

**ORDINANCE NO. 2-23**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AVON JV, LLC  
TO INCLUDE A DRIVE-THRU FACILITY AT 36290 DETROIT ROAD  
AND DECLARING AN EMERGENCY**

**WHEREAS**, Avon JV, LLC (hereinafter referred to as Avon JV), is the owner of property located at 36290 Detroit Road; and

**WHEREAS**, Avon JV proposes to construct a 2,700 sq. ft. building to house a financial institution with drive-thru facilities; and

**WHEREAS**, the zoning regulations for the City of Avon require drive-thru facilities in the C-2 French Creek/Central Business Districts to obtain a Special Use Permit per ACO '1270.03(b)(3); and

**WHEREAS**, Avon JV submitted an application and presented plans and specifications for the building along with the drive-thru to the Planning Commission on December 21, 2022; and

**WHEREAS**, the Planning Commission held a public hearing on December 21, 2022 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 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 Avon JV, LLC, the owner of the property located at 36290 Detroit Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant a Special Use Permit for drive-thru facilities associated with a financial institution per the plans and specifications submitted and approved by the Planning Commission on December 21, 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 drive-thru facility shall be operated only in association with a financial institution located within the 2,700 sq. ft. building; (2) the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its December 21, 2022 meeting; and (3) 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(f), and 1280.06(j). 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 Avon JV, LLC, for a drive-thru facilities associated with a financial institution housed in a 2,700 sq. ft. building to be constructed at 36290 Detroit Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: January 9, 2023 DATE SIGNED: January 9, 2023

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR January 10, 2023

Bryan K. Jensen  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

POSTED: January 11, 2023  
Electronically and at City Hall as  
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 2-23, passed by the Council of said City on January 9, 2023.

IN WITNESS WHEREOF, I have on this 10<sup>th</sup> day of January, 2023, affixed my signature and official seal.

Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio