

ORDINANCE NO. 104-16

AN ORDINANCE TO GRANT A SPECIAL USE PERMIT TO COLUMBIA GAS OF OHIO, INC. TO ALLOW FOR CONSTRUCTION OF A 16'8" x 14' REGULATOR STATION TO BE LOCATED AT COLORADO AVE. AND MILLER ROAD AND DECLARING AN EMERGENCY

WHEREAS, zoning regulations for the City of Avon, viz., ACO §1262.03(b)(7) require public utility substations located in an R-1 zoning district to obtain a Special Use Permit pursuant to ACO §1280.04(o); and

WHEREAS, Columbia Gas seeks to construct a new 16'8" x 14' regulator station building in an easement it acquired from the City of Avon at the intersection of Colorado Avenue (S.R. 611) and Miller Road requiring a special use permit; and

WHEREAS, Columbia Gas submitted plans and specifications for the construction of this 16'8" x 14' regulator station to the Avon Planning Commission on September 21, 2016; and

WHEREAS, Planning Commission held a public hearing on September 21, 2016 and afterward, by a vote of five (5) in favor and zero (0) opposed, recommended to Council the granting of said Special Use Permit for the construction of the 16'8" x 14' regulator station at said location; and

WHEREAS, having reviewed the plans and specifications for the proposed improvements 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 having considered the matter of granting a Special Use Permit to Columbia Gas for the construction of a 16'8" x 14' regulator station at the intersection of Colorado Avenue (S.R. 611) and Miller Road, Council hereby accepts the recommendation of Planning Commission and agrees to grant the Special Use Permit pursuant to plans and specifications submitted to Planning Commission on September 21, 2016 and 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 September 21, 2016 (see attached Exhibit A, incorporated herein by this reference, for an is conditioned upon applicant meeting all applicable requirements of the Avon Codified Ordinances including, but not limited to, those set forth in 1280.02, 1280.03, 1280.04(o) and 1280.06(bb). Any expansion, development, enlargement, improvement, change in ownership, use or the life, 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

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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 for Columbia Gas to construct a 16'8" x 14' regulator station at the intersection of Colorado Avenue (S.R. 611) and Miller 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
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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