

ORDINANCE NO. 48-25

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
THE BIG SHOW, LTD. (dba NELLY BELLY) TO CONSTRUCT AND OPERATE AN
OUTDOOR RECREATION & ENTERTAINMENT FACILITY, (PHASE 1), THAT
INCLUDES OUTDOOR SEATING TO BE LOCATED AT 1010 AND 1012 CENTER
ROAD, (PPN 04-00-016-101-006 & 04-00-016-101-007)
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require outdoor recreational facilities with outdoor seating areas in the C-4/M-1 General Business/General Industrial Districts to obtain a Special Use Permit pursuant to ACO Sections 1270.03(g)(2) and 1278.03(f)(6).

WHEREAS, the property owner, Brew Naked, LLC, in anticipation of The Big Show, Ltd. acquiring its property, has allowed The Big Show, Ltd., (dba Nelly Belly), to submit an application and present plans and specifications to Planning Commission for construction of an outdoor recreation and entertainment facility that includes outdoor seating, live music, corn hole, bocce ball, volleyball, ice curling and horse shoes to be located at 1010 and 1012 Center Road, (PPN 04-00-016-101-006 & 04-00-016-101-007); and

WHEREAS, the Planning Commission held a public hearing on May 21, 2025, and by a vote of Five (5) in favor and Zero (0) opposed, 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 The Big Show, Ltd., (dba Nelly Belly) upon their acquisition of the property located at 1010 and 1012 Center Road, (PPN 04-00-016-101-006 & 04-00-016-101-007), Council hereby accepts the recommendation of the Planning Commission and agrees to grant the The Big Show, Ltd., (dba Nelly Belly), a Special Use Permit for construction of an outdoor recreation and entertainment facility that includes, but is not limited to, the following: a seating and dining area (including a pavilion and picnic tables), live and streamed acoustic music, two (2) sand volleyball courts (converted to winter activities areas), two (2) bocce ball courts (converted to ice curling – weather permitting), horseshoes and cornhole in the C-4/M-1 General Business/General Industrial Districts per the plans and specifications submitted and approved by the Planning Commission on May 21, 2025, and made a part of this Special Use Permit by reference. (See [Exhibit A](#))

Section 2 - Conditions. (1) The Big Show, Ltd., (dba Nelly Belly), agrees to consolidate of the two parcels at the time of closing; (2) the facility and outdoor patio will be open for operation from 11:00 a.m. to 12:00 a.m. (3) only live acoustic music or streamed music will be permitted on the outdoor patio; (4) the project shall proceed pursuant to plans and specifications contingently approved and recommended by the Planning Commission at its May 21, 2025 meeting and finalized by the city's engineer; and (5) 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, Sections 1280.02, 1280.03, 1280.05(t), 1280.05(cc), and 1280.06(v). 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 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 The Big Show, Ltd., (dba Nelly Belly), once acquisition is complete, to construct an outdoor recreation and entertainment facility that includes the items set forth herein (See, Section 1), to be located at 1010 and 1012 Center Road within a C-4/M1 General Business/ General Industrial Districts subject to the conditions set forth above, prior to the end of 2025; 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: _____
Electronically and at City Hall as
Provided by Council

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