

**THE CITY OF HIGHLAND HEIGHTS, OHIO  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING – APRIL 10, 2023  
MINUTES**

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

**ABSENT:** None

Chairman Adamus called the regular meeting to order at 7:21 p.m.

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

**FURTHER DISCUSSION:** None.

**VOTE:** Ayes Adamus, Hull, Mercurio, Urban; abstain Milroy. Motion carried.

**SUBJECT: HIGHLAND LANDSCAPING, 5860 WILSON MILLS ROAD  
PZ23008 VARIANCE TO ALLOW PROPOSED GROUND SIGN TO EXCEED  
MAXIMUM GROUND SIGN AREA ALLOWED BY CODE;  
APPROVAL OF PROPOSED GROUND SIGN**

Brad Petro, CESCO Imaging, P.O. Box 234, Ashtabula, Ohio 44005, appeared before the Commission to obtain a variance for a proposed replacement ground sign that would exceed the maximum ground sign area allowed by code for Highland Landscaping, located at 5860 Wilson Mills Road, Highland Heights, Ohio 44143. The public hearing was held immediately prior to this regular meeting.

Mr. Adamus advised the applicant of his right to be represented by an attorney. Mr. Petro waived that right.

**MOTION:** A motion was made by Mr. Urban to grant CESCO Imaging a variance of 24 square feet from HHCO Section 1145.06(f)(1)A: “BUSINESS DISTRICT SIGNS; Free Standing Signs; Ground signs”, that establishes a maximum ground sign area of 32 square feet, to allow a ground sign area of 56 square feet, for a proposed ground sign at Highland Landscaping, 5860 Wilson Mills Road, Highland Heights, Ohio 44143; seconded by Mr. Hull.

**FURTHER DISCUSSION:** Building Commissioner Grabfelder said he could not find that a variance was granted for the existing sign that exceeds code size, but he knows a permit had been issued. Mr. Adamus said the proposed 56 square-foot sign is smaller than the current 59 square-foot sign and the size is reasonable for the location of the business on the busiest road in the community.

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

**APPROVAL OF PROPOSED GROUND SIGN:**

**MOTION:** A motion was made by Mr. Milroy to grant approval to CESCO Imaging for the proposed ground sign at Highland Landscaping, 5860 Wilson Mills Road, Highland Heights, Ohio 44143, per the rendering dated February 27, 2023; seconded by Mr. Mercurio.

**FURTHER DISCUSSION:** The Commissioners confirmed the sign colors comply with code.

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

**SUBJECT: TURNDEV, 625 ALPHA DRIVE  
PZ23007 REQUEST FOR DETERMINATION OF SIMILAR USE TO ALLOW A  
SELF-STORAGE FACILITY TO OPERATE IN A WHOLLY ENCLOSED  
MAIN BUILDING IN A P-C-M DISTRICT**

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

Thomas Flynn, representing TurnDev, 3900 Park East Drive, Suite 200, Beachwood, Ohio 44122, appeared before the Commission to request a Determination of Similar Use to allow a proposed self-storage facility to operate in the wholly enclosed building owned by Progressive Insurance, located at 625 Alpha Drive, Highland Heights, Ohio 44143, a P-C-M District. The public hearing was held immediately prior to this regular meeting.

**MOTION:** A motion was made by Mr. Urban to grant a Determination of Similar Use to TurnDev, pursuant to HHCO Section 1113.09 “DETERMINATION OF OTHER SIMILAR USES”, to allow a proposed self-storage facility to operate in a wholly enclosed building in a P-C-M District, on property located at 625 Alpha Drive, Highland Heights, Ohio 44143, a P-C-M District; seconded by Mr. Milroy.

**FURTHER DISCUSSION:** There was discussion that code does not address where self-storage facilities can be located. Building Code Chapter 1340 addresses mini-storage warehouses and does not specifically state where they can be located, and further states in Section 1340.03 “Where this chapter does not provide specific direction concerning development standards and/or signage, the provision of the PCM chapter shall apply”. The PCM chapter is addressed in HHCO Section 1131.04(f) and does not list self-storage facilities as a permitted use. HHCO Section 1113.10(e) states “The Commission shall have no powers to authorize as a variance, the establishment of a principal or an accessory use which is not specifically permitted in the district in which the use is intended”. Mr. Adamus noted that the request for Similar Use does meet the requirement established in HHCO Section 1113.09(a) that “Such use is not listed in any other classification of permitted buildings or uses”. Law Director Lograsso said HHCO Section 1113.09 must be considered along with the context of what is allowed in a P-C-M District. Mr. Flynn said a self-storage facility will help deter cars parked in driveways because residents will have an opportunity to use the facility to declutter garages. He said the self-storage facility would not be intensive on City services.

**VOTE:** Aye Adamus; nays Hull, Milroy, Urban; abstain Mercurio. Motion denied.

**VARIANCE #2:** Mr. Adamus said a vote will not be held on the second variance that appeared in the public notice because it is moot due to the denial of a Determination of Similar Use for the self-storage facility. Law Director Lograsso concurred.

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 TurnDev a Determination of Similar Use to allow a self-storage facility in a P-C-M District is that self-storage is not listed in HHCO Section 1131.04(f) as a main use in a P-C-M District; the restriction established in HHCO Section 1113.10(e) that the Commission has no power to authorize a variance for that which is not specifically permitted in the district in which the use is intended; and Building Code Chapter 1340 that specifically addresses mini-storage warehouses does not state where they can be located.

Mr. Adamus advised the applicant of his 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, which will be considered on April 24, 2023.

Mr. Flynn asked, "for the record", if the City of Highland Heights does not permit self-storage in a P-C-M District. Law Director Lograsso responded to Mr. Flynn that the Commission has just denied his request for a Determination of Similar Use for a self-storage facility.

Commissioner Mercurio returned to the dais.

**SUBJECT: SANCTUARY, 6099 HIGHLAND ROAD**  
**PZ23009 DISCUSSION OF PROPOSED SUBDIVISION**

Dave Pietrantone, resident, 6015 Highland Road, Highland Heights, Ohio 44143, and Jim Teresi, builder/developer, resident, Mayfield Heights, Ohio, appeared before the Commission to discuss their proposal for a new residential subdivision to be located at 6099 Highland Road, Highland Heights, Ohio 44143, on the vacant combined adjacent parcels 821-28-005 and 821-28-004, zoned U1 Single Family Residential, both parcels owned by Robert Eppich, resident, 313 East Legend Court, Highland Heights, Ohio 44143. The parcels are located near the northwest corner of Highland Road and Miner Road, separated by one parcel to the west of Mulligan's Tavern.

The applicants submitted a site plan dated April 3, 2023. The 4.8 acre subdivision would consist of one new concrete cul-de-sac road with full utilities that will run from Highland Road north, for approximately 325 feet, just west of Miner Road. Ingress and egress are from Highland Road only. There are 15 sublots, each approximately 0.23 acres (cul-de-sac lots are larger), side yard setbacks are 5 feet, lots that are not on the cul-de-sac measure approximately 55 feet wide and 182 feet deep. The applicants submitted elevation drawings of the only two ranch homes being offered, each are one-story, 1,800 square feet, basements optional, approximate sale value \$400K. An HOA will be established. The applicants confirmed there are ample water and sewer facilities for the subdivision. Mr. Eppich submitted a letter dated March 28, 2023 to the Commission stating the plan will be a great landing spot for seniors looking to downsize as well as families looking for the great schools Highland Heights has to offer, with a positive impact on the property tax base.

There was discussion as to the best way to approach this proposed subdivision that is unique to the City, without using current code restrictions that would result in a multitude of variances and set negative precedent. Law Director Lograsso replied he will think about it.

The Commission expressed interest in the subdivision and requested that Mr. Milroy, City Council representative to the Planning and Zoning Commission, present the subdivision proposal at tomorrow night's Council meeting to ask if there is an interest.

**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. Mercurio. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 8:04 p.m.

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Susan M. Olson, *Recording Clerk*

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Vince A. Adamus, *Chair*

**THE CITY OF HIGHLAND HEIGHTS, OHIO  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING FOR TURNDEV– APRIL 10, 2023  
MINUTES**

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

ABSENT: None

**SUBJECT: TURNDEV, 625 ALPHA DRIVE  
PZ23007 DETERMINATION OF SIMILAR USE TO ALLOW A SELF-STORAGE FACILITY TO OPERATE IN A WHOLLY ENCLOSED MAIN BUILDING IN A P-C-M DISTRICT**

Chairman Adamus called the public hearing to order at 7:06 p.m. Notices of this hearing were mailed in accordance with HHCO Section 1113.04. Variances appeared as follows:

1. Variance from HHCO Section 1113.09: “DETERMINATION OF OTHER SIMILAR USES”, to allow a self-storage facility to operate as a similar use in a wholly enclosed main building in a P-C-M District.
2. Variance of 60 feet from HHCO Section 1340.04(e)(3): “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 building, school building, day care center, hospital, nursing home or public building, to allow a self-storage facility to be located 440 feet from a day care center.

Thomas Flynn, representing TurnDev, 3900 Park East Drive, Suite 200, Beachwood, Ohio 44122, appeared before the Commission to request a Determination of Similar Use, pursuant to HHCO Section 1113.09, to allow a proposed self-storage facility to operate in the building owned by Progressive Insurance, located at 625 Alpha Drive, Highland Heights, Ohio 44143, a P-C-M District.

**BACKGROUND:** A public hearing on this matter was held March 13, 2023 at which time the Commission denied TurnDev a variance from HHCO Section 1131.04(f)(2)B to allow self-storage units as a use within wholly enclosed buildings in a P-C-M District, and the reason being the code section addresses accessory buildings and uses and not primary buildings and uses which is the main use of the self-storage facility. The Commission then agreed to consider this matter as a Determination of Similar Use pursuant to HHCO Section 1113.09, and scheduled a second public hearing for March 27, 2023 for which notices were mailed according to code. The Commission later rescheduled the hearing for April 10, 2023 to allow the City to have legal representation and new notices were mailed according to code to advise the new hearing date of April 10, 2023.

**AT TONIGHT'S MEETING:** Today, the Commission received a 6-page email correspondence dated April 10, 2023 from Nicholas Cavalaris, partner, Kohrman, Jackson, Krantz, 1375 East Ninth Street, One Cleveland Center, 29<sup>th</sup> Floor, Cleveland, Ohio 44114, counsel for TurnDev.

Mr. Flynn said Highland Heights P-C-M District code was written in July, 1963, and that he does not agree with the City's Building and Zoning Code, and that he disagrees with the City's opinion that distances should be measured from parcel lot line to parcel lot line versus building to building, which is pertinent to the variance amount that would be required for variance #2 listed in the public notice. He said a self-storage facility would be an asset for the City and that there is no other use for this building in today's standards. The location of the proposed self-storage facility is in a P-C-M District. HHCO Section 1131.04(f) addresses P-C-M Districts and does not list self-storage facilities as a permitted use. Mr. Urban questioned if the Commission can give a variance or Determination of Similar Use, given HHCO Section 1113.10(e) "Standards for Granting Variances", which indicates that the Commission cannot give a variance to a principal use that is not specifically permitted in the district in which the use intended. Law Director Lograsso replied that based on the language of HHCO Section 1113.10, he would say no. Mr. Adamus stated HHCO Section 1113.09 "Determination of Other Similar Uses", allows the Commission to suggest that other uses are similar, based on the standards set forth in 1113.09.

Mr. Adamus requested that Commissioner Mercurio recuse himself from participation in this matter because he is an employee of Progressive Insurance, the selling entity in this matter. Mr. Mercurio left the dais and sat with the public to avoid any appearance of impropriety.

Mr. Flynn said he appeared before the Commission in 2018 for approval of a proposed self-storage facility in a different P-C-M District in the City of Highland Heights. Building Commissioner Grabfelder replied the applicant submitted a site plan in 2018 that was not approved, and the applicant did not submit a new site plan.

Public hearing opened to the public. No one spoke nor was any correspondence received from the public on this matter. Public hearing closed at 7:20 p.m.

Mr. Mercurio returned to the dais.

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Susan M. Olson, *Recording Clerk*

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Vince A. Adamus, *Chair*

**THE CITY OF HIGHLAND HEIGHTS, OHIO  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING FOR HIGHLAND LANDSCAPING – APRIL 10, 2023  
MINUTES**

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

ABSENT: None

**SUBJECT: HIGHLAND LANDSCAPING, 5860 WILSON MILLS ROAD  
PZ23008 VARIANCE TO ALLOW PROPOSED GROUND SIGN TO EXCEED  
MAXIMUM SIGN AREA ALLOWED BY CODE**

Chairman Adamus called the public hearing to order at 7:03 p.m. Notices of this hearing were mailed in accordance with HHCO Section 1113.04. Variance appeared as follows:

1. Variance of 24 square feet from HHCO Section 1145.06(f)(1)A: “BUSINESS DISTRICT SIGNS; Free Standing Signs; Ground signs”, that establishes a maximum ground sign area of 32 square feet, to allow a ground sign area of 56 square feet.

Brad Petro, CESCO Imaging, P.O. Box 234, Ashtabula, Ohio 44005, appeared before the Commission to obtain a variance for a proposed replacement ground sign that would exceed the maximum sign area allowed by code at Highland Landscaping, located at 5860 Wilson Mills Road, Highland Heights, Ohio 44143.

The applicant proposes to replace the existing 59 square-foot ground sign at Highland Landscaping with a 56 square-foot LED internally illuminated ground sign located in the same footprint. Measurements are 6’6” high by 8’8” wide. At the top of the sign is a reader board with four lines of changeable 6” tall slide-in letter and at the bottom is the company name and address. Letters are not electronic and there are no visibility issues affecting traffic on the street. The sign rendering is dated February 27, 2023.

Public hearing opened to the public. No one spoke nor was any correspondence received from the public on this matter. Public hearing closed at 7:05 p.m.

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Susan M. Olson, *Recording Clerk*

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Vince A. Adamus, *Chair*