

ORDINANCE NO. 110-25

AN ORDINANCE AMENDING THE SPECIAL USE PERMIT GRANTED TO SANDSTONE PROPERTY MANAGEMENT, LLC, TO ALLOW THEIR TENANT, LAKESHORE BURGER COMPANY, LLC, (dba CULVER'S), TO EXPAND THE OUTDOOR PATIO SEATING AREA AND TO INCLUDE TWO DRIVE-THRU SERVICE LANES TO BE LOCATED AT 1439 CENTER ROAD AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon require restaurants with outdoor seating areas and drive-thru lane(s) in the C-4 General Business District to obtain a Special Use Permit pursuant to ACO §1270.03(b)(8) and (3); and

WHEREAS, Sandstone Property Management , LLC, ("Sandstone"), located at 1439 Center Road was granted a Special Use Permit for outdoor patio seating pursuant to Ordinance No. 100-17, which passed on November 27, 2017, for the construction of an outdoor patio seating area; and

WHEREAS, Sandstone continues to lease space to their tenant, Lakeshore Burger Company, LLC (dba Culver's), on land they own at 1439 Center Road and now desires to amend their Special Use Permit to expand the outdoor patio seating area and include two drive-thru services lanes (drive-thru did not require a SUP in 2017; and

WHEREAS, Lakeshore Burger Company, LLC submitted an application to Planning Commission on October 23, 2025; and

WHEREAS, the Planning Commission reviewed the plans and specifications and held a public hearing on November 19, 2025 and by a vote of Five (5) in favor and Zero (0) opposed, recommended to Council the granting of said amendment to the Special Use Permit; and

WHEREAS, Council, having reviewed the plans and specifications for the proposed improvements and the recommendation of the Planning Commission, deems it in the best interests of the health, safety, and welfare of the community that the amendment to 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 amending the Special Use Permit to Sandstone Property Management , LLC, and their tenant, Lakeshore Burger Company, LLC (dba Culver's), to expand the outdoor patio seating area and include two drive-thru services lanes, (See [Exhibit A](#)), at their restaurant located at 1439 Center Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant the amended Special Use Permit per the plans and specifications submitted and approved by the Planning Commission on November 19, 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 seating area may be open between the hours of 10:00 a.m. to 10:00 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 November 19, 2025 meeting; (4) the owner agrees to return to Planning Commission and to City Council to address any concerns and/or consider any amendments to this Special Use Permit to deal with significant back-ups at the drive-thru window; (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 Chapters 1230 and 1270, Sections 1280.02, 1280.03, 1280.05(f), 1280.05(cc), 1280.06(j) and 1280.06(dd). 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 amend a Special Use Permit granted to Sandstone Property Management, LLC, to expand the outdoor patio seating area and include two drive-thru services lanes at 1439 Center Road; 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