

ORDINANCE NO. 15-24

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO NWQ JAYCOX I-90, LLC TO ALLOW FOR CONSTRUCTION OF AN OUTDOOR RECREATION AND ENTERTAINMENT FACILITY THAT INCLUDES OUTDOOR SEATING TO BE LOCATED ON CHESTER ROAD, PPN 04-00-021-000-306 AND DECLARING AN EMERGENCY

WHEREAS, the zoning regulations for the City of Avon require outdoor recreational facilities with outdoor seating areas in the C-4/O-2 General Business/Planned Research Office Park Districts to obtain a Special Use Permit pursuant to ACO Sections 1270.03(g)(2) and 1270.03(b)(8); and

WHEREAS, NWQ Jaycox I-90, LLC, the property owner has submitted an application and presented plans and specifications to Planning Commission for construction of an outdoor recreation and entertainment facility that includes outdoor seating to be located on Chester Road, PPN 04-00-021-000-306; and

WHEREAS, the Planning Commission held a public hearing on January 17, 2024, and by a vote of Five (5) in favor and Zero (0) opposed, recommended approval of the Special Use Permit; and

WHEREAS, the granting of this Special Use Permit requires approval of City Council; 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 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 the Special Use Permit to NWQ Jaycox I-90, LLC as owner of the property on Chester Road, PPN 04-00-021-000-306, Council hereby accepts the recommendation of the Planning Commission and agrees to grant them a Special Use Permit for an outdoor recreational facilities with outdoor seating area in the C-4/O-2 General Business/Planned Research Office Park Districts per the plans and specifications submitted and approved by the Planning Commission on January 17, 2024, and made a part of this Special Use Permit by reference. (See [Exhibit A](#))

Section 2 - Conditions. (1) NWQ Jaycox I-90, LLC agrees to maintain the outdoor recreation and entertainment facility, the lighting and the parking areas; (2) The restaurant and outdoor patio will be open for operation from 9:00 a.m. to 12:00 a.m. Sunday through Thursday and from 9:00 a.m. to 2:00 a.m. on Friday and Saturday; (3) no live music will be permitted on the outdoor patio only soft ambient music from inside the facility; (4) the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its January 17, 2024 meeting; and (5) that the Special Use Permit granted herein is conditioned

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upon applicant meeting all applicable requirements of the Avon Codified Ordinances including, but not limited to Chapter 1230, Sections 1280.02, 1280.03, 1280.05(t), 1280.06(v), 1280.05(cc), and 1280.06(dd). Any expansion, development, enlargement, improvement, change in ownership or 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 a Special Use Permit to NWQ Jaycox I-90, LLC to construct an outdoor recreation and entertainment facility that includes outdoor seating at their facility located on Chester Road, PPN 04-00-021-000-306, within a C-4/O2 General Business/Planned Research Office Park Districts subject to the conditions set forth above; 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: _____
Electronically and at City Hall as
Provided by Council

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