



Village of South Russell
5205 Chillicothe Road
South Russell, Ohio 44022
440-338-6700

PLANNING COMMISSION MEETING
Record of Proceedings
September 10, 2020 7:30 p.m.

Members Present: Steve Latkovic, Chairman; James Flaiz, Dennis Galicki,
Mayor William Koons, and Elisa Budoff

Other Officials: Bridey Matheney, Solicitor; Nancy Grattino, Board Secretary

Visitors: Peter Cary, Applicant; Jenn Pishko, Cindy Ellis, Chagrin Falls Crossfit

Chairman Steve Latkovic called meeting to order at 7:30 P.M.

Board Secretary Nancy Grattino conducted roll call.

**CASE # 20-PC-02: 477 INDUSTRIAL PKWY, SUITE D – CHAGRIN FALLS CROSSFIT
– PETER CARY, APPLICANT/ PROP. OWNERS REP. – PROPOSED NEW TENANT**

Cary advised that the craft distillery which had previously been presented to Planning Commission (PC) had technical issues related to fire suppression that were too difficult to overcome. However, Cary advised he had had a steady stream of applicants, to include Chagrin Falls Crossfit which was applying to occupy the same suite formerly considered by the distillery.

Pishko stated she acquired her new business partners, John and Cindy Ellis and Ed Ellis, at the end of 2018. At the end of 2020, they will be at the end of a six-year lease in their current location and are looking at new spaces to better meet their needs. Latkovic asked if the space was the correct size for the business, and Pishko stated that with COVID-19, class sizes are limited, so the large square footage is not on the agenda. 6,000 square feet of totally usable and open space would meet their needs. Latkovic asked if there were any questions about the plans and added that it had been a successful business. Pishko explained advantages to remaining in the vicinity of her current location to include the relationships she has built with other small businesses in the area.

Mayor asked what the expected number of vehicles would be at any one time. Pishko reported less than 15 because classes are now limited to 11 participants. The classes and transition time total 75 minutes.

James Flaiz made a Motion to Approve case 20-PC-02 for 477 Industrial Parkway Suite D – Chagrin Falls Crossfit, seconded by Mr. Steve Latkovic. A roll call vote was taken as follows: Steve Latkovic – Yes, Jim Flaiz – Yes, Dennis Galicki- Yes, Mayor Koons – Yes, and Elisa Budoff – Yes. With Unanimous Vote, Motion Carried.

Mr. Latkovic asked if there were minutes from the July 9, 2020 meeting. Grattino stated that the minutes had not been completed due to her efforts to catch up on other Board minutes.

Old Business: Latkovic asked if there was any old business to discuss. Flaiz advised he had some new business.

New Business: Flaiz asked who the Village’s Zoning Inspector is, and the Mayor replied Dave Hocevar. Flaiz asked if there was an Assistant Zoning Inspector and the Mayor explained that Grattino will be. Flaiz asked who was currently issuing zoning permits. Grattino stated she issues the permits and Hocevar does all the reviews and is training her on this as well. Flaiz asked if Grattino issued the zoning permit for the Sal’s plaza building renovation. Grattino stated yes. He asked if she also issued the zoning permit for the new sign at Gurney Elementary School, and Grattino verified she did. Flaiz stated that based on 3.04, Development Approval of the Zoning Code, those permits should not have been issued until the matter was referred for PC approval. Historically, PC had always taken up and had to approve any addition or alteration to a commercial structure including when Augie’s put the coolers on the back of the building. Flaiz stated that the zoning permits were issued illegally. Grattino explained that a facade was being sought, and the façade went to the Architectural Review Board (ARB). Grattino relayed that she was doing what she was told to do. Flaiz asked her who told her to do this, and Grattino explained that she asked the process of the order everything went in and she was learning everything that is done in South Russell. Flaiz stated that in the years that Hocevar had been doing this, he had always run it through PC because that was what the Village’s ordinances said. He asked Grattino again who told her not to send them to PC. Grattino stated that Hocevar told her they needed to go to ARB and did not say it needed to go to PC. Flaiz stated that Hocevar had never done this, so he did not know what had changed other than Grattino was involved in the process. Flaiz read, “no application for a zoning permit involving a multi-family residential, private cluster residential development, or envelope, residential neighborhood, elderly assisted living facility, any one-family structure exceeding thirty (30) feet maximum height and not requiring a variance, business or industrial structure or use, or any property located in a groundwater sensitive zone in which the applicant seeks to develop the property...shall be approved by the Zoning Inspector prior to approval by the Commission according to the following procedure and development regulation of this Code.” In his experience on Council and PC, Flaiz advised PC had always approved alterations to any commercial property. He added that the previous Gurney sign went before PC before the zoning permit was issued. He

was aware of the drama in the Village but was very concerned that the policies and procedures in zoning were not being followed. Flaiz explained that these were just the two he knew about and was sure there were other zoning permits. Under the Village's ordinances, these two were illegally issued by the Zoning Inspector. Grattino stated that the Gurney sign went to the Board of Zoning Appeals (BZA) for the variance and they also went to the ABR. Grattino stated that she was not told it had to go to PC. Flaiz addressed the Mayor and indicated the Mayor was hiring somebody as an Assistant Zoning Inspector. He explained that the cornerstone of the Village's Zoning Code for developmental approval was that these matters must go through PC and had gone through PC for almost 30 years, which was when development approval was passed. Flaiz stated he is both a PC member and a resident and has a problem when zoning permits are being issued illegally. He wanted to know what the Mayor would do to address it. The Mayor said he would respond to Flaiz once he ran the paper trail to see what happened at Gurney and Augie's. He would be ready for the next PC meeting with the details. Grattino added that if she had been properly trained, and not for a total of 10 hours, and told what to do, then it would have been done. She said she had asked questions, so she did not need to be thrown on the spot. Grattino added that Mr. Galicki could smirk all he wanted. Flaiz stated that as a PC member, he also wanted an accounting of all zoning permits issued that would have fallen under 3.04 for the past two years. He wanted to know what other permits were issued that should have gone through PC that did not. Flaiz stated it seemed odd to him that the PC was never meeting, but when he saw the work going on in the Sal's plaza, he questioned why this never came to PC. He advised that these were just the two that he knew about, but he was sure there were additional ones. The Mayor stated he would find out.

Latkovic asked why Hocevar did not attend the PC meetings and added that there used to be more representation, and it was quite helpful because these situations or other zoning matters could be addressed in real time. Latkovic asked if it would be possible for Hocevar to attend. The Mayor stated yes.

The Solicitor stated that going forward, there should be a requirement. She advised that Hocevar used to attend, and he attends the BZA meetings. The Solicitor concluded that his attendance should be a requirement.

The Mayor stated that when the PC meets on October 8, 2020, he would have the information concerning the zoning permits 3.04 since 2018, and specifically the sign at Gurney Elementary and Augie's. The Solicitor stated she would be happy to assist in the required training regarding the zoning code. She and Hocevar could put on a seminar or create a bullet point list of the process. The Solicitor acknowledged that the Village's zoning code was not an easy one, but the process was important to follow.

Flaiz asked the Solicitor if she saw any issues with the permits that were issued contrary to the zoning code. He added that he likes the Gurney sign and the look of the plaza, and that this was not the point. Flaiz described the situation as a microcosm of a lot of things that were going on in the Village where, due to leadership issues, there were a lot of procedures that were not

occurring as they should. Flaiz reiterated that it was not a matter of having a problem with the two projects, but rather a concern that the zoning code be followed. If people were not being properly trained, which he thought they clearly were not, that fell on the administration. The Solicitor agreed with Flaiz and stated she was a process/procedure person and said the Zoning Code is an ordinance and must be followed. Flaiz added that he did not know how this would impact the ongoing projects, but he was concerned.

Latkovic asked how many were outstanding and asked if there was anything that would fall under what was being addressed now that PC should potentially be looking at. Grattino asked if Latkovic was referring to signs, and asked if they look at all signs or just building signs. The Solicitor stated this was a good question and she did not know. Flaiz stated it was more comprehensive than this, but the easy question to answer would be if there were any outstanding zoning permits for additions or alterations in a commercially zoned or industrial zoned part of the Village's zoning. He explained it would be commercial or industrially zoned. Flaiz stated PC approved the Cleveland Clinic sign three years ago and acknowledged it had been done correctly at that time because this was a zoning permit which came through PC. Any zoning permits for additions or alterations of any type to any business or any of the buildings should go through PC. Grattino stated this was the absolute first she had heard that it came through PC. Latkovic asked Grattino to have a conversation with the Solicitor and then bring it up to him to discuss. He suggested she be more conservative around what should go through PC, and that PC could decide what should not go before them. Latkovic asked that she be overinclusive on at least the initial work to make sure the Village is complying with the zoning code. Grattino agreed. Latkovic advised that at the next meeting they would address some of the items Flaiz requested. Flaiz thanked Latkovic and apologized for the unpleasantness.

Steve Latkovic adjourned the meeting.



Steve Latkovic, Chairman



Date

Prepared by: Leslie Galicki