

ORDINANCE NO. 96-13

AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR THE CLEVELAND CLINIC FOUNDATION TO INCLUDE A PERMANENT 1,344 SQUARE FOOT MODULAR CRITICAL CARE TRANSPORT (“CCT”) BUILDING AT THE FACILITY LOCATED AT 33000 JUST IMAGINE DRIVE, AVON, OHIO 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 a C-4 General Business District; and

WHEREAS, pursuant to Ordinance No. 119-09, passed September 21, 2009, The Cleveland Clinic Foundation (hereinafter referred to as the “Cleveland Clinic”) was granted a Special Use Permit to construct and operate a hospital and related facilities at their property located at 33000 Just Imagine Drive and to erect a temporary sign; and

WHEREAS, Council has since passed Ordinance No. 144-09, Ordinance No. 111-11, Ordinance No. 22-12 and Ordinance No. 121-12 to make amendments to that Special Use Permit; and

WHEREAS, it is now necessary to amend said Special Use Permit to include a permanent 1,344 square foot modular Critical Care Transport (“CCT”) building at 33000 Just Imagine Drive; and

WHEREAS, following a public hearing on June 19, 2013, 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 Cleveland Clinic Foundation in Ordinance No. 119-09, is hereby amended to include a permanent 1,344 square foot modular Critical Care Transport (“CCT”) building and second helipad for maintenance of aircraft at 33000 Just Imagine Drive in the City of Avon as per the final drawings, plans and specifications approved by Planning Commission on June 19, 2013, 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 meeting all applicable requirements set forth in 1280.02 and 1280.03 Codified Ordinances of the City of Avon and (2) any expansion, development, enlargement, improvement, change 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. Applicant agrees to notify all helicopter and ambulance rescue squads of the “no fly zone” and the “quiet zone” required to be instituted by this and previously granted special use permits.

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 include a permanent 1,344 square foot modular Critical Care Transport (“CCT”) building at 33000 Just Imagine Drive; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, 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