

ORDINANCE NO. 23-25

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO BASP, LLC,
TO AUTHORIZE THEIR TENANT, DUNKIN DONUTS, TO CONSTRUCT A
1,682 SQ. FT. DONUT AND COFFEE SHOP WITH A DRIVE-THRU TO BE
LOCATED AT 1200 CENTER ROAD, PPN 04-00-016-101-070
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require that a donut and coffee shop with a drive-thru in the C-4 General Business District obtain a Special Use Permit pursuant to ACO §1270.03(b)(3); and

WHEREAS, BASP, LLC (soon to be 1200 Center Road, LLC) is the owner of property located at 1200 Center Road, PPN 04-00-016-101-070 which is being leased to their tenant, Dunkin Donuts; and

WHEREAS, Dunkin Donuts, the lessee, proposes to construct a 1,682 sq. ft. donut and coffee shop to include a drive-thru at the above location; and

WHEREAS, BASP, LLC and Dunkin Donuts, have submitted an application and presented plans and specifications for the aforementioned construction to the Planning Commission on March 19, 2025; and

WHEREAS, the Planning Commission held a public hearing on March 19, 2025 and by a vote of Four (4) to Zero (0), recommended approval of the Special Use Permit; 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 BASP, LLC, (soon to be "1200 Center Road, LLC") the owner of property located at 1200 Center Road, PPN 04-00-016-101-070, to allow their lessee, Dunkin Donuts, to construct and operate a donut and coffee shop with a drive-thru at said location, Council hereby accepts the recommendation of Planning Commission and agrees to grant said Special Use Permit for said drive-thru per the plans and specifications submitted and approved by the Planning Commission on March 19, 2025, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance. (See attached Exhibit A)

Section 2 - Conditions. (1) the owner of the property agrees to return to Planning Commission and, if necessary, to City Council to address any City concerns regarding the drive-thru facility, traffic issues that could arise from back-ups at the drive-thru window, the result of which could be amendments to this Special Use Permit; (2) that the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its March 19, 2025 meeting; (3) that all applicable requirements pertaining to drive-thru facilities as set forth in Chapter 1230, Sections 1280.02, 1280.03, 1280.05(f), and 1280.06(j) of the

Codified Ordinances of the City of Avon be met by the applicants; and (4) 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 a Special Use Permit to BASP, LLC, as owner of the property located at 1200 Center Road to allow their tenant, Dunkin Donuts, to construct a 1,682 sq. ft. restaurant that includes drive-thru facilities at said location; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: April 14, 2025

DATE SIGNED: April 14, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR:

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: April 16, 2025
Electronically and at City Hall as
Provided by Council

Prepared By:

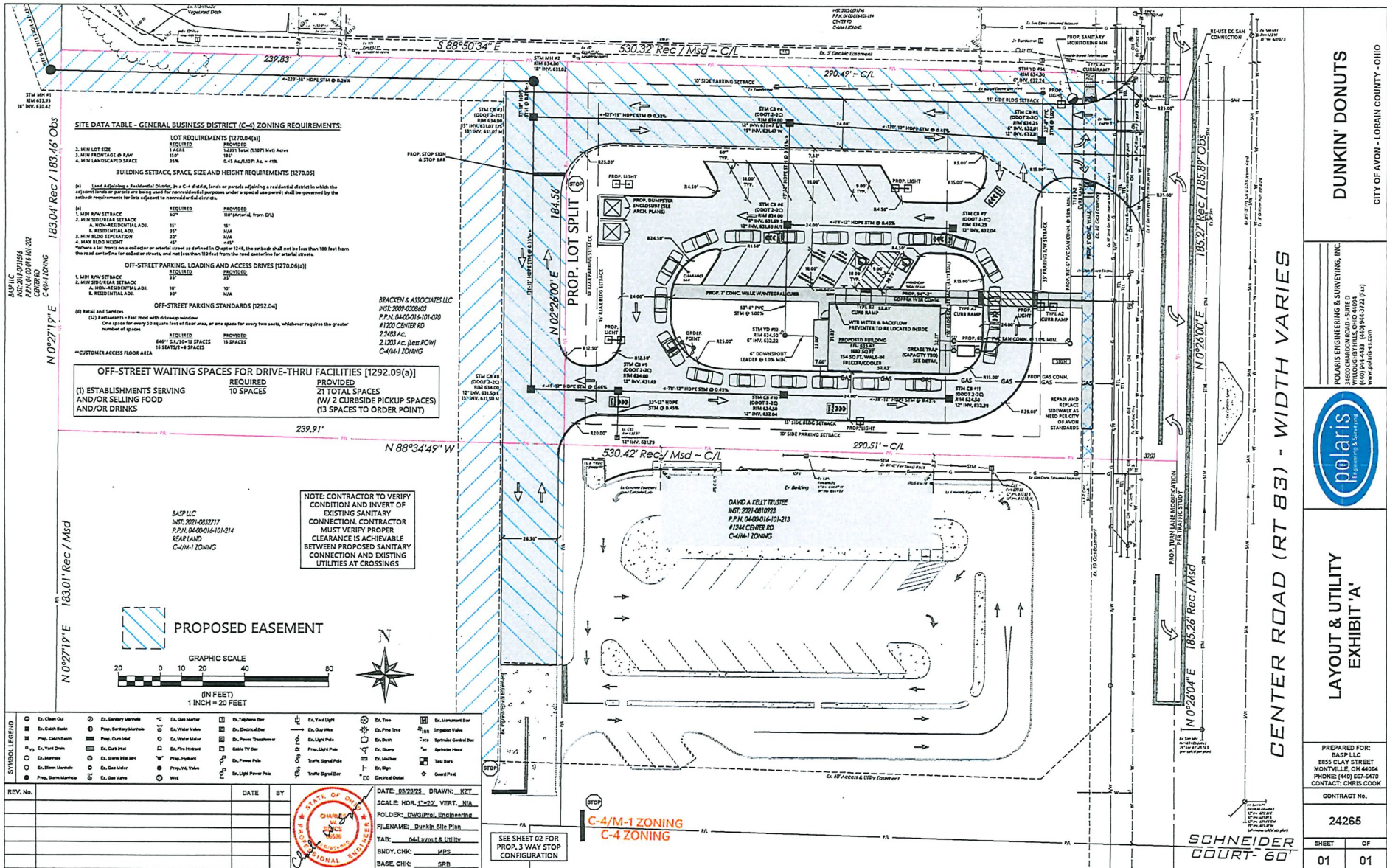
John A. Gasior, Esq.
Law Director

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. 23-25, passed by the Council of said City on April 14, 2025.

IN WITNESS WHEREOF, I have on this 15th day of April 2025, 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. 23-25



DUNKIN' DONUTS

CITY OF AVON - LORAIN COUNTY - OHIO

POLARIS ENGINEERING & SURVEYING, INC.

16500 CHARDON ROAD - SUITE D

WILLOUGHBY HILLS, OHIO 44094

CONTACT: CHRIS COOK

www.polaris-es.com



LAYOUT & UTILITY

EXHIBIT 'A'

CENTER ROAD (RT 83) - WIDTH VARIES

SCHNEIDER COURT- 60'