

DETAILED DESCRIPTION: GENERAL STANDARDS FOR CONDITIONAL USES

When reviewing and application for a conditional use permit, the Planning Commission must determine that the proposed conditional use satisfies the standards listed on this form, as well as any use-specific standards that may apply to the proposal. It is the applicant's responsibility to address all general and specific standards for a conditional use. (See Title Seven – Conditional Use Regulations at:

https://codelibrary.amlegal.com/codes/clevelandhts/latest/clevelandhts_oh/0-0-0-13983#JD_Part11T.7

1. Provide a brief narrative describing your use, including detail to help the Planning Commission understand your use such as number of full-time employees, hours of operation, how the building and/or the site will be used, number of persons who you will serve, the maximum number of people that will be serving at one time, any specific details that explain how the building or site is used, for example day care centers have designated drop-off and pick up parking spaces.

Expand the current conditional use permit under 1153.03(t) to extend the hours of operation to 24 hours, eliminate the private security obligation, as well as renovate the interior to include a kitchen. The location currently has a conditional use permit for gas station in a C-2 zone. The location is fully functioning and services the community providing gas as well as convenient store type items of snacks, drinks, fresh coffee and other miscellaneous items. Expanding the hours to 24 hours will allow the community to gain access to gas services longer as well as miscellaneous needs that arise after hours. An expanded kitchen will be for carryout only. The kitchen will have fryers to make small hand held foods such as chicken wings and french fries. The hours of operation for the kitchen will be from 7am-2:30am. The kitchen will serve customers of the gas station as well as walk in customers. Approximately 10 per hour. The gas station will employ seven (7) full-time employees. Although it is expected there will be more foot traffic of people from the neighborhood and customers already purchasing gasoline, parking is available at the front of the building as well on the south side of the building in designated spots. The gas station currently serves approximately 100-150 customers for gas and convenience store type purchases per day.

2. The conditional the use will be in general accord with the purpose, intent, and basic planning objectives of the Zoning Code, and with objectives for the district in which it would be located. Describe how your use would be viewed by eachv of the following general standards for conditional uses (a through j).

a. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The expansion of the kitchen will provide additional food options for the neighborhood. In addition to food options, the location has improved the landscaping and grounds of the gas station (See Exhibit A & E). The expansion of the kitchen will not cause any danger to the public health or safety. The additional hours will allow patrons to get gas and food at more hours giving convenience and availability to residents.

b. 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 area.

The location is in compliance with the current conditional use permit and will continue to comply with all regulations and requirements of that permit. The kitchen will be aligned with the interior of the existing space inside of the gas station. The space is currently being used for storage and will not change the character of the area. All expansion will occur inside.

c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

The expansion will occur inside. There are not many food options in the area, so this will enhance the enjoyment of the other properties in the vicinity, rather than diminish it. The kitchen will provide employees of the existing businesses another option for lunch. The extended hours will benefit the residents of the neighborhood.

d. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The gas station has been in existence for a number of years. The district has benefitted from it. The expansion of hours and the addition of the kitchen will only improve its benefits for the surrounding properties. It currently handles approximately 100-150 customers per day. It is anticipated that these are the same customers who will purchase food from the kitchen. These same customers and some students after school enter the gas station daily to purchase snacks and fresh coffee. With the expansion, they will also have hot foods available for purchase.

e. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.

The expansion of the kitchen will include adequate water supply as well as piping for the sinks that will be installed.

f. Adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets.

As most of the additional traffic to the location is projected to be foot traffic, there is no need for additional ingress and egress. The gas station currently has two entryways- one on Monticello Blvd and the other on Noble Rd. Each provide adequate ingress and egress allowing traffic to flow. The kitchen will be for customers that already frequent the gas station so as not to cause increased congestion.

g. The establishment of the conditional use will 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.

The facility has been in compliance with the restrictions imposed for over 4 years now, and has had no incidents out of the ordinary course of business that require police and fire, nor are there any activities that effect the schools. It has been in compliance with previous requirements from the City and has maintained a peaceful environment. This kitchen is for takeout food only and will not encourage loitering as to cause conflicts or nuisance within the City.

h. 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 are incompatible.

The location has maintained its existing conditional use permit with no incidents. The addition of the extended hours and kitchen expansion has minimal risk of future hardships.

i. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, as well as the specific supplemental conditions set forth in Chapter 1153 of the Zoning Code.

The expansion of the kitchen and the additional hours still allows compliance with 1131.09. The business is in compliance with all regulations for a gas station in the C-2 district.

j. That the conditional use shall, in all other aspects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions set forth in Chapter 1153 of the Zoning Code.

The business is in compliance with its existing conditional use permit as regulated by 1131.09. The gas station is on a corner lot and has not less than 100 feet frontage on each of the two (2) intersecting streets. The fuel pumps are not less than twenty-five(25) feet from the public right of way. The pavement that provides access to a gasoline pump is located no less than fifteen (15) feet from the public right of way. The open space is landscaped and maintained in satisfactory condition and except for the entrance and exit drives is not used for any other purpose. The only services performed on vehicles are dispensing fuel, air and windshield wiper fluid. The location, display or storage of rental trailers, automobiles, trucks or other rental equipment is not permitted. No merchandise besides fuel or oil is displayed outside of the building. No vehicles are parked between the pump setback line and the front property line except being serviced at the pump island, nor are there vehicles parked between the pump setback line and the property line on either Noble or Monticello. No junk, inoperative or unlicensed motor vehicles are permitted to remain on gasoline property for more than forty-eight (48) hours. All refuse is kept or stored within the building or screened from view as required by 1166.10. All outdoor wiring, including electrical and telephone wiring is installed underground. One standard tree and at least two(2) standard shrubs are planted and maintained on the lot for each gasoline pump on the station property. A landscaped area at least fifteen feet wide is provided on private property adjacent to the public sidewalk areas except where interrupted by driveways. (See Exhibit A & E).

Conditional Use Permit Application
Shimaa Hassan Tolba/Nobil Amir LLC
2610 Noble Rd.

Applicant desires to expand the existing conditional use permit under 1153.03(t). The location is currently in a C-2 local retail district. The current conditional use permit is for operation of a gas station. Under the current permit the gas station shall operate from 7:00am until 12:00 midnight. In addition, applicant is required to maintain private security on the premises during the hours of 3:00pm to midnight on Monday through Thursday and from 12:00pm to midnight on Friday through Sunday. No vehicles are serviced on the property except for the sale of gas, windshield wiper fluid and oil. The location currently services approximately 100-150 customers per day. Applicant currently sells snacks and other convenient store type goods including fresh coffee. It currently employs seven (7) full time employees.

The location has been in compliance with the current conditional use permit since August 8, 2019. (See exhibit C). The location has had no incidents of unusual crime or nuisance activity in the four years since the permit was granted. For these reasons, Applicant seeks to eliminate the requirements for private security. Applicant also seeks to expand the hours of operation to twenty-four (24) hours, seven days a week to service more customers and to meet the needs of residents in the area. The extended hours will allow more patrons to be serviced and to obtain gas as well as other needed miscellaneous items that are for sale.

Applicant also seeks to expand the conditional use permit to include a kitchen that operates between the hours of 7:00am to 2:30am. The kitchen will be installed from an area used currently for storage in the location. (See Exhibit D). The kitchen will have a griddle, range and fryers along with a hand sink and prep sink. The area will have display cases for grab and go food options as well. The kitchen will serve hot foods that are cooked in fryers. The foods will be available for takeout only.

Currently, the location complies with the landscaping requirements. There are trees planted for every gas pump as well as shrubs planted except where there are entranceways onto the property. (See Exhibit A & E) The Applicant will maintain the current landscaping. Although it is not anticipated that vehicular traffic will increase due to the expansion of the kitchen, there are delineated parking spaces around the property. (See Exhibit B.) There are a

total of eight delineated parking spaces on the perimeter of the property and do not affect ingress or egress of the area.

Exhibit A



Exhibit A



Exhibit B



Exhibit B





EXHIBIT C

PLANNING COMMISSION CONDITIONAL USE PERMIT

PROJECT NO. 18-24

Noble Roman, Inc.

d/b/a Amoco Kwik Check/Noble Roman/Noble Gas U.S.A.

2610 Noble Road

By an Agreed Judgment Entry issued in Cuyahoga County Court of Common Pleas Case Numbers CV-18-906668 and CV-18-908647, a Conditional Use Permit is hereby issued Noble Roman, Inc., located at 2610 Noble Road, in a C-2 Local Retail zoning district, for operation of a gas station at 2610 Noble Road and operation of the service bays as retail space, as regulated by Zoning Code Chapters 1111, 1115, 1131, 1151, 1153, & 1161.

This permit is issued under the authority of Sections 1111.06 and 1115.08 of the Zoning Code and is subject to compliance by the applicant with all pertinent provisions of the Zoning Code and with any other applicable ordinances of the City, with the conditions that:

1. *Applicant shall maintain, weed, mulch, and replace landscaping on the premises as needed;*
2. *The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield washer fluid;*
3. *The location, display or storage of rental trailers, automobiles, trucks or other rental equipment on the premises is not permitted nor are for-sale vehicles to be parked on the premises;*
4. *No merchandise may be stored or displayed outside the building;*
5. *Except while being serviced at a pump island, no vehicles shall be parked between the pump setback line and the front property line;*
6. *No junk, inoperative or unlicensed motor vehicles will be permitted to remain on the premises for more than forty-eight (48) hours;*
7. *All refuse shall be kept or stored within the building, or be screened from view;*
8. *Applicant shall empty trash containers and dumpsters regularly and keep site free of trash and debris;*
9. *Hours of operation shall be 7:00 a.m. until 12:00 midnight; store must be closed and gas pumps must be turned off between the hours of 12:00 midnight and 7:00 a.m.;*
10. *Restroom shall be maintained in sanitary and working order for customers;*
11. *Applicant shall continue to maintain the present security lighting at the premises;*
12. *Applicant shall permit the City of Cleveland Heights' Building Inspector to inspect the addition to the building on the premises that the prior tenant constructed on the building's east side without approval and permits from the City of Cleveland Heights. Applicant shall comply with any and all requirements the Building Inspector deems necessary as it relates to said addition to ensure safety, including structural changes to the addition or a complete tear-down and reconstruction of the addition if necessary.*
13. *Applicant shall maintain armed private security on the premises during the hours of 3:00 p.m. to midnight on Monday through Thursday and from 12:00 p.m. to midnight on Friday through Sunday;*
14. *Applicant, Applicant's employees, and any private security company hired by Applicant for the premises shall cooperate with all police investigations;*
15. *At all times, Applicant shall maintain all security cameras currently installed in good working order, subject to normal wear and tear, and shall maintain the video recording equipment so as to keep a video archive of all security cameras for a period of not less than thirty (30) days. Applicant shall provide access and duplication opportunities to the employees of the City of Cleveland Heights upon forty-eight (48) hours' notice to Applicant. This access does not require the removal of any of the security cameras and/or security system hard drives and/or other security system equipment from the premises.*

16. Applicant shall make all employees aware of the conditions of approval and post them in a location visible to all employees;

This permit is not transferable without the written consent of the Planning Commission.

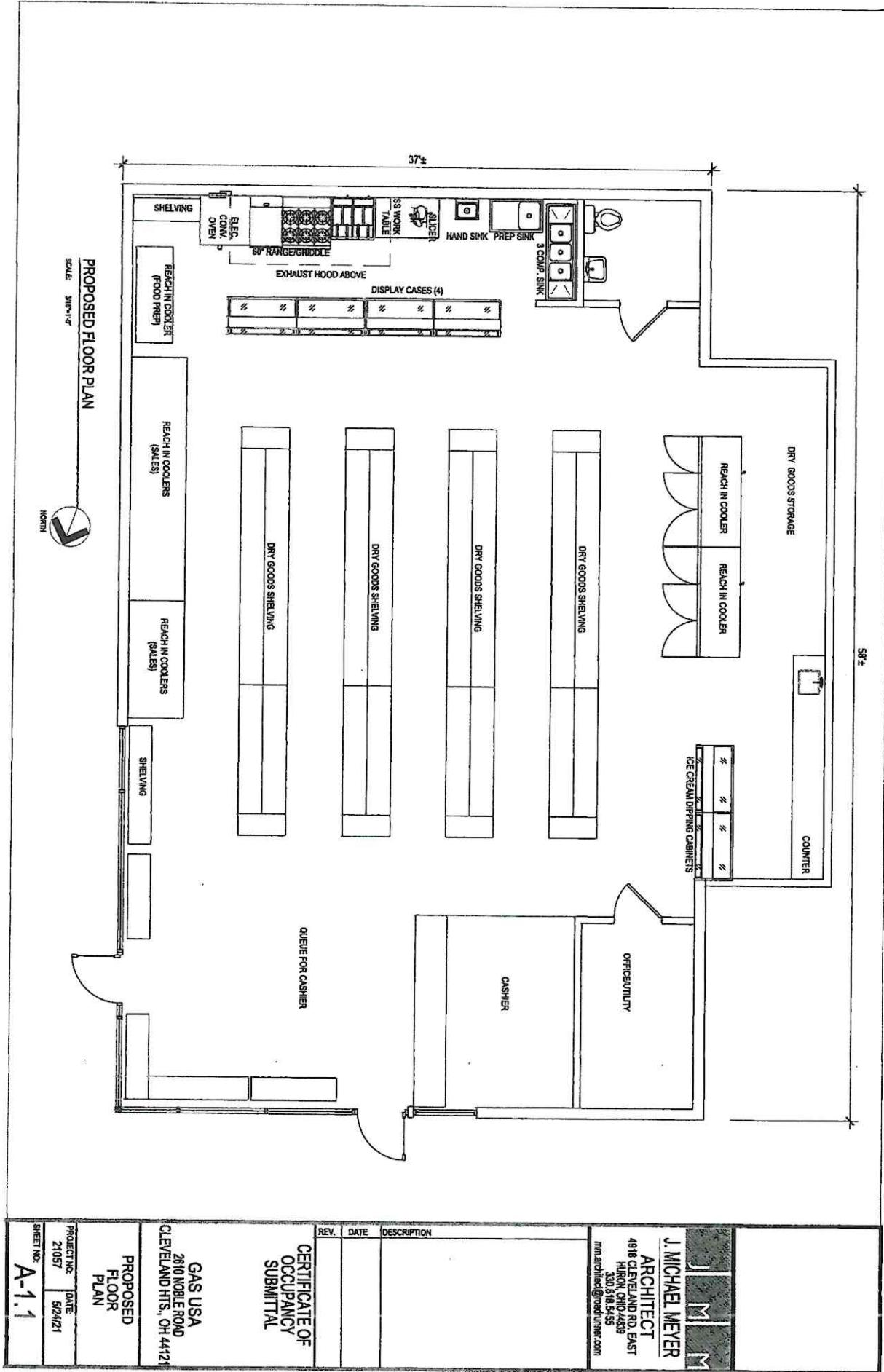


Exhibit D

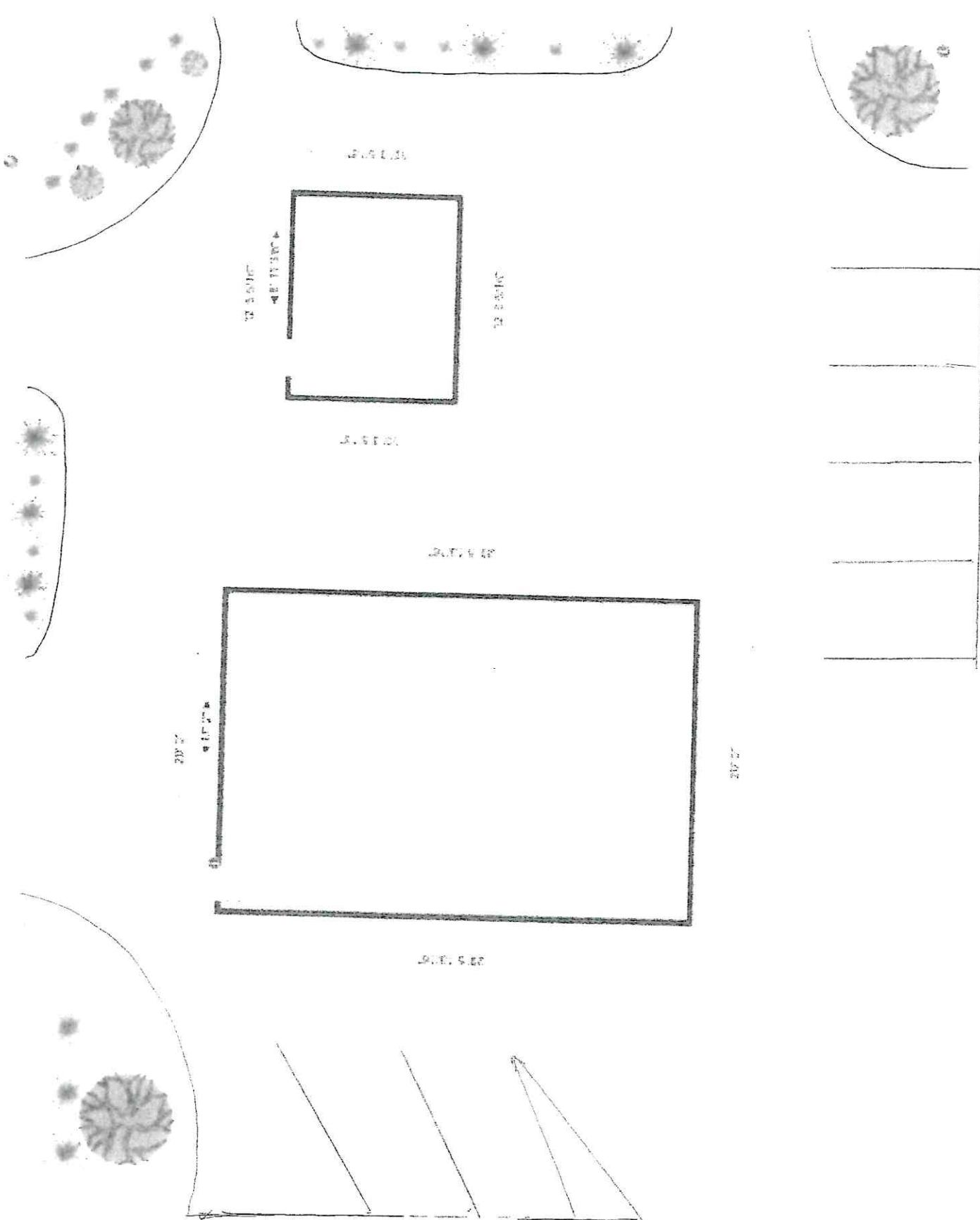


Exhibit E