

ORDINANCE NO. 17-18

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO VALENSIL TECHNOLOGIES, INC. TO INSTALL TWO (2) ABOVEGROUND FUEL STORAGE TANKS ON PROPERTY LOCATED AT 34910 AVON COMMERCE PARKWAY 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 1,500 gallons in an M-1 General Industrial district pursuant to ACO §1280.05(a)(1); and

WHEREAS, Valensil Technologies, Inc. (hereinafter referred to as “Valensil”) has submitted an application and presented plans and specifications for the installation of two (2) aboveground storage tanks, each of which having a capacity to hold 1,900 gallons of a propane/butane mixture (LPG) to facilitate the operation of their business in an M-1 property located at 34910 Avon Commerce Parkway to the Planning Commission on February 21, 2018; and

WHEREAS, the Planning Commission held a public hearing on February 21, 2018, 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 two (2) aboveground storage tanks, each with a capacity to hold 1,900 gallons of a propane/butane mix (LPG) to facilitate the operation of their business as presented to the Planning Commission on February 21, 2018, does hereby accept the recommendation of the Planning Commission and grants a Special Use Permit to Valensil for the installation of said tanks on their M-1 property located at 34910 Avon Commerce Parkway.

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, 1280.03, 1280.05(a)(1), 1280.06(a)(1), and 1280.06(w)(2-7); and (2) compliance with all plans and specifications as submitted to Planning Commission on February 21, 2018. Any other expansion, development, enlargement, improvement, change in ownership, use or the like, other than maintenance of the property in its current condition, will require an amendment to this Special Use Permit, with a recommendation of Planning Commission and 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 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.

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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 Valensil to install two (2) 1,900 gallon propane/butane (LPG) cylinders in order to operate their business located at 34910 Avon Commerce Parkway; 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 Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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