

ORDINANCE NO. 18-17

AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR THE CATHOLIC CEMETERIES ASSOCIATION TO APPROVE THE RELOCATION AND RECONSTRUCTION OF A VISITORS CENTER TO BE LOCATED AT 32787 DETROIT ROAD AND DECLARING AN EMERGENCY

WHEREAS, The Elmhurst Cemetery, which was located at 32787 Detroit Road, was founded in the 1940s and prior to the adoption of the City's Planning and Zoning Code; and

WHEREAS, Catholic Cemeteries Association (CCA) purchased the cemetery in 1998 renaming it St. Joseph's Cemetery and has operated it at that Detroit Road location since that time; and

WHEREAS, today, by application of ACO §1282.10, the cemetery is deemed to be a legal special use in the R-1 Single Family zoning district as set forth in ACO §1262.03(c)(1); and

WHEREAS, the CCA (St. Joseph Cemetery) now desires to amend its Special Use Permit to allow for the removal and replacement of the existing visitor center and construction of a new 3,825 sq. ft. visitors center to be located near the entrance to the premises at 32787 Detroit Road; and

WHEREAS, CCA, in furtherance thereof, has submitted an application and presented plans and specifications for the relocation and construction of said visitor center to the Planning Commission on October 19, 2016, January 18, 2017 and February 15, 2017; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2016, heard extensive comment on the subject at its January 18th and February 15th meetings and by a vote of Five (5) to Zero (0) on February 15th, 2017, recommended approval of the amended Special Use Permit to City Council; and

WHEREAS, Council, after reviewing the application, plans and specifications and the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the community that the amended 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 an amendment to the Special Use Permit for Catholic Cemeteries Association (CCA) to construct a 3,825 sq. ft. visitor center pursuant to plans and specifications submitted to Planning Commission on February 15th, 2017 and finalized by the City's Engineer thereafter on March 1st, 2017, Council hereby accepts the recommendation of Planning Commission and grants the amendment for said relocation and construction at it St. Joseph's Cemetery located at 32787 Detroit Road subject to the conditions set forth herein.

Section 2 - Conditions. (1) That the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified Ordinances including, but not limited to, those set forth in 1280.02, 1280.03, 1280.04(c), and 1280.06(f); (2)(a) there shall be no outside sales, (b) visitor center hours of operation shall be from 8:30 a.m. to 4:30 p.m. Monday through Friday, 8:30 to 12:30 on Saturdays (c) the building will be locked an hour after closing, (d) the bathrooms shall remain open from dawn to dusk, (e) minimal lighting will remain on the building all night for safety reasons, (f) all drainage and stormwater retention shall be as set forth on the final development plan found in Exhibit A; (g) driveway lighting shall be per the plan set forth in Exhibit B; (h) driveway lighting will be turned off one hour after dusk and turned on one hour before opening, (i) landscape plan shall be coordinated with neighbors on the east and west side of the cemetery, attached hereto as Exhibit C and instituted as part of this Special Use; (j) sidewalk will be constructed by the CCA, or its successor, at its expense, along the entire frontage of the property at such time in the future as the City requests; (3) upon completion of the project, CCA agrees to provide the City with "as built" elevations of the building and of the noted drainage/stormwater improvements prior to occupying the building; CCA agrees to comply with all reasonable recommendations of the City regarding these improvements; (4) Any expansion, development, enlargement, improvement, change in ownership, 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 allow an amendment to the Special Use Permit for CCA to construct its new visitor center at 32787 Detroit Road on its R-1 property within the upcoming construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Robert J. Butkowski, Council President Pro Tem

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

Ordinance No. 18-17 (Con't)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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