

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
REGULAR MEETING – MAY 8, 2023
MINUTES**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Bill Urban, Sean Milroy (City Council Representative); Recording Clerk Susan Olson; Building Commissioner Dale Grabfelder; Law Director Michael Lograsso

ABSENT: None

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

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held April 24, 2023. Mr. Milroy moved to accept the minutes as written; seconded by Mr. Urban.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

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

Robert Eppich, homeowner, 313 East Legend Court, Highland Heights, Ohio 44143, and David Pietrantone, homeowner, 6015 Highland Road, Highland Heights, Ohio 44143, appeared before the Commission to seek approval for a proposed residential subdivision at 6099 Highland Road, Highland Heights, Ohio 44143, on vacant adjacent parcels 821-28-004 and 821-28-005, zoned U1 Single Family Residential. The parcels are located near the northwest corner of Highland Road and Miner Road, separated by one parcel west of Mulligan's Tavern. The proposed subdivision will be named Sanctuary.

Mr. Eppich said he owns vacant parcel 821-28-005 (3.6 acres) at 6099 Highland Road and the adjacent westerly vacant parcel 821-28-004 (1.2 acres) that has never been assigned an address. He stated he proposes to transform the parcels into a sanctuary of beautifully landscaped brand-new affordable homes, that would become a sparking jewel for that stretch of Highland Road. He said the development gives current older residents wanting to downsize an affordable path to continued residency in the city and is a draw for families looking for a great school district. He said the development would add \$120K annually to the city tax base. His plan is to develop a 15-lot subdivision with one new cul-de-sac road with full utilities that will run from Highland Road north, approximately 325 feet, just west of Miner Road. Ingress and egress are from Highland Road only. Ten of the sublots are approximately 0.23 acres each and the five cul-de-sac lots vary between 0.3 and 0.5 acres each; side yard setbacks are five 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 two styles of 1,800-square foot ranch homes being offered, basements are optional, approximate sale value is \$400K. An HOA will be established. The applicants confirmed there are ample water and sewer facilities for the subdivision.

Mr. Pietrantone, a partner in this project, first appeared before the Commission on April 10, 2023 to discuss this proposal. At that time the Commission expressed interest in the project and also

concern as to how to proceed with this subdivision that is unique to the City, without using current code restrictions that would result in a multitude of high variance amounts and set negative precedent. At tonight's meeting, Mr. Eppich stated that the objection of the Commission that the needed variances will be a slippery slope is a non-issue, because he did a survey and found only two vacant parcels in Highland Heights over five acres zoned residential, therefore, the argument that the proposed development will have a negative effect on future development in Highland Heights does not hold up and the potential of the subdivision changing the character of Highland Heights is non-existent. Mr. Pietrantone said the proposed housing is a great spot that will stop the potential for commercial development along Highland Road and keep the area zoned as residential.

Mr. Milroy said he presented the proposed project to City Council on May 9, 2023 and they responded with positive interest.

Mr. Adamus opined Code does not contemplate the unique subdivision being proposed and his objection to granting preliminary plat approval of the subdivision at this time is that it is uncertain how the subdivision conforms to code. He said the role of the Commission is to safeguard code, and although exceptions to code are allowed, it is not within the scope of the Commission to carve out a new section of code. He said the city created a "Recreation and Residential Development District" prior to the development of the Aberdeen subdivision. He recommended that HHCO Chapter 1165 be followed, because HHCO 1165.02 "Platting Procedure and Documents; Granting Variances", allows the Commission to contemplate variances and modifications to Subdivision Regulations. Law Director Lograsso agreed and said HHCO 1165.04(a) "Platting Procedure and Documents; Preliminary Plat Approval; Delivery; Engineer's Report" requires "the preliminary plat and other preliminary documents shall first be delivered to the City Engineer, who shall examine the same and attached thereto his written report, specifying in what respects the proposed subdivision and improvements deviate from any applicable ordinances, statutes, master plans and accepted engineering principles, and setting forth his recommendations for changes, if any." The consensus of the Commission is that HHCO Chapter 1165 is appropriate and the first contact by the applicant for the proposed subdivision is with the City Engineer.

The Commissioners discussed the following concerns they have at this time: the close proximity of the 20-foot side setback of the two homes closest to Highland Road is not consistent with the 80-foot front setbacks of existing homes on Highland Road; concern with setting precedent all along Highland Road; and concern that other residents with large lots could follow suit and tear down their homes to create a new subdivision.

Mr. Adamus said surrounding communities have separate zoning regulations for residential districts with a greater density than a standard residential district. He handed copies of zoning regulations to the Commissioners for "Planned Unit Residential Development Districts" for the cities of Mayfield Heights, Mayfield Village and South Euclid. He displayed an aerial view of Highland Heights on the overhead monitors to show that the overall topography of Highland Heights is similar in nature to the property at issue in order to support his theory that other areas of Highland Heights are vulnerable to being developed as high density residential districts. He

said options to proceed forward would be to consider the creation of a new residential district or an overlay to the existing U1 residential districts to identify limited locations for higher density residential development.

Mr. Adamus said this is a 3-step process, with approval needed first from the City Engineer, then approval from the Commission, followed by approval from City Council. Mr. Lograsso agreed that the Commission should do the groundwork and make recommendations to Council. Mr. Adamus stated the process could possibly take several months and asked the applicants for their patience. In response to Mr. Pietrantone's inquiry if he could work with the City Engineer at the same time the Commission and Council address the subdivision, Messrs. Adamus and Milroy replied yes.

Lynn Rollins, homeowner, 534 Miner Road, Highland Heights, Ohio 44143, addressed the Commission in-person. The rear yard of her lot is adjacent to the property at issue. She said she is opposed to the subdivision because it will change the nature of her yard which is a habitat for wildlife; the subdivision does not meet the character of the rest of the neighborhood; the proposal is to build six or seven houses on the same parcel size where only three houses exist adjacent to the parcel; and the current lot size areas required by code should be enforced to maintain the appeal of the city as it is today.

Dominica Rollins, 534 Miner Road, Highland Heights, Ohio 44143, addressed the Commission in-person. She said she is opposed to the subdivision as well as the Commission's plan to consider new zoning regulations and/or an overlay to existing residential zoning areas that would control locations for this type of development. She said this will only open a can of worms and set precedent for similar changes in the future.

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. Milroy to adjourn the meeting; seconded by Mr. Urban. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 7:45 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*