

ORDINANCE NO. 1-25

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO DeVILLE DEVELOPMENTS, LLC TO INCLUDE A DRIVE-THRU FOR THEIR TENANT, SAVVY SLIDERS, ON THEIR PROPERTY LOCATED AT 33420 JUST IMAGINE DRIVE AND DECLARING AN EMERGENCY

WHEREAS, DeVille Developments, LLC (hereinafter referred to as DeVille), was granted a Special Use Permit to construct an outdoor patio seating area for their 6,800 sq. ft. building for their tenant, Noodles, on their property located at 33420 Just Imagine Drive pursuant to Ordinance No. 70-23 which passed on May 22, 2023; and

WHEREAS, it is now necessary to amend said Special Use Permit to include a drive-thru for DeVille's new tenant, Savvy Sliders, at the same location; and

WHEREAS, DeVille submitted an application and presented plans and specifications for the aforementioned construction to the Planning Commission on December 18, 2024; and

WHEREAS, the Planning Commission held a public hearing on December 18, 2024, 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 amendment to 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 Council hereby accepts the recommendation of the Planning Commission and amends the Special Use Permit for DeVille Developments, LLC to include a drive-thru for their new tenant, Savvy Sliders, on their property located at 33420 Just Imagine Drive as per the plans and specifications submitted and approved by the Planning Commission and made a part of this Special Use Permit by reference. (See, attached Exhibit A)

Section 2 - Conditions. (1) The outdoor seating area may be open between the hours of 11:00 a.m. to 9:00 p.m. Sunday through Saturday; (2) no live music will be permitted on the outdoor patio only soft ambient music from inside the restaurant; (3) that the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its December 18, 2024 meeting; (4) the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements pertaining of the Avon Codified Ordinances, including, but not limited to Chapter 1230, Sections 1280.02, 1280.03, 1280.05(f), 1280.05(cc), 1280.06(j) and 1280.06(dd). 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 amend the Special Use Permit for DeVille Developments, LLC to include a drive-thru for their tenant, Savvy Sliders, at 33420 Just Imagine Drive, subject to the conditions set forth herein; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: January 6, 2025 DATE SIGNED: January 6, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR January 7, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

POSTED: January 8, 2025
Electronically and at City Hall as
Provided by Council

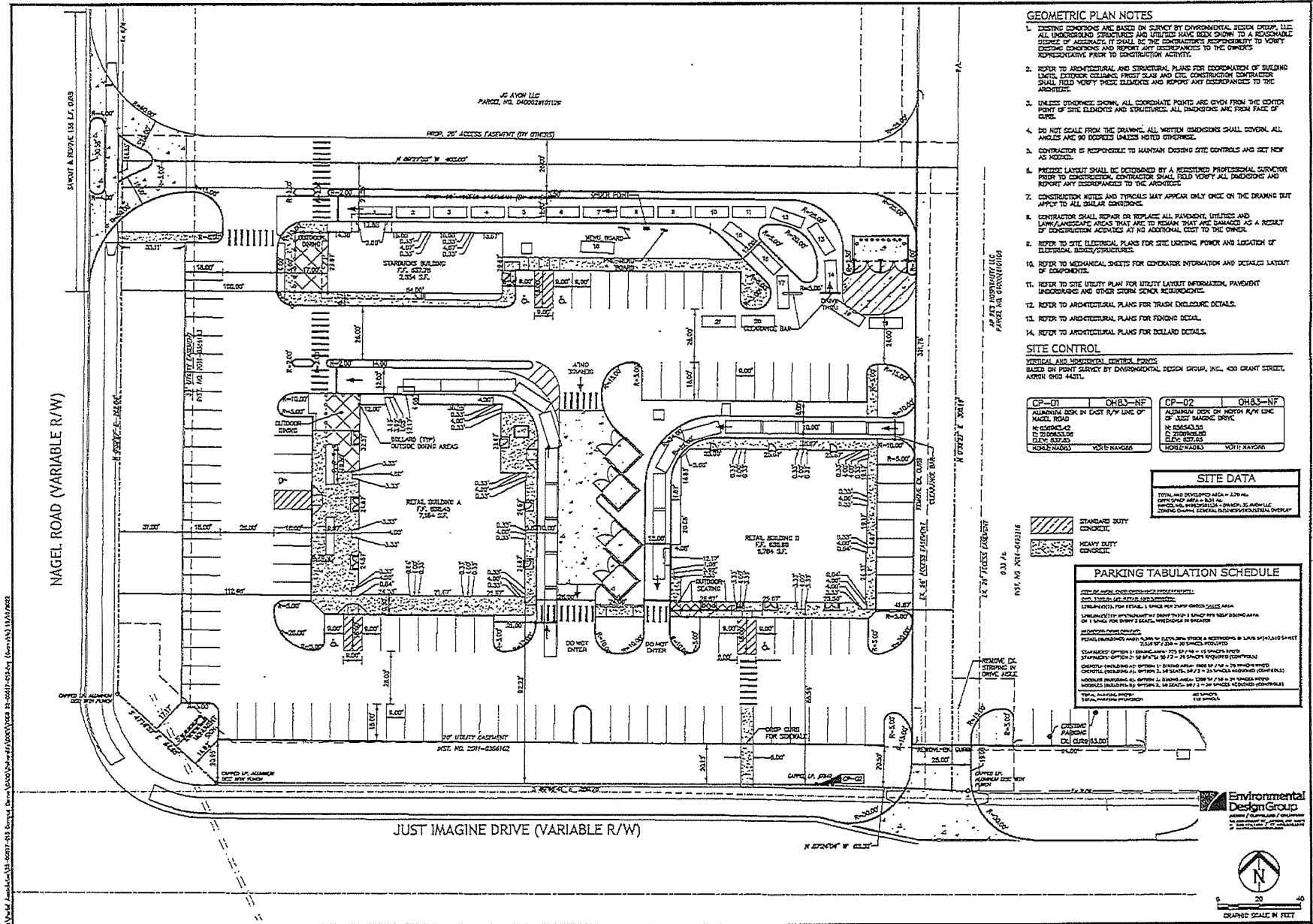
Prepared by:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 1-25, passed by the Council of said City on January 6, 2025.

IN WITNESS WHEREOF, I have on this 7th day of January 2025, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 1-25



GEOMETRIC PLAN NOTES

1. EXISTING CONDITIONS ARE BASED ON SURVEY BY ENVIRONMENTAL DESIGN GROUP, LLC. ALL UNDERGROUND STRUCTURES AND UTILITIES HAVE BEEN SHOWN TO A REASONABLE DEGREE OF ACCURACY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION ACTIVITY.
2. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR COORDINATION OF BUILDING WITH EXISTING CONDITIONS. PRELIMINARY CONSTRUCTION CONTRACTOR SHALL FIELD VERIFY THESE ELEMENTS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.
3. UNLESS OTHERWISE SHOWN, ALL COORDINATE POINTS ARE GIVEN FROM THE CENTER POINT OF SITE ELEMENTS AND STRUCTURES. ALL DIMENSIONS ARE FROM FACE OF CURB.
4. DO NOT SCALE FROM THE DRAWING. ALL WRITTEN DIMENSIONS SHALL GOVERN. ALL ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
5. CONTRACTOR IS RESPONSIBLE TO MAINTAIN EXISTING SITE CONTROLS AND SET NEW AS NEEDED.
6. PRELIMINARY LAYOUT SHALL BE DETERMINED BY A REGISTERED PROFESSIONAL SURVEYOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.
7. CONSTRUCTION NOTES AND TYPICALS MAY APPEAR ONLY ONCE ON THE DRAWING BUT APPLY TO ALL SIMILAR CONDITIONS.
8. CONTRACTOR SHALL REPAIR OR REPLACE ALL PAVEMENT, UTILITIES, AND LANDSCAPE AREAS THAT ARE TO REMAIN THAT ARE DAMAGED AS A RESULT OF CONSTRUCTION ACTIVITIES AT NO ADDITIONAL COST TO THE OWNER.
9. REFER TO SITE ELECTRICAL PLANS FOR SITE LIGHTING POWER AND LOCATION OF ELECTRICAL BOXES/STRUCTURES.
10. REFER TO MECHANICAL SHEETS FOR CONDENSER INFORMATION AND DETAILS. LATENT OF COMPONENTS.
11. REFER TO SITE UTILITY PLAN FOR UTILITY LAYOUT INFORMATION, PAVEMENT UNDERDRAINAGE, AND OTHER STORM SEWER REQUIREMENTS.
12. REFER TO ARCHITECTURAL PLANS FOR TRASH ENCLOSURE DETAILS.
13. REFER TO ARCHITECTURAL PLANS FOR FENCING DETAILS.
14. REFER TO ARCHITECTURAL PLANS FOR DOLLAR DETAILS.

SITE CONTROL

VERTICAL AND HORIZONTAL CONTROL POINTS
BASED ON POINT SURVEY BY ENVIRONMENTAL DESIGN GROUP, INC., 430 GRANT STREET, AUSTIN, TEXAS 78701

CP-01	CH&S-NF	CP-02	CH&S-NF
ALUMINUM BOX ON EAST R/W LINE OF NAGEL ROAD	ALUMINUM BOX ON NORTH R/W LINE OF JUST IMAGINE DRIVE	ALUMINUM BOX ON NORTH R/W LINE OF JUST IMAGINE DRIVE	ALUMINUM BOX ON NORTH R/W LINE OF JUST IMAGINE DRIVE
IN EXISTENCE	IN EXISTENCE	IN EXISTENCE	IN EXISTENCE
UTILITY BOXES	UTILITY BOXES	UTILITY BOXES	UTILITY BOXES
UTILITY BOXES	UTILITY BOXES	UTILITY BOXES	UTILITY BOXES

SITE DATA

TOTAL SITE DEVELOPMENT AREA = 2.78 AC.
TOTAL SITE AREA = 3.11 AC.
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PARKING TABULATION SCHEDULE

PER 1000 SF OF GROSS FLOOR AREA (GFA) REQUIREMENTS:
MIN. 100 SPACES PER 100,000 SF OF GFA
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MIN. 100 SPACES PER 100,000 SF OF GFA



NAGEL CROSSING
RETAIL DEVELOPMENT
FOR: DEVILLE DEVELOPMENTS
NE CORNER NAGEL RD & JUST IMAGINE DR
AVON, OH 44011



PORTAL ASSOCIATES
339.823.5225
portal-hc.com

GEOMETRIC PLAN

DATE: 02/14/23 PROJECT NO: 2522

C100