

ORDINANCE NO. 102-25

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO 37500 COLORADO LAND CO, LLC TO ALLOW THEIR TENANT, SCHUSTER MANAGEMENT, LLC (dba WESTSIDE PANCAKE HOUSE), TO REMODEL THE EXISTING BUILDING AND CONSTRUCT A 7,222 SF RESTAURANT ADDITION WHICH WILL INCLUDE A 360 SF OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 37500 COLORADO AVENUE AND DECLARING AN EMERGENCY

WHEREAS, the zoning regulations for the City of Avon require restaurants with outdoor seating areas in the C-4 General Business District to obtain a Special Use Permit pursuant to ACO §1270.03(b)(8); and

WHEREAS, 37500 Colorado Land Co, LLC is the owner of the property and their tenant, Schuster Management LLC (dba Westside Pancake House), has submitted an application and presented plans and specifications for a 7,222 sf restaurant to include a 360 sf outdoor seating area to the Planning Commission on October 15, 2025; and

WHEREAS, the Planning Commission held a public hearing on October 15, 2025 and by a vote of Four (4) to Zero (0), 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 37500 Colorado Land Co, LLC, and their tenant, Schuster Management LLC, (dba Westside Pancake House) to include a 360 sf outdoor seating area, (see [Exhibit A-1](#) and [Exhibit A-2](#)), at their proposed restaurant to be located at 37500 Colorado Avenue, 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 October 15, 2025, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. (1) The outdoor patio may be open between the hours of 7:00 a.m. to 3:00 p.m. Sunday through Saturday; (2) no live music will be permitted on the outdoor patio only soft ambient music from inside the restaurant; (3) the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its October 15, 2025 meeting; (4) the owner agrees to enter into a Revocable Use Permit with the City of

Avon for utilization of public right of way on State Route 611/Colorado Avenue immediately adjacent to their property; and (5) 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, 1280.02, 1280.03, 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 37500 Colorado Land Co, LLC, and their tenant, Schuster Management LLC, (dba Westside Pancake House) to construct a 7,222 sf restaurant to include a 360 sf outdoor seating area located at 37500 Colorado Avenue; 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

Ordinance No. 102-25 (Con't)

ATTEST:

Barbara J. Brooks, Clerk of Council

Posted:

Electronically and at City Hall as
Provided by Council

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