

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)

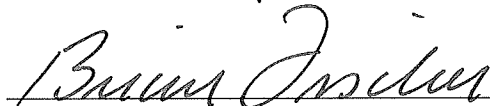
Section 2 - Conditions. (1) NWQ Jaycox I-90, LLC agrees to maintain the outdoor recreation and entertainment facility, the lighting and the parking areas; (2) The restaurant and outdoor patio will be open for operation from 9:00 a.m. to 12:00 a.m. Sunday through Thursday and from 9:00 a.m. to 2:00 a.m. 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

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.

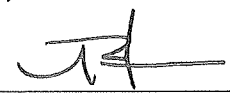
Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were 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.

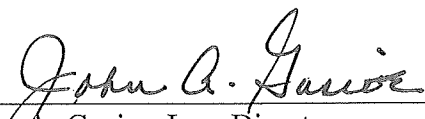
PASSED: February 12, 2024 DATE SIGNED: February 12, 2024

By: 
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR February 13, 2024


Bryan K. Jensen, Mayor

APPROVED AS TO FORM:


John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

POSTED: February 14, 2024
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 15-24, passed by the Council of said City on February 12, 2024.

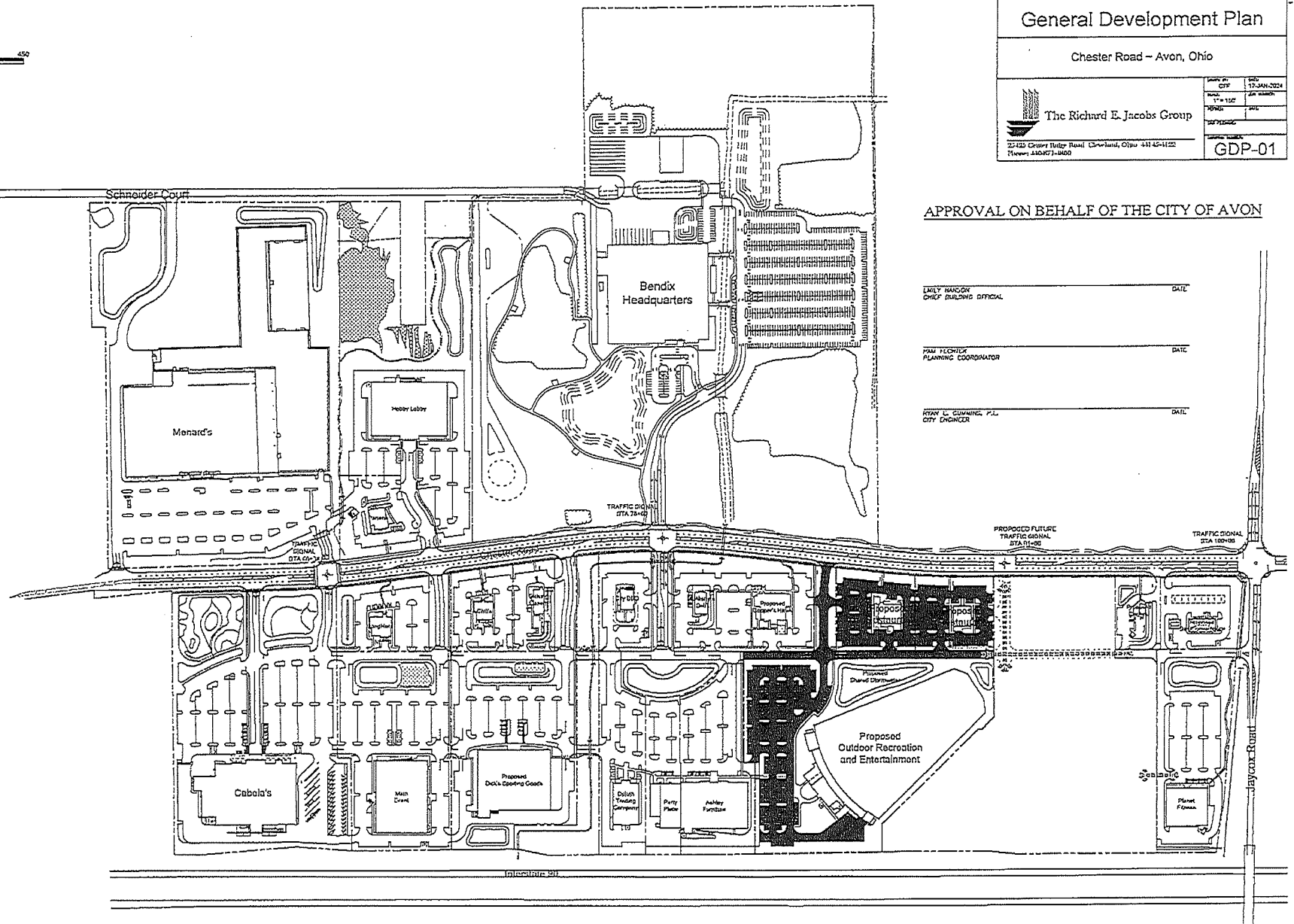
IN WITNESS WHEREOF, I have on this 13th day of February, 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 15-24



General Development Plan	
Chester Road - Avon, Ohio	
 The Richard E. Jacobs Group 22423 Chester Valley Road, Cleveland, Ohio 44142-4122 Tel: (440) 427-4400	PREP BY: CJP DATE: 17-JAN-2024 SCALE: 1" = 150' TOWN: AVON SHEET: 1 OF 1 SHEET NO.: GDP-01

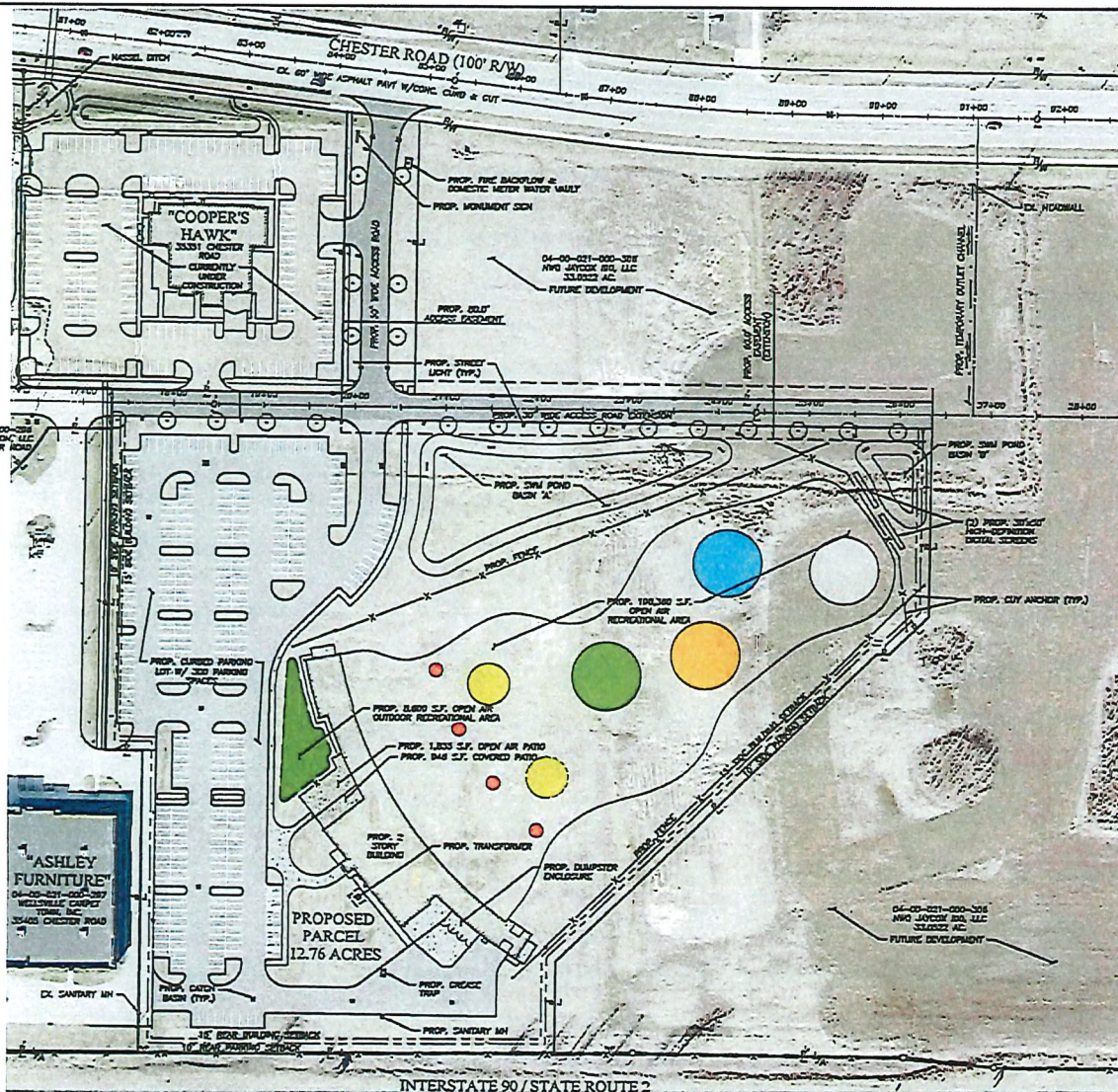


APPROVAL ON BEHALF OF THE CITY OF AVON

DAVE HANCOCK
CITY ENGINEER

PAM FLETCHER
PLANNING COORDINATOR

RYAN L. CUMMINGS, P.E.
CITY ENGINEER



ZONING CLASSIFICATION

THE SUBJECT PROPOSED IS LOCATED WITHIN ZONE C-4/D-2 GENERAL BUSINESS (CHAPTER 1270)/PLANNED RECREATION OFFICE PARK (CHAPTER 1274) DISTRICT AS SHOWN ON THE ZONING MAP OF THE CITY OF AVON.

BUILDING SETBACK, FENCING, SITE AND LIGHT REQUIREMENTS (1270.00)

- | | |
|--|---------|
| (1) MINIMUM SETBACK FROM STREET RIGHT-OF-WAY | 80 FEET |
| (2) MINIMUM SETBACK FROM SIDE OR REAR LOT LINE | 15 FEET |
| A. ADJACENT TO NON-RESIDENTIAL DISTRICT | 33 FEET |
| B. ADJACENT TO RESIDENTIAL DISTRICT | 45 FEET |

MINIMUM PARKING SETBACK REQUIREMENTS (1274.00)

- | | |
|---|---------|
| (1) MINIMUM BUILDING SETBACK FROM STREET RIGHT-OF-WAY | 33 FEET |
| (2) MINIMUM SETBACK FROM SIDE AND REAR LOT LINE | 15 FEET |
| A. ADJACENT TO NON-RESIDENTIAL DISTRICT | 30 FEET |
| B. ADJACENT TO RESIDENTIAL DISTRICT | 30 FEET |

BUILDING SETBACK, FENCING AND LIGHT REQUIREMENTS (1274.00)

- | | |
|---|----------|
| (1) MINIMUM BUILDING SETBACK FROM STREET RIGHT-OF-WAY | 100 FEET |
| (2) MINIMUM SETBACK FROM SIDE AND REAR LOT LINE | 30 FEET |
| A. ADJACENT TO NON-RESIDENTIAL DISTRICT | 100 FEET |
| B. ADJACENT TO RESIDENTIAL DISTRICT | 100 FEET |
| (3) MINIMUM BUILDING SETBACK FROM STREET RIGHT-OF-WAY | 80 FEET |
| (4) MINIMUM SETBACK FROM SIDE AND REAR LOT LINE | 20 FEET |
| A. ADJACENT TO RESIDENTIAL DISTRICT | 20 FEET |
| B. ADJACENT TO NON-RESIDENTIAL DISTRICT | 18 FEET |

PROPOSED BUILDING AREA

GROSS FLOOR AREA AT GROUND LEVEL	18,830 S.F.
GROSS FLOOR AREA AT UPPER LEVEL	13,020 S.F.
TOTAL GROSS FLOOR AREA	31,850 S.F.



GRAPHIC SCALE
 0 30 60 120
 (IN FEET)
 SCALE: 1" = 60'

C:\Users\Bramhall\OneDrive\Documents\Bramhall\Projects\Avon\Site Plan\Site Plan.dwg

DATE	BY	DESCRIPTION
04-03-2011	AM	REVISED SITE PLAN
04-03-2011	AM	FINAL SITE PLAN

BRAMHALL
 ENGINEERING AND SURVEYING COMPANY
 801 MOORE ROAD AVON, OHIO 44011
 (440) 934-7878 (440) 934-7879 FAX

PREPARED FOR:
 JACOB'S REAL ESTATE SERVICES, LLC
 600 SUPERIOR AVENUE EAST-SUITE 2440
 CLEVELAND, OHIO 44144
 (440) 871-4800

PROPOSED OUTDOOR RECREATION & ENTERTAINMENT FACILITY
 SITE PLAN
 CITY OF AVON, COUNTY OF LORAIN, STATE OF OHIO

SHEET
C2.0
 JOB NO.
 17-4656-29