

**CITY OF HIGHLAND HEIGHTS
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HELD: JUNE 9, 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 May 27, 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: Corrections to the Minutes of the regular meeting held May 12, 2008 were requested by Assistant Building Commissioner Austin as follow: Page 4, under heading Terry Allen, 4th paragraph, 4th sentence, change “ten negative responses” to “seven negative responses”. Mr. Pilla moved to accept the Minutes as corrected; seconded by Mr. Urban. Ayes Knezevic, Mastrangelo, Pilla, Urban; abstain Kerr. Motion carried.

The reading of the Minutes of the Public Hearing for Knowledge Learning Corp. held May 27, 2008 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Urban. Ayes Knezevic, Mastrangelo, Pilla, Urban; abstain Kerr. Motion carried.

The reading of the Minutes of the Public Hearing for Sheri Lipton held May 27, 2008 was dispensed with. Mr. Knezevic moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes Knezevic, Mastrangelo, Pilla, Urban; abstain Kerr. Motion carried.

The reading of the Minutes of the Public Hearing for Heilind Electronics held May 27, 2008 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Urban. Ayes Knezevic, Mastrangelo, Pilla, Urban; abstain Kerr. Motion carried.

The reading of the Minutes of the Public Hearing for Key Bank held May 27, 2008 was dispensed with. Mr. Knezevic moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes Knezevic, Mastrangelo, Pilla, Urban; abstain Kerr. Motion carried.

DISCUSSION OF SUMMER MEETING SCHEDULE: The Commission set the summer meeting schedule as follows: June 23rd, July 14th, July 28th (tentative; for old business only); and August 25th. The Commission will not meet on August 11th.

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

The Public Hearing was held prior to the regular meeting. The Public Hearing was tabled and will be continued on January 12, 2009 per the request of Ms. Allen.

Assistant Building Commissioner Austin stated that Ms. Allen is currently operating a child care business from her home and recommended the code be reviewed regarding implications of

waiting six months to continue the Public Hearing. The Commission agreed. Chairman Mastrangelo replied he will contact Law Director Paluf regarding this matter.

SUBJECT: EDWARD BENCIN, 462 MINER ROAD
PZ08012 VARIANCES TO LOT SIZE AND AREA REGULATIONS

The Public Hearing was held prior to the regular meeting. The Public Hearing was tabled and will be continued on June 23, 2008 in order to allow time for Law Director Paluf to respond to the Commission's request for his opinion on this matter.

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

Bonnie Ungrady, homeowner, 588 Miner Road, appeared before the Commission to obtain a variance for a proposed accessory building at 588 Miner Road. The Public Hearing was held prior to the regular meeting.

Chairman Mastrangelo stated there is a 6-foot high board-on-board privacy fence along the front of the applicant's property and that the shed will be located 193 feet from the street.

Mrs. Ungrady said there are trees along the north lot line that will obscure the view of the shed from the adjacent property.

MOTION: A motion was made by Mr. Urban to grant Thomas Ungrady, Jr., on property located at 588 Miner Road, a variance of 12 feet from Section 1123.17(a): "YARDS FOR ACCESSORY BUILDING AND SOLID WALLS", which establishes that no enclosed structure shall be located closer to the side yard line than the main use structure, to allow the construction of a 20 foot by 24 foot accessory building to be 15 feet from the north property line; seconded by Mr. Kerr. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. 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 practical difficulty exists with locating the structure in the middle of the yard if code were to be followed; the structure will be located 193 feet from the street; there is a 6-foot high board-on-board privacy fence along the front of the property that will obscure the view of the structure from the street; and there are trees along the north lot line that will obscure the view of the structure from the adjacent property.

SUBJECT: SWAGELOK COMPANY, 328 BISHOP ROAD
PZ08016 VARIANCE FOR PROPOSED PARKING LOT EXPANSION

Lene Schneider and Sarah Berridge, CT Consultants, 35000 Kaiser Court, Willoughby, Ohio 44094, appeared before the Commission to obtain a variance for the proposed expansion of the existing parking lot at Swagelok Company located at 328 Bishop Road. The Public Hearing was held prior to the regular meeting.

Chairman Mastrangelo stated there are two driveway aisles that require a variance to allow an aisle width of 22 feet. He said one aisle is located to the west of the building and the second aisle is located to the south of the building.

MOTION: A motion was made by Mr. Kerr to grant Swagelok Company, on property located at 328 Bishop Road, a variance of 3 feet from Section 1141.05(b): “MEASUREMENT STANDARDS; Driveway Circulation Aisles”, which requires a minimum driveway aisle width of 25 feet for 90° parking, to allow width of driveway aisles to be 22 feet; seconded by Mr. Pilla. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. 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 Fire Department did not object and there is no remaining space on the property to expand the aisle width.

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

Lene Schneider and Sarah Berridge, CT Consultants, 35000 Kaiser Court, Willoughby, Ohio 44094, appeared before the Commission to obtain final approval for the proposed expansion of the existing parking lot at Swagelok Company located at 328 Bishop Road.

Chairman Mastrangelo stated the Commission is in receipt of a letter of approval dated June 6, 2008 from the City Engineer and a letter of approval dated June 6, 2008 from the Landscape Architect.

MOTION: A motion was made by Mr. Pilla to grant Swagelok Company, on property located at 328 Bishop Road, final approval for the proposed parking lot expansion; seconded by Mr. Urban. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. Ayes all; motion carried.

SUBJECT: NATIONAL CITY BANK, 26460 CURTISS WRIGHT PARKWAY
PZ08005 VARIANCE FOR PROPOSED PARKING LOT EXPANSION

Josh Lyons, GPD Group, 520 South Main Street, Suite 2531, Akron, Ohio 44311, architectural engineers for National City Bank, appeared before the Commission to obtain a variance for the proposed expansion of the existing parking lot at 26460 Curtiss Wright Parkway. The Public Hearing was held prior to the regular meeting.

MOTION: A motion was made by Mr. Urban to grant National City Bank, on property located at 26460 Curtiss Wright Parkway, 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 an additional 13 parking spaces in the front yard, for a total

of 39 parking spaces in the front yard; seconded by Mr. Knezevic. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. 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 situation given that the property abuts the airport and a runway is located behind the building.

**SUBJECT: NATIONAL CITY BANK, 26460 CURTISS WRIGHT PARKWAY
PZ08005 FINAL APPROVAL OF PROPOSED PARKING LOT EXPANSION**

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

Chairman Mastrangelo stated the Commission is in receipt of a letter of approval dated June 6, 2008 from the City Engineer.

MOTION: A motion was made by Mr. Pilla to grant National City Bank, on property located at 26460 Curtiss Wright Parkway, final approval for the proposed parking lot expansion; seconded by Mr. Urban. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. Ayes all; motion carried.

**SUBJECT: KEY BANK, 785 ALPHA DRIVE, THE SHOPPES AT ALPHA PLACE
PZ08018 LOT SPLIT AND CONSOLIDATION**

Lance Osborne, representing Alpha Acquisition, LLC (owner of The Shoppes at Alpha Place), 7670 Tyler Boulevard, Mentor, Ohio 44060, appeared before the Commission to obtain approval for the lot split and consolidation for the proposed Key Bank building to be constructed at 785 Alpha Drive, on property known as The Shoppes at Alpha Place.

(Note: Permanent Parcels 822-24-001, 002, 007 & 009 compose a 7.506 acre parcel of land known as The Shoppes at Alpha Place. The lot split and consolidation will create two parcels: Parcel “A”, 0.581 acres for the Key Bank building and Parcel “B”, 6.925 acres for The Shoppes at Alpha Place. Alpha Acquisition will own and maintain Parcel “A” 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.)

Mr. Osborne stated the boundaries of Parcel “A” conform with the Key Bank site plan that was approved by the Commission on May 27, 2008. He said he is in the process of obtaining ownership of the former Sunoco property, Permanent Parcel 822-24-006, that is part of land known as The Shoppes at Alpha Place, and that he will appear before the Commission for consolidation of that parcel.)

Chairman Mastrangelo stated the Commission is in receipt of a letter of approval dated May 23, 2008 from the City Engineer for the lot split.

MOTION: A motion was made by Mr. Pilla to grant lot split and consolidation approval for Key Bank located at 785 Alpha Drive; seconded by Mr. Kerr. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. Ayes all; motion carried.

Chairman Mastrangelo and Recording Clerk Olson signed the original Mylar.

SUBJECT: ELAINE HOGAN, 293 EAST EDINBURGH DRIVE
PZ08013 VARIANCE TO YARD/HORIZONTAL FEATURE 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 proposed pergola to be constructed over an existing patio on property located at 293 East Edinburgh Drive.

(**Note:** Mr. Ianiro appeared at the Commission meeting on May 12, 2008 to request a variance to allow a column of a proposed 15 foot by 15 foot pergola to be placed within the required 10-foot side yard setback. At that time the Commission recommended the size of the pergola be reduced to comply with the required 10-foot minimum side yard setback.)

Mr. Ianiro stated that the size of the proposed pergola has been reduced to comply with all setback requirements.

Chairman Mastrangelo advised that a Public Hearing will be held on June 23, 2008 for a variance request to allow a proposed 9'4" x 12' pergola to project horizontally on the eastern elevation of the existing home.

SUBJECT: ADAM WAHL, 860 FORD ROAD
PZ08019 VARIANCES TO FENCE REQUIREMENTS

Adam Wahl, homeowner, 860 Ford Road, appeared before the Commission to review a request for variances for two proposed fences at 860 Ford Road.

Mr. Wahl stated he is requesting a variance to construct a 6-foot high solid fence along both the north and south sides of his property. He said his adjacent neighbor to the north operates a large landscape business from that property and that a 25% open-air fence as allowed by code will not provide enough privacy from the noise and view. He stated he has discussed the proposed fences with both adjoining property owners and they do not object.

Chairman Mastrangelo advised the applicant that code does not allow a 6-foot high fence forward of the rear building line as shown on the applicant's site plan. The applicant replied he was unaware of that requirement. Chairman Mastrangelo recommended that the applicant consider starting the fence at the rear building line of the original house. He requested that the applicant submit a revised site plan.

Chairman Mastrangelo advised that a Public Hearing will be held on June 23, 2008.

**SUBJECT: LEGACY ABERDEEN NURSING HOME, 407 GOLF VIEW LANE
PZ08020 CONDITIONAL USE PERMIT FOR PROPOSED NURSING HOME**

Michael Bettinger, Design Services Company, 1716 Perrysburg-Holland Road, Holland, Ohio 43528, appeared before the Commission to review a request for a conditional use permit to operate a proposed nursing home at 407 Golf View Lane, Aberdeen Business Park, S/L 10. The owner of the property is Legacy Health Services, 12380 Plaza Drive, Parma, Ohio 44130.

Mr. Bettinger stated the proposed 36,750 square foot, single-story Legacy Aberdeen nursing home will be located on S/L 10 of the Aberdeen Business Park, 5.403 acres, and will have 56 beds. He said the building meets all setback requirements and that all utilities are present and construction may begin as early as this Fall.

Chairman Mastrangelo recommended that for purposes of obtaining financing the applicant advise the property owner that the conditional use permit is valid for a period of two years and must be renewed by the applicant every two years thereafter.

Chairman Mastrangelo advised the applicant that the parking stall length must be 19 feet rather than 18 feet as shown on the site plan. He said this is not required for obtaining the conditional use permit but must be corrected prior to obtaining preliminary site plan approval.

In response to Chairman Mastrangelo's inquiry if Legacy Health Services has other facilities in the Cleveland area, Mr. Bettinger replied he did not know.

Chairman Mastrangelo advised that a Public Hearing will be held on June 23, 2008.

ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Pilla and seconded by Mr. Urban. Said meeting adjourned at 9:55 p.m.

Susan M. Olson, Recording Clerk

Robert J. Mastrangelo, Chairman