

CITY OF HIGHLAND HEIGHTS, OHIO
MINUTES OF A PLANNING AND ZONING COMMISSION MEETING
HELD: AUGUST 28, 2023
Highland Heights City Hall Council Chamber

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

ABSENT: Commissioner Brad Hull

Chairman Adamus called the regular meeting to order at 7:09 p.m.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held August 14, 2023. Mr. Urban moved to accept the minutes as written; seconded by Mr. Mercurio.

FURTHER DISCUSSION: Mr. Adamus asked that the Commissioners refer to Page 4, under “Planned Residential Development (PRD) Zoning”, 1st paragraph, 4th sentence, “...City Council and Council of the Whole must vote to approve recommendations for an ordinance...”. After a short discussion, Law Director Lograsso asked that “and Council of the Whole” be deleted. Vote on amendment to main motion: Ayes all; motion carried.

VOTE: Ayes all; motion carried.

CHANGE TO THE AGENDA: Mr. Adamus said the public hearing for the Sanctuary subdivision is canceled because the applicant withdrew his application request for variances for the proposed subdivision late this afternoon.

SUBJECT: JANET NAGEL, 1022 WEST MILL DRIVE
PZ23018 VARIANCE TO LOCATE PROPOSED SHED OUTSIDE THE LINES OF THE HOUSE

Janet Nagel, homeowner, 1022 West Mill Drive, Highland Heights, Ohio 44143, appeared before the Commission to obtain a variance to install an 8-foot by 10-foot shed a distance of six feet outside the lines of the house in the southwest corner of the rear yard, on property located at 1022 West Mill Drive. The public hearing was held immediately prior to this regular meeting.

MOTION: A motion was made by Mr. Mercurio to grant Janet Nagle, on property located at 1022 West Mill Drive, Highland Heights, Ohio 44143, a variance of six feet from HHCO 1123.17(a) “YARDS FOR ACCESSORY BUILDINGS AND SOLID WALLS”, which requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure, to allow a shed to be located six feet outside the lines of the house, for a building length of ten feet, in the southwest corner of the rear yard; seconded by Mr. Milroy.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

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 granting the variance is that the proposed location in the southwest corner of the rear yard is higher than the rest of the

yard and less prone to flooding; the proposed location is the only site in the yard where trees would not need to be removed; only a small portion of the shed will be visible from the street.

SUBJECT: RALPH DICAMILLO, 600 LANDER ROAD
PZ23021 VARIANCES TO ALLOW FENCES TO EXTEND FORWARD OF THE
REAR BUILDING LINE OF THE HOUSE; VARIANCE TO ALLOW
MULTIPLE FENCE TYPES IN THE REAR YARD

Ralph DiCamillo, homeowner, 600 Lander Road, Highland Heights, Ohio 44143, appeared before the Commission to request variances to permitted fence requirements for proposed fencing, on property located at 600 Lander Road.

Mr. DiCamillo said he is installing a swimming pool in the rear yard for which City ordinances require fencing. City code does not allow fences to extend forward of the rear building line of the house. In order to enclose a pool equipment pad on the north side of the house, the applicant is requesting a variance of eleven feet to allow a 4-foot high aluminum fence to extend eleven feet forward of the northerly rear building line of the house, then extend south twelve feet to meet the house. In order to add privacy for an existing walkway and landscaped area on the south side of the house, the applicant is requesting a variance of eleven feet to allow a 4-foot high aluminum fence to extend eleven feet forward of the southerly rear building line of the house, then extend north twelve feet to meet the house. Both fences will then extend west into the rear yard along the side lot lines to the rear lot line, for which variances are not required.

Mr. DiCamillo proposes to install a 6-foot high solid privacy fence extending forty feet north-south near the rear lot line. The fence will not be located directly on the rear lot line due to the existing swale and trees. The fence type and location are permitted by code. Code allows only one fence type along more than one property line. A variance is required to allow both aluminum and solid privacy fences in the rear yard. In response to Mr. Urban's inquiry if the applicant would consider installing aluminum fencing around the entire perimeter of the rear yard, Mr. DiCamillo replied he wants to install a 6-foot high solid fence near the rear lot line for privacy. He said there will not be any maintenance issues with the adjacent rear neighbor. Mr. Adamus advised a public hearing will be held September 11, 2023.

SUBJECT: PELLA WINDOWS & DOORS, 775 ALPHA DRIVE
PZ23022 APPROVAL OF PROPOSED FRONT AND REAR BUILDING WALL
SIGNS

Scott Farnsworth, representing Archer Sign Corporation, 1917 Henry Avenue SW, Canton, Ohio 44706, appeared before the Commission to request approval for proposed signage for Pella Windows & Doors, located at 775 Alpha Drive, Highland Heights, Ohio 44143, in the Shoppes at Alpha Place plaza. The owner of the plaza is Alpha Plaza Investments, 7670 Tyler Boulevard, Mentor, Ohio.

The applicant submitted renderings dated July 24, 2023 of the proposed signage with signatures of approval dated August 14, 2023 from Alpha Plaza Investments. Building Commissioner Grabfelder said the City ARB approved the signs earlier today and variances are not needed.

The proposed west-facing illuminated front building wall sign will be installed above the entry doors on the building façade. It consists of a 76" diameter Pella logo above a 181.3" long flush mount channel letter set "Windows & Doors". The proposed east-facing rear building wall sign

consists of a 30” diameter Pella logo alongside a 156” long flush mount channel letter set “Windows & Doors”.

MOTION: A motion was made by Mr. Milroy to grant approval for a proposed front building wall sign and a proposed rear building wall sign for Pella Windows & Doors, on property located at 775 Alpha Drive, Highland Heights, Ohio 44143, in The Shoppes at Alpha Place plaza, per the plans submitted by Archer Sign Corporation dated July 24, 2023, with signatures of approval dated August 14, 2023 from Alpha Plaza Investments; seconded by Mr. Mercurio.

FURTHER DISCUSSION: None.

VOTE: Ayes all; motion carried.

SUBJECT: PLANNED UNIT RESIDENTIAL DEVELOPMENT (PURD) ZONING PZ23013 DISCUSSION OF PURD RECOMMENDATIONS

Background: On April 10, 2023, developers appeared before the Commission to discuss their proposal for a new residential subdivision on property located at 6099 Highland Road, Highland Heights, Ohio 44143, on vacant combined adjacent parcels 821-28-005 and 821-28-004, zoned U-1 Single Family Residential, located near the northwest corner of Highland Road and Miner Road, separated by one parcel to the west of Mulligan’s Tavern. The 4.8 acre subdivision would consist of 15 sublots and one new concrete cul-de-sac road with full utilities that would run from Highland Road north, for approximately 325 feet, just west of Miner Road. The applicants submitted elevation drawings of the two 1,800 square-foot ranch homes offered, basements optional, with an approximate sale value of \$400k.

At tonight’s meeting, Law Director Lograsso stated that Mayor Chuck Brunello, Jr. asked that he present a summary of the events to date. Mr. Lograsso said the developers appeared before the Commission in April, 2023 with their proposal for a 15-lot subdivision, named Sanctuary, on property located at 6099 Highland Road, Highland Heights, Ohio 44143, on adjacent parcels 821-28-005 and 821-28-004. City Fire Chief Turner reviewed the plans for the proposed cul-de-sac road. Building Commissioner Grabfelder conducted a preliminary review to evaluate the proposed subdivision with existing city ordinances including the smaller lot sizes in the Aberdeen subdivision. The developers submitted a site plan dated April 4, 2023 to City Engineer Mader who responded in a letter dated June 19, 2023 citing comments and deficiencies of the Sanctuary subdivision with regard to roadway dimensions, area and yard variances, rear mound detention, fire lines, sanitary and storm utilities and fire circulation plan. The developers submitted a new site plan dated August 14, 2023 integrating changes recommended by the Commission and City Engineer, along with an application request for 75 variances to minimum lot area and minimum yard dimensions, pursuant to HHCO Section 1113.03 that outlines the procedure for filing appeals with the Commission. A public hearing was scheduled for this evening, August 28, 2023; however, the hearing was canceled late this afternoon when the applicants withdrew their application for variances.

Mr. Adamus stated that soon after the developers proposed the high density subdivision, the Commission agreed it was time to consider updating code to create a Planned Unit Residential Development (PURD) Zoning District in the city to avoid using current U-1 Single Family Residential zoning code regulations that would result in the need for an excessive number of significantly high variance amounts. He said there is a demand for denser developments and our city may have an interest in offering this desirable housing to retain residents who may want to

downsize and/or want a smaller yard to maintain. The Commission reviewed the ordinances of PURD zoning districts in the surrounding communities of Mayfield Village, Mayfield Heights, Pepper Pike and South Euclid, then compiled a list of PURD recommendations for our city that was submitted to City Council. Mr. Adamus said the creation of a new zoning district must be by public referendum and a city-wide simple majority vote is required to pass. A ward majority vote is not required. Law Director Lograsso penned language of an ordinance for a PURD Zoning District in the city. At tonight's meeting, the Commission revised some of the regulations in the ordinance. Mr. Lograsso will revise the language and at the next Commission meeting it will be considered for approval to be submitted to Council, whose approval is also required for it to appear on the March, 2024 ballot.

COMMENTS FROM THE PUBLIC: Mr. Adamus allowed the public to address the Commission regarding the proposed subdivision.

Jacqueline Stalker, 6108 Whiteford Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development. Her comments appear in the next section of these minutes in an email she submitted to the recording clerk prior to this meeting.

Dominica Rollins, 534 Miner Road, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development for the following reasons: high density districts are planned destruction of the ecosystem and wildlife; overpopulation of land significantly encroaches on the habitat of wildlife and will exacerbate the city's current predicament with the lack of habitat for the deer population; the Mayor said Highland Heights is recognized as a "tree city" at his recent State of the City address and we should continue to preserve its natural environment accordingly; spacious yards are a cherished featured that attract residents to the city; the privacy of residents will be compromised; noise generated from the Police and Fire Departments will be loud at the Sanctuary subdivision given their close proximity; high density development does not conform to the character of existing surrounding homes; and the likely diminishment of property values.

Ryan Vehar, 6108 Whiteford Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development for the following reasons: the negative implications of high density development affect the City of Highland Heights as a whole and not just the immediate vicinity of high density areas; and current zoning ordinances allow a maximum of three houses on a 4.8 acre parcel which is significantly less than the 15 houses proposed at Sanctuary. He questioned if the city is engaging in devious behavior by mailing public notices to only a small number of residents given the magnitude of impact of Sanctuary. He said he has received a total of two public notices concerning shed and fence variances in the five years he has lived in Highland Heights, which are of far less significance than high density zoning. Mr. Vehar's additional comments appear in the next section of these minutes in an email he submitted to the recording clerk prior to this meeting.

Ed Hargate, 1055 Eastlawn Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development because the residents made it very clear the kind of community they want when

approximately 10 to 15 years ago 80% of the residents voted to pass an increase to minimum lot size regulations to minimize congestion in the City.

Tony D'Agostino, 460 Lynden Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development for the following reasons: a number of years ago the residents passed an increase to minimum lot size regulations which he feels is the right direction for the city; adjacent homeowners will combine their parcels to sell to developers of high density subdivisions, setting a precedent that will not be able to be stopped; additional high density subdivisions will be built in the non-developed areas remaining in the city; and the same development concept used in the 400-acre Aberdeen subdivision does not apply to the 4.8 acre parcel on Highland Road.

Kevin Cavolo, 306 East St. Andrews Drive, Highland Heights, Ohio 44143, representing himself and Dr. Cavolo, 6052 Whiteford Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development for the following reasons: he feels the city has reached a plateau with the development of the Aberdeen subdivision; residents voted and passed an increase to minimum lot size regulations; PURD zoning should not be allowed; precedent should not be set by allowing the Sanctuary high density subdivision; and he wants to keep Highland Heights beautiful.

Bob Mastrangelo, 633 Davidson Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development for the following reasons: the regulations used in the Aberdeen Residential District could be used at Sanctuary rather than reinventing the wheel; PURD zoning in Mayfield Village is not relevant because of the significantly larger vacant parcels that were developed as compared to the 4.8 acre Sanctuary parcel; HHCO Section 1113.13 does not permit variations of more than ten percent decrease of area regulations in residential districts; why does the city want to move forward with high density zoning now that the developer withdrew his request for variances; profitability should not be a key issue; the 4.8 acre identified parcel on Highland Road can be configured to match the lot size dimensions of the neighboring lots that would allow up to four new houses; precedent will be set that would allow other homeowners to combine and sell their properties to high density developers; in the past the city denied variances to a developer requesting to build on a 12 acre parcel at Bishop and Hawthorne Roads because there was no advantage to the city; and the variance amounts that appear in the public notice are of greater variation than listed.

Mr. Adamus responded to the comments made by Mr. Mastrangelo as follows: the variance amounts were generated by the applicants; he agreed HHCO Section 1113.13 does not permit variations of more than ten percent decrease of area regulations in residential districts; however, the Commission cannot prevent anyone from requesting variances pursuant to HHCO Section 1113.03.

Lynn Rollins, 534 Miner Road, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the Sanctuary subdivision and high density development. She stated she does not understand the logic of the city to rush to rezone the designated area without giving the residents living in its proximity an opportunity to voice their opinions before the March, 2024 ballot.

Christopher Wise, 6076 Highland Road, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development and stated he lives across the street from the proposed subdivision and purchased his land four years ago for the space and tranquility that comes with large lot sizes. He questioned why the city is being so selective in the process of who is notified on this matter and recommended that in the future the rest of Highland Heights be notified and not just those in the vicinity of proposed development. He said it would be helpful if the City would notify people far in advance on matters of this importance.

Mr. Adamus responded to the comments made by Mr. Wise as follows: public notices were mailed pursuant to HHCO Section 1113.04 that requires notices of the time and place of hearings shall be mailed to appellant and to abutting property owners and to property owners located directly across the street from the appellant's property and that such written notice shall be served or mailed not less than ten days prior to the date of the hearing; he agreed the proposed Sanctuary subdivision has greater impact on the city than the typical variance requests received by the Commission that impact a small number of residents; and the Commission will review public notification procedures to alert more residents concerning variance requests of greater impact.

Mary Ann Pickner, 6253 Tourelle Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development so that the integrity and character of the City will be maintained. She said she polled a number of residents and no one is in favor of increasing density to increase profitability of the city tax base by approximately \$140k. She opined the city should notify all residents when considering changes that affect the entire community. She said the value of lots adjacent to high density areas will be negatively affected.

Tom Pappas, 6060 Highland Road, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development. He said he resides across the street from the proposed Sanctuary subdivision. He said there is a risk of flooding of sewer systems and basements when the impervious area in this high density area is increased with the addition of 15 roofs, 15 driveways, 15 sections of sidewalks, and road on a 4.8 acre parcel. Mr. and Mrs. Pappas's additional comments appear in the next section of these minutes in an email they submitted to the recording clerk prior to this meeting.

Al Hess, 5880 Highland Road, Highland Heights, Ohio 44143, appeared before the Commission and said there is a need for the city to notify the whole community with requests of great magnitude that have a large impact on the city. He asked if the city is required to initiate action to get issues on the ballot. Mr. Adamus replied no and that it was a conscious decision of the Commission to consider the creation of high density zoning knowing that the Commission may not pass the significant number of required variances. Mr. Hess stated the developer could be required to get signatures to put the issue on the ballot rather than the city. Mr. Adamus replied that in that case the city would not be in control of what the developer puts on the ballot.

Ms. Aubriani, 425 Diana Court, Highland Heights, Ohio 44143, appeared before the Commission and asked why the city accepted the Sanctuary developer's proposal when the area

on Highland Road is zoned U-1 Residential. Mr. Adamus replied the Commission did not accept the proposal but rather viewed the proposal. Law Director Lograsso replied that applicants are entitled to due process rights under the law. Mr. Adamus replied the Commission cannot prevent anyone from requesting variances pursuant to HHCO Section 1113.03 and the Commission is required to take action on an appeal request pursuant to HHCO Section 1113.06.

Jacqueline Stalker, 6108 Whiteford Drive, Highland Heights, Ohio 44143, appeared before the Commission and stated the Sanctuary matter began in April, 2023 and asked if it is typical for due process protocol to take this long. Law Director Lograsso replied the process is taking longer than what is experienced with other variance requests because of the delay in having plans reviewed by the City Engineer. Mr. Adamus stated code requires plans of this nature to be reviewed by the City Engineer and the developer needed additional time to revise plans and resubmit them to the City Engineer.

Anthony DeLisio, 6092 Whiteford Drive, Highland Heights, Ohio 44143, appeared before the Commission and expressed opposition to the proposed Sanctuary subdivision and high density development. Mr. DeLisio is the City Council Ward 3 representative. He thanked the residents in attendance for their comments and thanked the Commission for allowing the residents an opportunity to speak. In response to several comments made by residents that the city appears to hide issues from its residents, he stated it is not the intention of the city to hide anything, and that the city needs to discuss how to efficiently relay information to its residents.

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 8:48 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*

ADDITIONAL CORRESPONDENCE FROM THE PUBLIC: The following emails were submitted by the public to the recording clerk and appear in their original format and content.

Katherine Pappas, 6060 Highland Rd., Highland Hts., OH 44143; email dated 8/21/23

My husband and I live at 6060 Highland Road, directly across the street of the proposed Sanctuary Subdivision. We are against building more houses on this property. We will have more traffic on the Highland Road, which is already busy enough. There will also be an extra strain on existing sewer system. People that live right across the street or next door will have no privacy anymore. More stereo music. Cars coming and going day in and day out. We moved here from Richmond Heights. Not only for extra land but away from loud stereo music from neighbors, cars, and barking dogs all day and night.

Then you wonder why we have a deer population problem. You keep tearing down their habitat. Which results in the city getting bombarded with demands to control the deer population. We live here for 15 years now. We enjoy the peace and quiet of our neighborhood. So please continue to keep our community neighborhood a quiet and peaceful place for us by not going forward with this project.

Sincerely Katherine Pappas

6060 Highland Road
Highland Heights, Ohio

Stephanie Rivera, 510 Locklie Dr., Highland Hts., OH 44143; email dated 8/25/23

To whom it may concern,

I am a new home owner of Highland Heights, but have lived here all of my life as my parents are also life-long Highland Heights residents, residing on West Mill Drive since 1993. My husband and I just recently purchased our dream home in Highland Woods (510 Locklie), with our three small children and quickly fell in love with the neighborhood. We invested our life savings, put in countless hours of overtime as two first responders (Nurse Practitioner and Police Officer) to purchase our home. We saved for the last 10 years, residing in a very quaint house on 0.22 acres surrounded by other homes and quickly realized this would not be a forever home for us. When 510 Locklie came to market, we saw the home within hours of the listing being public, we put an offer in the next day, and the following day it was accepted. The transition could not have been more smooth, it was totally meant to be. With that being said, we have lived here officially for the last five months but once again, I grew up in Highland Heights. I am a proud graduate of St. Paschal Baylon and Mayfield High School, 2009. Upon purchasing our home, my heart was bursting with pride and nostalgia that my children will also receive the same upbringing that I had. A community of like-minded hard-working people, with similar values and morals.

It has come to my attention that Highland Heights Zoning committee has recently submitted plans for a potential new development directly behind Whiteford, next to Mulligans, with backyards butting up to my across-the-street neighbors. We were completely unaware of this until this evening when another neighbor brought it to our attention. This subdivision of fifteen cluster homes on less than 4 acres of land is something I would NEVER have dreamed of in Highland Heights. My house currently sits on 1 acre lot. This is one of the only full-acre lots in Highland Woods. This proposed building project would allow approximately FOUR houses on my single acre. This is unheard of in Highland Heights!! Especially this area of Highland Heights; Aberdeen, Highland Woods East/West, Diana Court, Maypine, etc. Are all of these families aware that the city plans to cram fifteen cluster homes on top of one another in less than 4 acres? From the response of our neighbors it appears this was done without appropriate knowledge of citizens of Highland Heights especially those whom it will directly affect! This is something that I am extremely upset by. Again, we came from an area with houses on top of each other. The noise level was just one thing among many other problems that come with cluster homes we COULD NOT WAIT to escape. When we purchased our forever home we could not believe how quiet the area was, how lucky we were, and how special this house was/is to us. Please understand we are FOR building homes in Highland Heights. We love to see the community grow. However, fifteen cluster homes crammed into a very tight area directly behind us is something my husband and I will NEVER agree to, and we **vehemently** oppose this proposed project.

Moving forward, I suggest the city appropriately and adequately inform its residents of these proposed plans especially if they directly affect us as we never received a notice or any of the information passed along to us. We hope that the building and housing commission will uphold the current zoning rules and regulations as this proposal would directly affect the current ordinances that have shaped this very community for the last 30+ years that I have been a part of it. We plan on being at the meeting on Monday and look forward to making our points heard.

Respectfully,
Stephanie Rivera

Paul Diorio, Highland Hts., OH 44143; email dated 8/26/23

To whom it may concern,

My name is Paul Diorio and I am a resident of Highland Hts. It is my understanding that there is a public hearing for multiple variances (75) being requested for a High Density Subdivision in Highland Hts.

There are no extenuating circumstances for such housing in Highland Hts. that warrant such housing or development. As a resident, I staunchly OPPOSE said variance! For the sake of the well being of our community because of the effective variances in place, please dismiss this hearing.

Thank you for your consideration,

Paul Diorio

Chris Skoda, Highland Hts., OH 44143; email dated 8/27/23

Good morning, I wanted to write to you regarding the proposed cul de sac street on Highland road near Mulligans.

I am not opposed to new development however this type of zoning does not fit on Highland Road. If this zoning were allowed to be passed you will have developers coming in and buying up deep lot houses up and down Highland, Bishop and Minor roads putting in 50 one road cul de sac streets one after another and that doesnt feel good.. The spirit of those areas was for a city with land and green space that would all be removed if this type of zoning were allowed there. We are longtime residents of Highland Heights and will be very unhappy if this is allowed. Please vote no

Have a great day,

Chris Skoda

Tom & Theresa Spear, 6253 Coldstream Rd., Highland Hts., OH 44143; email dated 8/27/23

We are strongly AGAINST the proposal to change 75 variances to accommodate the building of a high density subdivision of 15 small homes off of Highland Road.

Disappointed that we only recently heard about this proposed development indirectly.

Tom & Theresa Spear

6253 Coldstream Road

(HH residents since 1989)

Benjamin Ward, 6052 Highland Rd., Highland Hts., OH 44143; email dated 8/27/23

To the Planning & Zoning Commission and Members of City Council,

My name is Benjamin Ward and I reside at 6052 Highland Road and am writing in regards to the potential of a subdivision in the two lots located at 6099 Highland Road. These lots are directly adjacent to my home which was purchased in 2020. I chose Highland Heights and my street/home specifically due to the uniqueness of the property and how the homes on the street are situated. I am strongly against this developer and the plans to place a subdivision across the street from my home.

I believe this would ruin the aesthetic of the current homes/neighborhood and also cause an unnecessary amount of noise for my home and my neighbors. While I understand the need for communities to grow, I believe this configuration would make the homes around the area less desirable as it pulls away from the unique secludedness of the homes.

I understand the chances of a single owner buying the lot and placing one home on it are slim. If the larger of the two lots divided were to match the current lots surrounding it on Highland Road, I think this would be a more acceptable solution. I also think this would be more widely accepted by the residents.

Sincerely,
Benjamin M Ward

Joyce Lee, Whiteford Dr., Highland Hts., OH 44143; email dated 8/27/23

We object to the planning of new home zoning on Highland rd. Concerned that the digging is too close to our beautiful homes on Whiteford.

Tim & Maryann Bencic, 6004 Whiteford Dr., Highland Hts., OH 44143; email dated 8/27/23

We recently became aware of a proposed subdivision near where we live which would require many variances to the building specifications which facilitated making Highland Heights a great community.

We first want to address the fact that we got this information from a neighbor and not from our government. We have since looked in recent city newsletters, the Sun Newspaper AND the city website which had NONE of this information available. The P&Z agenda wasn't even published for the 8/28 meeting, although other departments' agendas were. We have no reason not to believe that this was an attempt to stifle objections.

New housing development is fine, but only within the laws which have been adhered to by all other builders. This gross attempt to change the residential character of the city is wrong.

As animal lovers, it was difficult for us to admit that recent deer culling was a necessary evil. In no way is it acceptable to superfluously remove even more of their habitat.

We believe the commercial occupancies in many buildings in our city have been reduced due to changing workplace conditions. Why not look at rezoning some of those already developed areas for housing instead of decimating our remaining greenspace?

We have lived on Whiteford Drive for 28 years. We see the school system struggling to retain its standards. We see more crime in our area than ever before. Increased housing density is just another negative factor when assessing livability characteristics of a city.

We strongly object to this proposal, and hope our government officials will not only be more forthcoming with residents, but also work to keep Highland Heights the superb community it was while we raised our family here.

Thank you.

Tim & Maryann Bencic
6004 Whiteford Drive

Jim Dawson, Highland Rd., Highland Hts., OH 44143; email dated 8/27/23

In regards to the proposed subdivision Sanctuary, I live across the street from the 2 lots, I feel this will severely lower the value of my home and other home's in the area. This will add more traffic to Highland Road, which has heavy traffic all ready, the street will be within 100 feet of my driveway, I have a hard time pulling out of my driveway as it is. Homes built on a lot 55 feet wide should not be allowed, Highland Heights has building codes to protect the Value and Beauty of our City and should Not Lower its Standards. I feel this sub division will be an eye sore and a nuisance. I oppose this subdivision called Sanctuary.

Michael Prech, Highland Rd., Highland Hts., OH 44143; email dated 8/27/23

Dear Mr. Adamus,

I have just learned of public notice PZ23009 of August 17, 2023, Re: "Sanctuary".

I protest against this development for several reasons:

- Lot sizes will be smaller than others in this area, affecting the overall look and feel of our area.

- Homes will be of a different style than the majority in our area.

- Reduction of both number of trees and overall forested area, especially in this time of climate crisis.

- Increase of traffic and traffic patterns so close to the intersection of Highland and Miner.

I regret that I am unable to attend the public hearing on Monday.

Sincerely,
Michael L Prech, PMP

Susan Scruton, Highland Rd., Highland Hts., OH 44143; email dated 8/27/23

I have loved living in this city due to the issues of the home/land sizes. If I wanted houses stacked up in smaller lot areas . let them move to other communities. I would love if Highland Hts would enforce the codes that are already on the books. I know that there are certain strokes for different folks. Can't believe that the letter was not sent out to all of the residents. We all are affected. More houses, more traffic, more issues with these sewers/ more flooding in the streets and in the yards. Tired of getting the response that the city can't do anything about it. I moved here in 1986. Every year my yard gets wetter and wetter since houses were built behind me and next to me. so this request of variances is ridiculous and not in the best interest of the City of Highland Hts. Thank you
Susan Scruton

Ryan Vehar, 6108 Whiteford Dr., Highland Hts., OH 44143; email dated 8/28/23

My Name is Ryan Vehar and I live at 6108 Whiteford Dr. and I am writing to voice my opposition to "The Sanctuary" 6099 Highland Road. There is the obvious that this development breaks every zoning ordinance voted on by the residents of Highland Heights, set up in 1123.08 AREA, YARD, AND HEIGHT REGULATIONS. Not to mention the added strain on infrastructure, this project literally creates from the high density housing. In reading the minutes from past meetings vague answers were given with what seemed to be little to no research by the developers, just telling council members what they wanted to hear. I do not see this helping surrounding home values and possibly the city as a whole if this were to move forward. Such small houses without a basement will lead to storing of belongings in the surroundings of the house, to which the yards are in some cases a third of the size of Highland Heights ordinances. I question even how this is given any thought by planning and zoning, why they think they can basically throw out our code and go over the citizens heads and okay this. The amount of variances needed is unprecedented (up to 75) and should be illegal quite frankly, this is giving planning and zoning too much power. The last point is that only residents in the immediate path of this absurd idea were given just 7 days to respond to what planning and zoning knew about for months. The fact that they even entertained this idea is wrong, when they are giving people violations or disapproving changes such as fences or sheds, citing the aesthetics of our city. Luckily there are many caring residents in this city and we do not wish to see this "high density" housing project be entertained any further. Thank you for your time.

Jim & Molly Kane, 465 Leverett Lane, Highland Hts., OH 44143; email dated 8/28/23

Good morning,

I hope this email finds you well. My wife and I are 14 your residence at 465 Leverett Lane and have seen and read information on the proposed new development off of Miner Road near the intersection of Minor and Highland. This email is to show our opposition to this development based on the many rules and regulations changes and adaptations that would have to undergo for the zoning of this facility to go through. We don't believe that this is in the best interest for the residence of our community. Therefore, we vehemently oppose the approval and construction of this development.

Kelly Keefe, Highland Hts., OH 44143; email dated 8/28/23

Hello, I do not approve of the changes that would allow for The Sanctuary or any other changes to allow for housing as proposed.

Kelly Keefe

Jonathan Kolesar, 1068 Cranbrook Dr., Highland Hts., OH 44143; email dated 8/28/23

I would like to extend my enthusiastic approval for the residential development of this unused parcel. As an avid walker, I have seen much of the diverse range of housing our city has to offer. The proposed plan appears to be similar in density to parts of Aberdeen and if built with similar quality houses, would be a fine addition to our city. I trust the our city council will ensure that the end result is worthy of Highland Hts and look forward to eventually welcoming our new neighbors.

Jonathan T Kolesar, 1068 Cranbrook Dr

John Kane, Highland Hts., OH 44143; email dated 8/28/23

Hello,

I would like it to be known that as a resident of Highland Heights I am against the proposal to change bylaws and allow smaller lot sizes in area off Highland Road next to mulligans.

John P Kane

Matthew Keefe, Highland Hts., OH 44143; email dated 8/28/23

I own a home in Highland Woods East and am writing regarding the proposed subdivision next to Mulligan's. While I understand the motivation to develop the open lots, I disagree with the proposed variances. What warrants the deviation from the city code? So, the builder can make more money? I can't think of another reason. Modifying a longstanding code with that justification seems incredibly myopic.

I do not support modifying the variances for this project.

Matthew Keefe

Jacqueline Stalker, 6108 Whiteford Dr., Highland Hts., OH 44143; email dated 8/28/23

City of Highland Heights Planning and Zoning Commission,

My name is Jacqueline Stalker and I own the property at 6108 Whiteford Drive. I am writing to communicate my opposition to the Sanctuary subdivision being proposed at 6099 Highland Road, not only because the value of my home would be negatively impacted by it, but also because I think that additional high density subdivisions are not something that we want or need in our city.

The reason I moved to Highland Heights and in particular, chose to purchase a home in Highland Woods, was because of the large lot sizes and the older established trees around my home and throughout the neighborhood, which provide privacy and beautiful views of nature. It's obvious that everyone else who lives in this neighborhood chose it for the same reasons. I never would have imagined that the beauty of my yard and the value of my property and neighborhood could be at risk like this, and it is very disappointing and unsettling.

In the one week's time that I've had to prepare since receiving the public notice, I've read through countless Planning & Zoning meeting minutes, and I've seen decisions that were made against homeowners who were looking to add things like fences, sheds, and patios to their properties. In these cases, the rationale cited by the P&Z commission when they denied some of these requests were that the item would negatively affect the aesthetics of the surrounding neighborhood, that the proposed item was against code, and/or that the variance being requested was too significantly different from code. It makes no sense that the P&Z commission would hold individual homeowners looking to enhance their properties to a stricter standard than they would a developer, whose only goal is to make a profit, especially when it would be at the expense of the surrounding homeowners and neighborhood. The same rules should apply to everyone.

The Planning and Zoning Commission should not grant the 75 variances being requested under Section 1123, and it should also not approve this development by using the subdivision regulations of the City of Highland Heights (which I believe fall under Chapter 1161). The

proposed 75 variances are too great a number and too great of a deviation from the minimum lot sizes specified in our city's codified ordinances (Section 1123.08). In addition, per section 1103.02, three of the specific purposes of our Planning and Zoning code are to (a) protect the character and values of residential areas, (b) prevent overcrowding of the land; to prevent excessive concentration of the population, and (c) to locate buildings in such a way as to result in lessened street congestion and improved public safety. Approval of this proposed high density subdivision would violate these items, and would not be in the spirit of our city's code. This subdivision would most certainly decrease the value of the surrounding properties, in at least the following ways:

- Stripping away of the privacy and beauty of the current properties, which would equate to lower sale prices and a smaller pool of interested buyers
- Increased traffic in the area (at least 30 additional vehicles, assuming two per house)
- An increase in noise (due to the removal of the trees, and the additional vehicles and people associated with these 15 cluster homes, which would all be packed in right behind our existing neighborhood)
- Potential strain on our sewer infrastructure, since it was not built to accommodate this high density of population in one small area
- The addition of a runoff storm catch basin located directly behind existing properties, which could smell and become a breeding ground for mosquitoes and other insects

In addition to the above reasons, P&Z should not grant these variances because doing so would set a precedent that would open the door for similar high density developments on other small parcels of land throughout our city (whether there are existing houses on the land or not), which would materially change our city for the worse. It should never be acceptable for our city leaders to prioritize the ability of a developer to make a profit over protecting the interest of the surrounding neighborhoods. Per P&Z/city council meeting minutes, the developer has claimed that he cannot make a profit if he builds less than 15 houses. This is not relevant, since it shouldn't be the city's responsibility to ensure that developers make a profit, most especially when it comes at the expense of other city residents and when the proposed development would provide minimal if any benefit to the city.

Please protect our beautiful neighborhoods, our city, and the quality of life of your existing Highland Heights neighbors by not approving this development.

Thank you for your consideration.

Jacqueline Stalker

Robert Kane, 488 Lynden Dr., Highland Hts., OH 44143; email dated 8/28/23

To whom it may concern:

I am against the rezoning of the 4.8 acres of land on Highland Road for residential development.

Thank you,

Robert J Kane

488 Lynden Dr

Highland Hts, OH 44143

Rick Jamieson, Highland Woods West, Highland Hts., OH 44143; email dated 8/28/23

Hello,

Writing to express my concern over proposed zoning changes in Highland Heights to accommodate development West of Mulligans on Highland Road. I am a resident of the city and specifically a resident of Highland Woods West. I am firmly against the proposal to change city bylaws to allow for significantly smaller lot requirements. In my experience, these changes

rarely have a positive impact on the quality of life of current residents, which should be the top priority of city administration.

Please reach out to me if you'd like additional feedback.

Regards,

Rick

Bernadette Kane, Lynden Dr., Highland Hts., OH 44143; email dated 8/28/23

I would like to go on record to OPPOSE the request to allow the requested parcel change

Bernadette Kane

Lynden Dr

Mark Danaud, 404 Medway Rd., Highland Hts., OH 44143; email dated 8/28/23

Hello,

I would like it to be known that as a resident of Highland Heights I am against the proposal to change bylaws and allow smaller lot sizes in area off Highland Road next to mulligans.

Mark Nadaud

404 Medway

Tim & Mary Ellen Moore, Highland Woods East, Highland Hts., OH 44143; email dated 8/28/23

Hello,

We just learned about the new property that the Planning and Zoning Committee is considering. We certainly hope that there is no interest to decrease the lot sizes already considered that would most certainly drive down the average price of a house. Our schools are overcrowded already so adding 15 more small houses is only going to make a bad problem worse.

We have lived in Highland Heights (Highland Woods East development) over 18 years and have seen a unpleasant transformation in our development and throughout Highland Heights. It's really sad to think about what it was like when we moved in and how it looks today.

The sidewalks in our entire development are horrible. We heard it was due to the trees that were planted when they put the development in and the roots are certainly the problem. Lot of small kids ride their bikes in the streets and many elderly people walk in the street to avoid the bumps and low branches. Several people have tripped over the uneven sidewalks, including my son who has autism and is now afraid to run in our neighborhood for fear of falling. Thankfully, our sidewalk was fixed last summer and we are extremely grateful but almost every other house that has not been fixed yet has sidewalks that are dangerous.

We have noticed an increase in port-a-potties in our neighborhood on tree lawns where people are having work done. Is this allowed in our city? In addition, many neighbors are not taking care of their yards, have lots of extra garbage around, and mailboxes that are broken. One house at 6301 Applecross hasn't had a mailbox for over 6 months, only nails sticking out where the mailbox used to be. Shouldn't people get a warning of some sort?

We love our community and schools and don't want to see it crumble before our eyes. We appreciate you taking the time to consider our concerns and would be happy to talk further. And we do appreciate all that you do for our city, We have raised our kids here and they have benefited from this wonderful community. We just want to be able to see our grandkids do the same in the next 18 years.

Thanks again for everything!

Tim & Mary Ellen Moore

Chris Mack, Highland Hts., OH 44143; email dated 8/28/23

Good morning,

I would like it to be known that as a resident of Highland Heights I am against the proposed changes to the bylaws for the smaller lot sizes specifically for the area next to Highland and Miner Road.

Thank you,
Chris Mack

CITY OF HIGHLAND HEIGHTS, OHIO
MINUTES OF A PLANNING AND ZONING MEETING
PUBLIC HEARING FOR JANET NAGEL - PZ23018
HELD: AUGUST 28, 2023
Highland Heights City Hall Council Chamber

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

ABSENT: Commissioner Brad Hull

SUBJECT: JANET NAGEL, 1022 WEST MILL DRIVE
PZ23018 VARIANCE TO LOCATE PROPOSED SHED OUTSIDE THE LINES OF
THE HOUSE

Chairman Adamus called the public hearing to order at 7:02 p.m. Notices of this hearing were mailed in accordance with HHCO Section 1113.04. Variance appeared as follows:

1. Variance of six feet from HHCO 1123.17(a): “YARDS FOR ACCESSORY BUILDINGS AND SOLID WALLS”, which requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure, to allow a shed to be located six feet outside the lines of the house, for a building length of ten feet, in the southwest corner of the rear yard.

Janet Nagel, homeowner, 1022 West Mill Drive, Highland Heights, Ohio 44143, appeared before the Commission to obtain a variance to allow a proposed shed to be located six feet closer to the southwesterly side yard line than the main use structure, on property located at 1022 West Mill Drive.

Ms. Nagel said she wants to install an 8-foot by 10-foot shed in the southwest corner of the rear yard because that corner of the yard is higher than the rest of the yard and gets less flooding. She said this is the only location where trees would not need to be removed. She stated that only a portion of the shed would be visible from the street. A variance is required because a portion of the shed will extend outside the lines of the house. The foundation for the shed is partially installed. Ms. Nagel was advised by the Building Department that she must obtain a variance before proceeding.

Public hearing opened to the public. No one spoke nor was any correspondence received from the public on this matter. Public hearing closed at 7:08 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*