

**CITY OF HIGHLAND HEIGHTS  
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
HELD: MAY 27, 2008**

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

**ABSENT:** Commissioner Kerr

**MOTION ON THE MINUTES:** The reading of the Minutes of the regular meeting held May 12, 2008 was dispensed with. Corrections to the Minutes were requested by Assistant Building Commissioner Austin as follow: Page 1, Motion on the Minutes, add the following correction to the Minutes of the regular meeting held May 12, 2008: Page 4 , under heading Terry Allen, 4<sup>th</sup> paragraph, 4<sup>th</sup> sentence, change “ten negative responses” to “seven negative responses”. Mr. Pilla moved to accept the Minutes as corrected; seconded by Mr. Knezevic. Ayes all; motion carried.

The reading of the Minutes of the Public Hearing for Harry Buffalo restaurant held May 12, 2008 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Knezevic. Ayes all; motion carried.

The reading of the Minutes of the Public Hearing for James Vargo held May 12, 2008 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Knezevic. Ayes all; motion carried.

**CHANGES TO THE AGENDA:** Item #7: Harry Buffalo Restaurant, was moved to Item #1A. Item # 9: National City Bank, was added to the agenda.

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

Peter Mooney, Harry Buffalo restaurant, 5596 Highland Road, appeared before the Commission to obtain final sign approval for the proposed building sign at 5596 Highland Road.

**(History:** A Public Hearing was held on May 12, 2008 at which time the Commission granted a variance to allow a lettering height of up to 3 feet for the north elevation building sign.) Mr. Mooney stated the building sign for Harry Buffalo restaurant that was installed after the Public Hearing on May 12, 2008 is temporary. Chairman Mastrangelo noted the sign letters are much smaller than 3 feet and stated the sign adequately defines the business and is sufficiently visible. Mr. Mooney replied the sign does not conform with the Harry Buffalo logo which is why he requested the variance to lettering height.

**MOTION:** A motion was made by Mr. Pilla to grant final sign approval to Harry Buffalo restaurant for the north elevation building sign on property located at 5596 Highland Road; seconded by Mr. Urban. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

**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 Mark Luttner, developer, 669 Miner Road, LLC, 3401 Enterprise Parkway, Suite 105, Beachwood, Ohio 44122, appeared before the Commission to obtain two variances to parking lot requirements for the proposed day care center at 675 Miner Road, a P-C-M District. (Note: Knowledge Learning Corporation will lease the site from the property owner, 669 Miner Road, LLC.) The Public Hearing was held prior to the regular meeting.

**MOTION:** A motion was made by Mr. Urban to grant Knowledge Learning Corporation, on property located at 675 Miner Road, a variance of 70 feet from Section 1143.03: “NONRESIDENTIAL YARD SCHEDULE”, which establishes a minimum front yard setback of 200 feet in a P-C-M District, to allow the front parking lot to be 130 feet from the Miner Road right-of-way; seconded by Mr. Knezevic. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

**MOTION:** A motion was made by Mr. Knezevic to grant Knowledge Learning Corporation, on property located at 675 Miner Road, a variance from Section 1143.04(a): “FOOTNOTES TO 1143.03 NONRESIDENTIAL YARD SCHEDULE”, which restricts parking in the front yards of P-C-M Use Districts to passenger automobiles only belonging to company executives and management and to visitors, to allow 26 parking spaces in the front yard; seconded by Mr. Urban. Roll call on the motion. Ayes 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 the unique nature of the business that warrants front yard parking to allow drop-off and pick-up of the children and the applicants complied with the Commission’s recommendations to develop a site plan that would accommodate the neighboring residents’ concerns regarding excessive parking in the front yard.

**SUBJECT: KNOWLEDGE LEARNING CORPORATION (DBA KINDERCARE), 675 MINER ROAD**  
**PZ08006 PRELIMINARY SITE PLAN APPROVAL**

Gerald Weber, Weber Architecture, 13711 Madison Avenue, Lakewood, Ohio 44107, and Mark Luttner, developer, 669 Miner Road, LLC, 3401 Enterprise Parkway, Suite 105, Beachwood, Ohio 44122, appeared before the Commission to obtain preliminary site plan approval for the proposed day care center at 675 Miner Road.

Chairman Mastrangelo stated the Commission is in receipt of the following letters of approval: Fire Department – 4/18/08; ARB – 5/12/08; and City Engineer – 5/23/08. Mr. Weber confirmed the building will have a brick front.

**MOTION:** A motion was made by Mr. Knezevic to grant preliminary site plan approval to Knowledge Learning Corporation for the proposed day care building at 675 Miner Road; seconded by Mr. Urban. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

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

Sheri Lipton, homeowner, 5348 Wilson Mills Road, appeared before the Commission to obtain a variance to allow a driveway turnaround in the front yard at 5348 Wilson Mills Road. The Public Hearing was held prior to the regular meeting.

**MOTION:** A motion was made by Mr. Pilla to grant Sheri Lipton, on property located at 5348 Wilson Mills Road, a variance from Section 1323.03: “TURNAROUND DRIVEWAYS” which permits driveway turnarounds into the nearest required side yard, to allow a 16 foot by 16 foot turnaround into the front yard; seconded by Mr. Urban. Roll call on the motion. Ayes 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 unique lot which does not have a sideyard wide enough to accommodate a driveway turnaround coupled with the hardship of living on highly-trafficked Wilson Mills Road.

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

Mario Ferritto, Ferritto Homes, Ltd., 35150 Glenkyle, Willoughby Hills, Ohio 44094, and Rick Nemeth, Heilind Electronics, 5300 Avion Park Drive, appeared before the Commission to obtain a variance for a proposed expansion of the existing parking lot at 5300 Avion Park Drive. The Public Hearing was held prior to the regular meeting.

**MOTION:** A motion was made by Mr. Knezevic to grant Heilind Electronics, on property located at 5300 Avion Park Drive, a variance of 2 feet 9 inches from Section 1143.03: “NONRESIDENTIAL YARD SCHEDULE; SCHEDULE OF YARD REGULATIONS”, which establishes a minimum side yard setback of 10 feet for a parking lot in a P-C-M District that does not adjoin a residential district, to allow a side yard setback of 7 feet 3 inches; seconded by Mr. Pilla. Roll call on the motion. Ayes 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 narrow lot size; the significant distance between the proposed parking lot and the parking area of the adjacent lot; and the existing problem with truck access to the facility.

**SUBJECT: HEILIND ELECTRONICS, 5300 AVION PARK DRIVE  
PZ08017 FINAL APPROVAL OF PARKING LOT EXPANSION**

Mario Ferritto, Ferritto Homes, Ltd., 35150 Glenkyle, Willoughby Hills, Ohio 44094, and Rick Nemeth, Heilind Electronics, 5300 Avion Park Drive, appeared before the Commission to obtain final approval for a proposed expansion of the existing parking lot at 5300 Avion Park Drive.

Chairman Mastrangelo stated the Commission is in receipt of a letter of approval dated May 7, 2008 from the City Engineer.

**MOTION:** A motion was made by Mr. Pilla to grant final plan approval to Heilind Electronics for the proposed parking lot expansion at 5300 Avion Park Drive; seconded by Mr. Urban. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

**SUBJECT: KEY BANK, THE SHOPPES AT ALPHA PLACE  
PZ08018 VARIANCES 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 to request variances for the proposed Key Bank building to be constructed on property known as The Shoppes at Alpha Place located at the northeast corner of Wilson Mills Road and Alpha Drive. The Public Hearing was held prior to the regular meeting.

During the course of the Public Hearing the Commission agreed with the ruling of Law Director Paluf that the variances are not necessary because Key Bank parcel is amongst a grouping of retail businesses (The Shoppes at Alpha Place) that, when taken together, cover at least five (5) acres of land as required by code.

**SUBJECT: KEY BANK, THE SHOPPES AT ALPHA PLACE  
PZ08018 FINAL SITE PLAN APPROVAL**

Lance Osborne, representing Alpha Acquisition, LLC (owner of The Shoppes at Alpha Place), 7670 Tyler Boulevard, Mentor, Ohio 44060, appeared before the Commission for final site approval of the proposed Key Bank building located at The Shoppes at Alpha Place.

Chairman Mastrangelo stated the Commission is in receipt of the following letters of approval: City Engineer – 5/23/08; Fire Department – 5/23/08; Landscape Architect – 5/24/08; and ARB – 5/27/08.

**MOTION:** A motion was made by Mr. Pilla to grant final site plan approval to Key Bank located in the The Shoppes at Alpha Place; seconded by Mr. Knezevic. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban. Ayes all; motion carried.

Chairman Mastrangelo advised the applicant to submit the final plat to the Commission along with the City Engineer's signature of approval and to appear at the next meeting on June 9, 2008

to request lot split and consolidation approval and final plat approval. He said this is required prior to the building permit being issued.

**SUBJECT: SWAGELOK COMPANY, 328 BISHOP ROAD**  
**PZ08016 DISCUSSION OF PROPOSED PARKING LOT EXPANSION**

Tim Lannon and Sarah Berridge, CT Consultants, 35000 Kaiser Court, Willoughby, Ohio 44094, appeared before the Commission to discuss plans for the proposed expansion of the parking lot at Swagelok Company, 328 Bishop Road.

**(History:** CT Consultants had appeared at the regular meeting on May 12, 2008 to discuss plans for the proposed parking lot expansion which consisted of adding 46 parking spaces and 2 handicap spaces for a total of 48 spaces and the addition of a 50-foot radius concrete turnaround. At that time the applicants were advised they must obtain approval was required from the City Engineer and Fire Department prior to obtaining approval from the Commission.)

Assistant Building Commissioner Austin stated he is in receipt of a letter dated May 23, 2008 from the City Engineer listing eight comments that must be addressed prior to final approval.

Mr. Lannon stated a variance of 3 feet is required to allow a parking aisle width of 22 feet rather than 25 feet as required by code.

Mr. Lannon stated that the current plans do not show curbing in the parking lot as required by code. He said they will review the plans and consider the addition of curbing as required by code.

Chairman Mastrangelo advised the applicant that the site plan as submitted has no dimensions. He requested that the applicant submit a revised site plan with dimensions and a Request for Hearing form citing the required variances.

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

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

Bonnie Ungrady, homeowner, 588 Miner Road, appeared before the Commission to review a request for a variance for a proposed accessory building at 588 Miner Road.

Mrs. Ungrady stated her lot is 100 feet by 490 feet and that she is proposing to construct a 20 foot by 24 foot shed located 190 feet back from the street sidewalk near the north property line. She said the house is 27 feet from the north lot line and she wants the shed to be located no more than 10 to 15 feet from the lot line. Mr. Knezevic replied that code requires an accessory building be located directly behind the lines of the house to obscure the view of the structure from the street. Mrs. Ungrady stated there is a 6 foot privacy fence along the front of her property and that the shed will not be visible from the street. She said there are trees along the north lot line and the shed will not be visible from the adjacent property. She agreed to comply

with the Commissioners' recommendation to locate the shed 15 feet from the property line rather than 10 feet in order to reduce the amount of the variance.

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

**SUBJECT: NATIONAL CITY BANK, 26460 CURTISS WRIGHT PARKWAY  
PZ08005 VARIANCE TO PARKING REQUIREMENTS**

Josh Lyons, GPD Group, 520 South Main Street, Suite 2531, Akron, Ohio 44311, architectural engineers for National City Bank, appeared before the Commission to request a variance for the proposed expansion of the existing parking lot at 26460 Curtiss Wright Parkway.

Mr. Lyons stated they are proposing the following site improvement plans: add one row of employee parking to the existing parking lot which will increase the number of parking spaces from 25 to 38; add 1 catch basin; add two new light fixtures to the existing light poles to provide illumination for the expansion; and sod all disturbed areas during construction.

Mr. Lyons referenced a letter dated May 23, 2008 from the City Engineer citing three comments, including the addition of curbing on the parking lot, correct stall length of 19 feet, and repair of collapsed frame and casting into catch basin. He said they will comply with all three requirements.

The applicant had submitted a Request for Hearing form citing a variance to the front yard setback for the proposed parking lot expansion. Chairman Mastrangelo advised that because of the unique location of the parking lot and building to the airport hangar and runway, the only variance required is to allow parking in the front yard.

Chairman Mastrangelo requested that the applicant submit a revised Request for Hearing form to request a variance to allow parking in the front yard. The applicant agreed.

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

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

Chairman Mastrangelo advised that a Public Hearing will be held on June 9, 2008 to request a conditional use permit to operate a licensed day care center from the residential home at 6291 Maypine Farm Boulevard.

**ADJOURNMENT:** A motion to adjourn the meeting was made by Mr. Pilla and seconded by Mr. Knezevic. Said meeting adjourned at 7:44 p.m.