

ORDINANCE NO. 57-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALAN N. JOHNSON, THE OWNER OF PROPERTY AT 1284 MILLER ROAD TO ALLOW HIS TENANT, GREAT LAKES BASKETBALL, LLC, TO OPERATE AN INDOOR TRAINING FACILITY LOCATED IN AN M-1 DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, Alan N. Johnson, (Johnson), the property owner, desires to lease space to Great Lakes Basketball, LLC, (Great Lakes), to operate an indoor basketball training facility at 1284 Miller Road, i.e., indoor commercial recreational facility; and

WHEREAS, ACO '1280.05(l) requires a property owner to obtain a Special Use Permit to operate an indoor commercial recreational facility in an M-1 zoning district; and

WHEREAS, Great Lakes Basketball, LLC, on behalf of the owner, Alan N. Johnson, submitted an application, together with plans and specifications for said training facility to the Planning Commission on April 20, 2022; and

WHEREAS, the Planning Commission held a public hearing on April 20, 2022 and by a vote of five (5) to zero (0), recommended approval of the Special Use Permit; and

WHEREAS, having reviewed the plans, specifications and the proposed operation of the facility as submitted along with the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city that a Special Use Permit be granted with conditions.

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

Section 1 - That Council, having considered the matter of granting a Special Use Permit to Alan N. Johnson, the owner of property located at 1284 Miller Road, hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit for the operation of an indoor basketball training facility by his tenant, Great Lakes Basketball, LLC per the plans and specifications submitted and approved by the Planning Commission on April 20, 2022 and as set forth in the attached [Exhibit A](#), all of which are made a part of this Special Use Permit by reference and subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission; 2) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in Chapter 1230, 1280.02, 1280.03, 1280.05(l) and 1280.06(r) of the Codified Ordinances of the City of Avon. 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 grant a Special Use Permit to Alan N. Johnson for his tenant, Great Lakes Basketball, LLC to operate an indoor training facility in an M-1 district located at 1284 Miller Road subject to the conditions set forth herein; 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

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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