

ORDINANCE NO. 50-19

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
TBK PROPERTY, LLC, dba BREW KETTLE AVON, TO
CONSTRUCT A 758 SQUARE FOOT OUTDOOR PATIO
SEATING AREA AT 33287 JUST IMAGINE DRIVE
AND DECLARING AN EMERGENCY**

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

WHEREAS, TBK Property, LLC, the property owner, (dba Brew Kettle Avon), has submitted an application and presented plans and specifications for a 758 sq. ft. outdoor seating area for their restaurant to the Planning Commission on May 15, 2019; and

WHEREAS, the Planning Commission held a public hearing on May 15, 2019 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 TBK Property, LLC, dba Brew Kettle Avon, Council hereby accepts the recommendation of Planning Commission and agrees to grant said Special Use Permit for a 1,087 sq. ft. outdoor seating area on the property it owns at 33287 Just Imagine Drive per the plans and specifications submitted and approved by the Planning Commission on May 15, 2019 (with minor modifications), and made a part of this Special Use Permit by reference but subject to further conditions set forth in this ordinance.

Section 2 - Conditions. (1) That the project proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its May 15, 2019 meeting as modified herein; (2) that the owner agrees to install a 20 inch thick reinforced masonry wall, 44 inches in height surrounding the outdoor patio to protect its occupants (see attached Exhibit A); (3) the hours of operation are Sunday through Thursday 11:00 a.m. until 12:00 a.m., and Friday and Saturday from 11:00 a.m. until 2:00 a.m.; (4) one acoustic guitarist may play on the patio periodically, otherwise there will be no speakers or music on the outdoor patio; (5) the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified 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 TBK Property, LLC, dba Brew Kettle Avon for a 1,087 square foot outdoor seating area for their restaurant located at 33287 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: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

William D. Logan, Acting 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