

**RESOLUTION 2024 – 60**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS,  
PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY  
OF PARMA HEIGHTS TO PERMIT THE CUYAHOGA COUNTY PUBLIC LIBRARY  
TO ALLOW FOR CONSTRUCTION OF A NEW PUBLIC LIBRARY,  
AND DECLARING AN EMERGENCY, AS AMENDED**

**WHEREAS**, at its special meeting on September 3, 2024, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the Cuyahoga County Public Library to allow for construction of a new public library within the City of Parma Heights, with certain conditions; and

**WHEREAS**, at its special meeting on September 3, 2024, the Planning Commission recommended to the City Council that the Conditional Use Permit for the Cuyahoga County Public Library to allow for construction of a new public library within the City of Parma Heights, with certain conditions, be approved; and

**WHEREAS**, pursuant to Section 1135.06 (c) of the Codified Ordinances of the City of Parma Heights, a Conditional Use Permit shall be subject to the approval of the Council of the City of Parma Heights; and

**WHEREAS**, the Conditional Use Permit is approved, subject to the conditions that are set forth in “Council Resolution Exhibit A, as amended”, attached hereto and incorporated as if fully rewritten.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Parma Heights, State of Ohio:

Section 1: The Council adopts the recommendation of the Planning Commission and grants a Conditional Use Permit to the Cuyahoga County Public Library to allow for construction of a new public library at 6188 Pearl Road, Parma Heights, Ohio in the Single-Family Residential District.

Section 2: The Conditional Use recommended by the Planning Commission is approved subject to the General Criteria set forth in Section 1135.07, Chapters 1135 and 1195, and all other relevant chapters of the Codified Ordinances of the City of Parma Heights, conditions recommended by the Planning Commission, and further conditions set forth by Council.

Section 3: The Conditional Use recommended by the Planning Commission, and further conditions set forth by Council, are set forth in “Council Resolution Exhibit A, as amended” which is attached hereto and incorporated as if fully rewritten.

Section 4: The approval of this Conditional Use Permit shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard, or requirement shall

constitute a violation of the Planning and Zoning Code, and the conditional use permit may be revoked if the established conditions for approval are violated.

Section 5: This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 6: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of this Municipality, and for the further reason it is necessary to facilitate the Cuyahoga County Public Library's investment in the community expeditiously; wherefore, this Resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: October 7, 2024 Thomas Rounds  
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen October 7, 2024  
CLERK OF COUNCIL APPROVED

FILED WITH  
THE MAYOR: October 7, 2024 Marie Gallo  
MAYOR MARIE GALLO

# COUNCIL RESOLUTION EXHIBIT A, as amended



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6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

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## IN THE MATTER OF:

APPLICATION OF THE CUYAHOGA COUNTY PUBLIC LIBRARY FOR A CONDITIONAL USE PERMIT TO INCLUDE A NEW PUBLIC LIBRARY AT 6188 PEARL ROAD, PORTIONS OF PARCEL NUMBERS 471-17-023, 471-17-025, 471-17-027, AND 471-17-028, PARMA HEIGHTS, OHIO IN **SINGLE-FAMILY RESIDENTIAL DISTRICT**

## **ACKNOWLEDGEMENT AND UNCONDITIONAL ACCEPTANCE AND AGREEMENT TO CONDITIONS AS SET FORTH IN EXHIBITS 1 AND 2**

On \_\_\_\_\_, 2024, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of the Cuyahoga County Public Library. [EX. 1]. The Council imposed additional condition(s) of its own [EX. 2].

Pursuant to Section 1135.07 of the Codified Ordinances of the City of Parma Heights, when a permit for a conditional use is granted by the Council subject to conditions, **the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.**

I understand that pursuant to Section 1135.08 of the Codified Ordinances of the City of Parma Heights that;

(a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.

(b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.

(c) The conditional use approval shall expire six months from the date of enactment, unless:

(1) In the case of new construction, work upon the structure shall have begun above the foundation walls;

- (2) In the case of occupancy of land, the use has commenced;
- (3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or
- (4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

Further, we understand that pursuant to Section 1135.09 of the Codified Ordinances of the City of Parma Heights that a conditional use permit may be revoked if the established conditions for approval are violated. The Chief Building Official is responsible for advising the Planning Commission of any violations, and the Planning Commission may then recommend to City Council that it revoke the conditional use permit.

Based on the foregoing we acknowledge the approval of the conditional use permit and unconditionally accept and agree to such conditions.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title of Authority on Behalf of the Cuyahoga County Public Library:

\_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT 1**

### **RECOMMENDATIONS FOR COUNCIL CONSIDERATION**

IN THE MATTER OF:

APPLICATION BY THE CUYAHOGA COUNTY PUBLIC LIBRARY FOR A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF A NEW PUBLIC LIBRARY BY CONDITIONAL USE AT 6188 PEARL ROAD, PORTIONS OF PARCEL NUMBERS 471-17-023, 471-17-025, 471-17-027, AND 471-17-028 IN PARMA HEIGHTS, OHIO IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT.


1. The Cuyahoga County Public Library is authorized to conduct business in the State of Ohio with its principal place of business located at 6188 Pearl Road, in portions of parcel numbers 471-17-023, 471-17-025, 471-17-027, and 471-17-028, Parma Heights, Ohio.
2. The City of Parma Heights Planning Commission (the "Planning Commission") is the duly organized Planning Commission for the City of Parma Heights (the "City") operating pursuant to its Charter and the laws of the State of Ohio.
3. The aforementioned property is located within the Single-Family Residential District.
4. On August 1, 2024, the Cuyahoga County Public Library submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow for construction of a new public library at 6188 Pearl Road, portions of parcel numbers 471-17-023, 471-17-025, 471-17-027, and 471-17-028, Parma Heights, Ohio in the Single-Family Residential District.
5. Notice of the Public Hearing and Special Planning Commission Meeting were published on Cleveland.com and in the Westshore Sun, Sun Post, Parma Sun, Sun Star, Brunswick Sun, Sun Sentinel, and the News Sun on August 15, 2024 and also posted on the City's website and at City Hall.
6. At its September 3, 2024 Special Meeting, the Planning Commission heard presentations from both the Applicant and City representatives regarding the application for a conditional use permit by the Cuyahoga County Public Library to allow for construction of a new public library at 6188 Pearl Road, in portions of parcel numbers 471-17-023, 471-17-025, 471-17-027, and 471-17-028, Parma Heights, Ohio.
7. A public hearing was held on September 3, 2024 and the Planning Commission heard from the Applicant and from City representatives regarding the application for a conditional use permit for the Cuyahoga County Public Library to allow for construction of a new public library.
8. Based upon the presentations of both parties at the public hearing the Planning Commission recommends approval of the Conditional Use Permit for the business known as the Cuyahoga County Public Library to allow for construction of a new public library.
9. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights. [Ex. A], and is also subject

to compliance with Chapters 1135, 1195, and all other relevant chapters of the Parma Heights Codified Ordinances.

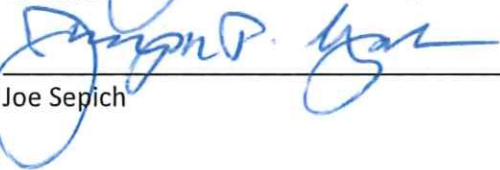
10. This recommended approval shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval are violated.

11. This recommended approval is not final and is subject to the confirmation of the City Council, and, if approved, all conditions shall be set forth expressly in a resolution of the Council granting the conditional use permit.

12. In the event that a permit for a conditional use is granted by the City Council subject to conditions, the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.

  
\_\_\_\_\_  
Jim McCall, Chairman

  
\_\_\_\_\_  
Bill Litten

  
\_\_\_\_\_  
Joe Sepich

  
\_\_\_\_\_  
Rick Haase, Council Representative

  
\_\_\_\_\_  
Zachary Humphrey

## **EXHIBIT A**

### **1135.07 GENERAL CRITERIA FOR CONDITIONAL USES.**

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following criteria. Furthermore, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

(a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located;

(b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

(d) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance;

(e) The hours of operation of the proposed use are similar to a use permitted in the district;

(f) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

(g) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(h) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(i) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(j) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(k) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;

(l) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Chapter 1191.

## **EXHIBIT 2**

### **ADDITIONAL CONDITION(S) IMPOSED BY COUNCIL**

**In addition to all previously stated requirements of the laws of Parma Heights, Ohio, Council imposes the following condition(s):**

- 1. Conditional use permit is contingent on full compliance with the Development Plan approved by the Planning Commission on September 3, 2024.**