

A RESOLUTION GRANTING PRELIMINARY PLAN AND VARIANCE APPROVAL TO MICHAEL MERLE OF RAY FOGG BUILDING METHODS, INC., APPLICANT, AND JOSEPH WEBER OF BH OHIO LEASING, LLC, PROPERTY OWNER, FOR A 120-ACRE INDUSTRIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF S.R. 8 AND SEASONS ROAD.

WHEREAS, on January 17, 2017, the Planning Commission did recommend to this Council the granting of preliminary plan and variance approval 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 Michael Merle of Ray Fogg Building Methods, Inc., applicant, and Joseph Weber of BH Ohio Leasing, LLC, property owner, are hereby granted preliminary plan and variance approval for a 120-acre industrial development located at the southwest corner of S.R. 8 and Seasons Road.

The property is zoned I-1 Limited Industrial. The proposed subdivision consists of one public street, "Gray Lane" that intersects Seasons Road approximately 600 feet west of the S.R. 8 south bound entrance ramp. The preliminary Plan shows five parcels ranging in size from approximately 9 acres to 60 acres in size. A significant portion of "Lot E" located at the southern end of the property consists of wetlands and is not suitable for development.

(A) Said variances granted hereunder includes:

1. This approval grants a variance from C.O.S. Section 1121.02(d)(1) to allow a cul-de-sac length of 1,900 feet (maximum 800 feet).
2. This approval grants a variance from C.O.S. Section 1123.03(c) to eliminate the sidewalk requirement.

(B) Further such approval 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 965.01, C.O.S., the applicant shall post a cash or surety bond in the amount of \$2,000 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 developer providing a waterline easement to enable an extension of the waterline to Treese Drive.
3. To the developer preserving a significant area for conservation at the southern end of the property (the final area is to be established after the Army Corps wetland permits are obtained).
4. To the developer providing right-of-way to accommodate future road improvements/widening if necessary.

5. To compliance with the Preliminary Plan as approved by the Planning Commission on January 17, 2017, which is incorporated herein by reference and made a part hereof as if fully reappearing herein.
6. This approval is non-assignable and may not be transferred without the consent of Council.
7. The authorization granted by this legislation shall become null and void if it is not signed or if the bond is not posted within 30 days from the effective date of this legislation.

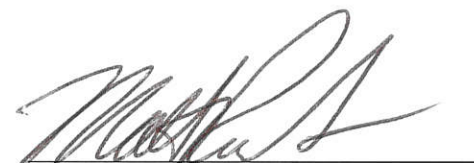
SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and committees and subcommittees that resulted in those formal actions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

SECTION 3. That this Resolution was adopted pursuant to Section 4.11, Charter, and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 1/26/17


ATTEST


 Bonnie J. Emahiser
 CLERK OF COUNCIL


 Matt Riehl
 VICE PRESIDENT OF COUNCIL

FILED WITH MAYOR 1/27/17

APPROVED


 Sara Kline
 MAYOR

FILED WITH CLERK 1/27/17

APPROVED AS TO FORM


 Amber K. Zibritosky
 LAW DIRECTOR

EFFECTIVE DATE 2/26/17

ASSENT AND ACCEPTANCE BY APPLICANT

We, Michael Merle of Ray Fogg Building Methods, Inc., applicant, and Joseph Weber of BH Ohio Leasing, LLC, 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.

RAY FOGG BUILDING METHODS, INC.

 Date

 By: Michael Merle

BH OHIO LEASING, LLC

 Date

 By: Joseph Weber