

**CITY OF HIGHLAND HEIGHTS  
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
HELD: APRIL 8, 2019 8:00 PM**

Chair of Commission Adamus presiding.

**PRESENT:** Commissioners Adamus, Becka, Mastrangelo, Urban, Warner;  
Recording Clerk Olson; Building Commissioner Grabfelder

**ABSENT:** None

**MOTION ON THE MINUTES:** The reading of the minutes of the regular meeting held March 25, 2019 was dispensed with. Mr. Warner moved to accept the minutes as written; seconded by Mr. Urban.

**FURTHER DISCUSSION:** None

**VOTE:** Ayes all; motion carried.

**MOTION ON THE MINUTES:** The reading of the minutes of the public hearing for Progressive Insurance held March 25, 2019 was dispensed with. Mr. Warner moved to accept the minutes as written; seconded by Mr. Urban.

**FURTHER DISCUSSION:** None

**VOTE:** Ayes all; motion carried.

**SUBJECT: PANINI’S RESTAURANT, 6237 WILSON MILLS ROAD, P.P. 822-23-035  
PZ19008 REQUEST FOR CONDITIONAL USE PERMIT TO SERVE ALCOHOLIC  
BEVERAGES; VARIANCE TO ALLOW CONSUMPTION OF FOOD AND  
ALCOHOL ON AN OUTDOOR PATIO**

Rick Favazzo, owner, the pending Panini’s restaurant, 6237 Wilson Mills Road, Highland Heights, Ohio 44143, permanent parcel 822-23-035, appeared before the Commission to request a variance to allow the consumption of food and alcohol on an outdoor patio at the pending Panini’s restaurant located at 6237 Wilson Mills Road, to be located in the front parking area of the Kohl’s plaza at the northwest corner of Wilson Mills Road and Alpha Drive, a General Business district.

The pending Panini/Dunkin outlot building, including an outdoor patio for Panini’s restaurant, was approved by the Planning and Zoning Commission on December 10, 2018. Mr. Favazzo stated the Panini lease was finalized last week with the property owner, Hauck Holdings. He is uncertain as to the timeline for construction and occupancy of the building. Mr. Favazzo’s attorney made application for a liquor license for Panini’s last week. The outdoor patio will consist of an outside bar located in front of an outside cooler, a fireplace or fire pit and potted landscaping. Seating capacity is uncertain.

Code requires that a conditional use permit must first be granted in order to serve alcoholic beverages, which is permitted under provisions of HHCO 1109.03(e) of the Planning and Zoning Code of the City of Highland Heights, which allows places to serve alcoholic beverages for use on premises in business districts. With regard to the conditional use permit, Mr. Adamus noted that Code section HHCO 1109.04(c): “Conditional Use Permits; Application Evaluation Standards”, establishes that a business serving alcoholic beverages shall be not less than 1,500

feet from any other business which is serving or selling alcoholic beverages. At this time there are several existing businesses serving alcohol within 1,500 feet of Panini's. The Commission has not considered this 1,500-foot restriction in the past when the condition existed. The consensus of the Commission was that there are no negative issues with the Panini's application or the existence of several other alcohol-serving businesses within the 1,500-foot radius of Panini's and that the 1,500-foot restriction seems overly-restrictive, especially in a small community like Highland Heights with limited retail business districts. Mr. Adamus said he will contact Law Director Paluf as to whether a variance from HHCO 1109.04(c) is necessary.

Additionally, a variance is required from HHCO 1131.04(d)(2)C: "USE REGULATIONS; General Business District; Main buildings and uses", which requires that the sale, serving and consumption of food and beverages be conducted wholly within enclosed buildings, to allow the consumption of food and alcoholic beverages on the outdoor patio.

Mr. Adamus advised a public hearing will be held April 22, 2019 for both the conditional use permit and the variance to serve food and alcohol on the outdoor patio. Pursuant to HHCO 1109.02, a notice of the public hearing for the conditional use permit will appear for two consecutive weeks prior to the hearing in a local newspaper. The notices will appear on April 11 and 18 in The Sun Messenger. In addition, pursuant to HHCO 1109.041, notices of the hearing will be mailed to the owners of the properties within ten parcels of 6237 Wilson Mills Road on both sides of the street not less than ten days prior to the hearing date.

**SUBJECT: PLANNING AND ZONING CODE CHANGE RECOMMENDATIONS**  
**PZ19004 DISCUSSION**

Building Commissioner Grabfelder provided the Commissioners with copies of signage ordinances for the cities of Lyndhurst, Mayfield Heights and Mayfield Village on March 11, 2019. The Commission previously identified the following ordinances for consideration of Code change recommendations. Item #8 was added to the list at tonight's meeting.

- 1) Signs: increase ground sign area from 20 SF to 32 SF, including an increase from 16 SF to 32 SF for church signs addressed in HHCO 1145.04(d);
- 2) Signs: increase ground sign height from 6 feet to 7 feet;
- 3) Signs: need to review signage requirements for buildings with multiple tenants;
- 4) Signs: need to review digital sign requirements;
- 5) Signs: need to review HHCO 1145.03(a)(1) - requirements for public authority (City) signs and non-public authority signs;
- 6) Commercial vehicles: need to review signage requirements for commercial vehicles in residential districts;
- 7) Building height: need to review feasibility of increasing existing maximum building height requirement of 35 feet in non-residential districts which may be possible with availability of the City's 100' ladder truck; regard to height restrictions must be considered due to the proximity of the Cuyahoga County Airport on Curtiss Wright Parkway.
- 8) HHCO 1109.04(c): "Conditional Use Permits; Application Evaluation Standards" - consider eliminating the 1,500-foot restriction from other businesses serving alcohol when a conditional use permit is requested to serve alcohol.

**ADJOURNMENT:** A motion to adjourn the meeting was made by Mr. Warner. Said meeting adjourned at 8:25 p.m.

---

Susan M. Olson, Recording Clerk

---

Vince A. Adamus, Chair