

A RESOLUTION GRANTING SITE PLAN APPROVAL TO MOHAMMAD KAHOOK, APPLICANT AND PROPERTY OWNER, TO PERMIT A BUILDING ADDITION TO THE EXISTING STORE LOCATED AT 4216 ALLEN ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on October 25, 2016, the Planning Commission did recommend to this Council approval of a site plan as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Mohammad Kahook, applicant and property owner, is hereby granted site plan approval to permit a building addition to the existing store located at 4216 Allen Road. The property is zoned C-5 Highway Services and retail uses are permitted by right in this district.

The applicant is proposing to construct an addition of 14 feet by 68 feet (963 square feet) to the southern portion of the existing store in order to expand the lounge area. The new building will be approximately 2,600 square feet in area and there is an outdoor patio approximately 530 square feet in area. The addition will be constructed in brick to match the existing structure.

The addition will occur on the existing parking lot and seven parking spaces will be removed to accommodate the addition. There is still more than adequate parking available for retail space this size. A minimum of thirteen parking spaces would be required based on the building and patio area according to Schedule 1181.03 and there will be a total of 50 spaces remaining on the site.

This proposal shall be in accordance with the conditions contained under Sections 1145.01 through 1145.14, C.O.S., and shall be contingent upon the applicant complying with the following terms and conditions:


1. The applicant shall either execute the Assent and Acceptance By Applicant attached hereto or, in lieu thereof, and pursuant to Section 965.01, C.O.S., the applicant shall post a cash or surety bond in the amount of \$900 to the City of Stow to guarantee the applicant's faithful performance of all conditions and stipulations contained herein. Said bond shall be in a form approved by the Law Director.
2. To the Building, Engineering and Fire Departments' approval of construction plans.
3. All construction shall be made in compliance with the applicant's site plan submitted to the Planning Commission on October 25, 2016, which is incorporated herein by this reference and made a part hereof as if fully reappearing herein.
4. This approval is non-assignable and may not be transferred without the consent of Council.

5. This approval shall expire within one (1) year of the date of this enactment unless prior thereto a building permit has been issued and actual construction undertaken.
6. The authorization granted by this legislation shall become null and void if it is not signed or if the bond is not posted within thirty (30) days from the effective date of this legislation.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Resolution was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that the applicant wishes to begin construction before the weather turns, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 11/17/16

ATTEST   
 Bonnie J. Emahiser  
 CLERK OF COUNCIL

  
 Mike Rasor  
 PRESIDENT OF COUNCIL

FILED WITH MAYOR 11/18/16

FILED WITH CLERK 11/18/16

APPROVED   
 Sara Kline  
 MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE 11/18/16

  
 Amber K. Zibritosky  
 LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Mohammad Kahook, applicant and property owner, have read the foregoing enactment by Stow City Council and do hereby assent and accept all terms and conditions contained herein as being the basis upon which approval was granted and upon which the authorized activity is expressly conditioned.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Mohammad Kahook

RES. NO. 2016-117  
 (Site Plan Approval – Smokers Etc.  
 - Allen Road – Building Addition)

**I, Bonnie J. Emahiser, Clerk of Council, do hereby certify that copies of the forgoing were in accordance with Section 10.13 C.O.S.**  
