



## Village of South Russell

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

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### PLANNING COMMISSION MEETING Record of Proceedings November 12, 2020 at 7:30PM

**Members Present:** Steve Latkovic, Chairman, James Flaiz, Dennis Galicki, Mayor William Koons, Ph.D.,  
Elisa Budoff

**Other Officials:** Bridey Matheney – Solicitor, Ruth Griswold, Board Secretary

**Visitors:** None

Meeting called to order by the Mr. Latkovic at 7:33p.m.

Ruth Griswold conducted roll call.

#### **AGENDA ITEM 1: CASE# 20-PC-09: 524 EAST WASHINGTON STREET**

Madelynne Prosek appeared before the board to present her proposal for a gymnastics studio at 524 E Washington Street. Ms. Prosek stated that her gymnastics studio is going to be the new face of high school gymnastics in the area; it used to be located at West G. Now, West Geauga, Chagrin Falls. Orange, all those schools will now be located at the Chalk It Up facility in South Russell, and what they are looking to do for the parents, due to Covid, because it is hard for parents to really watch, is to have a loft area that allows them to socially distance within that area.

Mr. Latkovic indicated that the old Cross Fit space is a little broken up, and the submittal only included an application and not a floor plan. He questioned Ms. Prosek as to whether she planned on changing the lay-out of the wide open area. Ms. Prosek said there will be no changes to the space itself, they actually need a wide open space to put the equipment, similar to the Cross Fit, they do need an open floor plan. They would just be bringing all of their equipment into the facility.

Mr. Latkovic asked where the loft would be located. Ms. Prosek said the details are not fully finalized with the landlord, but the loft would be at the first entrance, up above the bathrooms. Mr. Latkovic said although he had never been up there, he knows it kind of sticks out over the bathroom area, when you first walk in, over the desk area. Ms. Prosek said yes, that is the area where the loft would be located.

Mr. Flaiz asked whether the ingress and egress points were going to change, and Ms. Prosek responded there would be no change to those areas. Mr. Flaiz asked what the seating capacity would be for the loft, and Ms. Prosek said it would not be much, due to restrictions, the loft would probably hold roughly ten people max. Mr. Flaiz asked whether she would anticipate having more than a dozen cars there at a time, Ms. Prosek said no, unless they do have meets, then there is that back parking lot there that they have discussed with the landlord

possibly on Saturdays and Sundays if they were to host a meet after the whole Covid stuff is over, there would be a couple more cars there, probably about 30, roughly. Mr. Flaiz asked what time the meets are normally held, Ms. Prosek said the meets would be on the weekends, it depends but most are in the morning, there have been a few that have been held in the evening, but usually they are done by 2:00pm.

Mr. Flaiz said that it would be nice if Dave was in attendance, because he knows there is a lot of parking back there, but in the evenings, on Fridays and Saturdays, some of that parking is used by the restaurants. He said he has not been back there on a weekend evening and was concerned that there were parking issues. Ms. Prosek said she was told there are 94 spaces. Mr. Flaiz said he did not know how many he had leased out for the restaurants. Ms. Prosek said that he didn't explain that; he just said that they'd have that parking back there if they needed it.

Mr. Latkovic asked if the studio had a name, since it wasn't indicated on the application. Ms. Prosek said the name of her studio is "Chalk It Up Gymnastics". Mr. Latkovic asked if she was at West G now, and Ms. Prosek said they are currently practicing at another facility, because they were not able to get into the Cross Fit studio yet, however once they are in there, beginning January 1<sup>st</sup>, all of those athletes would move over. It used to be at West Geauga High School, or at Solon High School, but they are unable to do it this year.

Mr. Latkovic said, although less related, bear with him because he thinks this is very interesting. He was wondering if there is quite a strong gymnastic community in northeast Ohio here, nationally, where her business is coming out of as well. Ms. Prosek stated yes, she will have a high school program along with a rec program and a competition program, all of those things, there really isn't one in this area, especially for older athletes. That is why she thought bringing Chalk It Up would be perfect to bring into this area so kids don't have to drive all the way to Mentor or Geneva. Mr. Latkovic said that Solon has many facilities and asked if they were using Solon rec facilities, or do they have their own. If you're in gymnastics, and you're in Solon, are there other facilities in or around Solon. Ms. Prosek said there are one, or two in Solon, a little bit of a distance away, and that although none of her athletes have gone there, she does know of a facility out there.

Mr. Latkovic said he thought it was great that she is bringing this business to South Russell, to the area, even keeping it local, very exciting and we'll continue to have that little area back there as a really great place. He asked for other comments.

Mayor Koons said he has Dave Hocevar on speaker phone if anyone has questions for him. Mr. Flaiz asked what kind of parking situation is back behind that building, and how many spaces have been allotted to the restaurants. Mr. Hocevar responded that he did not know, but that he could find out. The plans are out for review, he has not seen the parking area described yet, he believes it's all in the works. He thinks they're going to be ok, he could talk to the owner of the adjoining building but he believes they have quite a few parking spaces. It was enough for all of Cross Fit.

Mr. Latkovic stated there were trucks in and out of all the larger warehouse buildings; it's a lot of space. Mr. Flaiz stated that one of the things they were supposed to be looking at was parking. He did not want to hold this up, and considering all that square footage, the gymnastic studio would take up a lot less parking spaces than some other options. It is not a bad idea from a parking standpoint. However, a parking plan should be available to look at as part of the developmental review. Mr. Latkovic agreed, in that there should be plans to review, along with parking, but for what this is, agreed not to hold things up. In the future, plans, with parking, should be submitted to Planning Commission.

Mr. Latkovic motioned to approve the submittal.

Mr. Hocevar indicated he would regulate the occupancy load according to the parking spaces. Since the parking lot was paved and all of the dumpsters were removed, they have a lot of parking back there. Mr. Flaiz indicated that the applicant had mentioned having gymnastic meets there, potentially on the weekends, but that most of those would be earlier on the weekends, and not likely to pose a problem at all. Mr. Hocevar agreed.

Mayor Koons seconded Mr. Latkovic's motion to approve.

On roll call vote, motion carried unanimously.

Mr. Latkovic apologized for not yet addressing the meeting minutes from October 8, 2020. Mr. Flaiz indicated that he has an issue with the minutes. He stated that when a motion is made to approve something subject to certain conditions, it is critically important that those conditions be part of the meeting minutes. A situation may arise where the applicant does not follow the guidelines and referring to the meeting minutes for clarity becomes a necessity. Ms. Budoff agreed, stating she had noticed the shortcoming as well. Mr. Latkovic also agreed that the minutes should be corrected, and given that they are recorded, it should be easy to do.

Mr. Flaiz moved to table the meeting minutes from October 8, 2020, until the next meeting.

#### **Old Business:**

Mr. Latkovic began discussing the public records request for copies of all non-residential zoning applications and permits from 1-1-2019 to present, Mr. Flaiz, being the requestor, indicated that there are at least five (5) different permits missing. He is aware of these because they were actually approved by the Planning Commission. The missing permits are: The Distillery, Allegria Studio, Cross Fit, Dynamic Fitness Solutions and MC Studio. Those were all referred to Planning Commission within the last few years, and none of those permits are included in the response to the records request. Mr. Flaiz said that if he knows of five missing, he is also wondering how many others may be missing. Mr. Latkovic questioned if the Village had a record, or a list, of all the permits that have been issued by the building department, in the form of a permit list of some kind. Mayor Koons indicated that a report was run for all the zoning permits issued in the time period requested. He then eliminated the residential and copied all non-residential. Mayor Koons said the official name is Detailed Fee Report on Zoning from 1-1-2019 to 11-4-20; noting that there are two pages of them. Mr. Latkovic asked if the fee report determined the issuance of a permit. Ms. Budoff mentioned that these seem to be just from 2019. Mr. Flaiz said the Gurney Sign permit is also not included in the packet. He knows the records response is incomplete because The Sleepy Rooster is in the packet, but the Z1 form is not in there. He has no confidence in the records response since he knows there are at least six (6) permits missing, and those are just the ones that he knows of. The whole point of this exercise was to see what permits were issued without going through Planning Commission. That is hard to do when the Village does not give him all the records responsive to his request.

Mayor Koons, in referring to the report, said that perhaps the report he was told to use is incomplete, and the six that Jim has found did not get entered, or we have generated the wrong type of report. He asked Jim to email him the list of names, while at the same time he would go back and see if the proper form was used. Mr. Flaiz said he appreciated that, but him telling the Mayor what records are missing, when he needs to know what records he's missing, is very frustrating. As a member of Planning Commission, he is requesting either the solicitor, someone from her firm, or an outside person, not the Mayor, do an audit of these records so that he could get the records he requested. He counts thirteen (13) different zoning permits from the packet, six (6) that he knows of are missing. Among the thirteen in the packet, there are some examples of matters that should have been referred to Planning Commission that were not. Mr. Latkovic said he had fourteen (14), perhaps there's a duplicate. Mr. Flaiz indicated that it's kind of confusing in that the one after the bank is 1188 Bell, which he

refers to as the Leechman building, the two-story office building next to the bank. That is Be Browed Etc. LLC; that may be the same permit, it looks like a duplicate. Again that is a permanent make-up place, with some tattooing going on there, and that new business occupancy from March of this year was not referred to the Planning Commission. There were a couple signs; Chagrin Falls Rotary, Bill Koons being the applicant; then there was a ground sign that required two variances, at 477 Industrial Parkway, that was not referred to PC. Of the thirteen in the packet, Mr. Flaiz said he found three examples that should have been referred to PC. The Gurney sign, which under zoning, was required to go through the conditional use process, also should have gone to Planning Commission. Mr. Flaiz went on to say that there was not a zoning permit issued for Sal's Plaza, which is a whole other issue since it was a pretty big enlargement of a commercial structure. He expressed concern as to how many alterations to commercial buildings occurred where zoning permits should have been issued but were not. Stating that this is an overview of his concerns; he also does not believe it appropriate that the Mayor handled a public records request from a Planning Commission member. He reiterated the need for somebody outside the Village, perhaps from the solicitor's office, per the Planning Commission request, audit these permits for these two years, have a clerk or an associate go to the building department to go through these records, because missing documents and inconsistencies are completely unacceptable.

Mr. Latkovic asked Ms. Metheny her perspective and response to this. Ms. Metheny said they would be willing to perform that audit; she is also curious as to how the list was actually pulled. She agreed the situation should be addressed, and has no problem taking a look at it and helping out.

Mr. Flaiz made a motion that the Planning Commission request the solicitor and her firm perform an audit and provide the Planning Commission with these zoning permits from 2019 through today, 2020, in the commercial, industrial or business zoned districts, or concerning a conditional use.

Mayor Koons seconded.

On roll call vote, motion carried unanimously.

Mayor Koons stated he would like to clarify his role in filling the public records request. He was given a list, the Detail Fee Report for a Fee Type, and he eliminated the residential, and he physically pulled the permits from the rest on the list. Mr. Latkovic said that bringing in Bridey's firm would be helpful. He said he knows that staffing, and keeping everything straight can be challenging, there having been a lot of changes in the Village. So, to take that time, get it right, and make sure as we go through, hopefully with Dave being around to train the staff that needs to be trained, we can get the permitting process in line with what the rules, ordinances and regulations in the Village are about. He went on to say that everybody wants the same thing; they volunteer their time because they want a good place to live. They don't want to overburden businesses or residents, but they also recognize that there is a certain amount of government oversight that is helpful to keep a community like ours nice, livable and attractive. When the system that we've tried to put in place breaks down; staffing can be a problem, things get out of hand, or just gets a little unwieldy, this has been handled as well as a situation like this can be. Mr. Latkovic expressed appreciation for the Mayor and what he has been trying to do, and appreciates him working with the Planning Commission, as both a member and as the Mayor. He wants to spend the time to figure out what went wrong, how it went wrong, so that they, as Planning Commission members in South Russell, can continue to do its oversight roles in the way they were designed to be.

Mayor Koons asked Mr. Flaiz to email him the list of people he knows we've missed to try and figure out where the hole is in the situation, so as to work on that before Bridey's people even get here. Mr. Galicki stated that he takes exception to that; to Jim's point, those six are only indicators of potentially a larger record keeping problem, in that it seems like if those six that Jim readily knows about are not on the list, we've got a bigger problem, Rather than try and fix what we can before the audit team comes in, we need to focus on keeping things as they are and have the audit team come in and take a good look at where the holes are so they can be fixed.

Mr. Flaiz responded that he gets Mr. Galicki's point, that Bridey will look at it no matter what, stating again that five of the missing permits are things that were on Planning Commission, things they're all familiar with, which is how he knew they were missing.

Mr. Latkovic said he respects why Dennis would be uncomfortable, and stated the objective would be to do this completely. He suggested that Jim just sends it to Bridey; it would be helpful if Bridey can be given such information, so that her team, in understanding what was missed, could then go in and question why specific things were not on the list. Mr. Latkovic asked if that would be all right with Mr. Galicki, to which he responded yes, he would be okay with that. Mr. Galicki stated it could even be an issue relating to fees; could it be that these six people were not charged the fees, then the question becomes if it is proper financial accounting. Mr. Galicki agrees with Mr. Flaiz that it appears there are some issues and problems, and of the need to go forward with the audit.

Mr. Flaiz stated he had been a member of the Planning Commission for a while and has served with many different board members. He said is passionate and cares about the Village; how it looks, how the businesses are, keeping things nice for the residents. That is the Planning Commission's job, to protect the character of the Village for zoning. It has been very frustrating for him because he knows how things used to be done. He noted that even the paperwork in the records request is not up to the standards that have been held in the past. He does want to commend the Village for hiring a full time building secretary with a lot of experience, and he thinks that in the end it will make a huge difference, and that staffing was probably the root cause of a lot of these problems, along with the various battles between the Mayor and Council over staffing. Mr. Flaiz feels that a lot has been done to solve the problem moving forward, and he is excited about that.

Ms. Budoff questioned the illegible nature of the documents and asked if they were all done by hand and not computer generated. Other members agreed. Mr. Latkovic said that hopefully with the newest member of the Village, some of this could be brought into the 21<sup>st</sup> Century. Mr. Flaiz said that the Z-1 Form has always been handwritten, which he has never had much of a problem with, but agrees about the quality of the printing and copies. Mr. Latkovic asked if the hand-written permits were three-part forms, Mayor Koons replied yes, that is correct, and he knew that the scanned copies would be difficult to read, which is why he also delivered hard copies.

Mr. Flaiz told Bridey that he hopes she has a bored associate that she can task this assignment to; Ms. Metheny indicated it would not be a problem.

Mr. Latkovic asked the members if there was any other old business or new business that anyone wanted to talk about.

Mr. Flaiz indicated that he had one piece of new business he would like to discuss. It was brought to his attention that there was possibly an issue with having a food truck at the Art Fair, and he did not know how that ended up. He said Bridey discovered that a food truck requires a conditional use permit in the Village, which he believes is insane in some ways. Mr. Latkovic said that this has probably not been adhered to very well over the years. Mr. Flaiz said that he had one in his driveway for his 40<sup>th</sup> birthday. He said that a food truck is kind of like having a caterer, and they are not engaging in retail sales of food to customers like they would be if they set up in a gas station parking lot. He said he didn't know if the zoning code treats those situations differently or not. He mentioned that the Village has had the Popcorn Guy at the Fall Festival, charging a few bucks for kettle corn, and technically that would need a conditional use permit. Mr. Flaiz said he is bringing this up because one of the primary points of Planning Commission is to look at zoning issues and come up with proposed zoning

changes. He would like to research what a few other communities have done and present his findings to the Planning Commission for some different options. He thinks the Village should look at differentiating between somebody who has a food truck at their house, or in their neighborhood versus a commercially zoned property.

An example given was not allowing Sal's to have a taco truck up there every Friday, but not discouraging Kensington Green from having an ice cream truck in their neighborhood for four hours.

Ms. Metheny talked about how the ice cream trucks are treated differently than food trucks in other communities; Bainbridge specifically prohibits food trucks. She went on to say that MC Art Studio did not have any food trucks at their event; they were going to, and they may have labeled it in a way that caused concern. They were planning on having The Hawaiian Guy Barbecue, who also sets up at the Farmer's Market. He provides the food to customers in "to-go" containers, since technically people are supposed to take it out and eat it. There was never going to be a food truck that the Fire Marshall would need to come out and inspect, so they would not have needed a Special Use permit. Ms. Metheny agreed that the code should be reviewed, brought up to date and possibly amended, providing the differentiation as Mr. Flaiz suggested. Although Bainbridge presently prohibits it, they have it under consideration to allow food trucks in different districts. Discussion followed pertaining to various food trucks at different events that Mr. Flaiz and Mr. Latkovic were aware of, from private events to setting up on the side of the road and engaging in retail sale of food. Mr. Latkovic said that he wouldn't want to overburden anybody, but the guy at the Fall Festival should have something so that we can protect ourselves, have oversight and establish limits. He went on to say that if one of the restaurants in the corridor wanted to have a food truck, for example, wanted to bring a huge catering truck to their site, it would be perfectly reasonable to require them to get something extra so that the Village could help monitor and oversee those types of situations. Mr. Flaiz said he thinks MC Art Studio should have been allowed to have a food truck and that there should be an easy procedure in place to allow it. He will print out procedures from other communities and bring to Planning Commission for review and discussion. Mr. Latkovic explained the process, since he didn't know if everybody had been through it: PC adopts a change, then council has to approve or overturn, and if no action is taken then it is approved, something to that nature. Mr. Flaiz said either can initiate it. The way it has been done historically, when he was council rep on PC, PC would author the zoning change, pass it, then it would go to council. Usually the council rep on PC would introduce that ordinance to council. His recollection is that council can't create a zoning change or disapprove our recommendation unless they have five votes: a super majority. Ms. Metheny recalled the last time it was done, very recently, the subject was concerning "Open" flags for the businesses. It was actually discussed in Council, brought to Planning by Councilman Porter, then Planning took it on, initiated it and it went back to Council and was passed.

Mayor Koons mentioned the selling of donuts at the Farmer's Market, and that Saturdays at the Art Show, they are probably selling coffee and cake. He said a good point was made in that the Village is running the Fall Festival without any jurisdiction. He feels that in looking at this, it is important to regulate the food trucks due to the propane. Mr. Latkovic said perhaps it would be a prohibition on the type of vehicle they are selling out of; the guy with donuts on his cart, or a wagon selling popcorn would not be a problem. He went on to say that once the board reviews Mr. Flaiz's findings, the goal would be to bring clarity to people who want to do these things. To Mayor Koons' point, he agreed that the donut guy should not be subjected to getting a permit, and the focus should be on more of a commercial enterprise. He is interested in seeing how other communities parse these things out. Mr. Flaiz said the thing to watch out for is somebody plopping down in a cul-de-sac and selling food or basically setting up a temporary take-out restaurant in a parking lot. Ms. Budoff said that is a very good possibility, especially if the governor shuts down restaurants again. She thinks the food truck businesses would start to pick up. Discussion followed regarding various trucks in different areas and the ensuing problems.

There being no further business, Mr. Flaiz motioned to adjourn the meeting. Mr. Latkovic adjourned at 8:24pm.



Steve Latkovic, Chairman



Ruth Griswold, Board Secretary

3-12-2024