

south euclid

COME TOGETHER & THRIVE

REMINDER

CITY COUNCIL

NOTICE OF MEETING

Dennis Fiorelli
President
Sara Continenza
Joe Frank
Marty Gelfand
Jane Goodman
Ruth Gray
Jason Russell

MEETING OF: **ZONING & PLANNING
COMMITTEE**

CALLED BY: JASON RUSSELL, CHAIRMAN

DATE: **JANUARY 29, 2018**

LOCATION: COMMITTEE/JURY ROOM

TIME: 6:30 P.M.

RE: RES. 03-18 PROPOSED BURGER
KING CONDITIONAL USE

COMMITTEE MEMBERS:

MARTY GELFAND
JANE GOODMAN

COUNCIL MEMBERS:

SARA CONTINENZA
DENNIS FIORELLI
JOE FRANK
RUTH GRAY

ADMINISTRATION:

ERIC TUCK-MACALLA, BUILDING COMMISSIONER

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 03-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Planning Commission

January 8, 2018

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FOR "BURGER KING" AT 4525 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, "Burger King" proposes to construct a new restaurant at 4525 Mayfield Road and proposes to include a drive-thru as part of the project; and

WHEREAS, in the Mayfield-Green (M-G) District in which this property is located, a conditional use permit is required in order for a business to have a drive-thru; and

WHEREAS, in accordance with Chapter 739 "Mayfield-Green District (M-G)" of the codified ordinances, the application for conditional use was referred to the Planning Commission; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Planning Commission made a motion to recommend to City Council that such a conditional use permit be issued; and

WHEREAS, in a vote of 0-5-0, the motion failed, justification for this motion failing is provided in the December 14, 2017 Meeting Minutes of the Planning Commission; and

WHEREAS, after careful consideration and study, a majority of the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 739 of the South Euclid Zoning Code have been achieved provided "Burger King" follow the conditions as defined below when constructing the drive-thru.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That a Conditional Use Permit is hereby granted to "Burger King" to construct a drive thru at 4525 Mayfield Road in the City of South Euclid, Ohio, per the following conditions:

- Condition 1:** The drive thru shall be set back ten feet from the sidewalk with greenspace between the sidewalk and the drive thru.
- Condition 2:** There shall be a raised barrier between the drive thru lane and Mayfield Road to prevent headlights from vehicles in the drive thru lane from shining onto Mayfield Road.
- Condition 3:** Any necessary variances required to construct this building must be obtained from the Board of Zoning Appeals prior to construction commencing.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: This Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2018.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law