

ORDINANCE NO. 51-17

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT
FOR 32900 DETROIT ROAD PROPERTIES, LLC (AVON PLACE)
TO ALLOW FOR THE CONSTRUCTION OF A NEW CONCRETE
OUTDOOR PATIO LOCATED AT 32900 DETROIT ROAD,
AND DECLARING AN EMERGENCY**

WHEREAS, the Good Samaritan Skilled Nursing and Rehabilitation Center began operations as a skilled nursing facility at 32900 Detroit Road in 1964 and prior to the adoption of the City's Planning and Zoning Code; and

WHEREAS, 32900 Detroit Road Properties, LLC (Avon Place) now operates this skilled nursing and rehabilitation center at 32900 Detroit Road; and

WHEREAS, pursuant to ACO §1282.10, any use considered a permitted use prior to the adoption of the Planning and Zoning Code is deemed to be a conforming special use at the time of adoption of the current Planning & Zoning Code on May 29, 2001; and

WHEREAS, 32900 Detroit Road Properties, LLC desires to construct a concrete outdoor patio which requires an amendment to their existing special use permit; and

WHEREAS, 32900 Detroit Road Properties, LLC submitted plans and specifications for the construction of a concrete outdoor patio to the Avon Planning Commission on May 17, 2017; and

WHEREAS, Planning Commission held a public hearing on May 17, 2017;

WHEREAS, on May 17, 2017, Planning Commission, by a vote of five (5) in favor and zero (0) opposed, voted to recommend to Council the granting of said amendment to the Special Use Permit for the outdoor concrete patio; and

WHEREAS, having reviewed the plans and specifications for the proposed improvements 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 having considered the matter of granting an amended Special Use Permit to 32900 Detroit Road Properties, LLC, d.b.a. Avon Place for the construction of an outdoor concrete patio at 32900 Detroit Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant the amended Special Use Permit pursuant to plans and specifications submitted to Planning Commission on May 17, 2017 and subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its May 17, 2017 meeting; and 2) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable

requirements of the Avon Codified Ordinances including, but not limited to 1280.02, 1280.03, 1280.05(ii), and 1280.06(h). Any expansion, development, enlargement, improvement, change in ownership, 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.

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 amend the Special Use Permit for the continued operation of a skilled nursing and rehabilitation center along with the construction of an outdoor patio located at, 32900 Detroit Road; 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
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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