

ORDINANCE NO. 110-16

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO LOVE'S TRAVEL STOP AND COUNTRY STORES, INC. TO INSTALL AN ABOVEGROUND FUEL STORAGE TANK FOR DISPENSING PURPOSES (PROPANE CYLINDER FILLING AREA) ON PROPERTY LOCATED AT THE SW CORNER OF CHESTER ROAD AND COLORADO AVENUE 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-4 General Business district pursuant to ACO §1270.03(d)(3); and

WHEREAS, Love's Travel Stop and Country Stores, Inc. (hereinafter referred to as "Love's Travel") 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-4 property located at the SW corner of Chester Road and Colorado Avenue to the Planning Commission on October 19, 2016; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2016, and by a vote of Four (4) 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 as presented to the Planning Commission on October 19, 2016, does hereby accept the recommendation of the Planning Commission and grants a Special Use Permit to Love's Travel for the installation of said tank on their C-4 property located at the SW corner of Chester Road and Colorado.

Section 2 - Conditions. (1) 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 those 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) and (2) compliance with all plans and specifications as submitted to Planning Commission on October 19, 2016, particularly the landscaping feature around the tank. Any expansion, development, enlargement, improvement, change in 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

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 allow a Special Use Permit for Love's Travel to install a 1,000 gallon propane (LPG) cylinder in order to operate a propane filling station at the SW corner of Chester Road and Colorado; 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, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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