

ORDINANCE NO. 98-16

AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR AVON SENIOR LIVING, LLC (EDWARD ROSE) TO INCLUDE A 76 UNIT SENIOR LIVING VILLA DEVELOPMENT TO BE LOCATED AT 32200 HEALTH CAMPUS BOULEVARD AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon viz., ACO §1270.03(c)(9), require a Special Use Permit for the construction and operation of a congregate care/skilled nursing facility in a C-4/M-1 General Business District/General Industrial zoning district; and

WHEREAS, pursuant to Ordinance No. 105-14, passed September 8, 2014, Avon Senior Living, LLC (formerly known as Edward Rose Properties, Inc.) was granted a Special Use Permit to construct and operate a congregate care/skilled nursing facility to be located within the C-4/M-1 Districts on the future Health Campus Drive; and

WHEREAS, it is now necessary to amend said Special Use Permit to construct phase two of the project, i.e., 76 senior living villas to be located at 32200 Health Campus Boulevard; and

WHEREAS, following a public hearing on July 20, 2016, Planning Commission voted to recommend approval of the amendment to the Special Use Permit by a vote of five (5) to zero (0); 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 the original Special Use Permit granted to Edward Rose Properties, Inc., in Ordinance No. 105-14, is hereby amended to permit the new property owner Avon Senior Living, LLC to construct 76 senior living villas (Phase 2) at 32200 Health Campus Boulevard in the City of Avon as per the final drawings, plans and specifications approved (contingent on submission of final engineering) by Planning Commission on July 20, 2016, all of which is incorporated herein and made a part of this Special Use Permit by reference.

Section 2 - Conditions. That the Special Use Permit granted herein is conditioned upon (1) applicant providing the amenities and otherwise complying with the Use Description set forth in Exhibit A which is incorporated herein by this reference; and (2) meeting all applicable requirements of the Avon Codified Ordinances including, but not limited to, those set forth in 1280.02, 1280.03, 1280.05(ii) and 1280.06(h). Any expansion, development, enlargement, improvement, change in ownership, use or the like, other than maintenance of the property in its current condition, will require an amendment to this Special Use Permit, with a recommendation of Planning Commission and approval by City Council. Further, all requirements of the previously granted special use permits or amendments thereto remain in effect.

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 to Avon Senior Living, LLC to construct 76 senior living villas at 32200 Health Campus Boulevard; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

Prepared by:
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Law Director