

**CITY OF HIGHLAND HEIGHTS
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HELD: SEPTEMBER 24, 2007**

PRESENT: Commissioners Kerr, Knezevic, Mastrangelo, Pilla, Urban;
Temporary Clerk Buchak; Building Commissioner Stouffer

ABSENT: None

MOTION ON THE MINUTES: The reading of the Minutes of the regular meeting held September 10, 2007 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Kerr. Ayes all; motion carried.

**SUBJECT: ABERDEEN COMMONS ASSISTED LIVING DEVELOPMENT, 399
BISHOP ROAD
PZ07007 VARIANCE TO PERIOD OF VALIDITY AND TRANSFERABILITY OF
CONDITIONAL USE PERMIT**

Scott Allen, President, LifeServices Development Corporation, 1625 Lowell Avenue, Erie, Pennsylvania 16505, appeared before the Commission to obtain variances to the period of validity and transferability for the conditional use permit granted by the Commission on June 11, 2007 for the proposed Aberdeen Commons Assisted Living Development located at 399 Bishop Road. The Public Hearing was held prior to the regular meeting.

Chairman Mastrangelo stated that the conditional use permit as granted on June 11, 2007 is for the operation of an assisted living facility and that transference of the permit is limited only to another assisted living facility.

Mr. Allen stated that assisted living facilities are subject to annual inspections by the State of Ohio Department of Health as part of their licensing procedures.

MOTION: A motion was made by Mr. Kerr to grant LifeServices Development Corporation, on property located at 399 Bishop Road, a variance from Section 1109.05: "PERIOD OF VALIDITY", which establishes that a conditional use permit shall be effective for a period of two years from its date of issuance, to allow the existing conditional use permit to be effective for a period of fifteen years, commencing October 1, 2007; seconded by Mr. Pilla. Roll call on the motion. Ayes Kerr, Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

MOTION: A motion was made by Mr. Kerr to grant LifeServices Development Corporation, on property located at 399 Bishop Road, a variance from Section 1109.04(e): "APPLICATION EVALUATION STANDARDS", which establishes that neither a conditional use permit nor the use of the premises authorized by the conditional use permit shall be transferable or assignable by the permittee, to allow the existing conditional use permit to be transferable or assignable by the permittee during the initial "Period of Validity" which commences on October 1, 2007; seconded by Mr. Knezevic. Roll call on the motion. Ayes Kerr, Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

Chairman Mastrangelo requested that the clerk poll the Commissioners in the majority for their reasoning in the matter in which they voted. The consensus of the Commission for approving the variances was that the applicant's Lender would not provide financing for the project without the variances; Law Director Paluf advised that the variances were a reasonable solution for the Lender; and the proposed building will be a single use building whose operation is licensed by the State of Ohio Department of Health.

SUBJECT: BRIAN HIMMEL, 416 MEDWAY ROAD
PZ07008 VARIANCE TO DRIVEWAY WIDTH REQUIREMENTS

Brian Himmel, homeowner, 416 Medway Road, appeared before the Commission to obtain a variance for the proposed expansion of the existing driveway at 416 Medway Road. The Public Hearing was held prior to the regular meeting.

In response to Mr. Knezevic's inquiry as to the need for the variance, Mr. Himmel replied that he needs additional parking space for the three to four vehicles that are parked in the driveway at any given time.

MOTION: A motion was made by Mr. Pilla to grant Brian Himmel, on property located at 416 Medway Road, a variance of 7 feet from Section 1323.02(d): "Permanent Driveways; Two Car Garages", which establishes a maximum driveway width of 20 feet, to allow a driveway width of 27 feet for a length of 25 feet, then tapering to 20 feet over the next 7 feet of driveway length; seconded by Mr. Kerr. Roll call on the motion. Ayes Kerr, Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

Chairman Mastrangelo requested that the clerk poll the Commissioners in the majority for their reasoning in the matter in which they voted. The consensus of the Commission for approving the variance was that a typical driveway turnaround as established by code would require variances given the existing lot configuration and that a practical difficulty exists with the need to park three to four cars in the driveway at any given time.

SUBJECT: JAMES & MARILYN ZEMANEK, 781 KENNELWOOD DRIVE
PZ07017 VARIANCE TO REAR YARD SETBACK REQUIREMENTS

James Zemanek, homeowner, 781 Kennelwood Drive, appeared before the Commission to obtain a variance to the rear yard setback requirement for a proposed 1st floor addition to the existing home at 781 Kennelwood Drive. The Public Hearing was held prior to the regular meeting.

MOTION: A motion was made by Mr. Pilla to grant James & Marilyn Zemanek, on property located at 781 Kennelwood Drive, a variance of between 5' and 25'1" from Section 1123.08: "AREA, YARD AND HEIGHT REGULATIONS", which requires a minimum rear yard setback of 55', to allow a rear yard setback of between 50' to 29'11", for a building length of 33'; seconded by Mr. Knezevic. Roll call on the motion. Ayes Kerr, Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

Chairman Mastrangelo requested that the clerk poll the Commissioners in the majority for their reasoning in the matter in which they voted. The consensus of the Commission for approving the variance was the uniqueness of the lot; there is no adverse impact on adjacent property owners; and the variance has been granted in the past for similar circumstances.

SUBJECT: LESTER & RAE MILLER, 621 HANFORD DRIVE
PZ07016 VARIANCE TO FENCE REQUIREMENTS

The applicant was not present to discuss this matter.

SUBJECT: ALPHA RETAIL SHOPPING PLAZA & SUNOCO, ALPHA DRIVE & WILSON MILLS ROAD
PZ07012 PROPOSED SHOPPING PLAZA

Lance Osborne, Osborne Capital Group, 7670 Tyler Boulevard, Mentor, Ohio 44060, and 285 Burwick, Highland Heights, Ohio 44143, appeared before the Commission to discuss the development plan for the Alpha Retail Shopping Plaza and the Sunoco facility.

Mr. Osborne stated the Osborne Capital Group is in the process of acquiring the existing Alpha shopping plaza on Alpha Drive and the adjacent Sunoco facility on Wilson Mills Road. He said that the Sunoco station will be demolished and then rebuilt as retail shopping space. Rezoning of the area from Motor Service District will be on the November ballot.

Mr. Osborne stated that they are proposing two curb cuts into the Sunoco facility off Wilson Mills Road for right access in. He said there will be no left access in or out. Mr. Pilla inquired if there is sufficient distance from the adjacent freeway ramp for large trucks to maneuver the right turn into the facility. Chairman Mastrangelo referenced code section 1141.10(b): “Accessways to Parking Areas” that addresses accessways on Wilson Mills Road and inquired as to whether the proposed curb cuts are in compliance.

Building Commissioner Stouffer stated that the Police Department is concerned about the traffic flow near the Sunoco facility and requests that a traffic study be completed as part of the engineering design plan to determine the proposed development’s impact on the curb cuts. Mr. Knezevic addressed the proposed curb cuts on Alpha Drive and inquired as to whether the applicant had considered lining up the proposed Alpha shopping plaza curb cut with the existing Kohl’s curb cut to improve the traffic flow in that area. Chairman Mastrangelo recommended that the traffic study include activity on Alpha Drive. The applicant agreed.

In response to Mr. Pilla’s inquiry as to whether the proposed plans will comply with the 20% greenspace requirement, Mr. Osborne replied that he will address that matter when the formal site plan is prepared.

In response to Mr. Urban’s inquiry as to prospective tenants, Mr. Osborne replied that the existing tenants will remain and that they are targeting other quality tenants such as restaurants, phone and mail stores.

In response to Chairman Mastrangelo's inquiry as to whether the existing Sunoco pole sign will be used by future tenants, Mr. Osborne replied that most likely the pole sign will remain to provide visibility from the freeway. Chairman Mastrangelo replied that the pole sign is often obstructed by trees for southbound freeway traffic and is only visible to northbound freeway traffic once they have past the Wilson Mills exit. He suggested that the applicant contact the Ohio Department of Transportation for information regarding signage on the freeway.

Building Commissioner Stouffer said that the Fire Department has been contacted and that they require that the hydrants on the properties are clear.

Mr. Osborne stated that he will complete the traffic study and prepare a site plan including greenspace and parking and then appear before the Commission prior to the November election that will address rezoning.

STATUS OF COMMERCIAL PARKING REQUIREMENTS: Chairman Mastrangelo stated that the Commission is in receipt of a memorandum dated September 19, 2007 from Law Director Paluf stating that the Commission does not have the authority to grant a use variance in regard to commercial vehicle parking based upon the dictates of the Code. Building Commissioner Stouffer replied that he will follow up with the applicants that appeared before the Commission who had requested variances on this matter.

ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Pilla and seconded by Mr. Kerr. Said meeting adjourned at 9:00 p.m.

Susan M. Olson, Recording Clerk

Robert J. Mastrangelo, Chairman