

A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO MICHAEL J. NOVACHEK OF RAY FOGG BUILDING METHODS, INC., APPLICANT, AND JOSEPH WEBER OF BH OHIO LEASING, LLC, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF AN INDUSTRIAL BUILDING IN THE SEASONS BUSINESS PARK LOCATED ON SEASONS ROAD EAST OF S.R. 8 IN THE CITY OF STOW.

WHEREAS, on March 26, 2019, the Planning Commission did prudently consider and did recommend to this Council the granting of site plan and variance approvals 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 J. Novachek of Ray Fogg Building Methods, Inc., applicant, and Joseph Weber of BH Ohio Leasing, LLC, property owner, are hereby granted site plan and variance approvals to permit the construction of an industrial building in the Seasons Business Park located on Seasons Road East of S.R. 8 in the City of Stow.

The applicant is proposing to construct a fourth industrial building that could be utilized for office, manufacturing or warehouse uses. It will be located on Lot 4 of the Seasons Business Park development on the southwest corner of Seasons Road and Scarlet Lane adjacent to the S.R. 8 off-ramp. Lot #4 is approximately 17 acres in area and is currently zoned I-1 Limited Industrial and C-5 Highway Services. The proposed building will be 213,687 square feet in area and will feature 32 foot high ceilings and multiple loading docks on the west side.

Similar to the previous three buildings, the exterior of the building will be finished in concrete with alternating colors and horizontal and vertical accents. The northeast and northwest corners will feature a significant glass area and a horizontal beam clad in aluminum. Windows will also be installed on the upper portion of the exterior walls on each side of the building.

The proposed building will be accessed from three curb cuts on Scarlett Lane. A total of 140 parking spaces are proposed to be located on the east side of the building. A detention basin is proposed to be located west of the proposed building.

This proposal shall be in accordance with the conditions contained herein under Sections 1147.01 through 1147.09 C.O.S.

(A) Said variances granted hereunder include:

1. This approval grants a variance from C.O.S. Section 1181 to provide 140 parking spaces (267 spaces required).

(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 Section 965.01, C.O.S., the applicant shall post a cash or surety bond in the amount of \$2,500 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 Council's approval of the rezoning to I-1 Light Industrial.

3. To the Building and Engineering Departments' approval of construction and storm water management plans.
4. To the Fire Department's approval of plans including the installation of private fire hydrants and that the fire sprinkler system FDC be located within 50 feet of an existing or new hydrant.
5. To the City Arborist's approval of a landscaping plan.
6. To compliance with the Site Plan and building elevations as approved by the Planning Commission on March 26, 2019 which are incorporated herein by this reference and made a part hereof as if fully reappearing herein.
7. This approval is non-assignable and may not be transferred without the consent of Council.
8. 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.
9. 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 Ordinance 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. That this Ordinance 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 _____

ATTEST _____
 Bonnie J. Emahiser
 CLERK OF COUNCIL

 Matt Riehl
 PRESIDENT OF COUNCIL

FILED WITH MAYOR _____

APPROVED _____
 John Pribonic
 MAYOR

FILED WITH CLERK _____

APPROVED AS TO FORM

EFFECTIVE DATE _____

 Brendan Mackin
 LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Michael J. Novachek of Ray Fogg Building Methods, Inc., applicant, and I, 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 J. Novachek

BH OHIO LEASING, LLC

Date

By: Joseph Weber