

ORDINANCE NO. 104-14

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT
GRANTED TO AVON 25 REAL ESTATE, LLC TO OPERATE A
CONGREGATE CARE/SKILLED NURSING FACILITY TO BE LOCATED ON
THE FUTURE HEALTH CAMPUS DRIVE
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/M-1 General Business District/General Industrial zoning district; and

WHEREAS, Avon 25 Real Estate, LLC, an Ohio Limited Liability Company, applied for and was granted a Special Use Permit for the construction and operation of a congregate care/skilled nursing facility within the C-4/M-1 Districts on the future Health Campus Drive (See Ordinance No. 64-14, passed June 9, 2014); and

WHEREAS, the Planning Commission held a public hearing on August 20, 2014, and by a vote of Five (5) to Zero (0) , recommended the amended Special Use Permit; 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 Council accepts the recommendation of the Planning Commission and amends the Special Use Permit to Avon 25 Real Estate, LLC to operate a Congregate Care/Skilled Nursing Facility at the location identified in Exhibit A off future Health Campus Boulevard as per the plans and specifications submitted to the Planning Commission on August 20, 2014 and marked as Exhibit "A" and made a part of this amended Special Use Permit by this 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(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.

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 Avon 25 Real Estate, LLC for a congregate care/skilled nursing facility; 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