

**BEFORE THE CITY COUNCIL  
OF  
PEPPER PIKE, OHIO**

**IN RE: APPEAL OF VARIANCE )  
REQUEST OF MEDINA CREATIVE )  
HOUSING, INC., AND URSULINE )  
ACADEMY OF CLEVELAND FOR )  
CERTAIN PROPERTY WHICH HAS )  
THE STREET ADDRESS OF 2600 )  
LANDER ROAD, AND HAS THE )  
PERMANENT PARCEL NUMBER 871- )  
08-009 IN CUYAHOGA COUNTY'S )  
RECORDS )**

**JUDGMENT OF COUNCIL  
ON APPEAL OF PLANNING  
COMMISSION'S DECISION**

The City Council of Pepper Pike having reviewed the application filed by Medina Creative Housing, Inc., the entire record of the proceedings before the Planning Commission, and the Appeal Brief and oral argument on behalf the Ursuline Academy of Cleveland by its legal counsel finds and concludes that the action taken by the Planning Commission to grant the requested variance for an extension of the existing nonconforming use of institutional housing or group quarters for a very limited special segment of the population on the Property with certain conditions and stipulations was proper, reasonable, and supported by the preponderance of evidence and does hereby confirm such decision subject to the following modifications of the Planning Commission's Final Order:

**FINAL ORDER**

In consideration of the facts determined by the Planning Commission, the Applicant's request for a variance to extend the existing nonconforming use of institutional housing or group quarters for a very limited special segment of the population on the Property, pursuant to Section 1262.03(c)(2) of the Codified Ordinances, is hereby approved subject to the following conditions and safeguards:

- 1) This approval is for a maximum of twenty-five (25) dwelling units of institutional housing or group quarters.
- 2) The use of the dwelling units shall be limited to providing housing for adults with intellectual and developmental disabilities in a single-family attached configuration to be operated by Medina Creative Housing, Inc. in a manner consistent with the formal representations made by the Applicant and Owner to the Commission.
- 3) The ground coverage of the buildings, parking, and improvements shall not exceed a maximum of 4.62 acres.

- 4) The buildings and related improvements associated with the extension maintain the established minimum front setback from the northerly right-of-way line of Fairmount Boulevard of 250 feet and the established minimum side setback from the westerly property line of 286 feet. The Commission reserves the authority to make minor adjustments to the setbacks based upon a site plan for the Applicant's project which proves that such minor adjustments are necessary and appropriate and do not adversely impact neighboring property.
- 5) Parcel splits or subdivisions of the Property shall be permitted subject to compliance with the City's subdivision regulations and the U-2 District lot requirements.
- 6) The Owner may place other uses that are listed as permitted uses in the U-2 Public Buildings District on the Property, subject to compliance with the maximum building coverage and minimum open space requirements for the District and in conformance with Chapter 1275 of the Zoning Code.
- 7) There shall be no further extension of nonconforming uses on the Property. As proposed by counsel for the Appellant in furtherance of resolution of this matter, no residential dwelling units of any type shall be constructed on the Property, nor shall residential dwelling units of any type be constructed on any parcels split from the Property, without an amendment to the current zoning of the Property specifically permitting such residential usage having first been submitted and approved in accordance with the Codified Ordinances of Pepper Pike.
- 8) It is hereby recognized and determined that Merici Crossings was duly approved by the City in its current location and design and that should Merici Crossings be damaged or destroyed it shall be permitted to be reconstructed in its present configuration notwithstanding any provisions of Chapter 1268 of the Planning and Zoning Code to the contrary. Council concurs with counsel for the Appellant that, based on this order, no determination regarding the nonconforming status of Merici Crossings is necessary as part of this appeal.

ADOPTED BY MOTION OF CITY COUNCIL THIS 27th DAY OF OCTOBER, 2021.

A handwritten signature in blue ink, appearing to read "Richard M. Bain", is written over a horizontal line.

Richard M. Bain Mayor