

ORDINANCE NO. 128-14

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO DUKE REALTY OHIO, AN INDIANA GENERAL PARTNERSHIP, TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A 55,000 SQUARE FOOT, TWO STORY REHABILITATION HOSPITAL AND A FUEL STORAGE TANK TO BE LOCATED IN THE VICINITY OF 38039 CHESTER ROAD, AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1270.03(a)(4), require a Special Use Permit for the construction and operation of a hospital and related facilities in the C-4 General Business District; and

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1270.03(d)(4), require a Special Use Permit for the installation and maintenance of an above-ground storage container of flammable/combustible liquids, LPG, or hazardous materials in any size to be used for the sole purpose of on-site power generation in the C-4 General Business District; and

WHEREAS, Duke Realty Ohio, an Indiana General Partnership, has submitted an application and presented plans and specifications to the Planning Commission on October 15, 2014 for the construction of a 55,000 square foot, two story rehabilitation hospital together with an above-ground storage container of flammable/combustible liquids, LPG, or hazardous materials to be used for the sole purpose of on-site power generation in said District; and

WHEREAS, the Planning Commission held a public hearing on October 15, 2014, 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.

WHEREAS, having reviewed the plans for the proposed development as submitted 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, having considered the Special Use Permit for the proposed rehabilitation hospital and above-ground storage container of flammable/combustible liquids, LPG, or hazardous materials to be used for the sole purpose of on-site power generation, does hereby accept the recommendation of the Planning Commission and grants a Special Use Permit to Duke Realty Ohio, an Indiana General Partnership, to construct and operate said facility as previously described on their property located in the vicinity of 38039 Chester Road, Avon, Ohio, situated in a C-4 General Business District, as per the plans and specifications submitted to Planning Commission on October 15, 2014.

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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(j), 1280.05(a)(1), 1280.06(q), 1280.06(a), 1280.06(w)(2)-(7) of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change in tenancy, ownership, 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 grant a Special Use Permit for Duke Realty Ohio, an Indiana General Partnership, for a 55,000 square foot, two story rehabilitation hospital and above-ground storage tank; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

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ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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