

ORDINANCE NO. 62-14

**AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED
TO CHESTER SQUARE, LTD (f.k.a. VETRONE DEVELOPMENT, LLC)
TO INSTALL A STATIONARY AWNING FOR THE OUTDOOR SEATING AREA
FOR THEIR LESSEE, OMEGA REAL ESTATE (dba RUSH INN)
LOCATED AT 35840 CHESTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require restaurants with outdoor seating areas to obtain a Special Use Permit pursuant to ACO §1280.05(aa); and

WHEREAS, Chester Square, Ltd, (f.k.a. Vetrone Development, LLC), as the owner of the property, applied for and was granted a Special Use Permit pursuant to Ordinance No. 59-06, passed on May 8, 2006, to allow an outdoor seating area on a portion of their premises being leased to Omega Real Estate, (dba Rush Inn); and

WHEREAS, the Rush Inn has now submitted an application and presented plans and specifications to install a stationary awning in the outdoor seating area at its restaurant located at 35840 Chester Road. to the Planning Commission on May 21, 2014; and

WHEREAS, the Planning Commission held a public hearing on May 21, 2014 and by a vote of Five (5) to Zero (0), recommended approval of the amended 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 amending the Special Use Permit for Chester Square, Ltd., Council hereby accepts the recommendation of Planning Commission and agrees to amend said permit to allow installation of a stationary awning in the outdoor seating area on premises leased by Omega Real Estate, (dba Rush Inn) at 35840 Chester Road per the plans and specifications submitted and approved by the Planning Commission on May 21, 2014, and made a part of this amended Special Use Permit by reference but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. 1) That project proceed pursuant to plans and specifications approved and recommended by the Planning Commission on May 21, 2014; 2) that the Special Use Permit amended herein is conditioned upon applicant meeting all applicable requirements set forth in 1280.02, 1280.03, 1280.05(aa), and 1280.06(dd) of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change in tenancy 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 amend a Special Use Permit to allow installation of a stationary awning in the outdoor seating area at the Rush Inn located at 35840 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: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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