

ORDINANCE NO. 26-14

**AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT
FOR A PUBLIC PARK LOCATED BEHIND 36225 DETROIT ROAD
(THE FORMER PEAK PROPERTY) TOGETHER WITH AN OUTDOOR
AQUATIC FACILITY AND APPURTENANCES THERETO
AND DECLARING AN EMERGENCY**

WHEREAS, in Ordinance No. 50-10, passed May 17, 2010, Council authorized the Mayor to purchase approximately 18 acres of R-1 property (permanent parcel nos. 04-00-015-109-054 and 04-00-015-109-162) behind 36225 Detroit Road from the Peak family for future public use; and

WHEREAS, the Administration is proposing that this land be dedicated as a public parkland for the benefit of all of Avon's residents and to include, among other things, an outdoor aquatic facility; and

WHEREAS, Avon Codified Ordinance §1262.03(c)(3) requires a special use permit for the creation/construction/operation of a public park in the R-1 Single Family Residential District; and

WHEREAS, the City of Avon has submitted plans and specifications for the creation of a public park and construction/operation of outdoor aquatic facility and appurtenances thereto to the Avon Planning Commission on February 19, 2014; and

WHEREAS, Planning Commission held a public hearing on February 19, 2014 and after said public hearing, Planning Commission, by a vote of five (5) in favor and zero (0) opposed, voted to recommend to Council the granting of said Special Use Permit for the creation of a public park and the construction/operation of an outdoor aquatic facility behind 36225 Detroit Road; and

WHEREAS, having reviewed the plans and specifications for the proposed Special Use Permit as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the citizens of Avon 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 matter of granting a Special Use Permit to the City of Avon for the creation of a public park together with the construction/operation of an outdoor aquatic facility behind 36225 Detroit Road (the former Peak property) as set forth in the plans and specifications presented to Planning Commission on February 19, 2014 and as contained in the schematic attached hereto and incorporated herein as Exhibit A, Council hereby accepts the recommendation of Planning Commission and agrees to grant the Special Use Permit for the City of Avon.

Section 2 - Conditions. 1) That the project proceed pursuant to plans and specifications approved and recommended by the Planning Commission on February 19, 2014; and 2) that the Special Use Permit granted herein for the public park, outdoor aquatic facility and all appurtenances thereto is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(m) and 1280.06(z). Any expansion, development, enlargement, improvement, change or the like, other than as set forth herein, will require an amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by City 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 for the creation of public parkland and the construction/operation of an outdoor aquatic facility behind 36225 Detroit Road (former Peak property); therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, 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:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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