

ORDINANCE NO. 114-15

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT TO DUKE REALTY OHIO,
AN INDIANA GENERAL PARTNERSHIP, TO ALLOW FOR THE CONSTRUCTION
OF A GAZEBO AND A FUEL STORAGE TANK TO BE LOCATED IN
THE VICINITY OF 37900 CHESTER ROAD,
AND DECLARING AN EMERGENCY**

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1270.03(a)(4), require a Special Use Permit for the construction and operation of a hospital and related facilities in the C-4 General Business District; and

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1270.03(d)(4), require a Special Use Permit for the installation and maintenance of an above-ground storage container of flammable/combustible liquids, LPG, or hazardous materials in any size to be used for the sole purpose of on-site power generation in the C-4 General Business District; and

WHEREAS, pursuant to Ordinance No. 128-14, passed October 27, 2014, Duke Realty Ohio was granted a Special Use Permit to construct and operate a hospital and related facilities at their property located at 37900 Chester Road together with an above-ground storage container of flammable/combustible liquids, LPG, or hazardous materials to be used for the sole purpose of on-site power generation in said District; and

WHEREAS, it is now necessary to amend said Special Use Permit to construct a gazebo and propane tank at the facility located at 37900 Chester Road; and

WHEREAS, following a public hearing on August 19, 2015, Planning Commission voted to recommend approval of the amendment to the Special Use Permit by a vote of five (5) to zero (0); and

WHEREAS, having reviewed the plans for the proposed development as submitted and the recommendation of Planning Commission, Council deems it in the best interest of the health, safety and welfare of the city 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 the original Special Use Permit granted Duke Realty Ohio in Ordinance No. 128-14, is hereby amended to include a gazebo and propane tank at Avon Rehabilitation Hospital located at 37900 Chester Road in the City of Avon as per the final drawings, plans and specifications approved by Planning Commission on August 19, 2015, all of which is incorporated herein and made a part of this Special Use Permit by reference.

Section 2 - Conditions. The Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements set forth in 1230.09, 1280.02, 1280.03, 1280.05(j), 1280.05(a)(1), 1280.06(q), 1280.06(a), 1280.06(w)(2)-(7) of the Codified Ordinances of the City of Avon. Any other expansion, development, enlargement, improvement, change in tenancy,

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ownership, 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 amend a Special Use Permit for Duke Realty Ohio, an Indiana General Partnership, to construct a gazebo and propane tank at their facility located at 37900 Chester Road; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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