

ORDINANCE NO. 2-20

**AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED TO
FRENCH CREEK SQUARE, II, LLC AUTHORIZING A CHANGE IN
OWNERSHIP TO MARGARET KENYON ELLIOTT FOR PROPERTY
LOCATED AT 36200 DETROIT ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, on January 14, 2019, Council passed Ordinance No. 2-19 granting a Special Use Permit to French Creek Square II, LLC, as owner of property located at 36200 Detroit Road, to construct a bank building and freestanding ATM and lease it to their tenant, JP Morgan Chase Bank; and

WHEREAS, French Creek Square II, LLC now desires to transfer ownership of said property to Margaret Kenyon Elliott; and

WHEREAS, pursuant to the Avon Codified Ordinance, Section 1230.09, any change in ownership requires an amendment to the Special Use Permit and must be approved by Planning Commission and Council; and

WHEREAS, the Planning Commission held a public hearing on December 18, 2019 and by a vote of Five (5) to Zero (0), recommended amending the Special Use Permit; and

WHEREAS, Council, after reviewing the application, plans and specifications and the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the community that the amendment to the Special Use Permit be granted.

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

Section 1 - That Council, having considered the matter of amending the Special Use Permit for French Creek Square II, LLC to operate the freestanding ATM, hereby approves the change in ownership from French Creek Square II, LLC to Margaret Kenyon Elliott.

Section 2 - Conditions. (1) That the Special Use Permit amended herein is conditioned upon applicant continuing to meet all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.05(f) and 1280.06(j) of the Codified Ordinances of the City of Avon. Any expansion, development, enlargement, improvement, change in ownership or 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 a Special Use Permit previously granted to French Creek Square II, LLC to reflect a change in ownership of the property located at 36200 Detroit Road to Margaret Kenyon Elliott; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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