

ORDINANCE NO. 78-26

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO
BOTSON PROPERTIES, LLC, TO INCLUDE OUTDOOR SEATING
FOR THEIR TENANT, JAVA VENTURES V LLC (dba BIGGBY COFFEE
STORE #1249), ON PROPERTY LOCATED AT 36500 DETROIT ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Botson Properties, LLC (hereinafter referred to as Botson), was granted a Special Use Permit for their tenant, Java Ventures V, LLC (dba Biggby Coffee Store #1249), to make interior and exterior modifications to a portion of the existing 3,000 sq. ft. space for property located at 36500 Detroit Road (C-2 French Creek District) and to establish a coffee shop that included indoor seating and a drive-thru, pursuant to Ordinance No. 69-25 which passed on August 11, 2025; and

WHEREAS, it is now necessary to amend said Special Use Permit to include an outdoor patio seating area for their tenant, Java Ventures V, LLC (dba Biggby Coffee Store #1249), located at 36500 Detroit Road; and

WHEREAS, Botson submitted an application and presented plans and specifications for the aforementioned construction to the Planning Commission July 15, 2026; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2026, 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 Planning Commission and amends the Special Use Permit for Botson Properties, LLC to include an outdoor patio seating area on C-2 property it owns at 36500 Detroit Road for their tenant, Java Ventures V, LLC (dba Biggby Coffee Store #1249), per the plans and specifications submitted and approved by the Planning Commission on July 15, 2026, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance. (See attached [Exhibit A](#))

Section 2 - Conditions. (1) The outdoor seating area may be open between the hours of 5:30 a.m. to 9:00 p.m. Monday through Saturday and 6:30 a.m. to 8:00 p.m. on Sunday; (2) no live music will be permitted on the outdoor patio only soft ambient music from inside the coffee shop; (3) that the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its July 15, 2026 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 Botson Properties, LLC to include an outdoor seating area at 36500 Detroit Road, for their tenant, Java Ventures V, LLC (dba Biggby Coffee Store #1249, 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: _____ 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