

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: February 12, 2024

DATE SIGNED: February 12, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR February 13, 2024

BKJ
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Ordinance No. 16-24 (Con't)

POSTED: February 14, 2024
Electronically and at City Hall as
Provided by Council

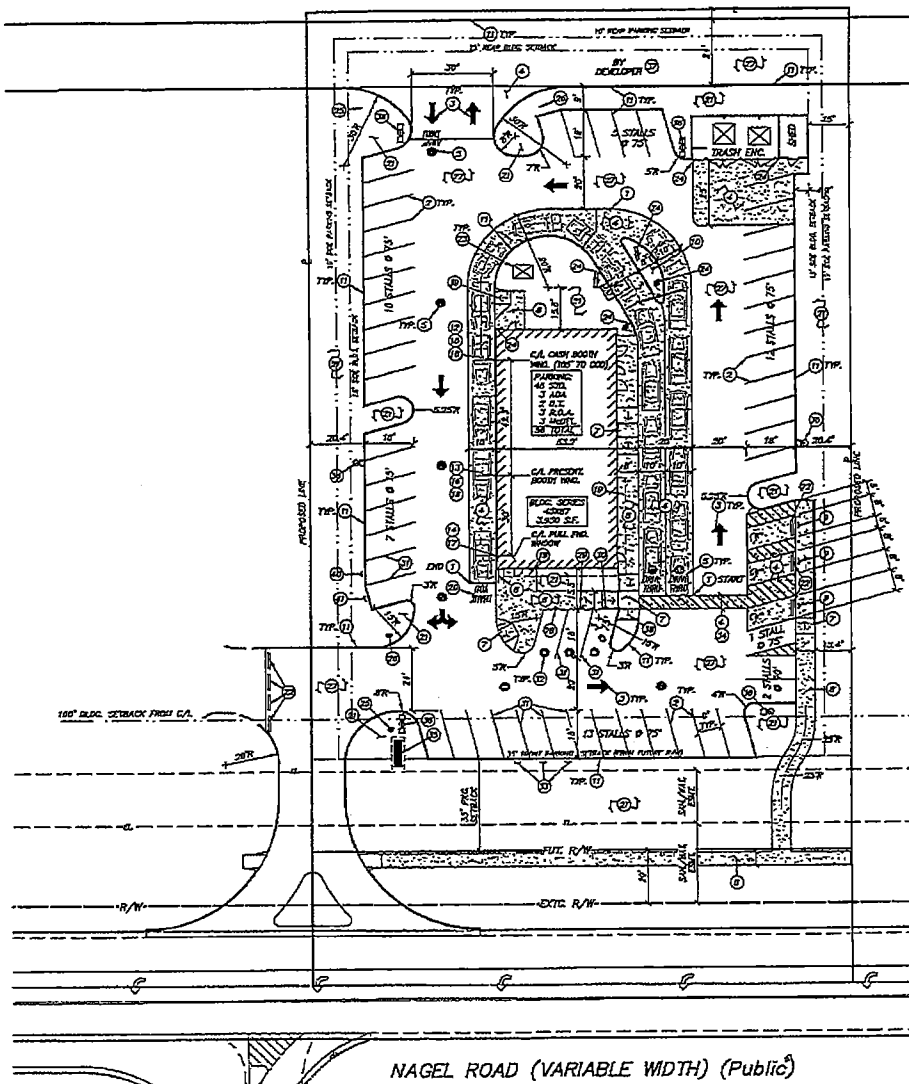
Prepared by:
John A. Gasior, Esq.
Law Director

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. 16-24, passed by the Council of said City on February 12, 2024.

IN WITNESS WHEREOF, I have on this 13th day of February, 2024, affixed my signature and official seal.

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

EXHIBIT A TO ORDINANCE NO. 16-24



- 1) "YELLOW PAINTED LINE"
- 2) WHITE PAINTED LINES (TYP.)
- 3) WHITE PAINTED ARROWS (TYP.)
- 4) CONCRETE PAD / APPROX
- 5) YELLOW PAINTED DRIVE-THRU PARALLEL MARKINGS (TYP.)
- 6) STAINLESS STEEL MANHOLE - 51" (SEE ARCH. FOR DETAILS)
- 7) ADA ACCESSIBLE RAMP
- 8) CONCRETE WALKWAY - (CONSTRUCT FIRST SLABS AT ALL DOORS)
- 9) ADA ACCESSIBLE SIGNAGE WITH BOLLARD BASE (3 TYP.) ONE WAY ACCESS SIGN PLACED AT THE STALL LEFT OF THE "IF HERE NO PARKING" SIGN AREA
- 10) LANDSCAPED ISLAND 1/4" B&S CONCRETE CURB
- 11) 8"X8" CONCRETE COPS
- 12) STORAGE ON BUILDING DURING "PEAK HOURS"
- 13) STORAGE ON BUILDING DURING "PEAK HOURS"
- 14) STORAGE ON BUILDING DURING "PEAK HOURS"
- 15) C.A. OF PROPOSED CASH BOOTH WINDOW
- 16) C.A. OF PROPOSED FREIGHTSIDE BOOTH WINDOW
- 17) C.A. OF PROPOSED FULL FORWARD WINDOW
- 18) CONSTRUCT LOOP DETECTOR
- 19) PROPOSED BUILDING CANOPY (SEE ARCH. PLANS FOR DETAILS)
- 20) YELLOW PAINTED WORDS "THANK YOU"
- 21) LANDSCAPING
- 22) CONCRETE CURB STRIPS
- 23) PROPOSED ELECTRIC TRANSFORMER
- 24) PROPOSED BOLLARD
- 25) "THIRD" NEXT GEN DIRECTIONAL SIGN (RED-NO-STOP-OR) FIELD DETERMINED ORIENTATION
- 26) "FOUR" NEXT GEN DIRECTIONAL SIGN (RED-NO-STOP-OR) FIELD DETERMINED ORIENTATION
- 27) ASPHALT PARKING AREA
- 28) #1 CONCRETE PICKUP/DROP TOP SIGN, IN BOLLARD BASE
- 29) #2 CONCRETE PICKUP/DROP TOP SIGN, IN BOLLARD BASE
- 30) #3 CONCRETE PICKUP/DROP TOP SIGN, IN BOLLARD BASE
- 31) COLO PAINTED LINES (TYP.)
- 32) COLO PAINTED SIGN (TYP.)
- 33) INCANDESCENT-COLORWAY PARALLEL COLO TOP SIGN, IN BOLLARD BASE
- 34) ADA CROSS WALK
- 35) PROPOSED MONUMENT SIGN FOUNDATION DESIGN BY OTHERS
- 36) PROPOSED LIGHT POLYCARBONATE (TYP.)
- 37) ACCESS DRIVE (BY LANDSCAPER)
- 38) PROPOSED 40X FLAPSOLE (EXHIBIT)
- 39) RAMP
- 40) "AS DRIVE-THRU RESTROOM SIGN ON LAWN AREA"
- 41) "AS DRIVE-THRU RESTROOM SIGN ON LAWN AREA"

SITE DATA:		
CITY: GENERAL BUSINESS		
ITEM	CODE	PROPOSED
FORMATTED ID#:	RE MEASUREMENT (NO OUTDOOR SEATING)	RE MEASUREMENT (NO OUTDOOR SEATING)
UMBRELLA LOT AREA:	1 AC	1237 AC
UMBRELLA PERGOLADE:	120'	200'
UMBRELLA LANDSCAPE OPEN SPACE:	230'	790'
UMBRELLA SERVED (EAT/DRINK):	110' BY 64'	120' BY 64'
SEAT SPACE:	25'	60'
UMBRELLA HEIGHT:	45'	110'
FRONT PARKING SPACED:	35'	30'
SEAT/BEAR PARKING SPACED:	10'	20'
PARKING MEASURE:	Greater Or	30 Spacere
	1 Square Per 30 Sp. (77.5 Sq.)	
	1 Square Per 2 Spacere (77.5 Sq.)	

[illegible]