

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE APPROVAL TO EMILY LIPOVAN OF BAUMANN'S FLORIST & GREENHOUSE, APPLICANT, TO PERMIT THE OPERATION OF A RETAIL FLORIST BUSINESS AT 3527 DARROW ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on January 15, 2019 the Planning Commission recommended to this Council the approval of said Conditional Zoning Certificate 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 Emily Lipovan of Baumann's Florist & Greenhouse, applicant, is hereby granted Conditional Zoning Certificate approval to permit the operation of a retail florist business at 3527 Darrow Road. The property is zoned R-B Residential and retail businesses are conditionally permitted in this district.

The existing structure contains 2,600 square feet and was most recently occupied by an office use, Legacy Staffing. The applicant is not proposing any changes to the site. There are 12 parking spaces in the existing parking lot located behind the building. Access to the site is from an extra wide curb cut shared by 3537 Darrow Road.

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 \$300.00 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 Department's approval of an occupancy permit.
3. This approval is non-assignable and may not be transferred without the consent of Council.
4. 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.
5. 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 is hereby declared to be an emergency measure necessary for the immediately preservation of the

public health and safety for the reason that the applicant wishes to complete this move as soon as possible so as to minimize business disruption, 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 1/24/19

ATTEST

  
Bonnie J. Emahiser  
CLERK OF COUNCIL

  
Brian Lowdermilk  
VICE PRESIDENT OF COUNCIL

FILED WITH MAYOR 1/28/19

FILED WITH CLERK 1/28/19

APPROVED

  
John Pribonic  
MAYOR

APPROVED AS TO FORM

  
Amber K. Zibritosky  
LAW DIRECTOR

EFFECTIVE DATE 1/28/19

ASSENT AND ACCEPTANCE BY APPLICANT

I, Emily Lipovan of Baumann's Florist & Greenhouse, 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.

Baumann's Florist & Greenhouse

\_\_\_\_\_  
Date

\_\_\_\_\_  
By: Emily Lipovan