

RESOLUTION NO. 2018-38

REQUESTED BY APPLICANT  
APPROVED BY PLANNING COM.  
INTRODUCED BY PRIBONIC

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE, SITE PLAN AND VARIANCE APPROVAL TO PAUL ZURAVEL, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A CLUSTER DEVELOPMENT ON HIS PROPERTY LOCATED AT 3720 GILBERT ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on March 13, 2018, the Planning Commission did prudently consider and recommend approval to this Council of the granting of a Conditional Zoning Certificate, site plan and variance, 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 Paul Zuravel, property owner, is hereby granted Conditional Zoning Certificate, site plan and variance approval to permit the construction of a cluster development on his property located at 3720 Gilbert Road. The property is zoned R-3 and cluster developments are conditionally permitted in this district.

The applicant is proposing to construct eleven new building units and retain an existing two-family dwelling on the property for a total of thirteen dwelling units. The development will consist of one main drive from Gilbert Road and a secondary drive extending north of the main drive.

The applicant is requesting a variance from Section 1165.02(a) to locate a Cluster Development on Gilbert Road.

Said proposal shall be in accordance with the provisions contained under Sections 1143.01 through 1143.13, and 1165.01 through 1165.07, C.O.S.

(A) This approval grants a variance from C.O.S. Section 1165.02(a) to locate a Cluster Development on Gilbert Road.

(B) 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 Section 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 Engineering and Building Departments' approval of construction and storm water management plans.
3. To the City Arborist's approval of a landscape plan including the objective of placing trees along Gilbert Road.
4. To the Fire Department's approval of construction plans including providing at least one additional on-site fire hydrant prior to full build-out and providing adequate turnaround area for emergency vehicles at the end of the main circulation drive.

5. To the applicant providing at least six (6) guest parking spaces in at least two locations.
6. To the applicant consolidating the two parcels (56-09021 and 56-00050).
7. That all circulation and access drives be asphalt.
8. That City Council grants the variance from Section 1165.02(a) to permit a cluster development on Gilbert Road.
9. To compliance with the site plan and building elevations as approved by the Planning Commission on March 13, 2018, which are incorporated herein by reference and made a part hereof as if fully reappearing herein.
10. This approval is non-assignable and may not be transferred without the consent of Council.
11. 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.
12. 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 of any 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 would like to proceed with this project as soon as possible, 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 3/22/18

ATTEST

  
 Bonnie Emahiser  
 CLERK OF COUNCIL

  
 Matt Riehl  
 PRESIDENT OF COUNCIL

FILED WITH MAYOR 3/26/18

APPROVED   
 Sara Kline  
 MAYOR

FILED WITH CLERK 3/26/18

APPROVED AS TO FORM

EFFECTIVE DATE 3/26/18

  
 Amber K. Zibritosky  
 LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Paul Zuravel, 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

\_\_\_\_\_  
Paul Zuravel