

ORDINANCE NO. 118-13

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
AVON HEALTHCARE REALTY, LLC TO OPERATE A
CONGREGATE CARE/SKILLED NURSING FACILITY
TO BE 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, Avon Healthcare Realty, LLC, an Ohio Limited Liability Company, has applied for a Special Use Permit for the construction and operation of a congregate care/skilled nursing facility (to be known as “The Woods on French Creek”) at 37845 Colorado Ave. which is located within the C-4 District; and

WHEREAS, the Planning Commission held a public hearing on September 18, 2013, 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 Avon Healthcare Realty, LLC to operate a Congregate Care/Skilled Nursing Facility at 37845 Colorado Avenue, Avon, Ohio (dba The Woods on French Creek) as per the drawings submitted to the Planning Commission on September 18, 2013 and marked as Exhibit “A” 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(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.

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

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Avon, the immediate emergency being the necessity to grant a Special Use Permit for Avon Healthcare Realty, LLC ("The Woods on French Creek"); therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, 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