

ORDINANCE NO. 49-15

AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED TO THE AVON BOARD OF EDUCATION TO CONSTRUCT A NEW PLAYGROUND AT THE OLD AVON MIDDLE SCHOOL, 3075 STONEY RIDGE ROAD, WHICH WILL BECOME THE EARLY LEARNING CENTER FOR KINDERGARTEN AND PRE-K STUDENTS AND DECLARING AN EMERGENCY

WHEREAS, the Avon Board of Education currently operates the Avon Middle School at 3075 Stoney Ridge Road, Avon, within an R-1 Residential District; and

WHEREAS, amendments to the Special Use Permit were granted January 12, 2004 (Ord. No. 3-04) for stadium improvements, November 28, 2005 (Ord. No. 181-05) for a recyclable materials container, October 10, 2006 (Ord. No. 116-06) to expand a parking lot, February 12, 2007 (Ord. No. 14-07) stadium turf and track resurfacing and on June 20, 2011 (Ord. No. 73-11) for additional bleachers, gazebo and storage shed; and

WHEREAS, the Board of Education will now operate the Avon Early Learning Center for Kindergarten and Pre-K students at this location and requests an amendment to the Special Use Permit to allow for the construction of a new playground at 3075 Stoney Ridge Road; and

WHEREAS, the Planning Commission held a public hearing on March 18, 2015, and by a vote of Four (4) to Zero (0) , recommended amending the Special Use Permit; 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 amendment to 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 Council hereby accepts the recommendation of the Planning Commission and pursuant to ACO §1280.04(s) amends the Special Use Permit for Avon Board of Education to allow for the construction of a new playground at 3075 Stoney Ridge Road for the Avon Early Learning Center for Kindergarten and Pre-K (currently the Avon Middle School), located in an R-1 Residential District, as per the plans and specifications submitted and approved by the Planning Commission on March 18, 2015 and made a part of this Special Use Permit by reference.

Section 2 - Conditions. 1) That the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.04(s) and 1280.06(g) of the Codified Ordinances of the City of Avon; (2) The playground will not include traditional basketball hoops; (3) A landscape buffer and/or fence will be installed by the School to shield adjoining property owners; and (4) Any other expansion, development, enlargement, improvement, change or the like, other than maintenance of the property in its current condition,

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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 amend the Special Use Permit for Avon Board of Education to allow for the construction of a new playground at it property located at 3075 Stoney Ridge Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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