

ORDINANCE NO. 13-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AVON REALTY HOLDING, LLC TO DEVELOP 5.55 ACRES OF LAND INTO AN 82 BED SKILLED NURSING FACILITY TO BE LOCATED ON THE EAST SIDE OF NAGEL ROAD, NORTH OF PRIMROSE SCHOOL AND DECLARING AN EMERGENCY

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

WHEREAS, Avon Realty Holding, LLC, an Ohio Limited Liability Company, (hereinafter referred to as “Avon Realty Holding”) is proposing to construct an 82 bed, skilled nursing facility on 5.55 acres of C-4 land it owns located on the east side of Nagel Road, north of Primrose School); and

WHEREAS, Avon Realty Holding has applied for this Special Use Permit to facilitate the construction of this facility (See [Exhibit A](#)), to be operated by Avon SNF, Inc. (hereinafter referred to as “Avon SNF”) on the east side of Nagel Road, north of Primrose School; and

WHEREAS, the Planning Commission held a public hearing on January 19, 2022, and by a vote of Four (4) to Zero (0), recommended granting the Special Use Permit; and

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

WHEREAS, having reviewed the plans for the proposed construction of an 82 bed, skilled nursing facility and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city that 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 hereby accepts the recommendation of the Planning Commission and grants a Special Use Permit to Avon Realty Holding, LLC over 5.55 acres of C-4 property it owns on the east side of Nagel Road, north of Primrose School to enable it to be developed into an 82 bed, skilled nursing facility as set forth in the attached [Exhibit A](#) which is incorporated herein by this reference. The development will proceed pursuant to plans and specifications submitted to the Planning Commission on January 19, 2022, 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 1230.09, 1280.02, 1280.03, 1280.05(jj) and 1280.06(h) of the Codified Ordinances of the City of Avon. In addition, the Special Use Permit will require the operator of the memory care facility (Avon SNF, Inc.) to follow its non-emergency patient transportation protocols as set forth in attached [Exhibit B](#), which are incorporated herein by this reference. Any expansion, development, enlargement, improvement, change in tenancy, change in transport protocols, use or the like, other than

maintenance of the property in its current condition, will require additional amendments 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 grant a Special Use Permit for Avon Realty Holding, LLC over 5.55 acres for property it owns on the east side of Nagel Road, north of Primrose School, to construct an 82 bed, skilled nursing facility to service the Avon community 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: _____
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