

ORDINANCE NO. 25-19

AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY EXCHANGERIGHT NET LEASED PORTFOLIO 9 DST, AND THEIR LESSEE, (THE RUFF CARLTON, LLC), LOCATED AT 1290 CENTER ROAD TO ALLOW CONSTRUCTION AND OPERATION OF A LUXURY DOG HOTEL AND DAY CARE AND DECLARING AN EMERGENCY

WHEREAS, Exchangeright Net Leased Portfolio 9 DST, are the owners of property at 1290 Center Road in the C-4 zoning district seeking to lease their property to The Ruff Carlton, LLC to construct and operate a luxury animal boarding facility at that address; and

WHEREAS, ACO §1270.03(b)(12) allows animal boarding within the C-4 District but only with a Special Use Permit; and

WHEREAS, Exchangeright Net Leased Portfolio 9 DST, by and through The Ruff Carlton, LLC, submitted an application, together with plans and specifications for said dog hotel and day care (animal boarding facility); and

WHEREAS, the Planning Commission held a public hearing on February 20, 2019 and by a vote of Four (4) to Zero (0), recommended approval of the Special Use Permit; and

WHEREAS, having reviewed the plans and operation of the proposed facility as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city 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 a Special Use Permit for property located at 1280 Center Road to Exchangeright Net Leased Portfolio 9 DST to allow their tenant The Ruff Carlton, LLC to construct and operate a luxury dog hotel and day care (animal boarding facility) at said location, Council hereby accepts the recommendation of the Planning Commission and agrees to grant said Special Use Permit for that location 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 at its February 20, 2019 meeting and as supplemented before City Council in Exhibits A and B attached hereto and incorporated herein by this reference; 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, those set forth in 1230.09, 1280.02, 1280.03, 1280.05(kk) of the Codified Ordinances of the City of Avon. 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 grant a Special Use Permit for the construction and operation a dog hotel and day care facility in a C-4 zoning district located at 1280 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: _____
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 CouncilPOSTED: _____
In Five Places as
Provided by CouncilPrepared by:
John A. Gasior, Esq.
Law Director

EXHIBIT A

Additional Conditions placed on the Lessee under Section 2 of Ord. No. 25-19

1. The 20' x 70' area on the north side of the building shall be surrounded by a seven (7) feet high fence.
2. This same area shall be protected by bollards on the east north and west sides. (See plans in Exhibit B)
3. The fencing shall be secure, well-maintained and in good condition at all times.
4. The maximum number of dogs permitted during the hours of operation will be 90 (see below). No more than 75 dogs will be permitted to board overnight.
5. The hours of operation for dog drop-off and pick-up shall be 6:00 a.m. to 7:00 p.m. daily. The property will be under 24 hour, 7 days per week video surveillance and a designated staff member will be making periodic checks ins between 7:00 p.m. and 6:00 a.m..
6. All areas under the control of the Lessee shall be maintained free of any litter or refuse.
7. The Lessee shall keep all indoor and outdoor areas in a sanitary condition and shall schedule frequent trash and waste pick-up as necessary to prevent odors and other nuisances to surrounding property owners.
8. Any trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to any adjacent or nearby residential areas.
9. Lessee shall post signs instructing dog owners to keep dogs on leashes until they are inside the building. No dogs shall be allowed off a leash in the parking lot or drive isles.
10. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The Lessee/Owner shall institute whatever security and operational measures are necessary to comply with this requirement as, e.g., reducing the number of dogs, limiting outdoor breaks, etc.
11. Drop-off and Pick-up shall not block the public right of way.
12. If parking shortages or other parking-related problems arise, the Lessee shall institute appropriate operational measures necessary to minimize of eliminate the problem, as e.g., reducing the number of dogs, organizing a drop-off, pick-up zone, etc.
13. No outside dog walking shall be permitted or shall occur from this business.