

RESOLUTION NO. R-23-22

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING APPROXIMATELY 12.71 ACRES OF LAND LOCATED AT 2295 NAGEL ROAD (EAST SIDE OF NAGEL ROAD, SOUTH OF MIDDLETON ROAD AND NORTH OF DETROIT ROAD), PERMANENT PARCEL NO. 04-00-027-101-196 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT AT THE NOVEMBER 8, 2022 GENERAL ELECTION PURSUANT TO THE AVON CITY CHARTER, ARTICLE VII, SECTION 2(e) AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Article VII, Section 2(e) passed by the voters on November 7, 2006, any ordinance passed by City Council rezoning a parcel of land located south of Interstate 90 and north of Detroit Road from a Residential District classification to something other than a Residential District classification shall not be deemed effective until passed by an affirmative vote of a majority of the electors voting thereon at a regularly scheduled general election; and

WHEREAS, on July 11, 2022, Council passed Ordinance No. 71-22 to rezone approximately 12.71 acres of land, Permanent Parcel No. 04-00-027-101-196, from R-1 Residential District to C-4 General Business District. This land lies south of I-90 and north of Detroit Road along the east side of Nagel Road, south of Middleton Road and north of Detroit Road; and

WHEREAS, Council, without delay, desires to place this rezoning issue on the ballot at the next regularly scheduled general election to be held on Tuesday, November 8, 2022.

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

Section 1 – That there shall be submitted to the electors of the City of Avon at the General Election to be held Tuesday, November 8, 2022 at the regular places of voting between the hours of 6:30 A.M. and 7:30 P.M., the question of whether to rezone a parcel of land owned by Isomer Group, LLC consisting of approximately 12.71 acres, Permanent Parcel No. 04-00-027-101-196, located at 2295 Nagel Road (east side of Nagel Road, south of Middleton Road and north of Detroit Road).

Section 2 - The ballots for said election shall, at the top thereof, be entitled "Proposed Rezoning" and the question to be submitted on said ballot shall be in a form as set forth in Exhibit A.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Resolution 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 of Council to submit, in a timely fashion,

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this proposed rezoning request to the voters of the City of Avon at the next General Election to be held on November 8, 2022 General Election and prior to the August 10, 2022 Board of Elections filing deadline; therefore, this Resolution 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

Resolution R-23-22
Exhibit A

PROPOSED REZONING

Article VII, Section 2(e) and 2(e)(3)

Shall a 12.71 acre parcel of land located at 2295 Nagel Road (east side of Nagel Road, south of Middleton Road and north of Detroit Road), Permanent Parcel No. 04-00-027-101-196 and owned by Isomer Group, LLC, be rezoned from R-1 Single Family Residential to C-4 General Business District pursuant to Article VII, Section 2(e) of the Avon City Charter?

YES _____

NO _____