

RESOLUTION 2026 – 1

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 6671 PEARL ROAD, LLC TO ALLOW A DRIVE THROUGH FACILITY, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, at its meeting on December 1, 2025, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the business known as 6671 Pearl Road, LLC to allow a drive through facility, with certain conditions; and

WHEREAS, at its meeting on December 1, 2025, the Planning Commission recommended to the City Council that the Conditional Use Permit for the business known as 6671 Pearl Road, LLC to allow a drive through facility, with certain conditions, be approved; and

WHEREAS, at its meeting on January 20, 2026, the Board of Zoning Appeals granted a variance for the business known as 6671 Pearl Road, LLC; 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 6671 Pearl Road, LLC to allow a drive through facility at 6671 Pearl Road, 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, ~~and~~ conditions recommended by the Planning Commission, a variance granted by the Board of Zoning Appeals, and any further conditions set forth by Council.

Section 3: The Conditional Use recommended by the Planning Commission, the variance granted by the Board of Zoning Appeals, and any further conditions set forth by Council, are is 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 actions 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 6671 Pearl Road, LLC'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: January 26, 2026

ATTEST: Barbara Allen
CLERK OF COUNCIL

FILED WITH
THE MAYOR: January 26, 2026

Thomas Rounds
PRESIDENT OF COUNCIL

January 26, 2026
APPROVED

M. Gallo
MAYOR MARIE GALLO



6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

IN THE MATTER OF:

APPLICATION OF 6671 PEARL ROAD, LLC FOR A CONDITIONAL USE PERMIT TO OPERATE A DRIVE-THRU FACILITY IN ASSOCIATION WITH A PERMITTED PRINCIPAL OR CONDITIONAL USE AT 6671 PEARL ROAD, PARCEL NUMBER 473-25-003, PARMA HEIGHTS, OHIO IN **WEST 130TH MIXED USE DISTRICT**

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

On January 30, 2026, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of 6671 Pearl Road, LLC. [EX. 1]. The Planning Commission's recommendation was condition on a number of items, including a variance granted by the Board of Zoning Appeals. A variance was granted by the Board of Zoning Appeals. [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;

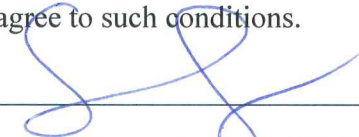
- (a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The 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: SENAYT FERADU

Title of Authority on Behalf of 6671 Pearl Road, LLC: President

Date: 1/30/2026

EXHIBIT 1

RECOMMENDATIONS FOR COUNCIL CONSIDERATION

IN THE MATTER OF:

APPLICATION FROM 6671 PEARL ROAD, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A DRIVE THRU FACILITY BY CONDITIONAL USE AT 6671 PEARL ROAD, PARCEL NUMBER 473-25-003, PARMA HEIGHTS, OHIO IN THE WEST 130TH MIXED USE DISTRICT.

1. 6671 Pearl Road, LLC is authorized to conduct business in the State of Ohio with its principal place of business located at 6671 Pearl Road, parcel number 473-25-003, 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 October 31, 2025, 6671 Pearl Road, LLC submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow for a drive-thru facility in association with a Permitted Principal or Conditional Use at 6671 Pearl Road, parcel number 473-25-003, Parma Heights, Ohio in the West 130th Mixed Use District.
5. A Public Hearing was scheduled on the Applicant's Conditional Use Permit for December 1, 2025. Notice of the Public Hearing was published in the Plain Dealer on November 14, 2025, and also posted on the City's website and at City Hall.
6. A public hearing was held on December 1, 2025, in conjunction with the Planning Commission's regular meeting, and the Planning Commission heard from the Applicant and City representatives regarding the application for a Conditional Use Permit by 6671 Pearl Road, LLC to allow for a drive-thru facility in association with a Permitted Principal or Conditional Uses.
7. Pursuant to Sections 1187.05 and 1187.06 of the Codified Ordinances, the aforementioned property lacks sufficient parking.
8. The applicant, pursuant to Section 1187.06(y) of the Codified Ordinances, presented evidence of undue hardship, requesting modification of off-street parking requirements due to unusual circumstances.
9. 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 6671 Pearl Road, LLC to allow for a drive-thru facility in association with a Permitted Principal or Conditional Uses.

10. Pursuant to Section 1187.06(y) of the Codified Ordinances, the Planning Commission further modifies off-street parking requirements at this site for this conditional use due to undue hardship and unusual circumstances.

11. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinances of the City of Parma Heights. [Ex. A].

12. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1195.05(b) of the Codified Ordinances of the City of Parma Heights. [Ex. B]. Compliance specifically includes the elimination of one of the two driveway curb cuts (eastern) as located on Pearl Road, or in the alternative, duly-granted variances by the Board of Zoning Appeals to that same section. [See 1195.05(b)(3)].

13. The Conditional Use requested is also subject to the additional conditions recommended by the Director of Public Service and the Planning Commission. [Ex. C].

14. 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.

15. 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.

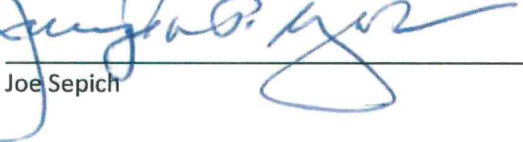
16. In the event that a permit for a conditional use is granted by the Council subject to conditions, the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.



Jim McCall, Chairman



Bill Litten



Joe Sepich



Cecily De Souza, 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 COMMERCIAL USE-SPECIFIC REGULATIONS.

(b) Drive-Thru and Drive-In Facilities, in Association with a Permitted Principal or Conditional Use.

(1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.

(2) Loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(3) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per street frontage.

(4) Interconnecting circulation aisles between parcels shall be provided when practicable.

(5) The Planning Commission may impose restrictions on the hours of operation.

EXHIBIT C

In addition to the requirements of Chapter 1135, these additional conditions shall be required for compliance with the Conditional Use Permit. The goal of these requirements is to prevent any misunderstanding regarding the City's intent to ensure that the high standards required of all Parma Heights businesses continue to be maintained.

These requirements are as follows:

1. Replacement of existing chain link fence with six (6) foot board lumber, cedar privacy fence. Plans and permit must be approved by the Building Department.
2. Compliance and satisfaction of all specifications in the artist's rendering of the Applicant's architect to the satisfaction of the Building Department.

EXHIBIT 2

CITY OF PARMA HEIGHTS
BOARD OF ZONING APPEALS
HEARING NO. 2026-01

APPELLANT: 6671 Pearl Road, LLC, 6671 Pearl Road, Parma Hts., OH 44130

HEARING DATE: January 20, 2026

TIME: 6:00 PM PLACE: Parma Hts., City Hall 6281 Pearl Rd

IN ATTENDANCE:

Jack Gilbride	✓
Dan Paxson	✓
Mark Podany	—
Lindsey Dumbauld	—
Matthew DeSouza	✓

APPELLANT: 6671 Pearl Road, LLC

APPEAL OF:

1. 1195.05 COMMERCIAL USE-SPECIFIC REGULATIONS:

(b) Drive-Thru and Drive-In Facilities, in Association with a Permitted Principal or Conditional Use.

(3) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per street frontage.

Required: one access drive per street frontage.

Existing: one access drive on Maplewood Drive and two access drives on Pearl Road.

Variance Request: one existing access drive on Maplewood Drive and two existing access drives on Pearl Road.

DECISION

APPEAL GRANTED

BOARD OF ZONING APPEAL'S POSITION AND COMMENTS:

Variance is granted.

X


Chairperson, Board of Zoning Appeals