

**CITY OF HIGHLAND HEIGHTS
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HELD: MAY 12, 2008**

PRESENT: Commissioners Kerr, Knezevic, Mastrangelo, Pilla, Urban;
Recording Clerk Olson; Assistant Building Commissioner Austin

ABSENT: None

MOTION ON THE MINUTES: The reading of the Minutes of the regular meeting held April 28, 2008 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Kerr. Ayes all; motion carried.

The reading of the Minutes of the Public Hearing for Knowledge Learning Corporation held April 28, 2008 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Kerr. Ayes all; motion carried.

MEETING RESCHEDULED FROM MAY 26TH TO MAY 27TH: The Commission agreed to cancel the regularly scheduled meeting for May 26th in observance of Memorial Day and to reschedule the meeting to Tuesday, May 27th at 6:30 p.m.

**SUBJECT: JAMES VARGO, 369 MINER ROAD
PZ08008 VARIANCES TO DRIVEWAY REQUIREMENTS**

James Vargo, homeowner, 369 Miner Road, appeared before the Commission to obtain a variance for a proposed expansion of the existing driveway at 369 Miner Road. The Public Hearing was held prior to the regular meeting.

MOTION: A motion was made by Mr. Urban to grant James Vargo, on property located at 369 Miner Road, a variance of 5 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 25 feet for a length of 15 feet, and then tapering to the existing driveway for a length of 15 feet.; 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 that a hardship exists trying to back out onto Miner Road and the driveway turnaround is necessary to accommodate the applicant's five vehicles.

**SUBJECT: HARRY BUFFALO RESTAURANT, 5596 HIGHLAND ROAD
PZ08010 VARIANCE TO SIGNAGE REQUIREMENTS**

Peter Mooney, 5596 Highland Road, and Bill Aftoora, Great Lakes Sign, 7006 Thornton Drive, Parma, Ohio 44129, appeared before the Commission to obtain a variance for the proposed building sign at 5596 Highland Road. The Public Hearing was held prior to the regular meeting.

MOTION: A motion was made by Mr. Urban to grant Harry Buffalo restaurant, on property located at 5596 Highland Road, a variance of up to 2 feet from Section 1145.06(b) (1): “BUSINESS DISTRICT SIGNS; Building Wall Signs”, which establishes a maximum lettering height of 1 foot for building setbacks up to 75 feet, to allow a lettering height of up to 3 feet for the north elevation building sign; seconded by Mr. Pilla. 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 the Commission has previously granted similar requests; the total area of the proposed sign is less than allowed by code; and the sign conforms with the standard Harry Buffalo sign.

SUBJECT: TERRY ALLEN, 6291 MAYPINE FARM BOULEVARD
PZ08009 CONDITIONAL USE PERMIT TO OPERATE AN IN-HOME DAY CARE

Terry Allen, homeowner, 6291 Maypine Farm Boulevard, appeared before the Commission to request a conditional use permit to operate an in-home day care center at 6291 Maypine Farm Boulevard.

(History: Terry Allen appeared at the regular meeting held on April 28, 2008 to request a conditional use permit to operate a state licensed Type A in-home day care center in the basement of her home for children between the ages of 6 weeks and 6 years old, during the hours of 6:30 a.m. to 6:30 p.m., and up to a maximum of 12 children as allowed under the provisions of the license. Chairman Mastrangelo advised the applicant the code is vague as to whether an in-home day care center is allowed and that he would contact Law Director Paluf for his opinion. Assistant Building Commissioner Austin advised the applicant to contact Lt. Ayres of the Highland Heights Fire Department to discuss the conditions that must be met to operate an in-home day care.)

Assistant Building Commissioner Austin stated that he, Ms. Allen and Law Director Paluf met to discuss this matter. Chairman Mastrangelo replied that Law Director has not submitted his opinion as to whether an in-home day care is allowed by code; therefore, the Commission cannot grant the conditional use permit at this time.

Assistant Building Commissioner Austin stated he visited the applicant’s residence and conducted the Type A Home Building Inspection as required by the Ohio Department of Job and Family Services. He said the 8-page inspection report rates electrical, heating facilities, health and sanitation, smoke alarms, means of egress, and lighting and ventilation conditions within the dwelling. He submitted copies of the report to the Commission. He advised Ms. Allen that the terms of the inspection require that she correct and then obtain approval for the seven negative responses she received to questions contained in the report in order to obtain a Type A Home license.

Mr. Knezevic advised there are two issues in this matter: 1) obtaining a conditional use permit; and 2) passing the Ohio Department of Job and Family Services inspection to obtain the Type A

license. He said code sections 1109.03(a) and 1123.04 discuss conditional use permits for day care centers in P-C-M Districts and public institutional buildings; however, there is no mention of in-home day care centers or day care centers in residential districts. Ms. Allen replied that the State requires she obtain the conditional use permit prior to applying for the Type A license.

Chairman Mastrangelo referenced code section 1123.05(c) that requires that all home occupations in a residential district be conducted wholly within the dwelling, and questioned whether allowing the day care children to be outdoors complies with code.

Chairman Mastrangelo advised that a Public Hearing will be held on June 9, 2008 contingent on receipt of the Law Director's opinion by the Commission.

**SUBJECT: KNOWLEDGE LEARNING CORPORATION (DBA KINDERCARE), 675
MINER ROAD
PZ08006 VARIANCES TO PARKING REQUIREMENTS**

Gerald Weber, Weber Architecture, 13711 Madison Avenue, Lakewood, Ohio 44107, and Chris Seelig, NAI Daus, representing Knowledge Learning Corporation, 3401 Enterprise Parkway, Suite 105, Beachwood, Ohio 44122, appeared before the Commission to review a request for variances to parking requirements for the proposed building to be constructed on a vacant parcel at 675 Miner Road, a P-C-M District, in order to operate a day care center.

(History: The applicants had appeared at the regular meeting on April 28, 2008 proposing to construct a 9,500 square foot building with the entire parking lot located in the front yard. They were advised that code allows parking for executives and visitors only in the front yard. The Commission recommended and the applicants agreed to relocate half of the approximate 50 parking spaces from the front yard to the south side of the building and to add brick to the front of the building. The applicants were advised to submit a revised site plan showing the new parking configuration, the new front façade of the building, and the retention basin.)

Mr. Seelig stated the revised site plan shows 23 parking spaces on the south side for all teachers, staff and two school vans; and 26 parking spaces in the front yard for visitors and drop-offs, for a total of 49 parking spaces.

Mr. Weber said the front parking lot will be 105 feet from the Miner Road right-of-way and that the closest car will be 130 feet from the road. He said they will add landscaping in the front yard to obscure the view of the parking lot. There was discussion as to the parking lot setbacks and number of parking spaces in the front yards of the surrounding buildings. It was determined that the applicants' proposal is in-line with those numbers.

Chairman Mastrangelo inquired if the applicants would consider adding a second driveway off Miner Road on the north side of their lot, thereby eliminating the need for one of the parking lot aisles across the front of the lot which would reduce the amount of the setback variance. Mr. Weber replied a second driveway addition on the north side of the lot may not allow a large enough area for the retention basin. Mr. Seelig replied that if the second parking lot aisle is eliminated there will no longer be a loop within the parking lot and vehicles will have to exit

back onto Miner Road to re-enter the parking lot. The applicants stated they will revisit adding a second drive onto Miner Road once the retention basin location and size is determined.

Chairman Mastrangelo advised the applicants they must obtain a variance for the parking spaces in the front yard because it is an inordinate number of spaces as allowed by code. He stated that only four of the five Commissioners will be in attendance at the meeting on May 27, 2008 and inquired if they want to hold the Public Hearing at that time. The applicants agreed.

SUBJECT: EDWARD BENCIN, 462 MINER ROAD
PZ08012 LOT SPLIT AND CONSOLIDATION OF P.P.'S 821-26-014 & 821-26-001

Edward Bencin, homeowner, 5964 Whiteford Drive, Highland Heights, Ohio 44143, appeared before the Commission to review plans for the lot split and consolidation of Permanent Parcels 821-26-014 & 821-26-001.

Mr. Bencin stated that he and Michael Gottlieb are the property owners of P.P. 821-26-001 at 462 Miner Road that measures 300 feet wide by 300 feet deep. Mr. Bencin said he is in negotiations with Forest City Enterprises to purchase P.P. 821-26-014 (Block A) located between 455 and 467 Lynden Drive and backing up to the property at 462 Miner Road. The parcel measures 300 feet wide by 90.03 feet deep. He said that Block A is part of the Highland Woods subdivision; however, P.P. 821-26-001 on Miner Road is not part of the subdivision.

Mr. Bencin stated he proposes to consolidate the two parcels and then subdivide it into six buildable lots, each measuring 100 feet wide by 175 feet deep, that will conform with the existing lot sizes of the surrounding homes. He said there is currently one home and one accessory building on the center parcel fronting on Miner Road. He stated the home will remain, and the accessory building will be removed if necessary. He said he discussed this matter with the City Engineer and Assistant Building Commissioner Austin who feel the lot sizes conform with the existing character of the neighborhood.

Mr. Pilla stated the minimum lot size currently required by code is 33,000 square feet but that the proposed lots will only be 17,500 square feet. Chairman Mastrangelo replied he will contact Law Director Paluf for his opinion. He advised the applicant that he must request a variance to the lot area of the six lots prior to drafting all the engineering data.

Chairman Mastrangelo advised that a Public Hearing will be held on June 9, 2008.

SUBJECT: ELAINE HOGAN, 293 EAST EDINBURGH DRIVE
PZ08013 VARIANCE TO SIDE YARD SETBACK REQUIREMENTS

Lou Ianiro, Ianiro Landscape, Inc., 12876 Chillicothe Road, Chesterland, Ohio 44026, appeared before the Commission to review a request for a variance to allow a column of the proposed 15 foot by 15 foot pergola to be placed within the required 10-foot side yard setback that is also a drainage easement.

In response to Chairman Mastrangelo's inquiry if the proposed pergola can be reduced in size and/or turned 90 degrees to keep it out of the required side yard setback, Mr. Ianiro replied that Ms. Hogan wants to maintain the size being requested. Chairman Mastrangelo replied it will be difficult to obtain support for the variance from the golf course that borders Ms. Hogan's property.

Mr. Knezevic recommended the size of the pergola be reduced from 15 feet by 15 feet to 15 feet by 12 feet to comply with the required 10-foot minimum side yard setback.

Assistant Building Commissioner Austin stated the city ARB and Ronald Kluchin, Aberdeen ARB, approved the structure. Chairman Mastrangelo replied that Mr. Kluchin should have noted the encroachment. He recommended that Mr. Ianiro advise Ms. Hogan to consider reducing the size of the structure to comply with the setback requirements. Mr. Ianiro agreed.

SUBJECT: SHERI LIPTON, 5348 WILSON MILLS ROAD
PZ08014 VARIANCE TO DRIVEWAY REQUIREMENTS

Sheri Lipton, homeowner, 5348 Wilson Mills Road, appeared before the Commission to request a variance to allow a driveway turnaround in the front yard at 5348 Wilson Mills Road.

Ms. Lipton stated she has a single-car garage and driveway that is no more than 10 feet wide. She said she is requesting a variance to install a standard 16 foot by 16 foot driveway turnaround in the front yard because there is no room to expand into the sideyard. She stated the turnaround is necessary due to the hazards with backing out onto Wilson Mills Road.

Chairman Mastrangelo advised the applicant that only four of the five Commissioners will be in attendance at the meeting on May 27, 2008 and inquired if she wants to hold the Public Hearing at that time. The applicant agreed.

SUBJECT: THOMAS UNGRADY, JR., 588 MINER ROAD
PZ08015 VARIANCE TO ACCESSORY BUILDING REQUIREMENTS

No one was present to discuss this matter.

SUBJECT: SWAGELOK, 328 BISHOP ROAD
PZ08016 APPROVAL OF PROPOSED PARKING LOT EXPANSION

Lene Schneider, CT Consultants, 35000 Kaiser Court, Willoughby, Ohio 44094, appeared before the Commission to obtain approval for the proposed expansion of the parking lot at 328 Bishop Road.

Ms. Schneider explained they are proposing to first expand the parking lot and then to expand the existing hangar. She had submitted a site plan for the parking lot expansion showing 46 parking spaces and 2 handicap spaces for a total of 48 spaces and the addition of a 50-foot radius concrete turnaround.

Assistant Building Commissioner Austin stated that no variances are needed.

Chairman Mastrangelo stated that approval from the City Engineer and Fire Department is required for the parking lot expansion. He said the applicant must submit a landscape plan along with the hangar expansion plans when they are ready to pursue that project.

Chairman Mastrangelo advised this matter will be added to the agenda for the meeting on May 27, 2008 to allow time to obtain approval from the City Engineer and Fire Department.

SUBJECT: HEILIND ELECTRONICS, 5300 AVION PARK DRIVE
PZ08017 VARIANCE TO SIDE YARD SETBACK REQUIREMENTS

Domenic Ferritto, Ferritto Homes, Ltd., 35150 Glenkyle, Willoughby Hills, Ohio 44094, and Rick Nemeth, Heilind Electronics, 5300 Avion Park Drive, appeared before the Commission to request a variance to side yard setback requirements for a proposed expansion of the existing parking lot at 5300 Avion Park Drive.

Mr. Ferritto explained that 47 employees were added in the last three months and they are currently using grassy areas for overflow parking. He said it is urgent they expand the parking lot immediately as Heilind Electronics is missing some of their deliveries because the large freight delivery trucks are unable to maneuver the over-crowded areas. He said they are proposing to expand the north side of existing parking lot and add 43 parking spaces.

Assistant Building Commissioner Austin stated that a variance of 2 feet 9 inches is needed to the required minimum 10-foot north side yard setback to allow a side yard setback of 7 feet 3 inches.

The applicants requested they be allowed to begin work immediately. Chairman Mastrangelo advised the applicants to first contact the City Engineer for his approval of the site plan. He said they could then begin work prior to the Public Hearing; however, at their own risk. The applicants agreed.

Chairman Mastrangelo stated that only four of the five Commissioners will be in attendance at the meeting on May 27, 2008 and inquired if they want to hold the Public Hearing at that time. The applicants agreed.

SUBJECT: KEY BANK, THE SHOPPES AT ALPHA PLACE
PZ08018 VARIANCE TO YARD AND AREA REQUIREMENTS

Lance Osborne, representing Alpha Acquisition, LLC (owner of The Shoppes at Alpha Place), 7670 Tyler Boulevard, Mentor, Ohio 44060, appeared before the Commission

Mr. Osborne stated he is proposing a lot split of The Shoppes at Alpha Place to create a parcel smaller than allowed by code for the construction of the Key Bank building. He said that Alpha Acquisition will own and maintain the parcel that will be treated the same as the rest of the site; however, Key Bank will own the building until such time the land lease expires in twenty years. He stated that parking complies with code.

Mr. Osborne stated he is requesting the following variances: 1) variance of 4.419 acres from the required minimum lot area of 5 acres for a retail business in a Local Business District to allow a lot area of 0.581 acres; 2) variance of 174.25 feet from the required minimum lot width of 300 feet for a retail business in a Local Business District to allow a lot width of 125.75 feet; 3) variance from 35 feet to 23.5 feet on the south side of Key Bank; 4) variance from 30 feet to 19 feet on the east side; and 5) variance of 4% from the required minimum 20% yard landscaped in a Local Business District to allow 16% yard landscaped.

Assistant Building Commissioner Austin stated the Key Bank building is now 1,000 square feet larger as well as rotated from the way it appeared on the final site plan that was already approved by the Commission.

Chairman Mastrangelo stated he will contact Law Director Paluf for his opinion regarding the non-conforming plot in a Local Business District and splitting it into a smaller parcel than allowed by code.

Chairman Mastrangelo advised Mr. Osborne that only four of the five Commissioners will be in attendance at the meeting on May 27, 2008 and inquired if he wants to hold the Public Hearing at that time, with the condition that the Hearing may be deferred until June 9, 2008 if there is not ample time during the meeting to hear this matter. The applicant agreed.

ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Pilla and seconded by Mr. Knezevic. Said meeting adjourned at 9:50 p.m.

Susan M. Olson, Recording Clerk

Robert J. Mastrangelo, Chairman