

ORDINANCE NO. 41-14

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO
ST. MARY'S OF THE WOODS FOR THE CONSTRUCTION OF A 10,910 SQ. FT.
ADDITION TO THE EXISTING BUILDING LOCATED AT 35755 DETROIT ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, St. Mary's of the Woods is a congregate care facility located at 35755 Detroit Road in an R-2 Two-Family Residential District; and

WHEREAS, pursuant to Ordinance No. 158-03, Council granted a Special Use Permit to St. Mary's of the Woods to operate this Congregate Care/Assisted Living Facility; and

WHEREAS, it is now necessary to amend said Special Use Permit to allow the construction of a 10,910 sq. ft. addition to the existing building located at 35755 Detroit Road as per the final drawings submitted to the Planning Commission; and

WHEREAS, following a public hearing on March 19, 2014, Planning Commission voted to recommend approval of amending the Special Use Permit by a vote of Five (5) to zero (0); and

WHEREAS, the granting of this Amended 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 the Special Use Permit granted to St. Mary's of the Woods, is hereby amended to allow for the construction of a 10,910 sq. ft. addition to the existing building located at 35755 Detroit Road as per the final plans and specifications submitted to and approved by Planning Commission on March 19, 2014 and made a part of this Special Use Permit by reference.

Section 2 - *Conditions*. That 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.

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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 allow for the construction of a 10,910 sq. ft. addition to the existing building located at 35755 Detroit Road as per the final drawings submitted to the Planning Commission on March 19, 2014; 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:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director