

ORDINANCE NO. 69-25

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO BOTSON PROPERTIES, LLC, TO AUTHORIZE THEIR TENANT, JAVA VENTURES V LLC (dba BIGGBY COFFEE STORE #1249), TO OPERATE A COFFEE SHOP WITH INDOOR SEATING AND DRIVE-THRU SERVICE AT 36500 DETROIT ROAD AND DECLARING AN EMERGENCY

WHEREAS, the zoning regulations for the City of Avon require that drive-thru facilities in the C-2 French Creek/Central Business District obtain a Special Use Permit pursuant to ACO §1270.03(b)(3); and

WHEREAS, Botson Properties, LLC, is the owner of property located at 36500 Detroit Road, PPN 04-00-010-112-047 which is being leased to their tenant, Java Ventures V, LLC (dba Biggby Coffee Store #1249); and

WHEREAS, Java Ventures V, LLC (dba Biggby Coffee Store #1249), the lessee, proposes to make interior and exterior modifications to a portion of the existing 3,000 sq. ft. space to establish a coffee shop that includes indoor seating and a drive-thru; and

WHEREAS, Botson Properties, LLC and Java Ventures V, LLC (dba Biggby Coffee Store #1249), have submitted an application and presented plans and specifications for the aforementioned construction to the Planning Commission on July 16, 2025; and

WHEREAS, the Planning Commission held a public hearing on July 16, 2025 and by a vote of Five (5) 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 Botson Properties, LLC, the owner of property located at 36500 Detroit Road, PPN 04-00-010-112-047, to allow their lessee, Java Ventures V, LLC (dba Biggby Coffee Store #1249), to make interior and exterior modifications for a coffee shop with indoor seating and a drive-thru at said location, Council hereby accepts the recommendation of Planning Commission and agrees to grant said Special Use Permit per the plans and specifications submitted and approved by the Planning Commission on July 16, 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 July 16, 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 Botson Properties, LLC, as owner of the property located at 36500 Detroit Road, to allow their tenant, Java Ventures V, LLC (dba Biggby Coffee Store #1249), to make interior and exterior modifications for a coffee shop with indoor seating and a drive-thru; 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