

ORDINANCE NO. 30-14

AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED TO AVON 83, LLC TO ALLOW THEIR LESSEE, CLUB 145, TO EXPAND THEIR OUTDOOR PATIO SEATING AREA FROM 2,000 SQUARE FEET TO 2,361 SQUARE FEET FOR PROPERTY LOCATED AT 35546 DETROIT 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, Avon 83, LLC, as the owner of the land, applied for and was granted a Special Use Permit pursuant to Ordinance No. 128-13 which passed on November 11, 2013 to construct a 2,000 sq. ft. outdoor seating area adjacent to Building No. 3; and

WHEREAS, it is now necessary to amend said Special Use Permit to expand the outdoor patio seating area from 2,000 sq. ft. to 2,361 sq. ft. at their property located at 35546 Detroit Road; and

WHEREAS, the Planning Commission held a public hearing on February 19, 2014 and by a vote of Five (5) to Zero (0), recommended approval of the amended 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 amending the Special Use Permit to Avon 83, LLC, Council hereby accepts the recommendation of Planning Commission and agrees to amend said permit to allow an expansion of outdoor seating area for Club 145 (the Lessee) adjacent to Building No. 3 on the property located at 35546 Detroit Road from 2,000 sq. ft. to 2,361 sq. ft. per the plans and specifications submitted and approved by the Planning Commission on February 19, 2014, and made a part of this amended Special Use Permit by reference but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That music will be permitted on the outdoor seating patio Sunday through Thursday until 10:00 p.m.; on Friday and Saturday evenings, music will be permitted until 11:00 p.m.; 2) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its February 19, 2014 meeting; 2) that the amendment to the Special Use Permit herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(aa), and 1280.06(dd) 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.

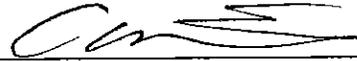
Ordinance No. 30-14 (Con't.)

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.

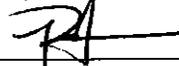
Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend a Special Use Permit to allow an expansion of outdoor seating area for Club 145 (the Lessee) adjacent to Building No. 3 on the property located at 35546 Detroit Road from 2,000 sq. ft. to 2,361 sq. ft.; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 10, 2014

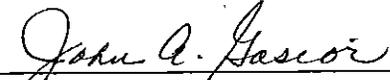
DATE SIGNED: March 10, 2014

By: 
Craig L. Witherspoon, Council President

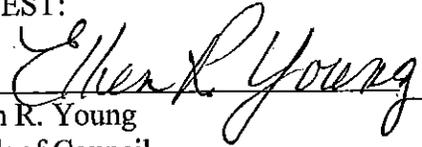
DATE APPROVED BY THE MAYOR March 11, 2014


Bryan K. Jensen, Mayor

APPROVED AS TO FORM:


John A. Gasior, Law Director

ATTEST:


Ellen R. Young
Clerk of Council

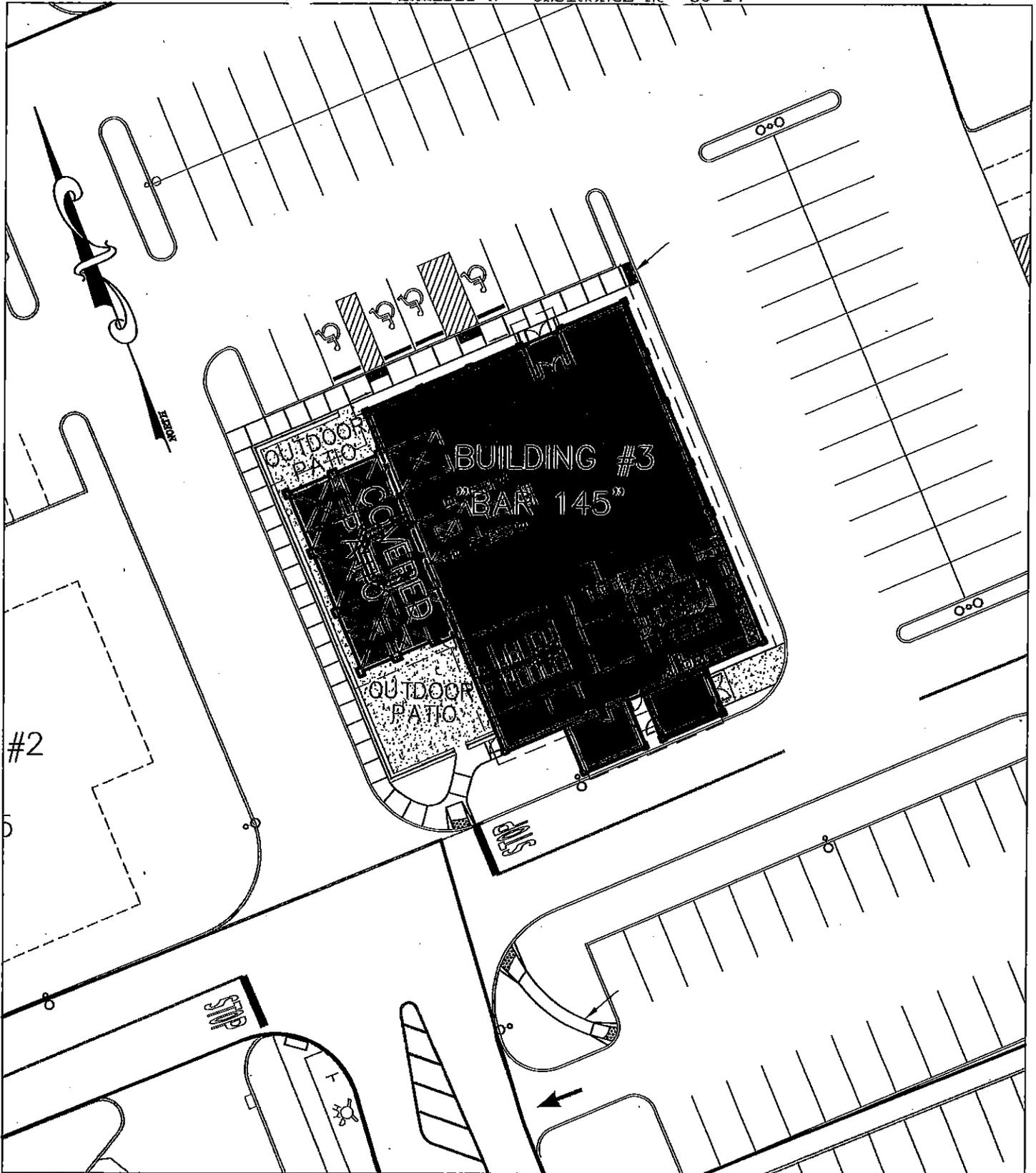
POSTED: March 13, 2014
In Five Places as
Provided by Council

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

I, Ellen R. Young, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 30-14, passed by the Council of said City on March 10, 2014.

IN WITNESS WHEREOF, I have on this 12th day of March, 2014, affixed my signature and official seal.


Ellen R. Young,
Clerk of the Council of the City of Avon, Ohio



SPECIAL USE: RESTAURANT W/OUTDOOR PATIO

<i>ENCLOSED PATIO</i>	<i>1118 SF</i>
<i>OUTDOOR PATIO</i>	<i>1243 SF</i>
<i>TOTAL PATIO</i>	<i>2361 SF</i>

SCALE: 1"=30'