

RESOLUTION NO.: 45 -2012
INTRODUCED BY: Alexander

A RESOLUTION REJECTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND DENYING THE APPLICATION FOR A DETERMINATION OF "SIMILAR USE" FOR A CHARITABLE GAMBLING ESTABLISHMENT AT 27221 AND 27227 CHARDON ROAD.

WHEREAS, the Planning Commission at a special meeting on May 23, 2012, passed a motion by a two to one vote to recommend to Council the granting of the application of Northeast Ohio Charitable Services, LLC, representing the owners of property located at 27221 and 27227 Chardon Road, for a determination that a proposed charitable gambling establishment be considered a "similar use" to a banquet facility use, which is a conditional use in this Office-Service Zoning District, pursuant to the procedures set forth in Zoning Code Section 1169.08(k); and

WHEREAS, at its meeting on June 12, 2012, the Council Committee-of-the-Whole considered the matter and by motion, passed by a unanimous vote, rejected the recommendation of the Planning Commission and denied the subject application based on the facts that the representative of Northeast Ohio Charitable Services, LLC, Christian Haffey, its Managing Member, withdrew the application in writing to the City prior to the Committee meeting and also did not appear at the Committee meeting to pursue the application;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The action of the Planning Commission of the City of Richmond Heights taken at its May 23, 2012 special meeting in recommending to Council the granting of the application to determine that the proposed charitable gambling use is a "similar use" to a banquet facility conditional use at 27221 and 27227 Chardon Road in the City, under Zoning Code Section 1169.08(k), is hereby rejected, and the application is denied based on the reasons set forth in the preamble to this Resolution and that said application is now moot.

Section 2: The Clerk is instructed to mail a copy of this Resolution to the applicant.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council