



Village of South Russell

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

PLANNING COMMISSION MEETING RECORD OF PROCEEDINGS

May 13, 2021 at 7:30PM

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

Other Officials: Bridey Matheny – Solicitor, Dave Hocevar, Building Official, Ruth Griswold, Board Secretary

Visitors: Mike Cipriani, Danny Jenks, Karen Reighard, Amy Armour

Meeting called to order by Mr. Latkovic at 7:32p.m.

Ruth Griswold conducted roll call.

Mr. Flaiz motioned to approve the minutes from April 8, 2021. Mr. Galicki seconded. On roll call vote, motion carried unanimously.

AGENDA ITEM 1: CASE #PC 21-07(A): 5210 CHILLICOTHE ROAD-UNIT G-AUGIE'S RESTAURANT-Karen Reighard and Amy Armour of Beegan Architecture-Applicants and owner's representatives are seeking approval for an outdoor dining patio adjacent to the existing restaurant.

Mr. Latkovic thanked Mayor Koons for the placement of orange cones that outline the proposed patio area, and said it was very helpful when he drove past. He asked the applicants to begin their presentation.

Amy Armour introduced herself and Karen Reighard, both of Beegan Architecture, Mike Cipriani, owner of Cipriani Plaza and Danny Jenks, owner of Augie's. She said the last meeting of the Planning Commission she had attended via Zoom, and she thanked the board for the opportunity to be there tonight in person.

She began her presentation of the proposed patio, indicating it would be located on the north side of the building, with a drive aisle of 20'. The patio would consist of 28 seats, enclosed by fencing with two gated areas and bollards for protection. She said the entrances into the building would remain as they are.

Ms. Budoff asked if the cones currently placed in the area represent the entire proposed patio addition. Ms. Armour said the patio and fencing would not go any further past where indicated, but that the bollards would be placed on the outside of the fencing. Ms. Budoff asked what the bollards would be made of, and if there would

be any cement. She expressed her concern as she recalled a recent incident where a car drove into the front of a restaurant. Ms. Reighard said the bollards would consist of poured concrete and would be spaced 3' to 5' apart. Mr. Latkovic asked how far down the bollards would go. Mr. Cipriani said although he hadn't seen the plans, they should go 42" deep. Mr. Flaiz asked if they would use the method of placing a hollow steel pipe into the ground and then pour the concrete into it. Mr. Cipriani said yes, and then a cover is usually installed over it. Mr. Flaiz asked if there would be covers over the bollards for Augie's patio. Ms. Armour said they could install covers over the bollards in whatever color is required. Mr. Flaiz confirmed that the fencing would be installed on the inside of the bollards; Ms. Armour said yes, that is correct.

Ms. Budoff asked if there was really enough room for two cars to pass through the area next to the patio. Ms. Reighard said the 20' area allows 10' per car and she said a typical residential street is 20' wide. Mayor Koons said most of the streets in South Russell are 24' wide, but that there are some streets that are only 20' wide in the Village.

Mr. Flaiz referenced the parking and loading regulations for a two-lane access drive and noted that the minimum width is 20' and the maximum is 24', which indicates this proposal does fall within the parking and loading regulations of the Village.

Mr. Cipriani said, for context, a parking space is 9' wide, which allows for the opening of doors as well.

Mr. Latkovic asked if there was a plan to put any markings, such as a "SLOW" sign, on the pavement. Mr. Cipriani said they would certainly be open to that. Mr. Flaiz said he thinks arrows would be helpful. He had visited the area earlier that day, and he drove in through the bank area, which he felt was the route most people visiting the plaza take. He said there was a lot of two-way traffic through there, and he momentarily played chicken with another car, but they did both successfully pass each other within that space. Mr. Cipriani said he thinks marking it off with the cones to give people a reference was a great idea. Mr. Flaiz said again that arrows would be nice. Mr. Cipriani agreed and said lines as well may be helpful.

Mr. Cipriani addressed the parking issue, and said he realizes they are asking for a variance of 20 spaces. He said the leases for the Sleepy Rooster and Augie's are very specific as to their hours of operation. He said for instance, if Augie's has a special event, they must first notify him, and he has the option to require that they use valet parking and limit the number of people. He said to him, the hours of operation are key to the parking, and that he doesn't want to negatively impact his other tenants. In his experience with shopping centers, he has learned a lot of lessons over many years, and the language in his leases reflect that. He went on to say that if the diner doesn't make it, and three years from now they get a different tenant in there, they would be restricted to the same hours, or it could become a retail storefront. He said there is no way that he would ever allow those two businesses to be operating at full capacity at the same time.

Mr. Flaiz said it's a nice problem to have, and if someone had told him ten years ago there would be a parking problem at the plaza, he would have laughed. He said he's been to the Sleepy Rooster a number of times, and when it's busy, the parking lot is about 2/3 full. Mr. Cipriani said for Mothers' Day, the Sleepy Rooster took reservations and there were no problems, unlike many other restaurants.

Ms. Budoff asked if there were issues with people using the parking at the bank. Mr. Cipriani said no, the only real issue is in the mornings with the convenience store. He said there are two signs for 10-minute parking for them, and for the most part, patrons of the diner do respect that. He said the people at the convenience store do not hesitate to speak up about it, but there are good relationships between tenants throughout the plaza.

Mayor Koons asked if the patio would be something that could be put in on a trial basis. Mr. Latkovic said for a permanent infrastructure, such a thing would be difficult. Mr. Cipriani said there would be too much time and money spent for just a trial basis.

Mr. Latkovic asked Mr. Cipriani how he encourages people to utilize the parking in the back. Mr. Cipriani said he has a few signs indicating there is additional parking in the rear, and he wouldn't have any problem adding

more of those signs. He said there are 33 parking spaces in the back. Mr. Latkovic asked if the Sleepy Rooster had a rear entrance. Mr. Cipriani said yes, they do, there is an awning over the doorway and the owners promote the parking in the rear. He said even if their regular customers park in the back, that would be a big plus. He added that there were three dumpsters in the back, and they are now down to two, and are currently working with Republic to remove another one to free up more space for parking. He said the bank has their dumpster on his property, and they will have to find a way to relocate it. He said he had offered to share a dumpster with the bank, but they are required, due to security issues, to have a locking dumpster.

Mr. Flaiz asked if it would be possible to create parking by the drive-up mailbox. Mr. Cipriani said it would cause issues with people backing up out of the other parking spaces, and that it is also a two-way traffic lane. Mr. Flaiz suggested parallel parking spaces. Mr. Cipriani said he would look at that possibility, and he would even be willing to remove some of the grassy area to accommodate what could become four parking spaces. Mr. Flaiz said he would hate to see more pavement, Mr. Cipriani agreed.

Mr. Latkovic asked why the new stamped concrete would be even with the existing asphalt and not raised. Ms. Reighard said it would be for wheelchair access. Mr. Latkovic said the front of the building has a raised sidewalk. Mr. Cipriani said there is a ramp in the front center of the shopping center, between the two handicapped parking spaces. Mr. Latkovic asked if there would be a ramp on the side going down off it, or would they have to enter through the front gate. Ms. Reighard said they would be able to use the front or back gate. Mr. Latkovic asked if the side door would be accessible for patrons to use the restrooms. Mr. Jenks said that door would be only for servers. Mr. Latkovic said if a customer on the patio would need to use the restroom, they would have to exit through a gate and enter the restaurant through the front door. He went on to say that a patio customer in a wheelchair would have to come out of the gate, go to the front of that and go to the middle of the center. After that statement, discussion followed between the architects, Mr. Cipriani and Mr. Jenks regarding handicapped accessibility. Mr. Latkovic said he doesn't know what is required per ADA. Mr. Cipriani and Mr. Latkovic both suggested ramping the end sidewalk toward the front of the patio for easier accessibility for both wheelchairs and walkers.

Mayor Koons asked Mr. Hocevar if they were creating a monster due to the parking situation. Mr. Hocevar said with the patio addition, the site would be 20 parking spaces short. He said the board has the option of regulating the occupancy load, or leaving it as submitted. Mr. Hocevar distributed a document to board members regarding his calculations on the parking. Mr. Latkovic noted that the required parking for Sal's is 12, and that he doesn't ever see that as being needed for that space. Mr. Hocevar said the current Village zoning regulations for parking could be updated and confirmed that parking requirements are based on square footage, except for restaurants, which are based on seating capacity. Mr. Flaiz asked if the parking spaces in the back are striped, Mr. Cipriani said yes, they are, and the area is fairly well lit, with lights above every door. He said he would be open to adding additional lighting to promote rear parking. Mr. Flaiz said he doesn't feel more lighting is necessary and clarified that the employees utilize the rear parking lot. Mr. Jenks said yes, all employees do park in the rear. Mr. Cipriani said despite many conversations with Sal's, they are the only one who does not park in the back. Mr. Flaiz noted that is just one car.

Discussion followed regarding the parking regulations vs the practicalities.

Mr. Cipriani said he understands that the Planning Commission cannot set a precedent with the parking allowance, and that their approval would need to be based on the hours of operation, due to the different types of businesses in the plaza. Ms. Budoff asked if the restaurants are open at the same time. Mr. Cipriani said the Sleepy Rooster closes at 2:00pm, and Augie's opens at 11:00am, and said Augie's lunch business tends to be carry out, and their seated patrons tend to be for dinner.

Mayor Koons asked Mr. Jenks, from his experience, if he anticipates any headaches due to the interior expansion, proposed patio, and the subsequent increased seating capacity. Mr. Jenks said he went to culinary school, and he has worked at Blue Canyon in Twinsburg, which has 500 seats. He went on to say that he is more comfortable in a restaurant with a large sit-down volume rather than in a carry out pizza restaurant. He

said the big thing for him is the expansion of his kitchen, which will have two pizza ovens and other additional equipment necessary for the increased volume. He said he feels they have been working toward this expansion over the last six years.

Mayor Koons asked Mr. Cipriani if he sees people parking on Village property and running across 306, if available parking becomes an issue. Mr. Cipriani said he can't imagine that happening. Ms. Budoff said even going across Bell Road from the gas station would be a problem. Mr. Cipriani said he knows the owner of the office building that is right behind the plaza, and he thinks they would be open to helping out, it would be income for him if there were an event that would require valet.

Mr. Latkovic said it is hard to tell from the drawings, but the giant white fence in the back makes it feel less accessible. He said he would recommend considering signage on that fence that would work aesthetically, indicating there is quick and easy access to parking and entryways in the back. Mr. Cipriani agreed that would be a good spot for a sign. He went on to say that the owner of the hair salon could have her customers enter through the back, since many of them are elderly and they have a zero-clearance walkway, making access easier.

Mr. Flaiz noted that with the expansion and patio, Augie's would be a huge restaurant, and asked Mr. Hocevar how this compares to the seating at Panini's. Mr. Hocevar said this would be larger than Panini's. Mr. Flaiz asked why they are extending the patio fencing along the front of the restaurant. He suggested gating it elsewhere. Mr. Latkovic agreed and said it would look better and save them some money. Discussion followed about egress.

Mr. Latkovic asked what color the bollards would be painted. Mr. Cipriani said they are available in many colors, and some of his other tenants like the bollards painted to match their colors, and there is also reflective tape that can be added to the bollards. Mr. Latkovic said you could actually use black reflective paint. After discussion, it was determined that some sort of reflective materials should be used on the bollards,

Mr. Latkovic asked about their ideas for lighting the patio area, as it was not on the plans. Ms. Reighard said lighting could be added to the outside of the building, and sometimes, if umbrellas are being used, they have lighting added to the inside of them. Mr. Flaiz said the area is currently pretty well-lit. Mr. Cipriani said after they put light fixtures on each of the poles in the parking lot, together with the LED lights under the canopies, the area does light up nicely. He said they would have to do some additional lighting along the side.

Ms. Budoff asked if they were going to install a canopy over the patio. Mr. Jenks said they have thought about installing a retractable awning but that nothing is definite.

Mr. Flaiz said when he first saw the plans for the patio, he was not comfortable with it, but now he is okay with the patio. He said what worries him is the overall size of the restaurant. He asked Mr. Hocevar what his opinion was. Mr. Hocevar said the Planning Commission has the option to regulate the number of seats. He said that the Plans Examiner will also look at the ingress and egress, and the length of travel. He went on to say that because they would be getting a Conditional Use Permit, the Planning Commission can also put a time limit on the renewal of the permit.

Discussion followed regarding the stipulations the Planning Commission would require.

Mr. Flaiz asked the hours of operation of Augie's. Mr. Jenks said they are closed on Mondays, and are open on Tuesday, Wednesday and Thursday from 11am-8pm, Friday and Saturday from 11am-9pm. Mr. Flaiz said one of the things the Planning Commission has done on Washington Street, as part of their Conditional Uses, was to limit hours of operation in order to control the parking. Mr. Jenks said he is not looking to become a 2am bar, and that the bar is an area primarily used for the storage and distribution of the alcohol. The seating at the bar is used primarily by people who sit and have a drink while waiting for their carry-out pizza.

Ms. Budoff said that although Augie's closes at 9pm, she feels that people will stay later. Mr. Jenks agreed, and said they stop seating at 9pm, they may stay until 10 or 11pm, but he doesn't think much past that.

Mr. Flaiz said what always worries and concerns him about having a restaurant there does not relate to Augie's, but rather if Augie's leaves, and a "Coyote" type place takes over their space. Ms. Matheney said given that concern, the board may actually want to consider moving on the rezoning before you decide to grant a Conditional Use Permit because a Conditional Use is non-assignable and non-transferrable.

Mr. Flaiz brought up having restrictions on outdoor music, and Ms. Budoff thought motorcycle parking should be addressed, since it is an issue in Chagrin Falls.

Mr. Latkovic asked Ms. Matheney if the zoning change had to go before any board other than the Planning Commission. Ms. Matheney said Council would have to approve the zoning change. Mr. Latkovic said if the zoning change were adopted tonight, it could not be rezoned prior to Augie's possible approval, since it has to go before Council. Ms. Matheney said yes, that is correct, and there are notifications that are required as well.

Mr. Flaiz said he did not want to hold them up, and asked Mr. Jenks when they wanted to start the project. Mr. Jenks said they haven't even started the interior portion of the project yet, and that is his priority. He said he hopes to begin that work in a week or two, with his goal for completion to be a few months. He said he considers the patio as Phase II, and that it may be next year before it is installed. Ms. Budoff said that would allow them to see if any parking issues arise. Mr. Latkovic said the three-hour overlap during lunch is what it is, and from his perspective the patio is a great project. He said he understands Mr. Flaiz's concern about the size of the restaurant, but that a long-time business rooting down in the Village is good for the tax base and for employees, and this is the kind of thing the Village wants. He went on to say that the point made about not having the hours overlap is important. Mr. Latkovic confirmed with Ms. Matheney that if this case were conditionally approved tonight, it would terminate if Augie's ever left. Ms. Matheney said that is correct, a Conditional Use, unlike a Variance, does terminate with the business.

Mr. Flaiz asked Ms. Matheney about the correct procedures given the rezoning of the parcels that is also moving forward and asked if they could approve Augie's without the zoning first being changed. Ms. Matheney said procedurally, her preference would be to have the rezoning done first. Mr. Flaiz asked if they could approve Augie's conditional on the rezoning going through. Ms. Matheney said yes, that could be done, but cautioned that if the rezoning does not go through, it would impact their project. Mr. Flaiz said the rezoning has to go through, as there have been two restaurants operating illegally in the plaza for many years. Mr. Latkovic asked Mayor Koons if he thought Council would support the rezoning. Mayor Koons said he feels they would definitely be supportive. Mr. Flaiz said the Village campus would be included because of the operation of the Farmer's Market is dicey.

Discussion followed regarding the possible conditions that would need to be placed on Planning Commission approval. The lack of sufficient parking in relation to the hours the businesses are in operation was discussed. Mayor Koons expressed concern about granting approval without first addressing issues within the code. Mr. Latkovic said he understood his concern, and the reason he would suggest the board consider giving conditional approval is to avoid the applicants from having to appear before the Planning Commission again.

Mr. Flaiz said he had hoped the board could give clear direction to the applicants, and once again asked Mayor Koons if he felt Council would support the zoning change. Mayor Koons said he did not think it would be a problem. Mr. Galicki agreed, and said it would be basically legalizing actions that have been in place for decades.

Mayor Koons asked Mr. Cipriani if he would consider speed bumps, either permanent or temporary. Mr. Cipriani said he would consult with the Police Chief for his opinion as to where the best locations for speed bumps would be. Mr. Jenks said he would not be opposed to speed bumps, since it may deter people from cutting through the lot.

Mr. Flaiz went over the conditions that were discussed, starting with, at the north driveway, requiring a yellow dividing line and directional traffic arrows on the parking lot, plans examiner review and approval of plans, reflective paint or tape on bollards, hours of operation for patio seating no later than 10pm, no outdoor music,

installation of a speed bump on the north access drive, location to be determined by the plaza owner, in consultation with the Police Chief.

Mr. Flaiz asked if there were any other issues. Mr. Hocevar brought up the parking issue, reiterating that with the patio approval, the plaza would be 20 spaces short. He asked if the Planning Commission would want to limit the occupancy load to what the regulations say. Mr. Flaiz said if the Sleepy Rooster had dinner business, he would be looking at this very differently. He went on to say that they had been presented with a similar situation on Washington Street with Snap Fitness and Cultivate, who both had differing hours of operation. Mr. Hocevar said if the Planning Commission is good with it, he's good with it, he just needed some direction. Ms. Budoff said she is fine with the parking situation. Mr. Flaiz said there isn't an overlap, and there is not going to be 50 people there at once. Mr. Jenks said his lunch business is mostly customers picking up slices of pizza, and people are in and out. He said his dinner business begins at 4pm, and he hopes to upgrade the menu.

Mr. Flaiz complimented Mr. Jenks and said Augie's is better than it has ever been with him running it. Mr. Jenks thanked him.

Mayor Koons asked Ms. Matheney if the Village was weakening themselves by not taking on the parking issue and instead just keep giving allowances. Ms. Matheney said that it's okay to give allowances. She said she does recommend something be done to address the parking issues and that she does think the parking lot will be crowded, but that's also a good thing. Mr. Jenks said his only real concern are Fridays, Saturdays and Sundays, and if they find they need to restructure something, they will. Mr. Flaiz said he has been to the Sleepy Rooster when it has been full, with 10 people waiting for a table, and the parking lot is around 2/3 full, and that's just the front parking lot.

Mr. Latkovic said he is also not concerned about the parking, but asked Ms. Matheney what her suggestion would be. Ms. Matheney said she would suggest limiting the seating to be more consistent with the regulations. It was determined that the seating would have to be cut by 40 seats in order to be in compliance with the current regulations. Ms. Budoff suggested limiting seating during the overlap hours. Mr. Latkovic said to limit seating during specific hours would be very tricky. Discussion followed over the required parking spaces per code vs the actual number of spaces needed per business. Mr. Latkovic pointed out that, per code, Sal's requires twelve parking spaces, which is probably 10 too many. It was also thought to be unlikely that Hair World and Previously Adorned need their required 6 parking spaces per business.

Mr. Flaiz asked Ms. Matheney if the Planning Commission could review the parking situation one calendar year after the completion of the project. Ms. Matheney said yes, they could do that. Mr. Flaiz said if, at that time, it is determined to be a problem, they would review the allowed seating capacity. Mr. Flaiz added to the list of conditions that the Planning Commission will review, solely for seating capacity and parking issues, one year from completion of exterior and interior of renovations.

Ms. Reighard said another reason the patio would be installed to be even with the asphalt is so the owners could choose to no longer use the area for a patio. Mr. Hocevar said the Commercial Building Review by the Plans Examiner may very well put a seating limit on the outdoor patio due to length of travel.

Mr. Latkovic motioned to approve the submittal with the following conditions: at the north driveway, provide a yellow dividing line, add directional traffic arrows on the parking lot, install a speed bump on the north access drive, the location of such to be determined by the plaza owner in consultation with the Police Chief, that the Plans Examiner review and approve the plans, that reflective paint or tape be added to the bollards, that the hours of operation for patio seating be no later than 10pm, that there be no outdoor music, , and that the Planning Commission will review, solely for seating capacity and parking issues, one year from completion of both interior and exterior renovations. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

New Business:

Mr. Latkovic addressed the Council initiated amendment to Section 4.01(b)(4) of the zoning code to allow fences to be placed on the property line, as opposed to the current regulation requiring fences to be at least 3' from the property line.

After review, discussion and clarification of procedures with Ms. Matheney, Mr. Flaiz motioned to recommend a modification to the council-initiated amendment regarding fences in Section 4.1(b)(4) of the Zoning Code. Mr. Latkovic seconded. On roll call vote: Mr. Latkovic-Yes, Mr. Flaiz-Yes, Mr. Galicki-Yes, Mayor Koons-No, Ms. Budoff-Yes.

Mr. Latkovic next addressed the proposed initiation of Chapter 13. Mr. Flaiz had performed extensive research over a period of months, and discussion followed regarding his findings and proposed addition of Chapter 13 into the Zoning Code. Minor changes were made to his proposal.

Mr. Flaiz motioned to adopt and recommend approval of an amendment to the Zoning Code to enact new Chapter 13 regarding regulations of Food Trucks, which also included amendments to Sections 2.01 (106) (2) and the first sentence of 3.01 of the Zoning Code to address the use set forth in Chapter 13 excepted from the definition of retail and requiring a zoning permit. Mr. Latkovic seconded. On roll call vote: Mr. Latkovic-Yes, Mr. Flaiz-Yes, Mr. Galicki-Yes, Mayor Koons-No, Ms. Budoff-Yes.

Mr. Latkovic then opened the discussion regarding the proposed rezoning of three parcels that have been discussed at many previous meetings.

Mr. Latkovic made a motion to recommend an amendment to the zoning map to rezone parcel numbers 29-706406, 29-108179 and 29-705300 from the current B-2 District to the B-1 District. Mayor Koons seconded. On roll call vote, motion carried unanimously.

There being no further business, Mr. Latkovic adjourned the meeting at 10:10pm.



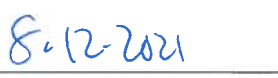
Steve Latkovic, Chairman



Ruth Griswold, Board Secretary



Date



Date