

ORDINANCE NO. 98-23

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO LIG LAND, LLC TO ALLOW THEIR TENANT, SHEETZ, INC., TO CONSTRUCT A 6,139 SQ. FT. GAS STATION AND CONVENIENT STORE WITH AN OUTDOOR PATIO TO BE LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS AND DECLARING AN EMERGENCY

WHEREAS, LIG Land, LLC, (hereinafter referred to as LIG Land), is the owner of property located at the southwest corner of Middleton & Nagel Roads; and

WHEREAS, Sheetz, Inc., (hereinafter referred to as Sheetz), Lig Land's tenant, proposes to construct a 6,139 sq. ft. gas station and convenient store to include outdoor patio; and

WHEREAS, the zoning regulations for the City of Avon require restaurants with outdoor patio seating in the C-4 General Business to obtain Special Use Permits pursuant to ACO '1270.03(b)(8); and

WHEREAS, Sheetz submitted an application with plans and specifications for the aforementioned construction to the Planning Commission on March 21, 2023; and

WHEREAS, the Planning Commission held a public hearing on August 16, 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.

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 LIG Land, as owner of the property located at the southwest corner of Middleton & Nagel Roads, Council hereby accepts the recommendation of Planning Commission and agrees to grant said Special Use Permit to allow LIG Land's tenant, Sheetz, to operate an outdoor seating area in conjunction with the proposed gas station and convenient store per the plans and specifications submitted and approved by the Planning Commission on August 16, 2023, (See [Exhibit A](#)), and made a part of this Special Use Permit by reference but subject to the conditions set forth in this ordinance.

Section 2 - Conditions. (1) The outdoor patio seating may be open twenty-four (24) hours a day, seven (7) days a week; (2) no live music will be permitted on the outdoor patio only soft ambient music from inside the convenient store; (3) the owner of the property agrees to return to Planning Commission and, if necessary, to City Council to address any City concerns regarding the operation of the outdoor patio seating; (4) that the project shall proceed pursuant to

plans and specifications approved and recommended by the Planning Commission at its August 16, 2023 meeting; (5) that all applicable requirements pertaining to outdoor seating areas as set forth in Chapter 1230, Chapter 1270, and Sections 1280.02, 1280.03, 1280.05(cc), 1280.06(dd) of the Codified Ordinances of the City of Avon be met by the applicants; and (6) Any expansion, development, enlargement, improvement, change in ownership, tenancy, 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 grant a Special Use Permit to LIG Land to allow their tenant, Sheetz, to include an outdoor patio seating area for its gas station and convenience store located at the southwest corner of Middleton & Nagel Roads; 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:_____
Electronically and at City Hall as
Provided by Council

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