

ORDINANCE NO. 15-15

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
MENARD, INC. TO INSTALL AN ABOVEGROUND FUEL STORAGE TANK FOR
DISPENSING PURPOSES (PROPANE CYLINDER FILLING AREA)
ON PROPERTY LOCATED EAST OF 3580 CHESTER ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, zoning regulations for the City of Avon require a Special Use Permit for aboveground storage of an LPG tank in excess of 25 gallons but less than 1,500 gallons for sale or distribution in the C-3 Planned Commercial Development district pursuant to ACO §1270.03(d)(3); and

WHEREAS, Menards Inc. (hereinafter referred to as “Menards”) has submitted an application and presented plans and specifications for an aboveground 1,000 gallon propane cylinder (LPG) to facilitate the operation of a propane filling station on its C-3 property east of 35800 Chester Road to the Planning Commission on January 21, 2015; and

WHEREAS, the Planning Commission held a public hearing on January 21, 2015, 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 Council, having considered the plans and specifications for the installation of a 1,000 gallon propane (LPG) cylinder to facilitate operation of a propane filling station, does hereby accept the recommendation of the Planning Commission and grants a Special Use Permit to Menards for the installation of said tank on their C-3 property located east of 35800 Chester Road.

Section 2 - Conditions. (1) That all applicable requirements set forth in 1230.09, 1270.03(d)(3), 1280.02, 1280.03, 1280.05(a)(3), 1280.06(a)(3) and 1280.06(w)(2-7) of the Codified Ordinances of the City of Avon be met by the applicant; and (2) that the applicant agrees not to expand, develop, enlarge, improve, change tenancy, or use this Special Use Permit other than as set forth in these plans and specifications without first applying for an amendment to this Special Use Permit to the Avon Planning Commission and obtaining approval by City 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

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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 allow a Special Use Permit for Menards to install a 1,000 gallon propane (LPG) cylinder in order to operate a propane filling station east of 35800 Chester Road on its C-3 property; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, President of Council

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