



## Village of South Russell

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

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### PLANNING COMMISSION MEETING Record of Proceedings February 10, 2022 at 7:30PM

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

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

**Visitors:** Colleen and Robert Truax, 17730 Lost Trail, CF 44023; Peter Cary, 6075 Chagrin River  
Road, Bentleyville 44022; Jessica and Nick Farinacci, 13676 GAR Hwy, Chardon 44024

Meeting called to order by Mr. Latkovic at 7:30pm.

Ruth Griswold conducted roll call.

Mr. Latkovic began the meeting by welcoming Mark Porter as the newest member. Mr. Porter thanked him and said he is looking forward to the experience.

**Mr. Flaiz motioned to approve the minutes from the Public Hearing Continuation and the Planning Commission meetings held on December 9, 2021. Mr. Latkovic seconded. On roll call vote, Steve Latkovic-Yes; James Flaiz-Yes; Mark Porter-Abstain; Mayor Koons-Yes; Elisa Budoff -Yes.**

#### **Agenda Item 1: PC Case #22-01: 477 Industrial Parkway-Suite A-New Tenant**

Robert B. and Colleen S. Truax, owners of Chagrin Osteopathic Medical and Massage, are seeking approval to locate their sports medical office and massage clinic at the above location.

Mr. Latkovic welcomed the applicants and asked them to begin their presentation to the board. Dr. Robert Truax introduced himself as a licensed osteopathic sports medicine physician. He said he and his wife Colleen would like to open a sports medicine and massage clinic in Suite A of 477 Industrial Parkway.

Mr. Latkovic referred to the building floor plan and asked the applicants to confirm their proposed location. Mr. Cary, property manager for the building, provided details regarding the existing tenants and the area that would be Dr. Truax's office.

Mr. Latkovic asked Dr. Truax to explain a little bit about what goes into sports medicine. Dr. Truax said the predominant focus of his practice is going to be exercise medicine and manipulation. Ms. Budoff asked if it was

similar to what chiropractors do. Dr. Truax said he is a fully licensed physician, and he did osteopathic manipulation as an intrinsic part of his training at Ohio University, and he will be engaging in diagnoses of musculoskeletal issues and prescribing his clients simple exercises to assist in their healing.

Mr. Flaiz asked Dr. Truax where he was currently practicing, Dr. Truax said he was with University Hospitals for 14 years, and he is now branching out on his own.

Mr. Porter asked if he felt they had enough parking spaces at the site. Dr. Truax said he feels confident they will have plenty of parking spaces since he will primarily be working one-on-one with patients at appointed times. He also said he will be working three days a week at this site, and on the other days Colleen, who is the office manager, will be there and he will not. Mr. Porter asked if he would eventually expand his staff. Dr. Truax said at this point that is not part of their plan.

Mr. Flaiz noted that the most they would have in the office at one time would be two patients. Dr. Truax agreed. Ms. Budoff asked if they accept regular health insurance. Dr. Truax said his practice would be cash only. Mr. Latkovic said he thinks this is a great little practice to bring into the Village.

**Mayor Koons made a motion to approve the submittal. Ms. Budoff seconded. On roll call vote, the motion passed unanimously.**

Mr. Latkovic and board members welcomed Dr. Truax to the Village. Dr. Truax said he hopes to be open in May. Mr. Porter asked if they were going to have any signage. Mr. Cary said he will present a ground sign proposal to the Planning Commission and to the Architectural Review Board in the near future. Mr. Flaiz complimented Mr. Cary on the improvements that have been made to the site.

### **Agenda Item 2: PC Case #22-02: 5192 Chillicothe Road-Suite 105-New Tenant**

Jessica and Nicholas Farinacci, owners of Maenza's Salon, are seeking approval to locate a full-service hair salon at the above location.

Mr. Latkovic asked the applicants to begin their presentation. Ms. Farinacci said she is taking over the business from her former boss whose last name is Maenza, the pronunciation of which is variable. She said the services they will offer include therapeutic and relaxation massage therapy, hair, and nails. Mr. Latkovic said he thought this building was at capacity. Mr. Farinacci said the suite they will be occupying was a former MRI room that has been vacant for about ten years. He said they will not have to do much interior work in order to accommodate the hair salon.

Mr. Flaiz said although the building is zoned to allow Personal Services, and salon services are a permitted use under that, he was somewhat surprised that the existing tenants and doctor's offices did not object to a nail and hair salon moving in. Ms. Farinacci said the Cleveland Clinic must approve all occupancies, which they did, and the Nova Care dermatologist and their salon will have many of the same non-competing customers. She said the State Board of Cosmetology requires salons to install exhaust fans that will eliminate odors. She went on to say that they will not offer customers artificial nails, and that is what produces offensive and noxious odors.

Ms. Budoff asked if they were not offering facials due to Nova Care's business. Ms. Farinacci said that is correct.

Mr. Latkovic asked how many customers they anticipate having in the salon at one time, on a good day, and how many stylists would be employed. Ms. Farinacci said they will have five stylists, but they are all independent contractors, and they work at various times on different days. Mr. Latkovic said the board is constantly concerned about parking issues, but that he doesn't think parking will be an issue at this site. Ms.

Farinacci said her salon would be the only business that is open five days a week, and the employee parking in the back will be utilized. She said Dr. Rood is also giving them 4 designated parking spots in the back.

Ms. Budoff asked how many mani/pedi stations they will have. Ms. Farinacci said they will only have one. Ms. Budoff said full capacity would seem to be eight patrons at most. Discussion followed about how some stylists also do massages and nails, so the capacity would be even less than that.

Discussion followed about the location of the proposed salon, and it was clarified that it is situated in the rear of the building but could be accessed from either the front or back entryways. Mr. Flaiz viewed an overhead Google view of the site and determined that the available parking was substantial, and he did not see an issue.

Mayor Koons asked the applicants where they will be moving from. Ms. Farinacci said they will be relocating from Bainbridge.

**Ms. Budoff made a motion to approve the submittal. Mayor Koons seconded. On roll call vote, the motion passed unanimously.**

Mr. Latkovic welcomed the applicants to the Village and board members wished them luck. Ms. Farinacci thanked the board and said they hope to open the business sometime in April.

#### **Old Business:**

Mr. Latkovic then addressed the items under Old Business. He said since Dave Hocevar was unable to attend the meeting tonight, he is hesitant to discuss the issue of short-term rentals. He briefed Mr. Porter on past discussions of the matter. Discussion followed regarding the feedback received from residents responding to the survey question printed in the newsletter. Mayor Koons said it was split 3-3, and some concern was expressed regarding long-term rentals and the property owner being held responsible for maintaining the property.

Mr. Flaiz said he agrees with Mayor Koons that regulating short-term rentals is a solution in search of a problem, and although there may be one or two operating in the Village, there have been no problems. Mr. Latkovic said he understands that perspective, but he thinks it should be addressed before it does become an issue. Ms. Budoff said she thinks it should be permitted with parameters and registration, and that the matter was brought up after a neighbor approached her and asked if the Village had any regulations.

Mr. Latkovic said it would be better to continue the discussion after Mr. Porter gets caught up with what has been discussed thus far, and at a meeting when Dave Hocevar is in attendance.

Mr. Latkovic then addressed the other item under Old Business, the review of the solicitor's zoning code recommendations. Ms. Matheney said she had written the language after the board addressed five items, and the board must now take action. She said language was written for the following: 3.04, Development Review; Planning Commission action on Conditional Use Permits; Action on Appeal; Certification of Action and definitions of Building inspectors. She also recommended further discussion on the Business and Industrial overlay.

Mr. Flaiz asked Ms. Matheney to resend the proposed language to all board members, noting that Mr. Porter will need to review the progress thus far.

Discussion began regarding the Industrial District. Mr. Flaiz said the area has evolved to more of an Entertainment and Health District and he would not want to see a smelting iron business located in the area. He said right now, restaurants are allowed in the district only under a Conditional Use permit and perhaps creating a new district, at least on the south side of Washington, would be a good idea.

Ms. Matheney said the actual Zoning map identifies the district as a B and I District, and the Village does not have an actual B and I district in the text of the code. She said the map and the text must match, which was why she initially brought it up during her review of the Zoning Code.

Mr. Porter said in a way it does make sense to have an entertainment district. Mr. Flaiz said under the current zoning, you could have a tire manufacturer move into the district. He said 20-30 years ago there used to be a lot of industrial work in the area, but that is no longer the case.

Mr. Latkovic said the board has devoted considerable time talking about various issues with the Zoning Code and Ms. Matheney has spent a lot of time going through the code. He said the board should definitely attempt to move forward with their proposed amendments and corrections.

Mr. Latkovic said he will not be able to attend the next meeting on March 10. Ms. Budoff noted the April 14<sup>th</sup> meeting falls on holy Thursday. It was decided to keep the March 10<sup>th</sup> meeting date, and to reschedule the April 14<sup>th</sup> meeting to April 7<sup>th</sup>.


Discussion began regarding the recently approved Conditional Use Permit issued to PonyBoys Restaurant. Ms. Matheney said the condition that allows for random site visits by Village personnel should be changed or removed completely. She said it would be considered an illegal search unless the owner gives you permission, and it has become a serious issue in other municipalities. Mr. Flaiz said the reason for that condition was due to his concern that the owners of the restaurant would add more seating after gaining Village approval. He said he also wanted it made clear that it would be in their best interest to make things go smoothly, and as far as he knows, there have been no issues. Mr. Latkovic asked Ms. Matheney what the risk of not removing the condition would be. Ms. Matheney said it could not be enforced. Mr. Flaiz asked if the condition could be changed to **“The business will be subject to random site visits by the Village Fire Marshal”** and not mention compliance with the conditions. Mr. Latkovic said he believes that courts have determined that the Fire Marshal is permitted random site visits due to the safety concerns. He asked if Health Department inspections can be random. Ms. Matheney said yes, that is permitted, and the Village has also made the Fire Marshal inspection a condition in the past.

Mr. Latkovic suggested leaving the condition as it is, and if it becomes a problem, since they have been made aware of the constitutional limitations that exist, they will be mindful in proceeding. Mayor Koons suggested having the Fire Marshal visit all the restaurants on East Washington, not just PonyBoys. Ms. Matheney said she will have to research the Fire Code to determine the extent of their authority. Ms. Matheney said if Village personnel would ask for and receive permission to inspect the restaurant, then that would be fine. She said it could also be as simple as taking the word **“random”** out of the condition.

Mr. Latkovic asked board members if they had any other matters to discuss. There were none.

Mayor Koons motioned to adjourn the meeting at 8:18pm. Ms. Budoff seconded.

  
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Steve Latkovic, Chairman

  
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Ruth Griswold, Board Secretary

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