

ORDINANCE NO. 2-19

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO FRENCH CREEK SQUARE II, LLC TO AUTHORIZE THEIR TENANT, JP MORGAN CHASE BANK, TO CONSTRUCT A 3,470 SQ. FT. BANK WITH A FREESTANDING ATM TO BE LOCATED AT 36200 DETROIT ROAD AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon require a Special Use Permit to operate a drive-thru facility associated with a principal use of the property in the C-2 Central Business/French Creek district pursuant to ACO §1270.03(b)(3); and

WHEREAS, French Creek Square II, LLC, as owner of the property being leased to JP Morgan Chase Bank (hereinafter "Chase"), has submitted an application and presented plans and specifications for the construction of site improvements and placement of a freestanding ATM to be located at 36200 Detroit Road to Planning Commission on December 19, 2018; and

WHEREAS, the Planning Commission held a public hearing on December 19, 2018 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; and

WHEREAS, 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 Council, having considered the matter of granting the Special Use Permit to French Creek Square, LLC for its tenant, Chase Bank to construct site improvements and operate a freestanding ATM at its facility per the plans and specifications submitted to Planning Commission on December 19, 2018, Council hereby accepts the recommendations of the Planning Commission and agrees to the Special Use Permit for the C-2 property located at 36200 Detroit Road subject to the conditions set forth in this ordinance.

Section 2 - Conditions. (1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its December 19, 2018 meeting; (2) that all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.05(f) and 1280.06(j) of the Codified Ordinances of the City of Avon be met by the applicants. Any expansion, development, enlargement, improvement, change in ownership or 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

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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 French Creek Square II, LLC, for its tenant, Chase Bank, to construct site improvements and operate a freestanding ATM at 36200 Detroit Road; 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 Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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