

ORDINANCE NO. 105-23

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
PAUL B. DONZIS, (dba ARBY'S #7895), TO EXPAND AND
RECONSTRUCT THE CURRENT DRIVE-THRU TO INCLUDE TWO
DRIVE-THRU ORDER POINTS TO BE LOCATED AT 1331 CENTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Paul B. Donzis, (dba Arby's #7895), (hereinafter referred to as Donzis), is the owner of property located at 1331 Center Road; and

WHEREAS, Donzis proposes to expand and reconstruct the current drive-thru to include two drive-thru order points; and

WHEREAS, the zoning regulations for the City of Avon require restaurants with drive-thru lane(s) in the C-4 General Business to obtain Special Use Permit (SUP) pursuant to ACO §1270.03(b)(3); and

WHEREAS, Donzis submitted an application and presented plans and specifications to Planning Commission, a public hearing was held on September 20, 2023 and by a vote of Five (5) in favor and Zero (0) opposed, Planning recommended approval of the SUP; 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 Paul B. Donzis, (dba Arby's #7895), as owner of the property located at 1331 Center Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant said Special Use Permit per the plans and specifications submitted and approved by the Planning Commission on September 20, 2023, and made a part of this Special Use Permit by reference (See [Exhibit A](#)).

Section 2 - Conditions. (1) the owner of the property agrees to return to Planning Commission and to City Council to address any concerns and/or consider any amendments to this Special Use Permit to deal with significant back-ups at the drive-thru window; (2) that the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its September 20, 2023 meeting; (3) that all applicable requirements pertaining to drive-thru facilities as set forth in Chapter 1230, Chapter 1270, and Sections 1280.05(f) and 1280.06(j) of the Codified Ordinances of the City of Avon be met by the applicants; and (4) Any expansion, development, enlargement, improvement, change in ownership, 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 Paul B. Donzis, (dba Arby's #7895), to expand and reconstruct the current drive-thru to include two lanes at 1331 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: _____
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: _____

Electronically and at City Hall as
Provided by Council

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