

ORDINANCE NO. 103-14

AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED TO AVON HEALTHCARE REALTY, LLC TO INCLUDE INSTALLATION OF AN EMERGENCY GENERATOR AT THE FACILITY LOCATED AT 37845 COLORADO AVENUE AND DECLARING AN EMERGENCY

WHEREAS, pursuant to ACO §1270.03(c)(9), a congregate care/skilled nursing facility is a Special Use in the C-4 General Business District; and

WHEREAS, pursuant to Ordinance No. 118-13, Council granted a Special Use Permit to Avon Healthcare Realty, LLC to operate this Congregate Care/Assisted Living Facility; and

WHEREAS, it is now necessary to amend said Special Use Permit to include the installation of an emergency generator, i.e., an above-ground storage container of flammable /combustible liquids in any size for the sole purpose of on-site power generation, to the existing building located at 37845 Colorado Avenue per the final drawings submitted to the Planning Commission; and

WHEREAS, pursuant to ACO §1270.03(d)(4), this installation requires a Special Use Permit; and

WHEREAS, following a public hearing on August 20, 2014, Planning Commission voted to recommend approval of amending the Special Use Permit by a vote of Five (5) to zero (0); and

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

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

Section 1 - That the Special Use Permit granted to Avon Healthcare Realty, LLC, is hereby amended to allow for the installation of an emergency generator, viz., an above-ground storage container of flammable /combustible liquids in any size for the sole purpose of on-site power generation, to the existing building located at 37845 Colorado Avenue as per the final plans and specifications submitted to and approved by Planning Commission on August 20, 2014 and made a part of this Special Use Permit by reference.

Section 2 - Conditions. The Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(a)(2), 1280.06(a), 1280.06(w)(2)-(7), 1280.05(ii) and 1280.06(h) 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.

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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 a Special Use Permit for Avon Healthcare Realty, LLC ("The Woods on French Creek") to add an on-site, above-ground generator; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig 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