

ORDINANCE NO. 89-14

**AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED
TO KIRENNA, LTD., TO ALLOW THEIR LESSEE, LAVENDER FARMS, LLC, dba
“THE CLIFTON” TO OPERATE A BANQUET FACILITY
AT 36840 DETROIT ROAD, IN OLD AVON VILLAGE
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require restaurants with outdoor seating areas to obtain a Special Use Permit pursuant to ACO §1280.05(aa); and

WHEREAS, Kireнна Ltd., as the owner of property located at 36840 Detroit Road, applied for and was granted a Special Use Permit pursuant to Ordinance No. 61-07, passed on January 11, 2007, to construct a 2,000 sq. ft. outdoor seating area adjacent to Building No. 3, in the Old Avon Village development; and

WHEREAS, Kireнна, Ltd., as the owner of the property, is now requesting an amendment to that Special Use Permit to replace “Henry’s at the Barn” with its new tenant, Lavender Farms, LLC, dba “The Clifton”, and to further allow for this tenant to include banquet facilities for special occasions in the operation of the premises; and

WHEREAS, Lavender Farms, LLC has submitted an application and presented plans and specifications to include the use as a banquet facility to the Planning Commission on July 16, 2014; and

WHEREAS, the Planning Commission held a public hearing on July 16, 2014, and by a vote of Five (5) to Zero (0) , recommended approval of the amended Special Use Permit with conditions;

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 amending the Special Use Permit to Kireнна Ltd. to allow its tenant, Lavender Farms, LLC, dba “The Clifton”, to amend the use of the premises to include banquet facilities, Council hereby accepts the recommendations of the Planning Commission and agrees to amend the Special Use Permit for the property located at 36840 Detroit Road, in the Old Avon Village, subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That the premises be utilized as a banquet facility for private gatherings with on-site catering; 2) as per Ord. No. 61-07: a) music (live or piped through

speakers) and voice amplification will be permitted on the outdoor seating patio until 7:00 p.m. everyday of the week; 3) outside dining and service bar shall be permitted Sunday through Thursday until 10:00 p.m. with dining to continue to 11:00 p.m.; 4) outside dining and service bar shall be permitted on Friday and Saturday evenings until 11:00 p.m. with dining to continue to 12:00 a.m.; 5) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its July 16, 2014 meeting; 6) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(aa), and 1280.06(dd) of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change in 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 allow an amendment to the Special Use Permit for Kirena Ltd. to allow its new tenant, Lavender Farms, LLC, dba "The Clifton" to use the premises as a banquet facility at 36840 Detroit Road, located in Old Avon Village; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director