

## **ORDINANCE NO. 37-23**

### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO O.E. MEYER CO. TO INSTALL FOUR (4) ABOVEGROUND STORAGE CONTAINERS FOR HAZARDOUS MATERIALS ON PROPERTY LOCATED AT 929 MOORE ROAD (THE SOUTHEAST CORNER OF AVON COMMERCE PARKWAY AND MOORE ROAD) AND DECLARING AN EMERGENCY**

**WHEREAS**, zoning regulations for the City of Avon require a Special Use Permit for aboveground storage containers for hazardous material in excess of 1,500 gallons in an M-1 General Industrial district pursuant to ACO '1280.06(a)(1); and

**WHEREAS**, O.E. Meyer, Co. (O.E. Meyer), is (or will soon become) the property owner at 929 Moore Road in a M-1 zoning district; and

**WHEREAS**, O.E. Meyer submitted an application to the Planning Commission on February 15, 2023 with plans and specifications for the installation of four (4) aboveground storage containers for hazardous materials, to wit: (1) 6,000 gal. above ground bulk cryogenic nitrogen tank; (1) 3,000 gal. above ground bulk cryogenic oxygen tank; (1) 30 ton above ground bulk CO<sub>2</sub> tank; and (1) 30,000 gal. above ground bulk propane tank; and

**WHEREAS**, the Planning Commission held a public hearing on February 15, 2023, 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 with conditions.

**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 to O.E. Meyer Co., Council hereby accepts the recommendation of the Planning Commission and agrees to grant a Special Use Permit for the installation of four (4) aboveground storage containers for hazardous materials, to wit: (1) 6,000 gal. above ground bulk cryogenic nitrogen tank; (1) 3,000 gal. above ground bulk cryogenic oxygen tank; (1) 30 ton above ground bulk CO<sub>2</sub> tank; and (1) 30,000 gal. above ground bulk propane tank on their M-1 property located at 929 Moore Road per the plans and specifications submitted and approved by the Planning Commission on February 15, 2023, and subsequently revised on February 21, 2023, and as set forth in attached Exhibit A, all of which are made a part of this Special Use Permit by reference and subject to the conditions set forth in this ordinance.

Section 2 - Conditions. That the Special Use Permit granted herein is conditioned upon the following: (1) Installation of a six (6') foot chain link fence (slatted); (2) planting of trees along Moore Rd.; (3) relocation of the propane tank to the rear (east) of the property all of which is set forth on the attached plans, i.e., Exhibit A; (4) compliance with all plans and specifications as submitted to Planning Commission on February 15, 2023 and subsequently revised on

February 21, 2023; and (5) the applicant meeting all applicable requirements of the Avon Codified Ordinances including, but not limited to those set forth in Chapter 1230, 1280.03, 1280.05(a)(1), 1280.06(a)(1). Any other expansion, development, enlargement, improvement, change in ownership/tenancy, use or the like, change in chemical composition 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 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 allow a Special Use Permit for O.E. Meyer Co. to install four (4) aboveground storage containers for hazardous materials pursuant to plans and specifications approved by Planning Commission and subject to the conditions set forth herein; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 13, 2023

DATE SIGNED: March 13, 2023

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR March 14, 2023

BKJ  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

Ordinance No. 37-23 (Con't)

POSTED: March 15, 2023  
Electronically and at City Hall as  
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 37-23, passed by the Council of said City on March 13, 2023.

IN WITNESS WHEREOF, I have on this 14<sup>th</sup> day of March, 2023, affixed my signature and official seal.

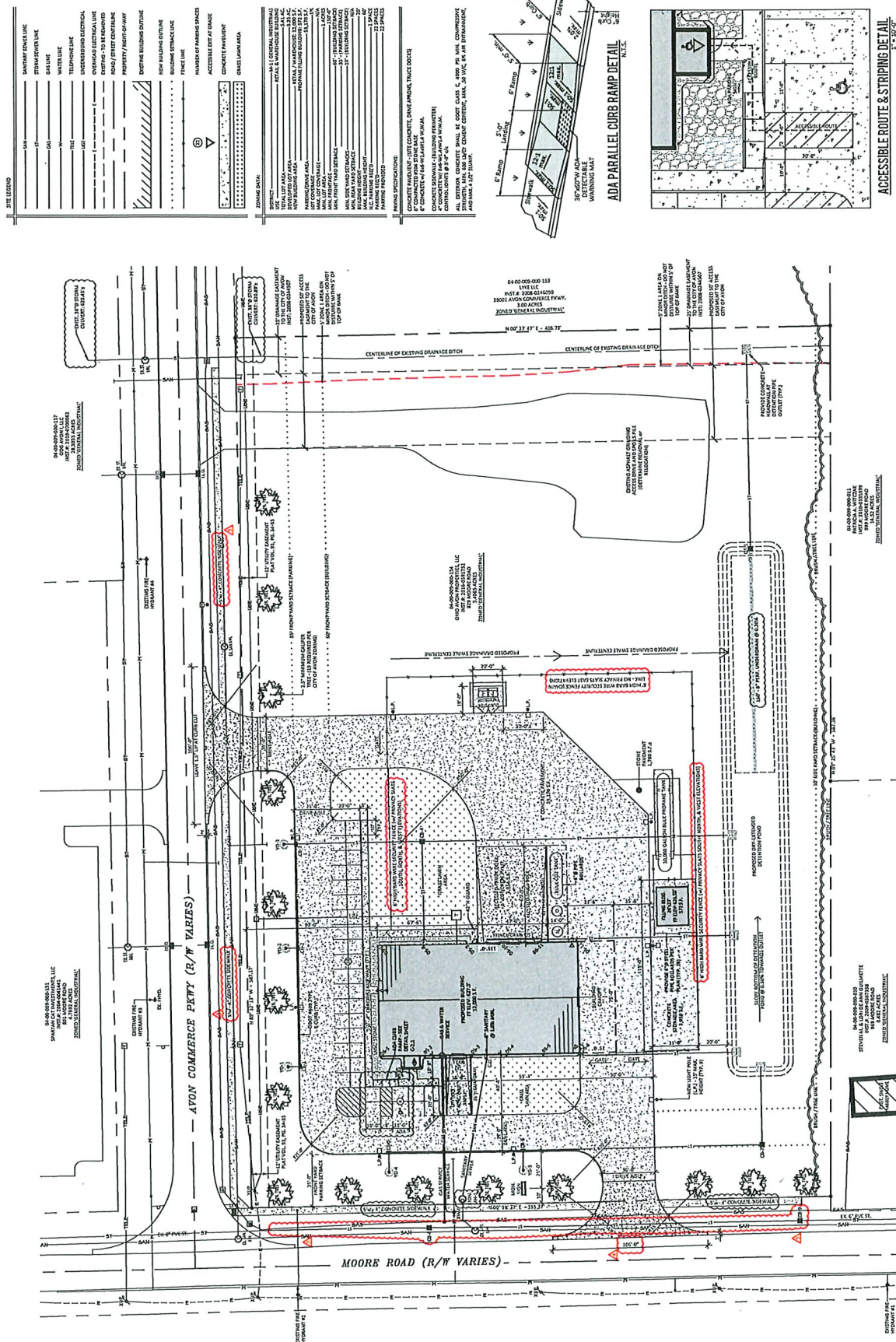
  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio



**O.E. MEYER CO. - AVON**  
929 MOORE ROAD AVON, OHIO 44011  
SITE PLAN

11.1

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