

**ORDINANCE NO. 1-19**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO  
GANZHORN REAL ESTATE OF AVON, LLC. TO DEVELOP A 51,130 SQ. FT.  
SINGLE-STORY, MEMORY CARE COMMUNITY TO BE  
LOCATED OFF HEALTH CAMPUS BOULEVARD  
AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to ACO §1270.03(c)(9), a congregate care/skilled nursing facility is a Special Use in the C-4/M-1 General Business District/General Industrial zoning district; and

**WHEREAS**, Ganzhorn Real Estate of Avon, LLC., an Ohio Limited Liability Company, (hereinafter referred to as “Ganzhorn”) has applied for a Special Use Permit for the construction of a 51,130 sq. ft. single-story memory care community to be operated by Ganzhorn Operating Company, LLC (hereinafter referred to as “Ganzhorn Operating”) to be located off Health Campus Boulevard in a C-4/M-1 zoning district; and

**WHEREAS**, the Planning Commission held a public hearing on December 19, 2018, and by a vote of Five (5) to Zero (0), recommended the Special Use Permit with conditions; and

**WHEREAS**, the granting of this 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 Council accepts the recommendation of the Planning Commission and grants a Special Use Permit to Ganzhorn Real Estate of Avon, LLC, the owner of the property being developed into a memory care facility off Health Campus Boulevard at the location identified in attached Exhibit A which is incorporated herein by this reference. The development will proceed pursuant to plans and specifications submitted to the Planning Commission on December 19, 2018, 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(ii) 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 (Ganzhorn Operating Company of Avon, 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 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 grant a Special Use Permit for Ganzhorn Real Estate of Avon, LLC to develop a memory care facility on Health Campus Blvd.; 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:

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

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

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