

MEMORANDUM

To: Mayor Anzevino and City Council
From: Greg Hannan, Community Development Director
CC: Thom Sheridan, City Manager, Jeff Knoblauch, Asst City Manager
Date: August 22, 2023
Subject: Ohio Turnpike storage yard at Stow Rd – Parcel 3009781

Staff has prepared the following information relevant to the Ohio Turnpike staging/parking area at the Stow Road access ramp. A zoning certificate for a temporary use was issued by the city on July 28, 2023. This yard is associated with the reconstruction of the Turnpike bridge over Tinkers Creek, located approximately 0.8 miles to the east of the Stow Road access.

Site Use: The use of the site will be limited to storing materials on the property, office/storage trailer, and a construction worker parking lot. Workers will be shuttled to the construction site daily. Equipment and machinery will be left at the bridge construction site rather than at the Stow Rd storage yard.

Land Development Code (LDC): listed below are key regulations for temporary construction uses (1206.04)

- Allowance: permitted in all zoning districts
- Term of permit: The term shall automatically expire one year after issuance. The City Manager may grant up to three, six-month extensions.
- Setback: A construction trailer, shed, or yard, shall be located on the lot on which construction is progressing or adjacent site and shall not be located within twenty-five feet of any abutting residential use.
Staff requested a setback of 100ft+ to give extra protection to adjacent residents although not required per the LDC. Staff determined that the site complies the description of adjacent as the Stow Road Turnpike access is the closest access point to the Tinkers Creek bridge.
- Screening: Siting of a temporary construction yard shall provide adequate buffering for adjacent structures and uses.
Vegetation is existing to screen adjacent residential uses. Staff requested a trailer to be reoriented to improve screening and the increased 100 ft setback was requested to address potential visibility impacts.

Site Selection: Beaver Excavating noted multiple sites were considered:

1. The Stow Rd Turnpike emergency access ramps are the closest access point to the construction site.
2. The Turnpike interchange at St RT 14 (Streetsboro) is 1.35 miles to the east; however, Great Lakes Construction is utilizing a portion of this area and the proximity of entrance/exit ramps used by the public creates additional safety and access concerns.
3. Beaver Excavating noted additional sites were studied but determined to not be feasible due to tree cover, access, and grade differential to the turnpike pavement.

Legal Review: City Solicitor John Kolesar reviewed the applicable regulations. Mr. Kolesar confirmed the Land Development Code was appropriately applied to the application and there is not a regulatory method for Council to revoke or appeal the permit.

Development Review Boards: Discussions to date have commented about the desire for such proposal to go to the Planning Commission (PC) or Board of Zoning and Building Appeals (BZBA). Staff notes the LDC specifically references construction uses as temporary, acknowledges such as an administrative level review, and does not provide applicable process or criteria for such to be reviewed by the PC or BZBA.

Communications: City Staff and Council representatives have communicated with the concerned resident and separately have talked with the construction yard property owner (Benberry LLC) and the project manager with Beaver Excavating.

- Flashing lights: The contractor will be installing signage informing trucks to turn off their flashing lights when they come up the off ramp of the turnpike and into the yard.
- Back up beeping: Contractor will limit backup alarms on vehicles by utilizing a loop road, where the trucks can turn in and go back out with limited backing up.
- Placement: Contractor will shift the majority of the staged equipment/materials along the south portion of the staging area site to increase setback and to reduce visibility.
- Signage: Contractor will be installing signs on Stow Road to alert motorists to the construction driveway ahead in each direction.
- Additional accommodations: Staff anticipates the contractor may be willing to consider additional accommodations such as mounding if determined to be beneficial to the adjacent residents.

1206.04 TEMPORARY USES.

(a) Permit Required. A permit for temporary uses may be issued within any zone district provided such temporary use meets the requirements of this section. The permit shall be issued for a specified period and shall contain such conditions as are necessary for protection of the public health and safety and as necessary to mitigate any potential adverse impacts. The City Council, or the City Manager, as authority is specified, may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

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(c) Contractor's office/temporary construction uses may be permitted by the City Manager as follows:

(1) Permitted in all districts. The use of construction sheds or construction trailers in connection with site construction, or an area used for the temporary storage of building materials and equipment necessary for construction of a permanent use, are permitted temporary uses in all districts, subject to the following regulations and restrictions.

(2) Term of permit. The term of a temporary use permit for construction uses shall automatically expire thirty days after completion of construction, or upon cessation of construction for more than sixty days, or one year after issuance, whichever occurs first. The City Manager may grant up to three, six-month extensions if the builder maintains active and continuous construction on the site or within the subdivision.

(3) Site requirements.

A. A construction trailer, construction shed, or a construction yard, shall be located on the lot on which construction is progressing and shall not be located within twenty-five feet of any abutting residential use.

B. A construction yard may be sited on a lot adjacent to the construction site provided that access from the temporary construction yard to the construction site(s) does not affect public streets or surrounding uses.

C. Siting of a temporary construction yard shall provide adequate buffering for adjacent structures and uses.

D. A construction yard shall be maintained in good condition during the time of its use. Construction yards and sites shall be regularly mowed and weed growth shall be controlled. Trash and rubbish barrels/receptacles shall be provided on-site and trash pick-up and removal shall occur on at least a weekly basis.

(4) Dwelling prohibited. A construction trailer or construction shed shall be used only as temporary field offices and for storage of incidental equipment and supplies, and shall not be used as any type of dwelling.

(5) Commencement of use. A construction trailer or construction shed, or a temporary construction yard, shall be moved, erected, or established on a construction site no earlier than two weeks prior to the date on which construction actually commences. If construction is

interrupted and ceases for more than sixty days, a construction trailer or construction shed shall be removed until actual construction commences again.

(6) Fire hazards. No flammable materials, as defined in the City's Fire Code, shall be stored in the construction trailer or construction shed.

(7) Trailer/shed requirements.

A. All construction trailers and construction sheds shall have at least ten feet on all sides for clearance. Two or more construction trailers may be joined for passage from trailer to trailer.

B. All construction trailers and construction sheds shall contain solid floors, electric lights, heat, and doors with locks.

C. Every construction trailer and construction shed shall be maintained in clean and orderly condition, with rubbish barrels for waste materials.

(8) Completion of temporary use. Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.



