



Village of South Russell

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

PLANNING COMMISSION MEETING MINUTES MAY 12, 2022 at 7:30PM

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

Member Absent: Mark Porter

Other Officials: Bridey Matheney, Solicitor; Dave Hocesvar, Building Official; Ruth Griswold, Board
Secretary

Visitors: Jennifer Emch, 516 East Washington Street; Peter B. Cary, 6075 Chagrin River Road,
Bentleyville 44022; Ryan & Kristin Scanlon, 5260 Chillicothe Road; Daniel Passalacqua,
317 Miles Road, 44022

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

Ruth Griswold conducted roll call.

Mayor Koons motioned to approve the minutes from March 10, 2022. Mr. Latkovic seconded. On roll call vote,
motion carried unanimously.

Mr. Flaiz arrived at 7:33pm.

Agenda Item 1: PC Case #22-06: 516 East Washington Street, Suite L

Mr. Latkovic welcomed the applicant and asked her to tell the board about her business. Jennifer Emch of
Ubuntu Wellness LLC began her presentation by distributing pamphlets from her business to board members.
She said her primary office is on Main Street in Chardon, and they have been there since 2015. They are
expanding to Chagrin based on demographic research and the increased need for holistic health services.

Mr. Latkovic asked which space they would be occupying. Mr. Cary, building owner, said Ubuntu would move
into the space previously occupied by the Cleveland Institute of Music, which has soundproofed individual

rooms, and therefore beneficial to Ms. Emch's business. Ms. Emch said the South Russell site would be for their clinical counseling services only, and their Chardon location will remain full-service. Mr. Latkovic asked what exactly is entailed in clinical counseling services. Ms. Emch said their focus is on counseling individuals that have experienced trauma, and they see many first responders and veterans, but they also counsel children and teens. Mr. Latkovic said she must be very busy, based on what he has seen. Ms. Emch said yes, they are super busy, and they have experienced a growth in business, unfortunately, due to people's suffering of late. She said they provide an important service and are excited to be located around similar wellness businesses and become a part of that community.

Mr. Latkovic asked how large the space was, and how many clients would they have at one time. Mr. Cary said the space is 1,370 square feet. Ms. Emch said there are four separate suites to accommodate clients. Mr. Latkovic asked if they thought they would eventually expand and provide other services in addition to the counseling. Ms. Emch said they would certainly like to, but they are mindful of the other businesses in the area that provide massage services and other therapies, and they don't want to take business away from them. She said eventually they would like to integrate all their services, but they will wait and see how they connect with the existing businesses.

Mayor Koons noted that parking will not be an issue and they have chosen a good location for their business. Mr. Flaiz said he is familiar with their Chardon location, and that they have a great reputation.

Mr. Flaiz motioned to approve the submittal. Mayor Koons seconded. On roll call vote, motion passed unanimously.

Agenda Item 2: PC Case #21-10-B: 506 East Washington Street-PonyBoys Restaurant

Ryan and Kristen Scanlon were present to address one of the requirements set forth in the approval of their Conditional Use Permit on December 9, 2021. Condition #6 reads: **"The Conditional Use permit will be reviewed by the Planning Commission on or before July 30, 2022"**.

Mr. Latkovic said the intent of the condition was to see how things were going after the business was up and running, as there were concerns mainly about parking and managing traffic. He asked Mr. Scanlon to tell the board how things were going for them.

Mr. Scanlon said they have received no complaints from their neighbors about the parking, and they have managed to keep the traffic from backing up on East Washington. Ms. Budoff said when she comes out of the 4:30 vigil mass at St. Joan's, there are always cars there but nothing holding up traffic, which has been great. Mr. Scanlon said they know the importance of managing the traffic flow, and the valet works very hard to do so. Mayor Koons asked if that has been the key to keeping the neighbors happy. Mr. Scanlon said they have maintained open communication with them, and they do not have any people running across their parking lots. He said they have good relationships with the people they lease the valet spaces from, and that he visits most of the neighboring businesses at least once a month to keep an open dialogue and to make sure they have no complaints. He said if they ever have any issues, they will address them.

Mr. Latkovic said the valet service they hired is very good at what they do. He asked Mr. Scanlon about how many patrons they have on a busy night, and have they experienced a lot of people driving around looking for parking. Mr. Scanlon said most of their customers use the valet, and they get very few people walking over. He said when they become aware of customers parking where they shouldn't, they address that. Ms. Scanlon said people know they are a small restaurant, and they have an online wait list that many customers check before heading out. Mr. Scanlon said he thinks their small parking lot hurts them because people drive by and see it full, and don't realize there are still seats available inside.

Mr. Latkovic asked him to go over how the valet works. Mr. Scanlon said the space next to the handicapped one is blocked off so the customers can pull forward, and the valet will then back them out and proceed to the off-site spaces.

Mr. Flaiz said he has been paying attention to the business, and he has never seen any backups or other issues. Ms. Budoff said she often sees the Ponyboys parking lot full when their neighbor's lots aren't. Mr. Flaiz said it seems that Hunan's is a lot less busy than they have been in the past. Mr. Scanlon said he thinks most of their business is take-out. Ms. Scanlon said Hunan bought the valet cones for Ponyboys.

Ms. Budoff asked how the take-out business is for Ponyboys. Mr. Scanlon said most of their business is dine-in.

Mayor Koons said he was worried about the whole situation beforehand. He said he patronizes Hunan's quite often and the owners are very happy, and no one has heard from the owner of the building, so whatever they are doing is working. He said they were going into a tough situation, and they have exceeded his expectations.

Mr. Scanlon said he and Mr. Gottschalk have really improved their relationship over the last few months, and his employees are frequent patrons of Hunan's.

Mr. Flaiz said he really appreciates their investment because the Violante's building had become a complete eyesore.

Ms. Budoff asked if they are planning to put up a sign. Mr. Scanlon said after appearing at the Board of Zoning Appeals and learning of the restrictions required to meet zoning codes, they couldn't find a ground sign that worked within those boundaries. Ms. Scanlon said if they install a sign, it would be on the building below the roof line and say "Ponyboys" in block letters to compliment the logo on the building. She said they also added the restaurant name to their valet cones.

Mr. Latkovic said he feels there is some positive feedback being heard tonight, and he recognizes that this process has been a little painful for them, and their cooperation is appreciated. He said that area is a tough spot with a difficult history, and the board has had many stakeholders to consider when anticipating the potential impact surrounding the opening a new restaurant. Ms. Scanlon said, looking back, the Village has been the easy part of their process. Mr. Latkovic said that is good to hear, and the board's responsibility is to represent the Village and do what is required as members of the Planning Commission, and balance that with encouraging businesses to locate in the Village. He said it sounds like it has worked out well, which was the intent.

Mr. Flaiz said that when he visited the restaurant, he was a little surprised at the occupancy limit set by the fire inspector, as it seemed that three more four-tops would fit comfortably. Mr. Scanlon said the day Mr. Flaiz was in, one of the four-tops was pushed against the back, so it appeared there was more room. He went on to say that they don't really want the seating any tighter than it is, because as a diner himself, he does not like that.

Mr. Latkovic said Ponyboys is definitely interested in adding more seating, but it would be outside. He said the board cannot do anything formal on the outdoor dining request tonight, because they must schedule another meeting and provide notification of that meeting to the contiguous property owners. He said this would be considered a request for a modification to the existing Conditional Use Permit. Mr. Latkovic said the applicants could explain a little bit about what they hope to get approval for.

Ms. Scanlon introduced their friend Dan Passalacqua, and said he was helping them with the design of their proposed patio. She referenced the large screen which showed the satellite view of Ponyboys and indicated where the patio would be. She said it is a 21x23 area currently consisting of pea gravel, which they would like to make concrete for the patio. Ms. Budoff asked where the dumpster is, and Mr. Scanlon pointed to the screen and indicated where it had been moved to. He said they would like to eventually put a closure around it to hide it from view. Ms. Budoff asked how many tables they would like to have on the patio. Ms. Scanlon said their

proposal will have 4 four-tops and 6 barstools that would be at the garage door opening at the bar. She said when the weather is nice, the patio would be a big draw.

Ms. Budoff asked if they thought a lot of people would be standing around the patio during happy hour. Ms. Scanlon said they have room for a soft seating area designed for waiting and hope to install a gas fire pit in that area if code regulations allow. Mr. Passalacqua said they would also like to erect a half wall with some screening for privacy between Ponyboys and the driveway at Hunan's. Ms. Scanlon said there would be a door to the patio from the inside, as well as an exit gate for emergencies.

Mr. Latkovic asked if they would have to add staff for the outdoor patio area. Mr. Scanlon said no, because in his years of restaurant experience, he has found that when an outside eating area is full, the inside is not.

Mr. Flaiz asked if the front of the stamped concrete patio would be in line with the front of the building. Mr. Scanlon said it would be about 3' before the front of the building, and the valet stand would remain where it is.

Mr. Latkovic said he thinks it's a great idea and told them when they come back, they should provide a plan and address the need for added parking. Ms. Scanlon said they are working on obtaining more off-site parking spaces to comply and asked if they could install the concrete pad prior to getting approval for the patio. Mr. Hocevar said installing the concrete would not be a problem, but for the patio plan, he must get the fire inspector involved because the means of egress must remain and cannot be blocked by tables and chairs. Mr. Hocevar said he would not like them to pour the concrete for nothing.

Discussion followed about possible ways to make the egress compliant with code. Mr. Hocevar said a detailed site plan showing exit doors and where the seating would be in relation to the exit is necessary.

Ms. Matheney asked if this would affect the seating limit imposed as one of the conditions, which reads, "**The seating limit before 5:00pm will be 32 seats, and the seating limit after 5:00pm will be 48 seats**". She said if so, it would be necessary to include that condition in the modification of the Conditional Use Permit. Mr. Latkovic said yes, that condition would need to be addressed as well. Mr. Flaiz said the capacity after 5:00pm was increased due to the presence of the valet, and his thought is that more capacity could be allowed earlier. Ms. Scanlon said unfortunately the restaurant is pretty quiet for lunch.

Mr. Latkovic said he assumes the applicants are anxious to get this done, and discussion followed regarding the earliest date possible for the Planning Commission to meet. It was decided, rather than have the applicants wait until the next regularly scheduled meeting on June 9, to schedule a **Special Meeting for Tuesday, May 31, 2022, at 7:30pm.**

Since Mr. Hocevar is unable to attend the meeting, Mr. Latkovic asked him if he had any particular concerns. Mr. Hocevar said as soon as he can see the plans and have a site visit with the fire inspector, he will write up a report for the board.

Mr. Flaiz told the applicant to also have the off-site parking lined up. Ms. Scanlon said if for some reason, they are unable to do that, would there be any point in having the meeting. Mr. Latkovic said, speaking for himself, if they cannot get any additional parking and want to add 22 more seats, that would be a problem.

Mr. Flaiz said the parking problem used to be very bad in that area, but that no longer seems to be the case. Mr. Latkovic said he feels that is partly due to Hunan's business being primarily take-out. Mr. Flaiz said it may also be due to Burntwood having been there for a long time. Ms. Budoff said pre-pandemic, Aurelio's had taken a lot of Burntwood's regular customers.

Mr. Latkovic thanked the applicants and said they would see them on May 31.

New Business: Council initiated amendments to the Zoning Code regarding deposits.

Mr. Latkovic asked Ms. Matheney to explain the initiated amendments to the Zoning Code. Ms. Matheney said currently, deposits are taken in for the Board of Zoning Appeals and Planning Commission, and \$100 is kept, with the remainder being refunded to the applicants after the meeting. She said this causes a lot of unnecessary administrative paperwork. She said it may have been set up that way in case of the need for experts to weigh in, but it doesn't really work like that anymore. This amendment would basically take away the word "deposit" and replace it with "fee." The actual required fee schedule would also be changed accordingly, so it would be an amendment of five code sections and the fee schedule. She said it may be easier to change the deposits to fees, then address the amount of the actual fees and have the fee amounts be the next round of amendments.

Mr. Hocevar said he feels the time is long overdue to bring the fees closer to what other municipalities charge.

Mr. Flaiz said they could recommend approval of changing deposits to fees and reduce the amount from \$500.00 to \$150.00 for the Board of Zoning Appeals. Ms. Matheney said yes, they could do that as well. He said to collect \$100.00 for a Minor Subdivision is ridiculous, since the billing of the experts may be in the thousands of dollars.

Ms. Matheney said there have been discussions with the Building Committee regarding fee increases, as well as assessing a nominal fee where there currently is none.

Mr. Flaiz expressed concern about passing the recommendation of changing deposits to fees if the fee is not decreased. Ms. Matheney said if the Planning Commission recommends approval, Council will have to hold a public hearing.

Mr. Latkovic said he understands that the Village's fees may be low in some places and high in others, but he feels that part of being a government is paying for some of these services, which they clearly are, but there should be a balance. He said as an example, for a minor subdivision that costs thousands of dollars, the fee should be substantial, but then an appeal to the Board of Zoning Appeals is seemingly a fairly low cost to the Village in a meeting that was otherwise taking place.

Mr. Flaiz said he believes township trustees also receive a stipend for serving on the boards. Ms. Matheney said she believes they do, and she believes where this is going is that there are other fees incurred when it comes to some of the appeals. Mr. Flaiz said he understands that some fees may be too low but feels charging \$500 if a resident wants a shed too close to the property line is excessive. Mayor Koons said it may cause them to simply proceed without Village approval. He went on to say that he feels they should approve the wording being changed from "deposit" to "fee" and come back next month to discuss the fee schedule. Ms. Budoff said she would like to have it quantified to some extent. She said she feels charging \$1000.00 for a zoning amendment discourages people from doing it. Ms. Matheney said it is a very costly and includes a zoning map change, and if a property owner initiates it, there are a lot of costs to that. She said what she has seen are amendments initiated by Council or the Planning Commission, and the fees do not apply.

Mr. Latkovic said he would be fine accepting Council's amendment and taking up the amount of the fees at the next meeting. Mr. Hocevar said when people are seeking variances for costly projects, he doesn't think \$500 is a lot of money to charge. Mr. Flaiz said he is thinking of the residents with minor requests, such as the location of their basketball hoop. Mayor Koons said they would have the revised fee schedule to discuss at the June 9th meeting. Mr. Flaiz suggested discussing it at the May 31st Special meeting.

After further review and discussion, Mr. Flaiz motioned to recommend approval of the following amendments, initiated by Council, to eliminate the taking in of deposits for zoning permits and to move to taking in only fees. Mr. Latkovic seconded. On roll call vote, motion passed unanimously. There are a total of 6 sections of the Zoning Code (Sections 3.04(f), 3.05(a)(2), 3.06(a)(2), 3.07(a)(2), and 3.10) as well as Schedule 1 of the Zoning Code recommended for amendment.

Mr. Flaiz said the process would be faster if the Planning Commission initiated the fee changes. Mayor Koons said he would forward the Building Committee's draft of the proposed fees to Planning Commission members. Ms. Matheney confirmed that the board could discuss the fees at the Special Planning Commission meeting on May 31, 2022.

There being no further business, Mr. Latkovic adjourned the meeting at 8:20pm.



Steve Latkovic, Chairman

6-29-22

Date



Ruth Griswold, Board Secretary

6-29-2022

Date