

**ORDINANCE NO. 1-22**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO YMLM REAL ESTATE, LLC TO DEVELOP 7.23 ACRES OF LAND INTO A MEMORY SUPPORT ASSISTED LIVING FACILITY TO BE LOCATED ON THE NORTH SIDE OF CHESTER ROAD, WEST OF CHESTER INDUSTRIAL PARKWAY AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to ACO '1270.03(c)(9), a congregate care/skilled nursing facility requires a Special Use in the C-4 General Business District zoning district; and

**WHEREAS**, YMLM Real Estate Holdings, LLC, a Delaware Limited Liability Company, (hereinafter referred to as “YMLM”) is proposing to construct a memory support assisted living facility in five (5) phases on 7.23 acres of C-4 land it owns located on the north side of Chester Road, west of Chester Industrial Parkway (the Rusty Park, LLC properties); and

**WHEREAS**, YMLM has applied for this Special Use Permit to facilitate the construction of a multi-phase memory support assisted living facility (See [Exhibit A](#)), to be operated by Beehive Homes of NR Ohio, LLC., (hereinafter referred to as “Beehive”) on the north side of Chester Road, west of Chester Industrial Parkway, (south of Avins Ditch); and

**WHEREAS**, the Planning Commission held a public hearing on December 15, 2021, and by a vote of Five (5) to Zero (0), recommended granting 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 construction of a memory care and support facility 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 accepts the recommendation of the Planning Commission and grants a Special Use Permit to YMLM Real Estate Holdings, LLC, over 7.23 acres of C-4 property it owns on the north side of Chester Road, west of Chester Industrial Parkway to enable it to be developed into a memory support assisted living facility as set forth in the attached Exhibit A which is incorporated herein by this reference. Phase 1 of said development will proceed pursuant to plans and specifications submitted to the Planning Commission on December 15, 2021, which are made a part of this Special Use Permit by reference.

Section 2 - Conditions. The Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(jj) and 1280.06(h) of the Codified Ordinances of the City of Avon. In addition, the Special Use Permit will require the operator of the memory care facility (Beehive Homes of NR Ohio, LLC) to follow its non-emergency patient transportation protocols as set forth in attached [Exhibit B](#), which are incorporated herein by this reference. Any expansion, development, enlargement, improvement, change in tenancy, change in transport protocols, use or the like, other than

maintenance of the property in its current condition, will require additional amendments 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 YMLM Real Estate Holdings, LLC over 7.23 acres for property it owns on the north side of Chester Road, west of Chester Industrial Parkway, for the development of its memory support assisted living facility to service the Avon community at the earliest possible date; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Barbara Brooks, Clerk of Council

POSTED: \_\_\_\_\_  
In Five Places as  
Provided by Council

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