

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE, SITE PLAN AND VARIANCE APPROVAL TO TRENT WALTER OF 4571 INVESTMENTS, LLC, APPLICANT, FOR THE CONSTRUCTION OF A CAR WASH FACILITY AT 4573 KENT ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on July 6, 2017, the Planning Commission did recommend to this Council the granting of a conditional zoning certificate, site 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 Trent Walter of 4571 Investments, LLC, applicant, is hereby granted conditional zoning certificate, site plan and variance approval for the construction of a car wash facility at 4573 Kent Road. The 4-acre site is located west of Eddy's Deli on the site of a former McDonald's restaurant. The property is zoned C-4 General Business and car washes are conditionally permitted in this district.

The site currently shares an access drive with Eddy's Deli and the applicant is proposing to utilize this existing drive and a portion of the parking lot of the former restaurant. The proposed building footprint for the car wash will be located near the former building. The applicant will maintain the existing circulation drive that provides access to Fishcreek Road for this property as well as the Eddy's Deli site.

The proposed car wash will utilize the existing curb cut onto Kent Road and the circulation drives on the property although it will be resurfaced with asphalt. Since the parking demands for a car washes are lower than for a restaurant, a portion of the former parking lot will be removed and landscaped. After development, the impervious surface on the site will be reduced by approximately 10%.

The proposed car wash facility will be 5,500 square feet in area and the exterior will be constructed in various patterns of split face block.

This facility is regulated under C.O.S. Sections 1145.01 through 1145.14 and 1163.01 through 1163.04.

(A) Said variances granted herein include:

1. This approval grants a variance from C.O.S. Section 1145.12 to allow the car wash to operate when outdoor the temperature is below 32 degrees.

(B) Said 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 \$1,500 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 and Engineering Departments' approval of construction plans.
3. To the City Arborist's approval of a landscaping plan.
4. To compliance with the Site Plan as approved by the Planning Commission on June 27, 2017, which is incorporated herein by reference and made a part hereof as if fully reappearing herein.
5. To the applicant maintaining the fire emergency access drive on the northern portion of the property.
6. This approval is non-assignable and may not be transferred without the consent of Council.
7. 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.
8. 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. 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 open the business before the peak season and winter weather, 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 \_\_\_\_\_

ATTEST \_\_\_\_\_  
 Bonnie J. Emahiser  
 CLERK OF COUNCIL

\_\_\_\_\_  
 Mike Rasor  
 PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED

FILED WITH CLERK \_\_\_\_\_

\_\_\_\_\_  
 Sara Kline  
 MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
 Amber K. Zibritosky  
 LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Trent Walter of 4571 Investments, LLC, applicant, 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.

4571 Investments, LLC

\_\_\_\_\_  
Date

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By: Trent Walter