

ORDINANCE NO. 118-16

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO JEFFREY AND DEBRA MITCHELL TO ALLOW FOR THE CONSTRUCTION OF AN OUTDOOR SEATING AREA AT 1010 CENTER ROAD AND DECLARING AN EMERGENCY

WHEREAS, Jeffrey and Debra Mitchell are the owners of property located at 1010 Center Road in the C-4 General Business District; and

WHEREAS, these owners have entered into a lease agreement with a business (general partnership) known as the Railroad Brewing Company which seeks to operate a microbrewery at said location with an outdoor seating area for patrons; and

WHEREAS, zoning regulations for the City of Avon require restaurants with outdoor seating areas in the C-4 General Business District to obtain a Special Use Permit pursuant to ACO §1280.05(bb); and

WHEREAS, the tenant, with the consent of the property owner, has submitted an application and presented plans and specifications for a 410 sq. ft. outdoor seating area for their restaurant to the Planning Commission on November 16, 2016; and

WHEREAS, the Planning Commission held a public hearing on November 16, 2016 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; and

WHEREAS, the granting of this Special Use Permit requires approval of City Council; 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 Jeffrey and Debra Mitchell, owners of property at 1010 Center Road, to allow their tenant, the Railroad Brewing Company, to add an outdoor seating area to their brewery, Council hereby accepts the recommendation of Planning Commission and agrees to grant said special use permit for a 410 sq. ft. outdoor seating area per the plans and specifications submitted and approved by the Planning Commission on November 16, 2016, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That soft, ambient music will be permitted on the outdoor seating area during periods when the brewery is open to the public but not later than 11:00 p.m.; 2) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its November 16, 2016 meeting; 3) that the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified

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Ordinances including, but not limited to 1280.02, 1280.03, 1280.05(bb), 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 grant a Special Use Permit to the property owner at 1010 Center Road to allow a tenant to operate a 410 sq. ft. outdoor seating area; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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