

ORDINANCE NO. 1-24

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO CCT AVON II, LLC
TO AUTHORIZE THEIR TENANT, CARICO, LLC, d.b.a. CARIBOU COFFEE TO
CONSTRUCT A 778 SQ. FT. RESTAURANT WITH NO INDOOR SEATING,
A DRIVE-THRU AND AN OUTDOOR SEATING AREA,
TO BE LOCATED AT 35091 CHESTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the zoning regulations for the City of Avon require restaurants with a drive-thru, an outdoor seating area and no indoor seating, in the C-4 General Business / O-2 Planned Research Office Park Districts to obtain Special Use Permits for each pursuant to ACO §1270.03(b)(3) and (b)(8) & (9) respectively; and

WHEREAS, CCT Avon II, LLC, (hereinafter referred to as CCT), is the owner of property located at 35091 Chester Road which is being leased to their tenant, CariCo, LLC, d.b.a. Caribou Coffee (hereinafter referred to as “Caribou Coffee or Caribou”; and

WHEREAS, CCT proposes to construct a 778 sq. ft. drive-thru restaurant-coffee shop with no indoor seating but a limited amount of outdoor seating; and

WHEREAS, CCT has submitted an application and presented plans and specifications for the aforementioned construction to the Planning Commission on November 15, 2023; and

WHEREAS, the Planning Commission held a public hearing on November 15, 2023 and by a vote of Four (4) to One (1), recommended approval of the Special Use Permit contingent upon providing a restroom open to customers utilizing the outdoor seating area; 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 Permits 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 CCT Avon II, LLC, owner of the property located at 35091 Chester Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant said Special Use Permit to allow for the lessee, CariCo, LLC, d.b.a. Caribou Coffee to operate a drive-thru restraint-coffee shop with no indoor seating, but with a limited amount of outdoor seating and access to a public restroom per the plans and specifications submitted and approved by the Planning Commission on November 15, 2023, later modified to provide for the restroom access on December 15, 2023, and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance. Exhibit A

Section 2 - Conditions. (1) The outdoor seating area may be open between the hours of 6:00 a.m. to 6:00 p.m. Sunday through Saturday; (2) while the outdoor seating area is open, the proprietor will provide one restroom to be readily available to their patrons; (3) no live music

will be permitted on the outdoor patio only soft ambient music from inside the restaurant; (4) the owner of the property agrees to return to Planning Commission and, if necessary, to City Council to address any City concerns regarding either the outdoor seating area or, in the case of the drive-thru facility, traffic issues that could arise from back-ups at the drive-thru window; (4) that the project shall proceed pursuant to plans and specifications approved and recommended by the Planning Commission at its November 15, 2023 meeting and later amended in December, 2023; (5) that all applicable requirements pertaining to outdoor seating areas and drive-thru facilities as set forth in Chapter 1230, 1280.02, 1280.03, 1280.05(f), 1280.05(bb), 1280.05(cc), 1280.06(j), and 1280.06(dd), 1280.06(ee) 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 Compton Addy, and their tenant Caribou Coffee, for a drive-thru restaurant with no indoor seating but with a limited amount of outdoor seating and public restroom access at 35091 Chester Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: January 8, 2024 DATE SIGNED: January 8, 2024

By:

Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR January 9, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Gail A. Hayden
Gail A. Hayden, Assistant Clerk of Council

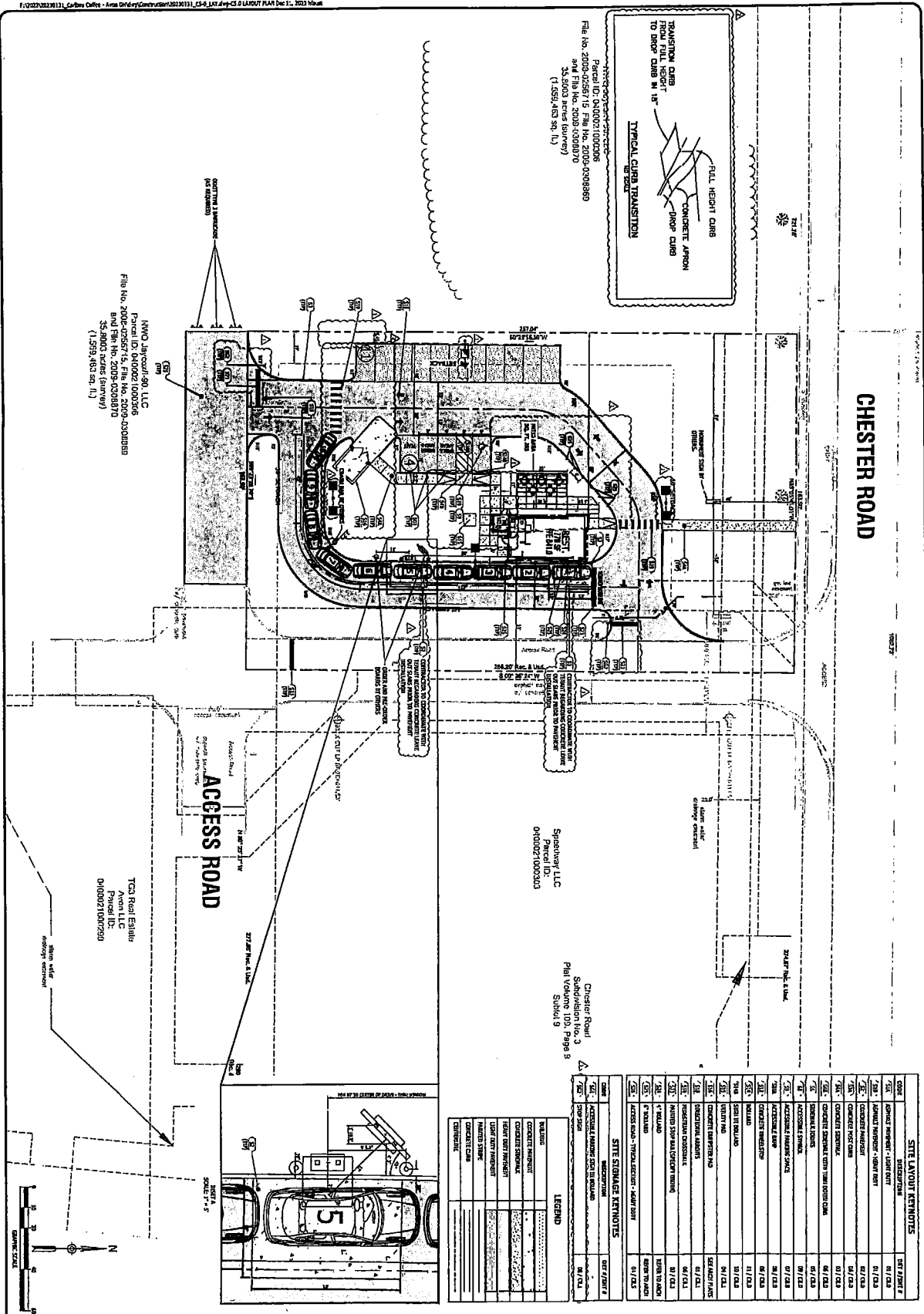
POSTED: January 9, 2024
Electronically and at City Hall as
Provided by Council

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. 1-24, passed by the Council of said City on January 8, 2024.

IN WITNESS WHEREOF, I have on this 9th day of January, 2024, affixed my signature and official seal.

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



SITE LAYOUT KEYNOTES		INT #	INT #
DOOR	DESCRIPTION	1	2
15A	ADJUTANT GENERAL - LEAFY UNIT	61/1.2A	61/1.2A
15B	ADJUTANT GENERAL - ADJUTANT UNIT	61/1.2B	61/1.2B
15C	CHIEF OF POLICE	61/1.2C	61/1.2C
15D	CHIEF OF POLICE	61/1.2D	61/1.2D
15E	CHIEF OF POLICE	61/1.2E	61/1.2E
15F	CHIEF OF POLICE	61/1.2F	61/1.2F
15G	CHIEF OF POLICE	61/1.2G	61/1.2G
15H	CHIEF OF POLICE	61/1.2H	61/1.2H
15I	CHIEF OF POLICE	61/1.2I	61/1.2I
15J	CHIEF OF POLICE	61/1.2J	61/1.2J
15K	CHIEF OF POLICE	61/1.2K	61/1.2K
15L	CHIEF OF POLICE	61/1.2L	61/1.2L
15M	CHIEF OF POLICE	61/1.2M	61/1.2M
15N	CHIEF OF POLICE	61/1.2N	61/1.2N
15O	CHIEF OF POLICE	61/1.2O	61/1.2O
15P	CHIEF OF POLICE	61/1.2P	61/1.2P
15Q	CHIEF OF POLICE	61/1.2Q	61/1.2Q
15R	CHIEF OF POLICE	61/1.2R	61/1.2R
15S	CHIEF OF POLICE	61/1.2S	61/1.2S
15T	CHIEF OF POLICE	61/1.2T	61/1.2T
15U	CHIEF OF POLICE	61/1.2U	61/1.2U
15V	CHIEF OF POLICE	61/1.2V	61/1.2V
15W	CHIEF OF POLICE	61/1.2W	61/1.2W
15X	CHIEF OF POLICE	61/1.2X	61/1.2X
15Y	CHIEF OF POLICE	61/1.2Y	61/1.2Y
15Z	CHIEF OF POLICE	61/1.2Z	61/1.2Z
15AA	CHIEF OF POLICE	61/1.2AA	61/1.2AA
15AB	CHIEF OF POLICE	61/1.2AB	61/1.2AB
15AC	CHIEF OF POLICE	61/1.2AC	61/1.2AC
15AD	CHIEF OF POLICE	61/1.2AD	61/1.2AD
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15AF	CHIEF OF POLICE	61/1.2AF	61/1.2AF
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15AH	CHIEF OF POLICE	61/1.2AH	61/1.2AH
15AI	CHIEF OF POLICE	61/1.2AI	61/1.2AI
15AJ	CHIEF OF POLICE	61/1.2AJ	61/1.2AJ
15AK	CHIEF OF POLICE	61/1.2AK	61/1.2AK
15AL	CHIEF OF POLICE	61/1.2AL	61/1.2AL
15AM	CHIEF OF POLICE	61/1.2AM	61/1.2AM
15AN	CHIEF OF POLICE	61/1.2AN	61/1.2AN
15AO	CHIEF OF POLICE	61/1.2AO	61/1.2AO
15AP	CHIEF OF POLICE	61/1.2AP	61/1.2AP
15AQ	CHIEF OF POLICE	61/1.2AQ	61/1.2AQ
15AR	CHIEF OF POLICE	61/1.2AR	61/1.2AR
15AS	CHIEF OF POLICE	61/1.2AS	61/1.2AS
15AT	CHIEF OF POLICE	61/1.2AT	61/1.2AT
15AU	CHIEF OF POLICE	61/1.2AU	61/1.2AU
15AV	CHIEF OF POLICE	61/1.2AV	61/1.2AV
15AW	CHIEF OF POLICE	61/1.2AW	61/1.2AW
15AX	CHIEF OF POLICE	61/1.2AX	61/1.2AX
15AY	CHIEF OF POLICE	61/1.2AY	61/1.2AY
15AZ	CHIEF OF POLICE	61/1.2AZ	61/1.2AZ
15BA	CHIEF OF POLICE	61/1.2BA	61/1.2BA
15BB	CHIEF OF POLICE	61/1.2BB	61/1.2BB
15BC	CHIEF OF POLICE	61/1.2BC	61/1.2BC
15BD	CHIEF OF POLICE	61/1.2BD	61/1.2BD
15BE	CHIEF OF POLICE	61/1.2BE	61/1.2BE
15BF	CHIEF OF POLICE	61/1.2BF	61/1.2BF
15BG	CHIEF OF POLICE	61/1.2BG	61/1.2BG
15BH	CHIEF OF POLICE	61/1.2BH	61/1.2BH
15BI	CHIEF OF POLICE	61/1.2BI	61/1.2BI
15BJ	CHIEF OF POLICE	61/1.2BJ	61/1.2BJ
15BK	CHIEF OF POLICE	61/1.2BK	61/1.2BK
15BL	CHIEF OF POLICE	61/1.2BL	61/1.2BL
15BM	CHIEF OF POLICE	61/1.2BM	61/1.2BM
15BN	CHIEF OF POLICE	61/1.2BN	61/1.2BN
15BO	CHIEF OF POLICE	61/1.2BO	61/1.2BO
15BP	CHIEF OF POLICE	61/1.2BP	61/1.2BP
15BQ	CHIEF OF POLICE	61/1.2BQ	61/1.2BQ
15BR	CHIEF OF POLICE	61/1.2BR	61/1.2BR
15BS	CHIEF OF POLICE	61/1.2BS	61/1.2BS
15BT	CHIEF OF POLICE	61/1.2BT	61/1.2BT
15BU	CHIEF OF POLICE	61/1.2BU	61/1.2BU
15BV	CHIEF OF POLICE	61/1.2BV	61/1.2BV

SITE SIGNAGE KEYNOTES		
DATE	DESCRIPTION	DIST # / SHT #
1/21	ACCESSIBLE PARKING SIGN III INSTALLED	-
5/20/2010	STOP SIGN	04 / 011

LEICARD	
BRILLIANT	
CONCRETE PARFUMS	
CONCRETE SHOULDER	
HEART CUT PARFUMS	
LIGHT HEART PARFUMS	
MAJESTY STONE	
CONCRETE CUBES	
CONCRETE	

C5.0	PROJECT NUMBER 2020011	LAYOUT PLAN	REVISIONS NO. DATE DESCRIPTION	1 3/20/2013	REVISION 2 - CITY OF AVON COMMENTS		COMPTON ADDY 3610 EDWARDS ROAD SUITE 310 CINCINNATI, OH 45240 513.757.1488	
				2 11/21/2013	REVISION 1 - CITY OF AVON COMMENTS			
				3	REVISION 1 - CITY OF AVON COMMENTS			
				4	REVISION 1 - CITY OF AVON COMMENTS			
FINAL DEVELOPMENT PLAN/IMPROVEMENT PLANS CARIBOU COFFEE, AVON OH 35091 CHESTER ROAD AVON, OHIO, 44011 LORAIN								