

ORDINANCE NO. 100-17

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO SANDSTONE
PROPERTY MANAGEMENT, LLC TO CONSTRUCT AN OUTDOOR PATIO
SEATING AREA FOR PROPERTY LOCATED AT 1439 CENTER ROAD
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, Sandstone Property Management, LLC, intends to lease space to Culver's (a restaurant) on land they own at 1439 Center Road; and

WHEREAS, Sandstone Property Management, LLC, as the owner of the land, has submitted an application and presented plans and specifications for an outdoor seating area to the Planning Commission on November 15, 2017; and

WHEREAS, the Planning Commission held a public hearing on November 15, 2017 and by a vote of Five (5) 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 Sandstone Property Management, LLC, Council hereby accepts the recommendation of Planning Commission and agrees to grant said special use permit for an outdoor seating area adjacent to the property located at 1439 Center Road for Culver's its tenant per the plans and specifications as submitted and approved by the Planning Commission on November 15, 2017, 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) That the outdoor patio be fully enclosed by a railing; 2) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its November 15, 2017 meeting; 3) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified Ordinances including, but not limited to, those set forth in 1280.02, 1280.03, 1280.05(aa), 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 Sandstone Property Management, LLC for an outdoor seating area located at 1439 Center Road for Culver's, it's tenant; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, 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: _____
In Five Places as
Provided by Council

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