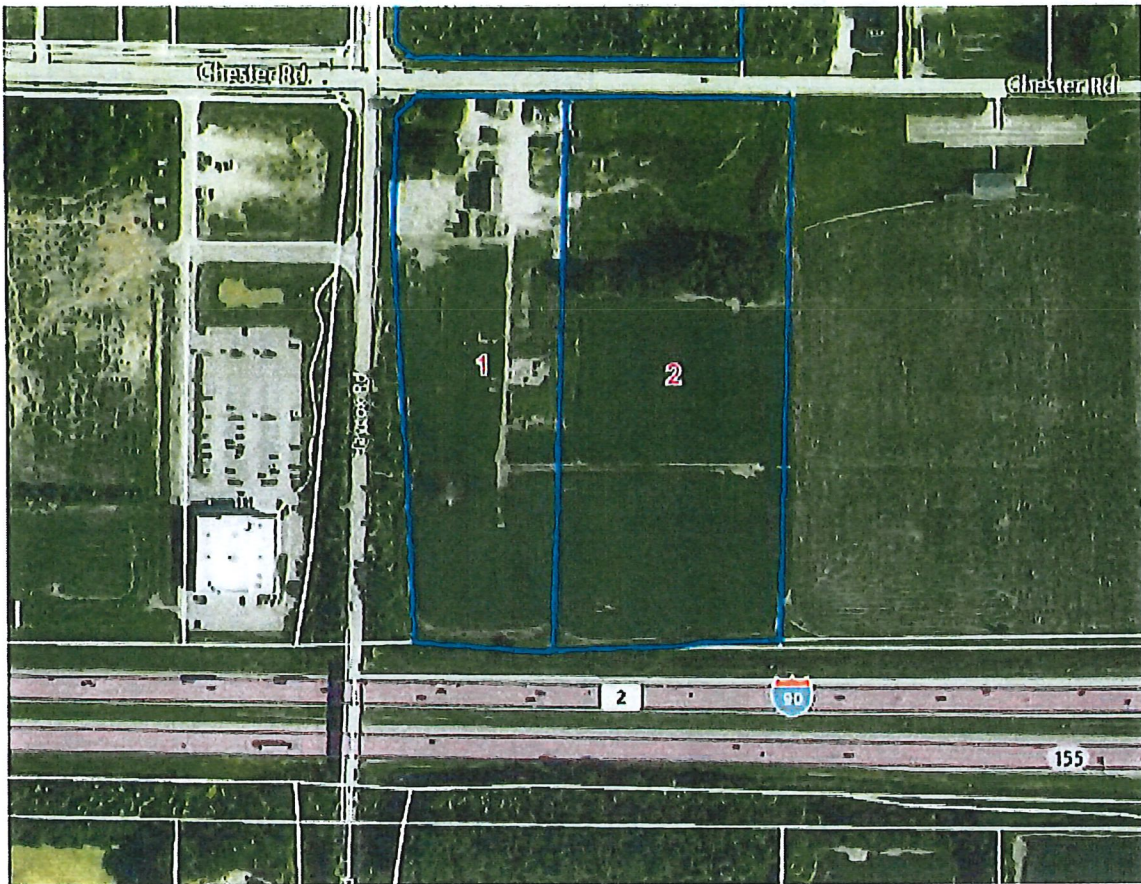
Permanent Parcel Number: 04-00-021-000-255 (for informational purposes only)

Prior Instrument Reference: 19990660320

The subject two parcels are located on the SE corner of Jaycox Road and Chester Road and labeled 145-14 on the map below.



1d. Vicinity Map (continued)



1e. - Adjacent and Adjoining Property Ownership

1. 34455 Chester Road, Avon, Ohio 44011 – PP# 04-00-021-000-261
Chester Road Development LLC – 3004 Hayes Avenue, Sandusky, Ohio 44870
2. 34550 Chester Road, Avon, Ohio 44011 – PP# 04-00-021-000-092
DLG Management LLC – 34550 Chester Road, Avon, Ohio 44011
3. Jaycox Road, Avon, Ohio 44011 – PP# 04-00-021-000-257
Marlin Manufacturing Corp. – 12800 Corporate Drive, Parma, Ohio 44130
4. Jaycox Road, Avon, Ohio 44011 – PP# 04-00-021-000-286
Carter Avon II LLC – 13 West Hanna Lane, Bratenahl, Ohio 44108
5. Chester Road, Avon, Ohio 44011 – PP# 04-00-021-000-303
Speedway LLC – P.O. Box 4900, Scottsdale, AZ 85261
6. 35015 Chester Road, Avon, Ohio 44011 – PP# 04-00-021-000-299
TG3 Real Estate Avon LLC – 50 Nashua Road, Londonderry, New Hampshire 03053