

RESOLUTION NO.: 44 -2011
INTRODUCED BY: O'Toole

A RESOLUTION CONFIRMING THE ACTION OF THE ZONING BOARD OF APPEALS WITH RESPECT TO VARIANCES FOR A NEW RESTAURANT WITH DRIVE-THROUGH FACILITY FOR McDONALD'S CORPORATION AT 465 RICHMOND ROAD.

WHEREAS, McDonald's Corporation located at 465 Richmond Road in the City of Richmond Heights, filed an application with the Zoning Board of Appeals (Case Nos. 782 and 784) requesting variances from the following Zoning Code sections so as to allow a new restaurant with a drive-through service facility at the same location as an existing restaurant and drive-through service facility that will be demolished:

1. Variance request to Section 1169.08 which requires a 50' setback from residential district for parking and storage. The applicant is proposing 30'.
2. Variance request to Section 1169.08 which requires a 150' setback from residential districts for drive thru facility. The applicant is proposing the current 100'.
3. Variance request to Section 1169.08 which requires a 90' setback from the right of way. The applicant is proposing 86'.
4. Variance request to Section 1177.02 which requires a solid masonry wall be required to separate the residential district. The applicant is proposing the current landscaping.
5. Variance request to Section 1173.04. The Code permits a maximum height in a B-1 District to be 20 feet. The applicant is proposing 22'3".
6. Variance request to Section 1179.05(b)(3)(B) to permit building signs on three exterior walls.
7. Variance request to Section 1179.05(d)(1) which allows for exit and entrance signs to be max. area 2 sq. ft. The applicant's signage will exceed the 2 sq. ft. as proposed.

WHEREAS, pursuant to Section 1185.07 of the Zoning Code, the Zoning Board of Appeals recommended that the Council grant the variances as set forth above and as set forth in the Minutes of the Board's public hearing for Case Nos. 782 and 784; and

WHEREAS, the Planning and Zoning Committee of this Council recommended at its June 14, 2011 meeting the variances be granted;

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

Section 1: The action of the Zoning Board of Appeals of the City in recommending the granting of the seven variances set forth in the preamble to this Resolution as requested by the applicant, McDonald's Corporation, from the Codified Ordinance sections set forth above in the preamble to this Resolution at 465 Richmond Road, and as set forth in the materials submitted to the Zoning Board of Appeals, and based upon the reasons set forth in the June 1, 2011 Minutes of said Board, be, and the same is hereby, confirmed. Council finds there exists a practical difficulty which outweighs the limitations set forth in the Zoning Code and the granting of the variances is not contrary to the public purpose and intent of the Zoning Code.

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 be in effect and be in force from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____

Daniel J. Ursu, Mayor

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council