

ORDINANCE NO. 59-15

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
F&M AVON OPCO, LLC (aka FIRST & MAIN)
TO OPERATE A CONGREGATE CARE FACILITY TO BE LOCATED AT 35748
DETROIT ROAD IN AN R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to ACO §1270.03(c)(9), a congregate care facility is a Special Use in an R-2 Two Family Residential zoning district; and

WHEREAS, F&M Avon OPCO, LLC, an Ohio Limited Liability Corporation, (aka First & Main), the owner of property at 35748 Detroit Road has applied for a Special Use Permit for the construction and operation of a congregate care facility to be located within an R-2 Two Family Residential zoning district; and

WHEREAS, the Planning Commission held a public hearing on April 15, 2015, and by a vote of Five (5) to Zero (0) , recommended the Special Use Permit; and

WHEREAS, the granting of this 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 grants a Special Use Permit to F&M Avon OPCO, LLC to operate a Congregate Care Facility (a.k.a. First & Main) at the location identified in attached Exhibit A at 35748 Detroit Road as per the plans and specifications submitted to the Planning Commission on April 15, 2015, which are 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(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.

Ordinance No. 59-15 (Con't.)

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 to F&M Avon OPCO, LLC, (aka First & Main), for a congregate care facility to enable construction to begin at the earliest possible date; 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