

RESOLUTION 2024 – 85

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 BUSINESS KNOWN AS HOLLYWOOD STAR NAILS TO ALLOW FOR PERMANENT COSMETIC SERVICES, AND DECLARING AN EMERGENCY

WHEREAS, at its meeting on November 4, 2024, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the business known as Hollywood Star Nails to allow for permanent cosmetic services, with certain conditions; and

WHEREAS, at its meeting on November 4, 2024, the Planning Commission recommended to the City Council that the Conditional Use Permit for the business known as Hollywood Star Nails to allow for permanent cosmetic services, 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”, 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 Hollywood Star Nails to allow for permanent cosmetic services at 6869 West 130th Street, Parma Heights, Ohio in the West 130th Mixed-Use District.

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

Section 3: The Conditional Use recommended by the Planning Commission and any further conditions set forth by Council are set forth in “Council Resolution Exhibit A” 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 expansion of services offered by Hollywood Star Nails 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: November 12, 2024 Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen November 12, 2024
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: November 12, 2024 Marie Gallo
MAYOR MARIE GALLO

COUNCIL RESOLUTION EXHIBIT A



6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

IN THE MATTER OF:

APPLICATION FROM HOLLYWOOD STAR NAILS FOR A CONDITIONAL USE PERMIT TO INCLUDE PERMANENT COSMETIC SERVICES AT 6869 WEST 130TH STREET, PARCEL NUMBER 473-24-005, PARMA HEIGHTS, OHIO IN THE **WEST 130TH MIXED USE DISTRICT**.

ACKNOWLEDGEMENT AND UNCONDITIONAL ACCEPTANCE AND AGREEMENT TO CONDITIONS AS SET FORTH IN EXHIBIT 1

On November 12, 2024, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of Hollywood Star Nails [EX. 1].

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 Hollywood Star Nails:

Date: _____

EXHIBIT 1

RECOMMENDATIONS FOR COUNCIL CONSIDERATION

IN THE MATTER OF:

APPLICATION FROM HOLLYWOOD STAR NAILS FOR A CONDITIONAL USE PERMIT TO ALLOW PERMANENT COSMETIC SERVICES BY CONDITIONAL USE AT 6869 WEST 130TH STREET, PARCEL NUMBER 473-24-005 PARMA HEIGHTS, OHIO IN THE WEST 130TH MIXED USE DISTRICT.


1. Hollywood Star Nails is authorized to conduct business in the State of Ohio with its principal place of business located at 6869 West 130th Street, parcel number 473-24-005, 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 West 130th Mixed Use District.
4. On September 26, 2024, Hollywood Star Nails submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow for permanent cosmetic services at 6869 West 130th Street, parcel number 473-24-005, Parma Heights, Ohio in the West 130th Mixed Use District.
5. At its October 7, 2024 Regular Meeting, the Planning Commission heard a presentation from the Applicant regarding the application for a Conditional Use Permit Hollywood Star Nails to allow for permanent cosmetic services at 6869 West 130th Street, parcel number 473-24-005. As a result of that meeting, a public hearing was scheduled on the Applicant's Conditional Use Permit for November 4, 2024.
6. Notice of the Public Hearing was published in a newspaper of general circulation in the Municipality on October 10, 2024 and also posted on the City's website and at City Hall.
7. A public hearing was held on November 4, 2024, and the Planning Commission heard from the Applicant and City representatives regarding the application for a Conditional Use Permit by Hollywood Star Nails to allow for permanent cosmetic services.
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 Hollywood Star Nails to allow for permanent cosmetic services.
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].

10. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1195.05(h) of the Codified Ordinances of the City of Parma Heights. [Ex. B].

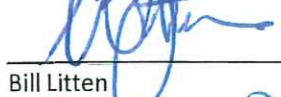
11. This recommended approval shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval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

12. 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.


13. In the event that 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.



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 B

1195.05 (h) COMMERCIAL USE-SPECIFIC REGULATIONS.

(h) Permanent Cosmetics Services in Association with a Permitted Personal Service Establishment.

(1) Permanent cosmetic services shall be provided a permitted personal service establishment, such as a salon, spa or skin care business, as an ancillary service. For the purposes of this section, a service shall be considered ancillary if it meets the following three criteria:

A. The ancillary use occupies less than ten percent of the floor area of the premises;

B. The ancillary use comprises less than ten percent of the volume of activity/services conducted on the premises; and

C. The ancillary use generates less than ten percent of the gross revenues of the business.

(2) No body piercing or other form of tattooing shall be performed on the premises.

(3) The Planning Commission may limit the hours of operation.

(4) The facility shall comply with the requirements of Chapter 773 of the Parma Heights Business Code.