

ORDINANCE NO. 114-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO SOUTHERN ROCK RESTAURANTS, LLC TO AUTHORIZE THEIR TENANT, McALISTER'S DELI, LLC, TO CONSTRUCT A 3,568 SQ. FT. RESTAURANT TO INCLUDE AN OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 35355 CHESTER ROAD AND DECLARING AN EMERGENCY

WHEREAS, the 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 '1270.03(b)(8); and

WHEREAS, Southern Rock Restaurants, LLC, the property owner, being leased to McAlister's Deli, LLC, has submitted an application and presented plans and specifications for a 3,568 sq. ft. restaurant to include an outdoor seating area for their restaurant to the Planning Commission on August 17, 2022; and

WHEREAS, the Planning Commission held a public hearing on August 17, 2022 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 Southern Rock Restaurants, LLC, as owner of the property being leased to McAlister's Deli, LLC for an outdoor seating area, (see [Exhibit A](#)), at their proposed restaurant to be located at 35355 Chester Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant said special use permit per the plans and specifications submitted and approved by the Planning Commission on August 17, 2022, 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) The outdoor patio may be open, weather permitting, between the hours of 10:30 a.m. to 9:00 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) the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its August 17, 2022 meeting; and (4) that 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, 1280.02, 1280.03, 1280.05(cc), and 1280.06(dd). 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

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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 Southern Rock Restaurants, LLC, for its tenant, McAlister's Deli, LLC to construct a 3,568 sq. ft. restaurant to include an outdoor seating area located at 35355 Chester Road; 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: _____

In Five Places as
Provided by Council

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