

ORDINANCE NO. 16-24

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ISOMER GROUP, INC. TO ALLOW FOR THE CONSTRUCTION OF A McDONALD'S RESTAURANT BY GEOFFREY LEDWIDGE, FRANCHISE OWNER, TO INCLUDE A DRIVE-THRU TO BE LOCATED AT 2295 NAGEL ROAD, PPN 04-00-027-101-196 AND DECLARING AN EMERGENCY

WHEREAS, Isomer Group, Inc., is the owner of property located at 2295 Nagel Road, PPN 04-00-027-101-196; and

WHEREAS, Geoffrey Ledwidge is the franchise owner of McDonald's and proposes to construct a 3,949 sq. ft. restaurant to include a drive-thru at the above location; and

WHEREAS, the zoning regulations for the City of Avon requires that a restaurant with a drive-thru in the C-4 General Business District obtain a Special Use Permit pursuant to ACO §1270.03(b)(3); and

WHEREAS, Isomer Group, Inc. has submitted an application and presented plans and specifications for the aforementioned construction to the Planning Commission on January 17, 2024; and

WHEREAS, the Planning Commission held a public hearing on January 17, 2024, 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 Isomer Group, Inc., as owner of the property located at 2295 Nagel Road, PPN 04-00-027-101-196, to allow Geoffrey Ledwidge, the franchise owner of McDonald's, to construct a 3,949 sq. ft restaurant to include a drive-thru at said location, 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 January 17, 2024, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance. (See attached [Exhibit A](#))

Section 2 - Conditions. (1) the owner of the property agrees to return to Planning Commission and, if necessary, to City Council to address any City concerns regarding the drive-thru facility, traffic issues that could arise from back-ups at the drive-thru window, the result of which could be amendments to this Special Use Permit; (2) that the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at

its January 17, 2024 meeting; (3) that all applicable requirements pertaining to drive-thru facilities as set forth in Chapter 1230, 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; and (6) 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 Isomer Group, Inc., as owner of the property located at 2295 Nagel Road, PPN 04-00-027-101-196 to allow Geoffrey Ledwidge, the franchise owner of McDonald's, to construct a 3,949 sq. ft restaurant to include a drive-thru at said location; 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

Ordinance No. 16-24 (Con't)

POSTED: _____
Electronically and at City Hall as
Provided by Council

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