

RESOLUTION NO.: 40 -2009  
INTRODUCED BY: Morgan

**A RESOLUTION CONFIRMING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT AND A SITE PLAN FOR OUTDOOR DINING IN A B-2 REGIONAL BUSINESS DISTRICT AT 5115 WILSON MILLS ROAD.**

WHEREAS, at its regular meetings on June 10 and July 8, 2009, the Planning Commission passed motions to recommend to Council the approval with conditions of a conditional use permit and a site plan for outdoor dining at the La Fiesta Restaurant at 5115 Wilson Mills Road upon an application submitted by Napoli Enterprises; and

WHEREAS, the Planning and Zoning Committee of Council has reviewed the conditional use permit application and site plan and recommended to the Council confirmation of the Planning Commission's recommendation of approval with conditions of a conditional use permit and the site plan;

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

Section 1: The actions of the Planning Commission taken at its June 10 and July 8, 2009 regular meetings recommending to this Council the approval with conditions of a conditional use permit and a site plan for an outdoor dining area at La Fiesta Restaurant, 5115 Wilson Mills Road, according to the site plan submitted to the Planning Commission dated May 27, 2009, as revised June 13, 2009, be, and the same is hereby, confirmed with the following conditions: (a) parking flow and signage shall be approved by the Divisions of Police and Fire; and (b) a landscaping plan shall be submitted to the City's Landscape Architect for his approval within 30 days. Council also approves the use of the wrought iron fence around the perimeter of the outdoor dining area, as proposed, rather than a wall.

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 of 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: \_\_\_\_\_

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Daniel J. Ursu, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Betsy Traben  
Clerk of Council

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David H. Roche  
President of Council