

ORDINANCE NO. 71-15

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO CABELA'S, TO INCLUDE AN ABOVEGROUND FUEL STORAGE TANK TO BE LOCATED ON PROPERTY IT OWNS EAST OF 35765 CHESTER ROAD, AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1270.03(d)(4), require a Special Use Permit for the installation and maintenance of an aboveground storage container of flammable/combustible liquids, LPG, or hazardous materials in any size to be used for the sole purpose of on-site power generation in the O-2/C-4 Planned Research Office Park/General Business District; and

WHEREAS, Cabela's, as the owner of the land submitted an application and presented plans and specifications to Avon Planning Commission for an aboveground fuel storage tank to be placed on the premises of the Cabela's retail facility to be located east of 35765 Chester Road; and

WHEREAS, the Planning Commission held a public hearing on May 20, 2015 and by a vote of Five (5) to Zero (0), recommended approval of the Special Use Permit; and

WHEREAS, 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 for an aboveground storage container of flammable/combustible liquids, LPG, or hazardous materials for the sole purpose of on-site power generation per plans and specifications submitted to Planning Commission on May 20, 2015, Council hereby accepts the recommendation of Planning Commission and agrees to grant the Special Use Permit to Cabela's retail outlet located in the O-2/C-4 Planned Research Office Park/General Business District, east of 35765 Chester Road.

Section 2 - Conditions. The Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.05(a)(2), 1280.06(a), of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change in tenancy, ownership, 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

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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 for Cabela's, for an aboveground fuel storage tank for on-site power generation to be located east of 35765 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