



Village of South Russell

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

**PLANNING COMMISSION PUBLIC HEARING
MINUTES
NOVEMBER 17, 2022 at 7:30PM**

Members Present: Steve Latkovic, Chairman, James Flaiz, Mark Porter,
Elisa Budoff

Member Absent: Mayor William Koons

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

Visitors: Lorraine Sevich, 11 Ridgecrest Dr; Kristen Scanlon, 5260 Chillicothe Road; Gary & Jo Ann Mynchenberg, 16 Louise Dr; Duane Sherry, 44 East Bel Meadow Lane; Justin Davies, 1708 Euclid Ave; Phyllis Marino, 124 Southwyck Dr; Greg Bruhn, 169 Chestnut Lane; Patrick Holtz, 31 Garden Park Dr

Mr. Latkovic called the Public Hearing to order at 7:30pm.

Ruth Griswold conducted roll call.

Agenda Item 1:

PC CASE # 22-0-9-A: 576 Industrial Parkway-Hawaiian Guys BBQ: Mr. Justin Davies of Paskevich & Associates, applicant for the property located at 576 Industrial Parkway, owned by Mr. Mark Derry, and on behalf of the proposed tenants Rachael and Duane Sherry, is seeking approval for a proposed catering kitchen, an enclosed area for BBQ smokers, and a stationary food truck. Pursuant to Section 3.05(b) of the Zoning Code, the applicant must obtain a Conditional Use Permit. Developmental review will also take place.

Mr. Latkovic asked that the board be updated on what has transpired recently regarding the Hawaiian Guys BBQ. Ms. Matheney said they appeared before the Board of Zoning Appeals on October 19, 2022, seeking an Area Variance for the smoker, and a Use Variance for the immobile food truck. The Area Variance was voted down, as the board felt that it was not as minimal as it could be, and the applicant withdrew their request for a Use Variance. She said the applicants will submit a request for a much smaller Area Variance request in December.

Mr. Davies said he and Dave Hocesvar plan to discuss the area variance for the smoker further, as it may not be needed after the most recently revised plans. Ms. Matheney said the Conditional Use permit would be for the

catering business, which is being considered a commercial restaurant in that district, and also for development review.

Mr. Latkovic asked the applicants to provide an overview of their proposed project. Mr. Davies said their intent is to build out the interior space at 576 Industrial Parkway to create a commercial catering kitchen, with prep food areas and storage, and utilize the existing office spaces. Mr. Latkovic asked if all the food would be prepared for off-site needs, and available for pick up or delivery. Mr. Davies said yes, their business model has shifted over the years and 90% of their business is off-site catering. An important part of this business is the smoking of meats, so they are also proposing the addition of an accessory structure to partially enclose two outdoor BBQ smokers. The 6' brick walls and metal roof of the smoke shack would help provide protection from the elements. He said all materials would be non-combustible and there would be a small overhang for wood storage. The smokers would be placed within the code-compliant 15' distance of the building, which was discussed with the Fire Prevention Officer.

Mr. Flaiz asked if there would be a chimney on the smoke shack. Mr. Davies said they are currently not proposing a chimney, and if the smoking process is being done correctly, there would be very little smoke, equivalent to a small campfire. He said the smoke would quickly dissipate and be minimally impactful. Mr. Flaiz said it is not necessarily just the smoke, but also the odor. Mr. Davies said the fire boxes for the smokers are enclosed and there will be smoke produced, so they could accommodate a chimney if the board so required. Mr. Flaiz asked for confirmation that the smoke and odor would come out underneath the roof and above the brick wall. Mr. Davies said yes that is correct. Mr. Sherry said to provide a visual, they add a split log to the fire approximately once every two hours, the chimneys on the smokers are covered, and they have a half-inch opening that releases smoke.

Mr. Flaiz said when he was at the site today, he noticed one of the smokers outside the building, and asked if it had been used yet. Mr. Sherry said they have used it in Burton, but not at this site. Mr. Flaiz asked how many units would be at the South Russell site. Mr. Sherry said there would one main one and a larger secondary one, which is currently at the site. He said the secondary one is used only a few times a year when they get a very large catering order.

Mr. Latkovic said he has two concerns, one being the smoke, and the other being the food truck with the associated traffic.

He said there are many different businesses in the area and would like to talk about the effect of the smoke on those businesses and their patrons. Mr. Flaiz noted that the proposed smokers will be a very short distance to the St. Joan of Arc baseball field and asked if the parish was notified of this proposed business. Ms. Griswold said yes, they were. Mr. Sherry said the main reason for the smoke shack would be to protect the public. Mr. Flaiz said the shack is open in the front. Mr. Sherry said they would consider installing a gate on the park side as an added safety measure. Discussion followed while viewing a satellite view of the general area.

Mr. Latkovic asked the applicant about the non-mobile food truck. Mr. Sherry said they have tried and failed to repair it to the point of being mechanically road-worthy, but to no avail. Now they are hoping to be allowed to utilize it as their catering kitchen until their build-out is complete. He said they would also like to use the window from the truck for retail sales to the public, which would allow their employees to work in between catering jobs.

Referring to the 2013 satellite view, Mr. Flaiz said they will obviously have to remove some trees and confirmed that the smoker will be in line with the left side of the building, be 15' from the building and 37' from the church property. He said upon visiting the site, it seems much closer, and asked if the food truck was going to be on the little patch of grass. Mr. Sherry said they are hoping to put it parallel and to the left of the white car.

Mr. Flaiz questioned the land coverage in the area and thought the applicants should be required to obtain a variance. Mr. Hocevar said the regulations were created after this area was developed, and that most Industrial Parkway properties exceed the allowed land coverage. Ms. Matheney said per Section 4.03, they should obtain a variance for lot coverage. Mr. Davies said they could run those calculations, and that there is a substantial wooded area behind the property as well.

Mr. Latkovic said as far as serving food from the food truck, this area would be very difficult for that. The parking is a challenge, even turning around is difficult. He said they have a very good product, and their business is expanding due to their success, but this is not the area that can support that success. Mr. Sherry said he appreciates his advice and asked if they could just do carry-out. Mr. Davies added that there would be no accommodations for any patrons to stay on the property. Ms. Budoff asked why they chose the hours of 4-8pm. Mr. Sherry said they spoke to all the other neighboring businesses and made their hours to be after the others were closed, so as to limit the traffic and parking issues.

Mr. Latkovic said allowing a carry-out business is a lot different than having patrons come to the site to pick up large catering orders. Mr. Flaiz said he would never vote for the food truck, but he is fine with the catering business. He referred to the Fire Marshal's suggestion of serving take-out from a window on the building, and after visiting the property, he said he found it very difficult to even turn his car around in that limited area. Mr. Sherry said he does understand the concerns of the board and asked if that means they would not be permitted to have carry-out. Mr. Latkovic said unfortunately the area was never designed for a restaurant, even if it would be for carry-out only, and he hopes they can find a more suitable space to have the truck parked for that purpose. Mr. Flaiz said he's been to their Burton site; the food is very good, and they are very busy. He said he wants Hawaiian Guys in South Russell, and he wishes the area could support their proposed take-out element.

Mr. Sherry asked the board if they would allow them to utilize the food truck for cooking for their catering business only, and only until the build out of their catering kitchen was completed. Mr. Latkovic asked how long they anticipate the build out to take. Mr. Sherry said it should be completed by May. Mr. Latkovic asked where they were cooking now. Mr. Sherry said they are not cooking anywhere since leaving Burton last week, so if they would be permitted to use the truck for cooking only, no carry-out, then it would be beneficial. He said they will focus on their catering business, and maybe they will be able to eventually park their truck somewhere else that would work better to serve food from.

Mr. Latkovic said this truck is not truly a food truck, it should be viewed as a stationary vehicle with a kitchen that will be used to prepare food for catering. If the board were to permit this, it would be because the truck is just a mobile kitchen being placed temporarily on site for that reason only. Mr. Porter said he has no problem with using the truck as a stationary kitchen for their catering business, and perhaps the Conditional Use could expire in June. Mr. Latkovic agreed, and said they could approve it until June 30th, but also allow for extenuating circumstances. Mr. Hocevar said the vehicle is still technically a food truck, and it must be licensed as such through the County and the Health Department. Discussion followed. Mr. Davies said the vehicle would have all the necessary inspections and licenses prior to any cooking. Mr. Latkovic said the Conditional Use that the Planning Commission is approving is for the preparation of food and a catering business. It is not Planning Commission that would approve whether the truck specifically could be used, but rather that the space in general could be used for catering.

Mr. Latkovic asked Mr. Hocevar if he had concerns about the Village's ability to ensure the food truck regulations aren't impacted by the potential approval of this submission. Mr. Hocevar said since all the inspections and licenses required for approval will be for a food truck, it will always be considered a food truck.

Ms. Matheney read the definition of a food truck from the ordinance: "*Food truck means any vehicle or trailer (whether self-propelled or propelled by an engine) which has been specifically designated or used for mobile food vending in which food is processed, prepared, and dispensed to the paying consumer.*"

Mr. Porter said since the food is not being dispensed to the paying customer, this definition would not apply. Mr. Flaiz said the intent of the ordinance was to avoid having food trucks being able to do business in various parking lots in the Village. Ms. Matheney noted that per the Fire Prevention Officer, in order for the kitchen to operate, they would still have to be licensed as a food truck by the City of Cleveland. Mr. Hocevar said that is correct. Discussion followed.

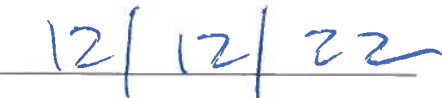
Mr. Latkovic asked for any public comments. Lorraine Sevich introduced herself and said that she is a neighbor of Gary and Jo Ann Mynchenberg and knows Duane and Rachael Sherry as well. She has been to their Burton location numerous times over the past five years. They operated in a residential area and right beside a school in Burton, with the Fire Department located behind them. She said they never had any problems and are very safety conscious. She agreed that the smell of food will carry but doesn't see that as a problem, as one can detect other restaurants in the area also.

Greg Bruhn asked if the food truck would be removed from the property at the end of June. Mr. Flaiz said yes, they would not allow it to be stored on the property.

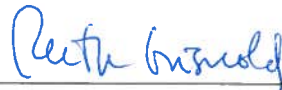
Mr. Latkovic asked for any other comments. There being none, the Public Hearing ended at 8:15pm.



Steve Latkovic, Chairman



Date



Ruth Griswold, Board Secretary



Date