

ORDINANCE NO. 160-15

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO BRUCE KLINGSHIRN
TO ALLOW FOR A LOT SPLIT AND THE CREATION OF A FLAG ON
THE EAST SIDE OF NAGEL ROAD AT 3601 NAGEL ROAD,
PERMANENT PARCEL NO. 04-00-026-109-101,
AND DECLARING AN EMERGENCY**

WHEREAS, Avon Codified Ordinance §1262.04(b) requires a Special Use Permit for the creation/development of a flag lot in the R-1 zoning district; and

WHEREAS, Bruce Klingshirn, who owns property in the R-1 zoning district at 3601 Nagel Road, Permanent Parcel No. 04-00-026-109-101, has presented plans to Planning Commission on December 16, 2015 proposing to split said parcel and create a flag lot; and

WHEREAS, Planning Commission held a public hearing on December 16, 2015, and by a vote of Five (5) to Zero (0) recommended granting the lot split and the Special Use Permit for a flag lot at said location; and

WHEREAS, the granting of this Special Use Permit requires approval by Council.

WHEREAS, having reviewed the plans for the proposed creation of the flag lot as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city 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 Bruce Klingshirn to split off a 3.5129 acre flag lot in the R-1 zoning district located at 3601 Nagel Road, from Permanent Parcel No. 04-00-026-109-101 (see attached Exhibit A), Council hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit, subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That the split proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its December 16, 2015 meeting; and 2) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.04(i) and 1280.06(l). Except as otherwise provided in Section 1, supra., any expansion, development, enlargement, improvement, change or the like, other than utilization of the property as a permitted use in R-1 and maintaining the required setbacks for that zoning district, will require an amendment to this Special Use Permit, with a recommendation from 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.

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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 a 3.5129 acre flag lot on the east side of Nagel Road at 3601 Nagel Road, from Permanent Parcel No. 04-00-026-109-101; 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
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