

RESOLUTION NO.: 71 -2007
INTRODUCED BY: Morgan

**A RESOLUTION CONFIRMING THE ACTION OF THE PLANNING
COMMISSION RECOMMENDING A CONDITIONAL USE PERMIT
FOR THE RECONSTRUCTION OF A RESTAURANT WITH A DRIVE-
THROUGH FACILITY AT 820 RICHMOND ROAD.**

WHEREAS, Cipriani Properties, by and through its lessee, Western Reserve Restaurant Management, Inc., for property located at 820 Richmond Road in the City of Richmond Heights, filed an application with the Planning Commission to reconstruct a Wendy's Restaurant at said location which had been damaged by fire; and

WHEREAS, Section 1151.03 of the Zoning Code designates restaurants and restaurants with drive-through facilities as conditional uses in the B-1 Local Business District and Section 1169.02 requires that any use designated as a conditional use shall not be established until a conditional use permit has been reviewed and recommended by the Planning Commission and approved by City Council; and

WHEREAS, at is June 13, 2007 regular meeting, the Planning Commission recommended the granting of the conditional use permit for the restaurant and the drive-through facility, which recommendation was reviewed by the Planning and Zoning Committee of this Council at a meeting on July 10, 2007, and also recommended thereby;

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 taken at its June 13, 2007 regular meeting recommending to Council the approval of a conditional use permit for both a restaurant and a restaurant with a drive-through facility at 820 Richmond Road for Cipriani Properties according to the site plan as submitted to the Planning Commission be, and the same in hereby, confirmed.

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