

ORDINANCE NO. 22-21

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO
VALENSIL TECHNOLOGIES, INC. TO INSTALL A 1,990 GALLON
ABOVE GROUND STORAGE TANK FOR PROPELLANT 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), was granted a Special Use Permit for two aboveground fuel storage tanks on property it owns at 34910 Avon Commerce Parkway on March 19, 2018; and

WHEREAS, Valensil now desires to amend their Special Use Permit install an additional 1,990 gallon above ground storage tank for propellant on their property located at 34910 Avon Commerce Parkway; and

WHEREAS, Valensil submitted plans and specifications for the construction of said 1,990 gallon above ground bulk storage tank for propellant to the Avon Planning Commission on March 17, 2021; and

WHEREAS, the Planning Commission held a public hearing on March 17, 2021 and by a vote of Four (4) to Zero (0), voted to recommend to Council the granting of said amendment to the Special Use Permit; and

WHEREAS, the granting of this amended Special Use Permit requires the approval of City Council; and

WHEREAS, Council, having reviewed the plans and specifications for the proposed improvements as submitted and the recommendation of the Planning Commission, deems it in the best interests of the health, safety and welfare of the city that the amendment to 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 1,990 gallon above ground storage tank for propellant to facilitate the operation of their business was presented to the Planning Commission on March 17, 2021, does hereby accept the recommendation of the Planning Commission and agrees to grant the amended Special Use Permit to Valensil for the installation of this additional tank 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,

Ordinance No. 22-21 (Con't)

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 March 17, 2021. 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 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.

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 amend the Special Use Permit for Valensil to install an additional 1,990 gallon above ground storage tank for propellant in order to expand operations at 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: _____
Brian Fischer, 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