

**ORDINANCE NO. 96-18**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO SPEEDWAY, LLC. TO  
INSTALL AN OUTDOOR SEATING AREA ON PROPERTY LOCATED AT THE  
CORNER OF RECREATION LANE AND 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 District to obtain a Special Use Permit pursuant to ACO §1280.05(bb); and

**WHEREAS**, Speedway, LLC, the property owner, has submitted an application and presented plans and specifications for a 500 sq. ft. (approximate) outdoor seating area for their gas station and convenience store located at the corner of Recreation Lane and Colorado Avenue to the Planning Commission on November 21, 2018; and

**WHEREAS**, the Planning Commission held a public hearing on November 21, 2018, 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 Speedway, Council hereby accepts the recommendation of Planning Commission and agrees to grant said special use permit for an outdoor seating area, approximately 500 sq.ft., on the property located at the corner of Recreation Lane and Colorado Avenue per the plans and specifications submitted and approved by the Planning Commission on November 21, 2018, 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 project proceed pursuant to plans and specifications approved and recommended by the Planning Commission for the outdoor seating area at its November 21, 2018 meeting; and (2) 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 1280.02, 1280.03, 1280.05(bb), and 1280.06(dd). Any expansion, development, enlargement, improvement, change in ownership, 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 a Special Use Permit for Speedway to install an outdoor seating area for its restaurant-fueling station to be located at the corner of Recreation Lane and 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: \_\_\_\_\_  
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Barbara J. Brooks  
Clerk of Council

POSTED: \_\_\_\_\_  
In Five Places as  
Provided by Council

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