

ORDINANCE NO. 5-25

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO DeVILLE DEVELOPMENTS, LLC TO INCLUDE OUTDOOR SEATING FOR THEIR TENANT, HONEYGROW RESTAURANT, ON PROPERTY LOCATED AT 1485 NAGEL ROAD, UNIT #300, 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 7,180 sq. ft. building for their tenant, Chipotle, on property located at 1485 Nagel Road, pursuant to Ordinance No. 69-23 which passed on May 22, 2023; and

WHEREAS, it is now necessary to amend said Special Use Permit to construct an outdoor patio seating area for their tenant, Honeygrow Restaurant, located in Unit #300 at the same location, 1485 Nagel Road; and

WHEREAS, DeVille submitted an application and presented plans and specifications for the aforementioned construction to the Planning Commission on January 15, 2025; and

WHEREAS, the Planning Commission held a public hearing on January 15, 2025, and by a vote of Four (4) 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 Planning Commission and amends the Special Use Permit for DeVille Developments, LLC to include an outdoor patio seating area on property it owns at 1485 Nagel Road, Unit #300 for their tenant, Honeygrow Restaurant, per the plans and specifications submitted and approved by the Planning Commission and made a part of this Special Use Permit (See, Exhibit A) but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. (1) The outdoor seating area may be open between the hours of 10:30 a.m. to 10:00 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 January 15, 2025 meeting; (4) the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified Ordinances, including, but not limited to Chapter 1230, Sections 1280.02, 1280.03, 1280.05(cc), 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 facilitate immediate construction of a restaurant with outdoor seating at 1485 Nagel Road, Unit #300 for their tenant, Honeygrow Restaurant, 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 27, 2025 DATE SIGNED: January 27, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: January 28, 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 29, 2025
Electronically and at City Hall as
Provided by Council

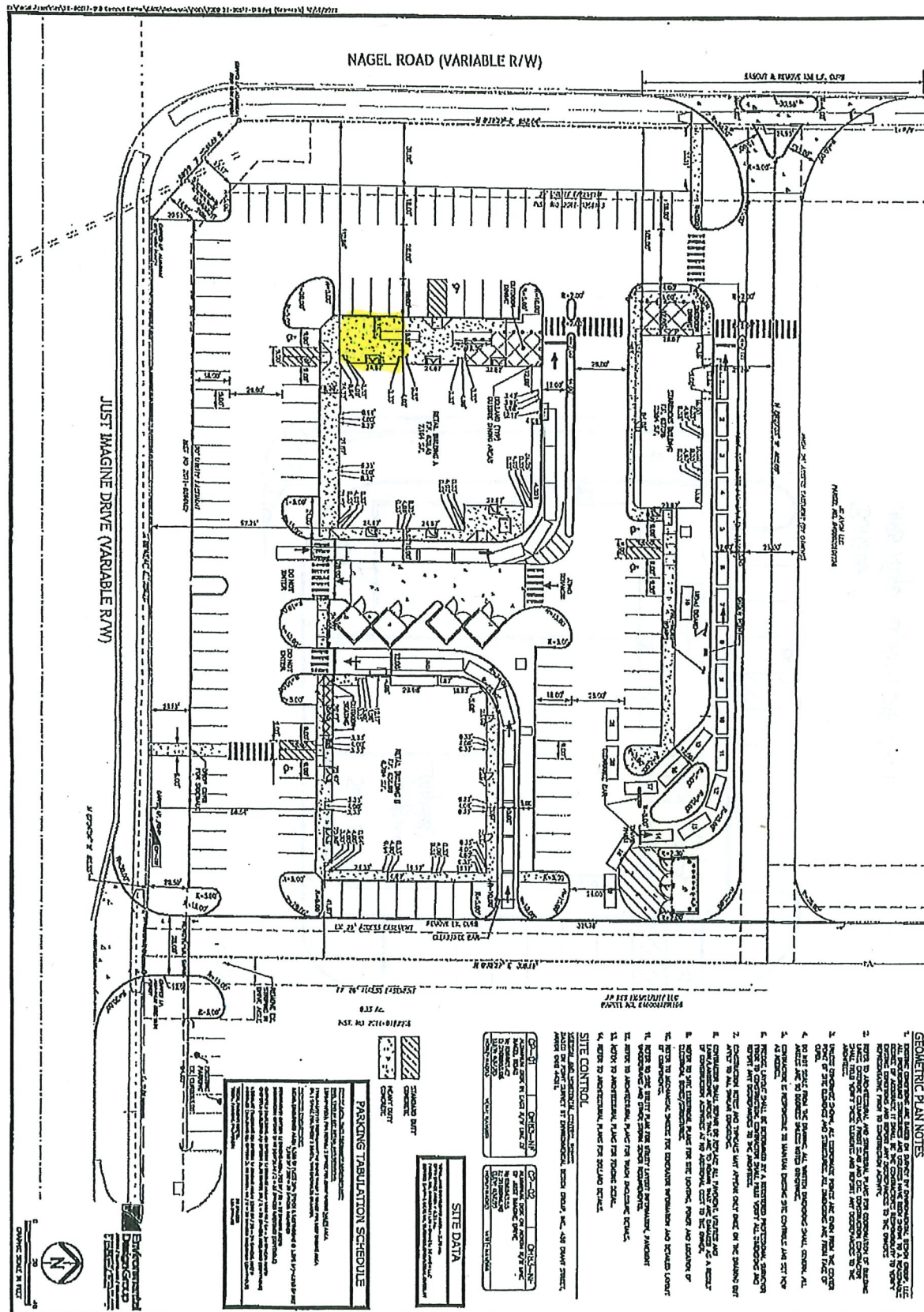
Prepared by:
John A. Gasior, Esq.
Law Director

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. 5-25, passed by the Council of said City on January 27, 2025.

IN WITNESS WHEREOF, I have on this 28th 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

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DATE: 10/1/2011
DRAWN BY: J. SMITH
CHECKED BY: J. SMITH
APPROVED BY: J. SMITH

NAGEL CROSSING
RETAIL DEVELOPMENT
FOR: DEVILLE DEVELOPMENTS
THE CORNER NAGEL RD & JUST IMAGINE DR
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EXHIBIT A TO ORDINANCE NO. 5-25 - (Page 2)

