

ORDINANCE NO. 66-21

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO CITY CENTRE OF AVON, LLC TO ALLOW FOR THE ELIMINATION OF TWO PARKING SPACES TO EXTEND THE OUTDOOR PATIO SEATING AREA INTO THE PARKING LOT FOR THEIR TENANT, GATOR ICE CREAM, LLC, (dba HANDEL'S ICE CREAM), AT 35925 DETROIT ROAD AND DECLARING AN EMERGENCY

WHEREAS, the zoning regulations for the City of Avon require restaurants with outdoor seating areas in the C-2 Central Business/French Creek District to obtain a Special Use Permit pursuant to ACO '1270.03(b)(8); and

WHEREAS, City Centre of Avon, the owner of property being leased to Gator Ice Cream, LLC, (dba Handel's Ice Cream), has submitted an application and presented specifications to the Planning Commission on August 18, 2021, to allow their tenant, Gator Ice Cream, LLC, (dba as Handel's Ice Cream) to eliminate two parking spaces located directly in front of their restaurant located at 35925 Detroit Road, to increase their outdoor seating area; and

WHEREAS, the Planning Commission held a public hearing on August 18, 2021 and by a vote of Five (5) to Zero (0), recommended disapproval of the Special Use Permit; and

WHEREAS, Planning Commission, having recommended disapproval of this Special Use Permit, requires approval by City Council by a two-thirds ($\frac{2}{3}$) majority; 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 City Centre of Avon, LLC, and the negative recommendation of Planning Commission, Council agrees to grant the Special Use Permit for their tenant, Gator Ice Cream, LLC, (dba Handel's Ice Cream) to extend the outdoor patio seating area into the parking lot by eliminating two parking at 35925 Detroit Road.

Section 2 - 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 3 - 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 disapprove of the Special Use Permit to

City Centre of Avon, LLC, for it's tenant, Gator Ice Cream, LLC, (dba Handel's Ice Cream) to extend the outdoor patio seating area into the parking lot by eliminating two parking at 35925 Detroit 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: _____
In Five Places as
Provided by Council

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