

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: September 18, 2023 DATE SIGNED: September 18, 2023

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR September 19, 2023

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

POSTED: September 20, 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. 98-23, passed by the Council of said City on September 18, 2023.

IN WITNESS WHEREOF, I have on this 19th day of September, 2023, affixed my signature and official seal.

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

[illegible][illegible]

Sheetz Patio

SECTION 32 1416 BRICK UNIT PAVING

1.01 SUBMITTALS

- A. Shop Drawings: Indicate on shop drawings, layout of pavers, special design layout, dimensions of paved areas, control jointing, elevations, and affected adjacent construction.

1.02 DELIVERY, STORAGE AND HANDLING

- A. Store brick pavers off the ground to prevent contamination, staining, or other defects.
- B. Cover sand with waterproof covering to prevent exposure to weather. Weight down covering to prevent removal by wind.
- C. Store different types of aggregates separately.

1.03 FIELD CONDITIONS

- A. Do not install sand or pavers during rain or snowfall.
- B. Do not install over frozen materials or sub grade.
- C. At end of working day, or during rainy weather, cover work exposed to weather with waterproof coverings, securely anchored.

201 BRUCK PAVERS
A. Bruck Pavers, Inc.

- A. Parameters for Pedestrian Traffic: Extended five day.
 1. Grade: ASTM G902 Weather Class 8X Type I, with dimensional tolerances complying with Application PX.
 2. Face Size: 4 by 8 inches.
 3. Thickness: 2 1/4 inches.
 4. Exposed Surface Texture: Wirecut.
 5. Edges: Rerouted Edges with Lugs.
 6. Color: "Charoklee"
 7. Manufacturer:
 - a. Cloud Ceramics; Pedestrian/Traffic Light Duty Vehicular Pavers: www.cloudceramics.com.

2.02 SAND MATERIALS

- B. Polymeric Sand: Fine sand conforming to ASTM C144 combined with polymer binders for creating semi-solid joints between pavers.

2.03 ACCESSORIES

- A. Separation Sheet Black filter fabric.
B. Cleaning Solution Type recommended by paper manufacturer.

3.01 EXAMINATION

- A. Verify substrate is ready to support pavers and imposed loads.
- B. Verify gradients and elevations of substrate are correct.
 - 1. Do not install any pavers until Owner's Representative approves sub-base and under drain.
- C. Verify that pavers are completely dry prior to polymeric sand installation.

3.02 INSTALLATION - SAND SETTING BED

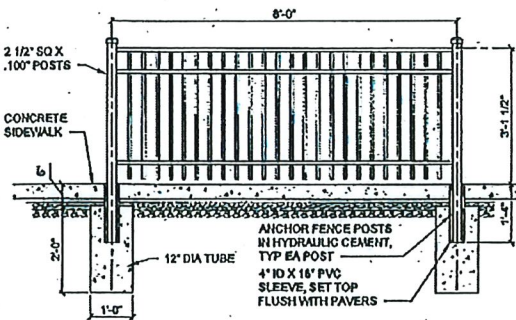
- A. Spread sand evenly over prepared substrate surface to a nominal thickness of 1/2 inches.
 - B. Dampen and roller compact sand to level surface.
 - C. Spread and screed low 1/2 inch of sand.
 - D. Place power units in drawing indicated pattern, from straight reference line.
 - E. Place half units or special shaped units in the spaces and interstices. Maintain evenly spaced joints. Machine saw partial units.
 - 1. Maintain straight lines by using bogs against smooth side of adjacent panel.
 - F. Sprinkle sand over surface and sweep into joints. Moisten joints and recover with additional sand until firm joints are achieved. Remove excess sand.
 - G. Sweep sand uniformly over surface. Use a push broom to fill joints and remove excess while not sweeping long distances.
 - H. Sweep all excess with a fine bristle brush and remove residues with a leaf blower.
 - I. Tamp and level panel units with mechanical plate vibrator until units are firmly bedded, level, and to correct elevation and slope gradient.
1. Vactor shall be capable of 3,000 to 5,000 pounds centrifugal force. Plate shall have a rubber mat or roller to avoid chipping the panels.
2. After the first pass of the plate vibrator, sweep jointing sand into the joints and vibrate again. Repeat the process until the joints are full.
 3. Do not vibrate with six feet of unstrained edges.
 4. Sweep excess sand off pavement.

3.03 CLEANING

- A. Do not clean pavers until pavers and mortar are dry.
- B. Clean soiled surfaces using cleaning solution. Do not harm pavers, joint materials, or adjacent surfaces.
- C. Use non-metallic tools in cleaning operations.
- D. Rinse surfaces with clean water.
- E. Thoroughly clean paving surfaces. Dispose of excess sand.

3.04 PROTECTION

- A. Do not permit traffic over unprotected paver surface.
- B. Protect paver surface with sheets of plywood.
- C. Do not permit traffic for 48 hours after pavement placement.



FENCE DETAIL @ SEATING AREA

$$\underline{1/2'' = 1'-0''}$$

SECTION 323119 DECORATIVE METAL FENCES AND GATES

101 EUGENTIALS
A. B. 101

- D. Shop Drawings

201 FENCES
A. Fox

1. Capable of resisting vertical load, horizontal load and h/rd performance requirements for fence categories defined in ASTM F2456.

202 MANUFACTURER
A. NEUMANN

- A. Aluminum Fence Specialists, LLC, Model No. WAF 250 Flat Top Aluminum Commercial Fence, www.aluminumfencespecialists.com or equal as approved by Owner.

203 MATERIALS
A. 203

- B Components:**
1. Pile: 3/4 inch square by 0.55 inch thick.
 2. Rail - Top Walk: 1 3/8 inch by 0.055 inch.
 3. Rail - Side Walk: 1 1/4 inch by 0.040 inch.
 4. Post: 2 1/2 inches with thickness of 0.100 inch.
- C. Foundations:** Tube concrete footings as indicated on the drawings.
- D. Accessories:**

D. Local
1.

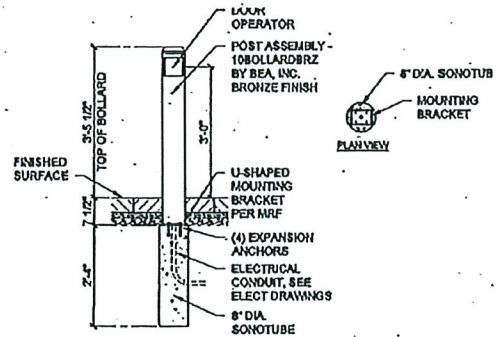
1. Preheats 35 minutes on the 400 degree.
 2. Hydraulic cured for setting posts in sleeves.
- E. Finish: Polyester TGIC powder coat, Color - bronze.
- FABRICATION**
- A. Pocket Spacing: 3.57 inches.
 - B. Post Spacing: 60 inches on center.
 - C. Height: 36 inches.

301 PREPARATION

- A. Lay out fence footings in coordination with brick paver layout.

302 INSTALLATION

- A. Install fencing as recommended by the manufacturer.

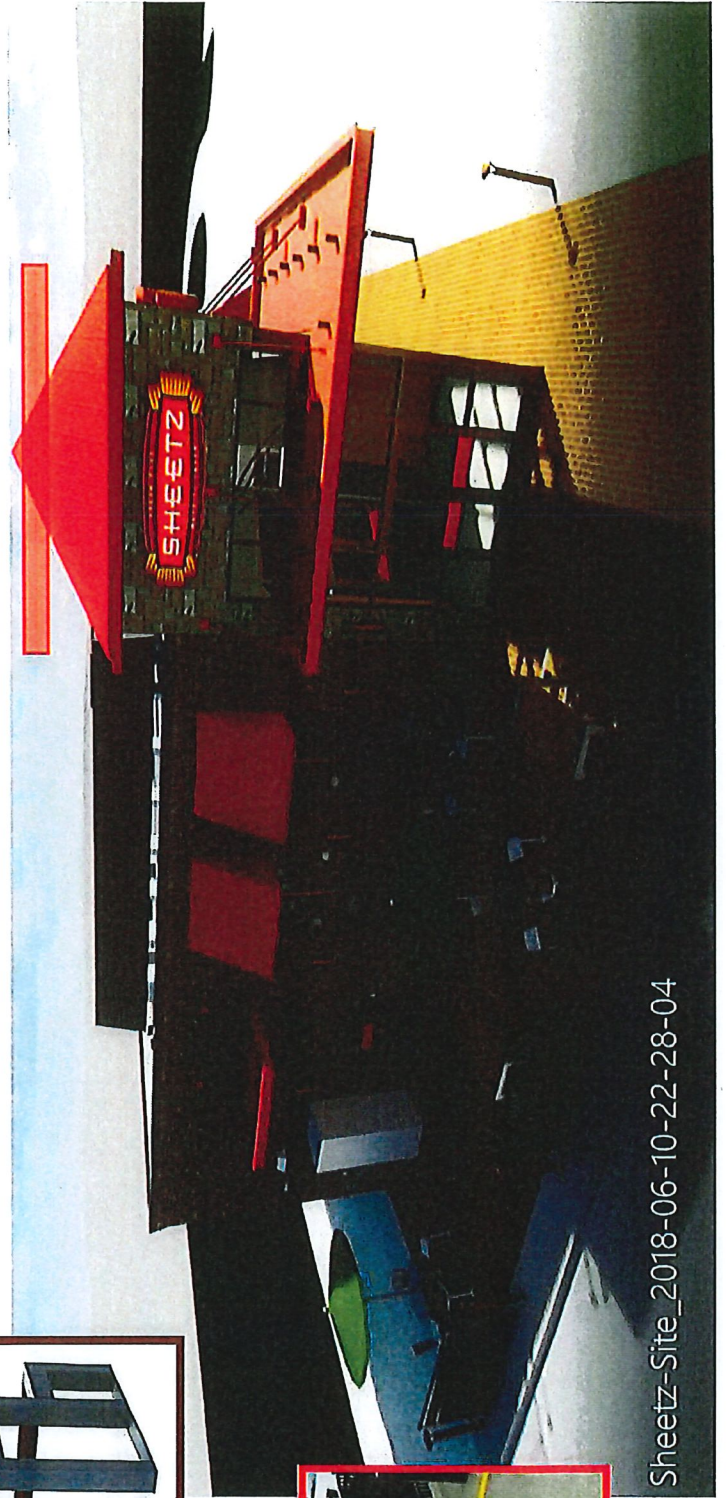
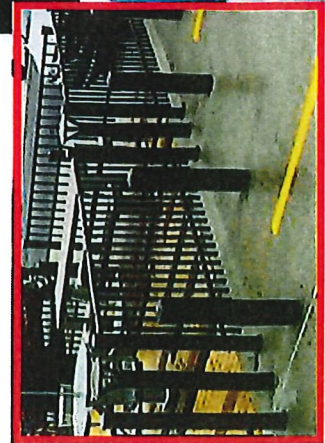
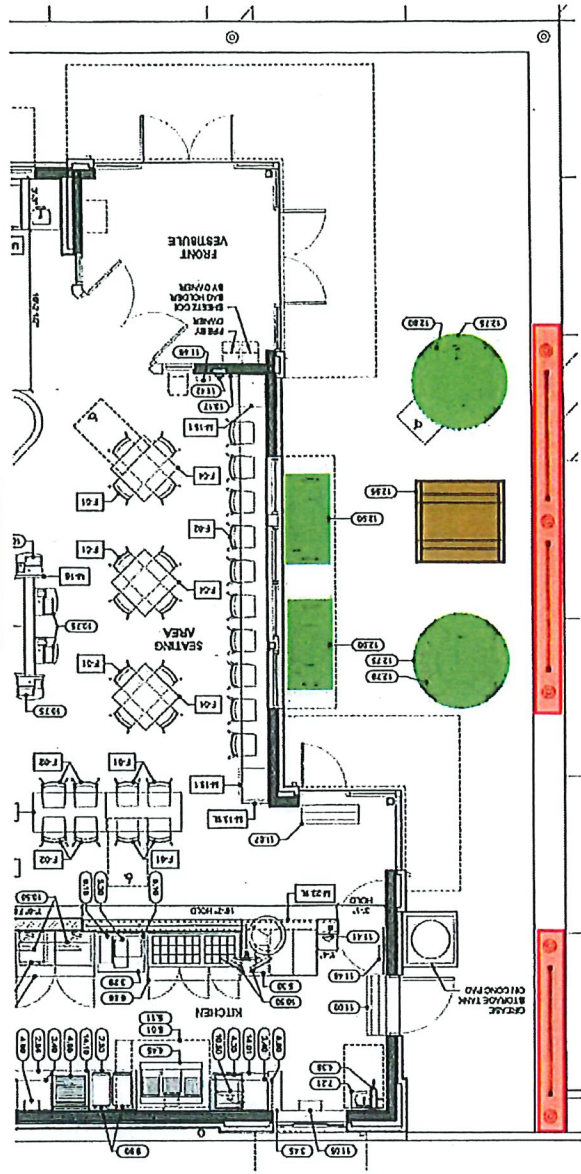


PUSHPLATE BOLLARD DETAIL

1/2" = 1'-0"

A100





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