

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
REGULAR MEETING – MARCH 13, 2023
MINUTES**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy, Bill Urban; Recording Clerk Susan Olson; Building Commissioner Dale Grabfelder; Fire Chief William Turner; Law Director Mike Lograsso

ABSENT: None

Chairman Adamus called the regular meeting to order at 7:13 p.m.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held February 27, 2023. Mr. Milroy moved to accept the minutes as written; seconded by Mr. Mercurio.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

SUBJECT: **TURNDEV, 625 ALPHA DRIVE
PZ23004 **VARIANCE TO ALLOW SELF-STORAGE UNITS WITHIN A WHOLLY
ENCLOSED BUILDING IN A P-C-M DISTRICT****

Commissioner Mercurio recused himself from participation in this matter because he is an employee of Progressive Insurance, the selling entity in this matter. He left the table and sat with the public to avoid any appearance of impropriety.

Jon Pinney, principal attorney, and Thomas Flynn, both representing TurnDev, 3900 Park East Drive, Suite 200, Beachwood, Ohio 44122, appeared before the Commission to obtain a variance to allow a proposed self-storage facility to operate in the existing building owned by Progressive Insurance, located at 625 Alpha Drive, Highland Heights, Ohio 44143. The public hearing was held immediately prior to this regular meeting.

The original application dated February 22, 2023 from TurnDev was for a variance from HHCO Section 1131.04(f)(2)B and the city mailed notices of that variance request to adjacent property owners within the required ten-day time limit. Subsequently, TurnDev submitted a second application dated March 8, 2023 to allow a similar use under HHCO Section 1113.09. Law Director Lograsso directed the Commission to vote on the variance requested in the first application because it conforms with the notice mailed to the public, and because the second application was not filed far enough in advance to provide the required ten-day notice to the public.

MOTION: A motion was made by Mr. Urban to grant TurnDev a variance from HHCO Section 1131.04(f)(2)B: “USE REGULATIONS; Park-Commercial-Light Manufacturing Districts; Accessory buildings and uses”, to allow self-storage units as a use within wholly enclosed buildings in a P-C-M District, on property located at 625 Alpha Drive, Highland Heights, Ohio 44143; seconded by Mr. Hull.

FURTHER DISCUSSION: Mr. Adamus said he is not supportive because the code section addresses accessory buildings and uses, and not main buildings and uses which is the case here.

VOTE: Nays Adamus, Hull, Milroy, Urban; abstain Mercurio. Motion denied.

Mr. Adamus advised the applicants of their right to appeal the decision of the Planning and Zoning Commission as permitted under HHCO Section 1114 by filing an appeal through the Building Department with the Highland Heights Board of Building and Zoning Appeals within two weeks after the approval of tonight's meeting minutes on March 27, 2023.

Mr. Adamus requested the Clerk poll the Commissioners in the majority for their reasoning in the manner in which they voted. The consensus of the Commission for denying the variance is that HHCO Section 1131.04(f)(2)B addresses accessory buildings and uses and not primary buildings and uses as is the case in this matter, and the location of the self-storage facility does not meet the minimum required distance of 500 feet from day care centers as required by code and that was discussed during the public hearing held immediately prior to this regular meeting.

Discussion switched to HHCO Section 1340.04(e)3 that establishes a minimum distance of 500 feet between mini-storage warehouses and day care centers. The proposed location of the self-storage facility does not meet this requirement. Mr. Flynn said there is a discrepancy between Highland Heights Building Code and Zoning Code because they dictate to one another, to which Law Director Lograsso replied the Commission can consider 1340.04(e)3 because it is in the city's Building Code and falls under home rule argument. Mr. Flynn argued Highland Heights Building Code is not proper and further stated the existing LifeStorage self-storage facility on Bishop Road in Highland Heights violates code because its exterior is metal and not masonry as required under 1340.04(e)(1). Mr. Flynn gave Mr. Lograsso a copy of the lawsuit that LifeStorage filed against Highland Heights. Mr. Flynn said TurnDev owns 12 acres on Golf View Drive in Highland Heights next to LifeStorage on Bishop Road.

Mr. Pinney asked Law Director Lograsso for his official ruling if Mr. Mercurio, an employee of the selling entity Progressive Insurance must be recused, because it will affect his success of securing the required three positive votes. Mr. Lograsso replied he does not agree or disagree at this time because he was just made aware of this situation, and further stated the vote on 1113.09 will not be taken today. Mr. Pinney stated a vote was taken today with Mr. Mercurio's recusal for the original variance request, to which Mr. Lograsso replied the variance was denied with four negative votes which is greater than the required majority of three passing votes. Mr. Adamus said it is his opinion the recusal is appropriate, and the city will discuss the issue prior to the next meeting.

The consensus of the Commission is that HHCO Section 1113.09: "DETERMINATION OF OTHER SIMILAR USES" applies in this matter. The applicant submitted an application dated March 8, 2023 for consideration of this section. Tonight's meeting is considered step 1 of 2 in the Commission's process to consider this request. Notices will be mailed to the public advising a public hearing will be held March 27, 2023.

SUBJECT: LARICH'S PIZZA, 797 BISHOP ROAD
PZ23005 APPROVAL OF PROPOSED BUILDING WALL SIGN

Tim O'Toole, Fastsigns, 5369 Mayfield Road, Lyndhurst, Ohio 44124, appeared before the Commission to obtain approval for a front elevation building wall sign at LaRich's Pizza, 797 Bishop Road, Highland Heights, Ohio 44143, located in the Hi-Bishop Plaza at the northeast corner of Bishop Road and Wilson Mills Road.

Building Commissioner Grabfelder stated the proposed building wall sign was approved by the city ARB and plaza owner earlier today and complies with the building sign format at Hi-Bishop Plaza that was agreed upon eight years ago by the city ARB and Sharon Arslanian, owner of the plaza. At that time, tenants were asked to install building signs to conform with the sign format for a consistent, aesthetic appearance of the building. LaRich's Pizza has been a tenant in the plaza for the past twenty years and has never installed a conforming sign. Mr. Adamus said he is happy the entire building will now have consistent signage.

The proposed building sign is 93 inches long by 18 inches wide, for a total of 11.6 square feet, with green channel letters that shine white at night. Code allows a total maximum sign area of 30 square feet for this 15-foot-wide storefront, pursuant to HHCO Section 1145.05 that allows two square feet of signage for each linear foot of building store frontage for building setbacks in excess of 150 feet, with a maximum area not to exceed 300 square feet.

Mr. Adamus expressed concern with the outstanding issue concerning the existing 20 square-foot window sign at LaRich's that does not comply with Code. The Commission denied LaRich's a variance on February 13, 2023 to allow the window sign to remain because it covers 100% of the window (not a maximum of 25% of the window area) as established under HHCO 1145.06(d). Mr. LaRich appealed the Commission's decision with the Board of Building and Zoning Appeals and a hearing is scheduled for April 3, 2023. If BBZA does not uphold the decision of P&Z, the building sign area of 11.6 square feet plus the window sign area of 20 square feet will exceed the total permitted sign area of 30 square feet. Mr. Grabfelder recommended that approval of the proposed building sign be passed contingent on BBZA upholding the decision of the Commission that denied a variance to allow the window sign to remain.

MOTION: A motion was made by Mr. Milroy to grant approval for a proposed 11.6 square-foot front elevation building wall sign for LaRich's Pizza, located at 797 Bishop Road, Highland Heights, Ohio 44143, per the Fastsigns rendering with signature approval on February 28, 2023 by Kim and Terry LaRich and signature approval on March 2, 2023 by Sharon Arslanian, contingent on BBZA upholding the decision made by the Planning and Zoning Commission on February 13, 2023 that denied a variance to allow the window sign to remain; seconded by Mr. Mercurio.

FURTHER DISCUSSION: Mr. Hull inquired if it is legal to set the contingency. The Commission agreed the contingency is acceptable because LaRich's Pizza will need to request a variance if BBZA does not uphold the decision of P&Z, because the total combined signage will exceed the maximum allowable signage of 30 square feet.

VOTE: Ayes all; motion carried.

**SUBJECT: GREATER CLEVELAND SDA CHURCH, 1000 FORD ROAD
PZ23006 APPROVAL OF PROPOSED CABINET GROUND SIGN**

Maan Yousef, owner, Allsigns & Designs, 3450 West 140th Street, Cleveland, Ohio 44111, appeared before the Commission to obtain approval for a proposed cabinet ground sign for Greater Cleveland SDA Church, on property located at 1000 Ford Road, Highland Heights, Ohio 44143, a Residential District.

Mr. Yousef submitted renderings for a proposed internally lit cabinet ground sign that will replace the existing ground sign in the same footprint at 1000 Ford Road. The sign meets all the requirements established by HHCO Section 1145.04(d): “RESIDENTIAL DISTRICT SIGNS; Church and Institutional Bulletin Boards and Announcement Signs”, including size and setbacks. The sign is 54 inches high by 85 inches wide, for a total of 32 square feet. Building Commissioner Grabfelder said the city ARB approved the sign earlier today.

MOTION: A motion was made by Mr. Urban to grant approval for the proposed cabinet ground sign at Greater Cleveland SDA Church, located at 1000 Ford Road, Highland Heights, Ohio 44143, per the renderings dated February 18, 2023 from Allsigns & Designs; seconded by Mr. Hull.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

ADJOURNMENT: There being no further business before the Commission, Mr. Adamus asked if anyone wished to make a motion to adjourn the meeting. A motion was made by Mr. Urban to adjourn the meeting; seconded by Mr. Milroy. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 8:01 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
PUBLIC HEARING FOR TURNDEV - MARCH 13, 2023
MINUTES**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy, Bill Urban; Recording Clerk Susan Olson; Building Commissioner Dale Grabfelder; Fire Chief William Turner; Law Director Mike Lograsso

ABSENT: None

Chairman Adamus called the meeting to order at 7:00 p.m.

**SUBJECT: TURNDEV , 625 ALPHA DRIVE
PZ23004 VARIANCE TO ALLOW SELF-STORAGE UNITS WITHIN A WHOLLY
ENCLOSED BUILDING IN A P-C-M DISTRICT**

Public hearing was called to order at 7:00 p.m. Notices of this hearing were mailed in accordance with HHCO Section 1113.04. Variance appeared as follows:

1. Variance from HHCO Section 1131.04(f)(2)B: “USE REGULATIONS; Park-Commercial-Light Manufacturing Districts; Accessory buildings and uses”, to allow self-storage units as a use within wholly enclosed buildings in a P-C-M District.

Jon Pinney, principal attorney, Kohrman, Jackson & Krantz, and Thomas Flynn, both representing TurnDev, 3900 Park East Drive, Suite 200, Beachwood, Ohio 44122, appeared before the Commission to obtain a variance to allow a proposed self-storage facility to operate in the existing building currently owned by Progressive Insurance Direct Company, located at 625 Alpha Drive, Highland Heights, Ohio 44143, a P-C-M District.

BACKGROUND: TurnDev is a real estate development company and currently has a purchase agreement to acquire the Progressive Insurance office building at 625 Alpha Drive, with the intention of investing about \$8M to purchase and convert the building into a self-storage facility. TurnDev will remain the real estate holder and partner with a third party who will run the business. The application submitted by Mr. Flynn that was received by the Building Department on February 22, 2023 states “I am requesting section 1131.04 in PCM District allow Section 2B to have maintenance & storage within wholly enclosed building per your main & accessory use. We would meet Section 1131.02 Intent requirements. We would follow your Chapter 1340 guidelines and we would conform with your Fire guidelines 1501.27. We would convert this 52-year-old building into all 1st floor climate controlled self storage facility that Progressive Insurance is vacating. We would make a substantial investment into this building and would be an asset to the community. Thank you. Thomas Flynn.” The applicants first appeared before the Commission on February 27, 2023 and made the following comments:

- The 52-year-old office building is one-story, 77,000 square feet with ten-foot high ceilings.
- The building will be converted into 1st-floor, climate-controlled self-storage units with an average unit size of 100 square feet.

- The central atrium is lit with natural light and will remain as an architectural element to maintain the aesthetic appearance of the building.
- There will be no demolition of the building.
- The only change being considered to the exterior of the building is the addition of a canopy at the east building entrance.
- The exterior of the building will not visually imitate the appearance of traditional self-storage facilities that consist of rows of buildings.
- Only two bathrooms are needed in the building.
- Customers will carry their items to be stored into the building and take them to their individual units.
- Customers will not be allowed to use the existing loading docks on the property.
- A self-storage facility is a good use for this building that does not fit the needs for manufacturing or industrial use due to its low, ten-foot ceiling height.
- The building is of no need to companies, who for the most part, are no longer housing hundreds of employees in a building.
- A storage facility is a good asset to the community.
- There will be very little traffic and no noise.
- There will be four employees.
- The building will be remodeled to high standards, with state of the art entry systems and extensive security and cameras for a total value of \$8M, which is twice the current value.
- The exterior of the building will remain the same and unnoticeable as a self-storage facility.
- The project adds to the community and does not detract from it.
- The facility will not be intensive on city services.
- The location off of I-271 is convenient.
- TurnDev was the only bidder on this property.
- Storage is estimated to be 90% personal and 10% local business.
- Building security features include camera monitoring at three touch points: entering the parking lot, entering the building and exiting the building.
- There will be no outdoor bays.
- Rental terms are monthly.
- The property will be gated and fenced to manage traffic flow.

Chief Turner had advised the applicants that if TurnDev moves forward with the storage facility project, the current fire suppression and fire alarm systems will be required to remain and may need to be modified due to the increased hazard.

AT TONIGHT'S MEETING: Mr. Flynn made the following comments at tonight's meeting.

- A self-storage facility is a good asset and use for the community, and a global asset.
- The self-storage units will be climate-controlled.
- There is a need for a self-storage facility in the community.
- The converted facility will be unobtrusive and high quality.
- The impact of traffic will be very little.
- The 52-year-old building does not meet industrial standards in a P-C-M District.

- TurnDev will invest a significant amount of money to the structure that will increase its property taxes.
- Typical customers will be suburban housewives and week-end warriors moving items for family and friends into the facility, with a traffic peak of four to five people daily.
- The facility will cater to suburban housewives because of its high level of security.
- He contacted Progressive and was told they recently invested \$500,000 of improvements and not \$5 million that was stated at the previous Commission meeting.

There was discussion regarding HHCO Section 1340.04(e)(3): “Mini-Storage Warehouses; MINI-WAREHOUSE DEVELOPMENT STANDARDS”, that establishes “No structure falling under the provisions of the code shall be located less than 500 feet from any residential dwelling, school building, day care center, hospital, nursing home or public building.” There are adult and day care centers at 675 Alpha Park, parcel 822-22-001. The applicants submitted an aerial map that shows the distance from the southwest corner of the Progressive building at 625 Alpha Drive (parcel 822-08-019) is 502 feet as the crow flies from the northwest corner of the building at 675 Alpha Park (parcel 822-22-001). Law Director Lograsso stated distance should be calculated from parcel lot lines and not distance between physical buildings. The parcel at 10-99 Alpha Park (822-08-020) is 440 feet wide and separates 625 Alpha Drive from 675 Alpha Park. A variance is required when measuring distances between parcel lot lines because the distance between the self-storage parcel and day care parcel will be less than the required 500 feet. Mr. Flynn said there is a discrepancy between Highland Heights Building Code that solely addresses “day care” and Zoning Code that solely addresses “child care” and that Building and Zoning Codes should not dictate to each other. He said Ohio Revised Code defines adult and child care as different entities.

Mr. Adamus suggested that rather than considering 1131.04f(2)B that addresses accessory buildings and uses, and not main uses which is the case here, the appropriate code for this matter is 1113.09 “DETERMINATION OF OTHER SIMILAR USES”, to determine if a self-storage facility is of a reasonably similar use to the list of permitted uses in a P-C-M District.

Public hearing opened to the public. No one spoke nor was any correspondence received from the public in this matter.

Public hearing closed at 7:12 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*