

ORDINANCE NO. 55-16

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT FOR COSTCO, A TENANT OF FIRST INTERSTATE PROPERTIES, LTD. (AVON COMMONS) TO CONSTRUCT A 2,048 SQUARE FOOT CANOPY EXPANSION AND ADDITIONAL FUELING DISPENSERS FOR PROPERTY LOCATED AT 35804 DETROIT ROAD AND DECLARING AN EMERGENCY

WHEREAS, the zoning regulations for the City of Avon require gasoline stations in the C-3 Planned Commercial Development District to obtain a Special Use Permit pursuant to ACO §1270.03(e)(7); and

WHEREAS, the First Interstate Properties, Ltd. applied for and was granted a Special Use Permit pursuant to Ordinance No. 64-02 for installation and operation of a refueling station located at 35804 Detroit Road, within Avon Commons to be operated by its tenant, Costco; and

WHEREAS, it is now necessary to again amend said Special Use Permit to include the construction of a 2,048 sq. ft. canopy expansion and additional fueling dispensers at the same Costco location within Avon Commons; and

WHEREAS, following a public hearing on April 20, 2016, 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, 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 for First Interstate Properties, LTD. be amended for additional fueling pumps at Costco.

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 an amendment to the Special Use Permit to First Interstate Properties, LTD, Council hereby accepts the recommendation of Planning Commission and agrees to grant said amendment to the special use permit to enable First Interstate's tenant, Costco, to construct a 2,048 sq. ft. canopy expansion and additional fueling dispensers at 35804 Detroit Road (Avon Commons) per the plans and specifications submitted and approved by the Planning Commission on April 20, 2016, 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) That the project proceed pursuant to plans and specifications approved and recommended by the Planning Commission on April 20, 2016; 2) That the Special Use Permit granted herein is conditioned upon applicant meeting all applicable requirements of the Avon Codified Ordinances including, but not limited to those set forth in 1230.09, 1270.03(e)(7), 1280.02, 1280.03, 1280.05(h) and 1280.06(c). 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 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 the Special Use Permit granted to First Interstate Properties, Ltd., to enable its tenant, Costco, to construct a 2,048 sq. ft. canopy expansion and additional fueling dispensers to be located at 35804 Detroit Road (Avon Commons); 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