

ORDINANCE NO. 53-16

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON AND TO CONSENT TO THE CONSTRUCTION OF A 368 SQ. FT. OUTDOOR BAR AND AWNING BY THE LESSEE, BLUE DOG BASEBALL, LLC TO BE LOCATED ON THE PARTY DECK OF ALL-PRO FREIGHT STADIUM AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon requires an outdoor recreational facility located in a C-4 zoning district to obtain a Special Use Permit pursuant to ACO §1270.03(g)(2); and

WHEREAS, the City of Avon applied for and was granted a Special Use Permit pursuant to Ordinance No. 15-08 to construct, maintain and operate an outdoor recreational facility located at 2009 Baseball Boulevard and presently known as All-Pro Freight Stadium; and

WHEREAS, pursuant to a lease entered into on or about June 16, 2008 (Ord. No. 79-08) with Avon Baseball, LLC and subsequently assigned to Blue Dog Baseball, LLC on December 28, 2015 (Ord. No. 162-15), the lessee has the right, pursuant to Paragraph 8.5 of said lease, to perform any additions, alterations or improvements to the premises with the City's consent; and

WHEREAS, at the City's request and with the City's consent, it is now necessary to amend said Special Use Permit to allow for the tenant, Blue Dog Baseball, LLC, to construct a 368 sq. ft. outdoor bar and awning to be located on the party deck at All-Pro Freight Stadium, located at 2009 Baseball Boulevard; and

WHEREAS, following a public hearing on April 20, 2016, Planning Commission voted to recommend approval of the amendment to the Special Use Permit by a vote of five (5) to zero (0); and

WHEREAS, having reviewed the plans and specifications as submitted, together with the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the community that the Special Use Permit be amended and consent be granted to the Lessee to construct the said improvements to All-Pro Freight Stadium.

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

Section 1 - This Council, having considered the matter of amending the Special Use Permit to the City of Avon for construction of a 368 sq. ft. outdoor bar and awning to be located on the party deck at All Pro Freight Stadium, located at 2009 Baseball Boulevard, hereby accepts the recommendations of the Planning Commission and amends said Special Use Permits with the conditions set forth in this Ordinance. In addition, the City hereby grants its consent, pursuant to Paragraph 8.5 of the Lease, to the Lessee, Blue Dog Baseball, LLC to construct said improvements.

Ordinance No. 53-16 (Con't.)

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications submitted by the Lessee and approved and recommended by the Planning Commission at its April 20, 2016 meeting; 2) that the amended 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 1262.03(c), 1280.02, 1280.03, 1280.05(s) and 1280.06(v) of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change in tenancy, 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 amend the Special Use Permit to allow for the Lessee to construct a 368 sq. ft. outdoor bar and awning to be located on the party deck at All-Pro Freight Stadium, located at 2009 Baseball Boulevard; 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

Ordinance No. 53-16 (Con't.)

Clerk of Council

Posted: _____

In Five Places as
Provided by Council

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