



Village of South Russell

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

PLANNING COMMISSION MEETING MINUTES JANUARY 12, 2023 7:30pm

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

Member Absent: Steve Latkovic

Other Officials: Bridey Matheney, Solicitor; Rich Washington, CT Consultants; Ruth Griswold, Board
Secretary

Visitors: Greg Bruhn, 169 Chestnut Lane; Phyllis Marino, 124 Southwyck Drive; Brad Fink, 905
Bell Road

**Mayor Koons made a motion to have Mr. Flaiz serve as Acting Chairman. Mr. Porter seconded. On roll
call vote, motion carried unanimously.**

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

Ruth Griswold conducted roll call.

**Mr. Flaiz said there are three sets of minutes to be addressed tonight and they could all be approved at
once. Mayor Koons motioned to approve the minutes from the Special Planning Commission meeting
held on December 8, 2022, and from the Public Hearing and Special Planning Commission meetings held
on December 12, 2022. Mr. Porter seconded. On roll call vote, motion carried unanimously.**

Agenda Item 1: Manor Brook Landscape

PC Case #22-03-C: Discussion and Review of the Preliminary Landscape Plan for Manor Brook. Presented by
Rich Washington, Landscape Architect with CT Consultants.

Mr. Flaiz asked Rich Washington to begin his presentation. Mr. Washington said the meeting held at the Manor
Brook site on December 8, 2022, was beneficial since it allowed the opportunity to see the views and also what
had been actually cleared from the site. The discussion after the site meeting provided further direction.

He noted that the original plan showed a double row of 8' staggered evergreens. He referred to the display on the screens, and said the revised plan proposes a triple row of evergreens, staggered to have ten 8' tall evergreens planted on the perimeter, and then planting five 12' tall evergreens in the center to provide height and girth to fill in some gaps. He said although the discussions had also included providing additional mounding, after speaking with the engineers, their recommendation was to avoid adding any more fill on top of the culvert pipe. The hope is that planting the 12' tall evergreens in the middle would also make up for not having any increased height on the mound.

Mr. Washington went on to say that the new trees were sited so as to not interfere with the root zones of any existing trees. He said the 5 large trees would be Norway Spruce, which grow nice and wide and have an upright sweeping habit, and the 10 remaining trees would be White Spruce, which is a good heavy spruce. The trees would be spaced about 12-15' apart to get good air circulation, which is important in order for them to thrive. He said the Norway Spruce can get as high as 50' tall, and the White Spruce can grow to a height of about 40'.

Mr. Porter asked about the cost of the trees. Mr. Washington said the cost will most likely be between \$14,000-\$16,000, which includes bringing the trees to the site and planting them. There would be a mulch bed created around the trees, and a one-year warranty would also apply.

Mayor Koons asked if this proposal was overkill. He said the Village is going above and beyond what is normally done. Mr. Washington said over the years, many plantings in the area have been cut down and not replaced by the HOA. He said, as a result, the present landscaping is not what it was in the past. There are also currently a number of trees that need replacing as well. He feels that the replacement landscaping will be a lot denser than the original landscape plan.

Mayor Koons said he doesn't see what more could be done. Mr. Washington said he does not think adding another row of trees would help, and if you were to add larger trees, there would have to be less of them, and they are also difficult to find. The chance of survivability also decreases with the larger sized trees. He went on to say that the 8'trees produce faster growth than the 12' trees in the same amount of time.

Mr. Flaiz said he would like to see the approximate 20' gap between the easement and the end of the mound be addressed, as had come up in past discussions. He thought adding some trees in that area would help close the gap by extending the tree line near the road. He said he does think the revised plan is great.

Mr. Washington said he believes the plan as presented will provide a fairly immediate impact.

Ms. Budoff asked Mr. Washington if he was able to go look at the trees were planted at the property south of Village Hall, and if so, what type and height are they. Mr. Washington said he did view the property as suggested, and they are about 10' tall, about 10-12' apart, with a mix of white pine and spruce.

Mayor Koons asked what type of replacement landscaping Mr. Washington would suggest to the HOA. Mr. Washington said he would advise them to keep it to a mix of fir and pine trees, while staying away from Blue Spruce and Austrian Pine, stagger them and plant them no closer than 15' apart. He said adding a mix of native shrubs that are dense and can grow to be 10-12' tall would be beneficial. A landscape plan should also offer a variety of plant material to provide seasonal interest and screening.

Mr. Porter referred to the topographical map and noted that there is a 5' differential from the road to the top of the mound, and trees growing above that should create significant coverage from the road, and from the houses to the road. He asked Mr. Flaiz if they should move to approve.

Mr. Flaiz said his only comment, as mentioned before, is that he would like to see screening provided between the north end of the mound and the easement, something such as four or five smaller trees. He said for this particular area, he likes the plan as submitted.

Mr. Porter made a motion to approve the landscape plan as submitted. Mayor Koons seconded. On roll call vote, Mr. Flaiz-No; Mr. Porter-Yes; Mayor Koons-Yes; Elisa Budoff-Yes. Motion carried.

Mr. Flaiz thanked Mr. Washington for his patience and hard work.

Agenda Item 2: South Russell Village Park Restroom

PC CASE # 23-01: Pursuant to Section 3.05(b) of the Zoning Code, the Planning Commission shall schedule a public hearing within 60 days of the Conditional Use Permit Application, submitted on behalf of South Russell Village by Mayor William Koons, for a proposed restroom to be located at South Russell Village Park.

Mr. Flaiz said tonight the Planning Commission is only going to set a date for the Public Hearing. He asked if the hearing could be set for the next regularly scheduled meeting on February 9, 2023.

After discussion regarding the timeline, required notifications, plans and necessary lead time for ordering materials, Mr. Flaiz made a motion to set the date for the Public Hearing on Thursday, February 9, 2023, at 7:25pm. Mayor Koons seconded. On roll call vote, motion carried unanimously.

Old Business: Review of the Solicitor's Zoning Code Recommendations

It was decided that the Old Business would be discussed when Mr. Latkovic was present.

Mr. Flaiz asked if there was any New Business or public comments. There was none.

There being no further business, Mr. Flaiz adjourned the meeting at 7:54pm.


James Flaiz, Acting Chairman

2/9/23
Date


Ruth Griswold, Board Secretary

2-9-2023
Date



Village of South Russell

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

PLANNING COMMISSION MEETING MINUTES February 9, 2023 7:30pm

Members Present: James Flaiz, Acting Chairman, Mark Porter, Elisa Budoff

Member Absent: Steve Latkovic, Mayor William Koons

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

Visitors: Chris Kostura, 995 Bell Road; Greg Bruhn, 169 Chestnut Lane; Kristen Scanlon, 506 East Washington Street; Linda & David Holzheimer, 108 Southwyck Drive; Phyllis Marino, 124 Southwyck Drive

Mr. Porter made a motion to have Mr. Flaiz serve as Acting Chairman. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Mr. Flaiz called the meeting to order at 7:50pm.

Ruth Griswold conducted roll call.

Mr. Flaiz asked if there were any questions or comments on the Planning Commission Minutes from January 12, 2023. There were none. Mr. Porter motioned to approve the minutes from the Planning Commission Meeting on January 12, 2023. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Agenda Item 1:

PC CASE # 23-02: Pursuant to Section 3.05(b) of the Zoning Code, the Planning Commission shall schedule a public hearing within 60 days on the Conditional Use Permit Application submitted by Ryan and Kristen Scanlon, owners of PonyBoys Restaurant and applicant for the property located at 506 East Washington, owned by Mr. Thomas Violante, for a proposed sign on the front of the building.

Mr. Flaiz said the Planning Commission must schedule a Public Hearing because PonyBoys is operating a Conditional Use Permit, and therefore must appear before the Planning Commission for the replacement sign. Ms. Scanlon said they did not know they had to reappear before the Planning Commission since all they did was replace an existing sign with one that was even smaller. Mr. Flaiz asked Mr. Hovevar if there are any code issues regarding the sign. Mr. Hovevar said no, there are not.

Ms. Scanlon asked if there would have to be notifications sent regarding the next meeting. Ms. Matheny said yes, it is a requirement to notify all contiguous property owners and to publish a legal notice in the newspaper as well.

Discussion followed regarding the best date for the Public Hearing.

Mr. Flaiz motioned to cancel the regular Planning Commission meeting on March 9, 2023, and schedule the Public Hearing, followed by a Special Planning Commission Meeting for regular business on March 16, 2023 beginning at 7:30pm. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Agenda Item 2: South Russell Village Park Restroom

PC CASE # 23-01: The Village of South Russell Village is seeking approval for a proposed restroom to be located at South Russell Village Park.

Mr. Flaiz asked board members and visitors if they had any further comments or questions that were not brought up in the Public Hearing. There were none.

Mr. Porter motioned to approve the proposed restroom for the Village Park. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Old Business: Review of the Solicitor's Zoning Code Recommendations

It was decided that the **Zoning Code Recommendations** would be discussed when more board members were present.

Mr. Porter advised the board that regarding the **Manor Brook 319 project**, a resident had requested some trees planted in an area referred to as the "notch". This area is within the easement and South Russell would provide the maintenance. Council approved three 6-8' trees for that area. The planting should occur sometime in the Spring of 2023. Ms. Budoff said she thought that made sense. Mr. Flaiz said he wants to see the residents happy. He said as soon as the pipes are replaced and the project is working, it will be great.

Mr. Flaiz asked if there was any **New Business** or public comment. There was none.

There being no further business, Mr. Flaiz motioned to adjourn the meeting at 7:55pm. Ms. Budoff seconded. On roll call vote, motion carried unanimously.


James Flaiz, Acting Chairman

4/23/23
Date


Ruth Griswold, Board Secretary

4-13-2023
Date



Village of South Russell

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

PLANNING COMMISSION PUBLIC HEARING MINUTES

February 9, 2023

7:25pm

Members Present: James Flaiz, Acting Chairman, Mark Porter, Elisa Budoff

Members Absent: Steve Latkovic, Mayor William Koons

Other Officials: Bridey Matheney, Solicitor; Dave Hocevar, Building Official; Tim Alder, Service Department; Ruth Griswold, Board Secretary

Visitors: Chris Kostura, 995 Bell Road; Greg Bruhn, 169 Chestnut Lane; Kristen Scanlon, 506 East Washington Street; Linda & David Holzheimer, 108 Southwyck Drive; Phyllis Marino, 124 Southwyck Drive

Mr. Porter made a motion to have Mr. Flaiz serve as Acting Chairman. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Mr. Flaiz called the Public Hearing to order at 7:25pm.

Ruth Griswold conducted roll call.

Agenda Item 1: South Russell Village Park Restroom

PC Case #23-01: The Village of South Russell is seeking approval for a proposed restroom to be located at South Russell Village Park.

Mr. Flaiz said although the mayor is the applicant for this proposal, he is currently out of town and unable to present the details for the proposed restroom. He asked Tim Alder, Service Director for the Village of South Russell, to tell the board about the proposal.

Mr. Alder said the proposal is for the installation of a Double Rocky Mountain vault type waterless restroom with a timed lock. He said the entire structure is made of cement and aggregate, although the finished product will look as though it has a metal roof, wood siding and stone. The two vaults will be cleaned once a year, but twice a year if deemed necessary. Mr. Flaiz asked how the cleaning would be handled. Mr. Alder said they would hire a septic company.

Mr. Flaiz referred to the site plan on the large screen, and asked Mr. Alder to walk them through the placement of the restroom. Mr. Alder said the proposed restroom will be situated to have the doors facing west, as this orientation would enable parents to see their children that use the restroom when they enter and exit. Mr. Flaiz asked if it would be placed where the portable toilets are usually situated. Mr. Alder said that is correct.

Mr. Flaiz said it looks as though it is fairly close to the road, and asked Dave Hocesvar if the setback met zoning. Mr. Hocesvar said the front setback is 75', the side yard setback is 25', and the proposed placement does meet zoning.

Mr. Alder referred to the photo of the Double Rocky Mountain structure on the large screen and said there would be a light at the front, and a storage area at the rear of the structure. He said the plan is to keep the restroom accessible 24/7 after the installation, and the timed lock would be utilized if that becomes an issue. Mr. Porter asked where the clean-out would be situated. Mr. Alder said the clean-out is at the rear, facing the power lines. Ms. Budoff asked if the restroom would be open all year. Mr. Alder said yes, that is the plan. Mr. Porter asked about the proposed color and texture. Mr. Alder said they will attempt to match the pavilion by having the stone match the chimney, and the siding and roof color will also match as closely as possible. Mr. Porter asked if the submission would appear before the ARB. Mr. Alder said yes it will.

Mr. Flaiz asked for comments or questions from the visitors in attendance. David Holzheimer of 108 Southwyck Drive introduced himself and said he would like to see things going on at the park be simplified and kept natural looking. He said the shelter is very distinctive looking, and he would like to see the restroom kept very low profile, and efforts made to have it blend in with the tree line. He asked if the stacks could be grey-brown and not the very noticeable black color. Mr. Alder said they are black for a reason, as they absorb the sunlight, which creates the draft necessary for air movement.

Ms. Budoff referred to the stone colors and the board and batten siding and said the combination of the two are very low-key, and the structure will look much better than the porta-potty. Mr. Holzheimer agreed, and said he understands that the goal is not to make it a monument, but he would just like things to be kept as simple as possible. He asked if it could be done without the stone. Mr. Alder said they want it to match the pavilion. Mr. Holzheimer asked if it could be placed further back into the trees. Mr. Alder said it would not meet the zoning requirements.

Mr. Flaiz said the Planning Commission does not normally delve into design elements, and the submittal will be evaluated at the Architectural Board of Review. Mr. Flaiz said he does like the choices of the given options, and whoever picked them out has done a good job with that. Mr. Holzheimer said he is supportive of the proposal.

Phyllis Marino of 124 Southwyck Drive asked if there is an overall plan for the park. Mr. Flaiz said there is a Park Committee in the Village, which is made up of a Council member and some citizens. He said he was on Council in 2006 when the land was purchased, and it is very restrictive as to what can be done. A developer had wanted to build 300 houses on the land, and that was prevented by the Village purchasing the property. He said there are 3 acres on Bell where the Village can do whatever they want, and the rest of the land must remain natural. There are 10 acres on the Washington Street side that can be used for active recreation. The Village is quickly running out of space to do much of anything else on the Bell Road side, because of the 3 acre restriction.

Ms. Matheney said there is a Master Plan of the Village Park that can be viewed on the website.

Mr. Holzheimer said he is concerned that many random proposals will pop up in the future, such as a butterfly garden, flagpoles or dedicating a group of trees, all of which are good ideas, but may have a haphazard effect on the park as a whole. Mr. Flaiz agreed and said the Park Committee has to obtain Council approval before doing anything in the Village Park. The committee meetings are on the Village calendar and are open to the public for comments.

Greg Bruhn of 169 Chestnut Lane asked if there would be lights inside the restroom. Mr. Alder said there will be lights and power to the building. Mr. Holzheimer asked if the lights would be on all night. Mr. Alder said the light on the outside would be on all night, and the interior lighting may end up being on motion sensors with timers.

Ms. Marino asked if the facility would have flush toilets. Mr. Alder said no, there will be no water source to the building. Mr. Flaiz said the restroom will be similar to the one they have installed at Frohring Meadows, which is a vault style, with no running water.

Mr. Holzheimer asked if the lights would be on all night. Mr. Flaiz said it sounds like there will be a security light, such as the pavilion has, on the outside. Mr. Alder said it will be on all night, just like the pavilion light. Mr. Holzheimer asked if there could just be a motion light instead of having a light on all night. Mr. Alder said the lights provide a deterrent to vandalism.

Ms. Holzheimer asked when the installation would take place, and how long it would take to install. Mr. Alder said they are planning on having it done in the Spring of 2023, and it will only take a day to install. He said there is a backlog on the ordering end, so the sooner they can order it the better.

Mr. Holzheimer said there has obviously been a lot of thought put into the project, and he respects that, but he would really like to see a light activated by motion rather than a 24-hour light.

Mr. Flaiz asked for any further questions or comments. There were none.

Mr. Porter motioned to adjourn the Public Hearing at 7:50pm. Ms. Budoff seconded. On roll call vote, motion carried unanimously.


James Flaiz, Acting Chairman

4/13/23

Date



Ruth Griswold, Board Secretary

4-13-2023

Date



Village of South Russell

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

**PLANNING COMMISSION MEETING
MINUTES
March 16, 2023
7:30pm**

Members Present: Steve Latkovic, Chairman, Mark Porter, Mayor William Koons, Elisa Budoff

Member Absent: James Flaiz

Other Officials: Jarred Flynn, Solicitor; Dave Hocesvar, Building Official; Ruth Griswold, Board Secretary

Visitors: Kristen Scanlon, 506 East Washington Street; Bradley Fink, 905 Bell Road; Phyllis Marino, 124 Southwyck Drive

Mr. Latkovic called the meeting to order at 7:50pm.

Ruth Griswold conducted roll call.

Mr. Latkovic said there are two sets of minutes to approve from the Public Hearing and Special Planning Commission meetings on February 9, 2023. Mr. Porter motioned to approve. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Agenda Item 1:

PC CASE # 23-02: Ryan and Kristen Scanlon, owners of PonyBoys Restaurant and applicants for the property located at 506 East Washington, owned by Mr. Thomas Violante, are seeking approval for a proposed sign on the front of the building.

Mr. Latkovic said the discussion from the Public Hearing can be referred to in those minutes, asked the applicant to provide a quick overview of their sign for the benefit of these meeting minutes.

Ms. Scanlon said they replaced their previous sign with the current smaller sign and did not know they needed approval. She said they hope to change the color of the lighting to be more subtle color.

Mr. Porter asked if the Architectural Review Board still needs to approve the sign. Mr. Hocesvar said yes, the applicant still has to appear before the ARB.

Mayor Koons made a motion to approve the sign. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Discussion followed regarding the proposed exterior lighting the applicants want to install, and the need for a Public Hearing. Mr. Flynn suggested the applicant appear before the ARB for all the lighting at one time.

Mayor Koons mentioned that although the area around PonyBoys is very busy, there does not seem to be any issues with the parking situation, and complimented Ms. Scanlon on their efforts.

Agenda Item 2: PC Case #23-03: Review of Traffic Signal Support Easement to be located at 306 and Bell Road.

Mr. Latkovic asked for an overview of the project. Mayor Koons said basically it will be the installation of a large modern light pole, approximately 10" in diameter, and located a little farther north due to an existing underground gas line. The pole will bring improvement to the intersection. He said now that the weather is getting warmer, they plan to stake out the area where it will go. Mr. Yert, owner of the property on which it will be installed, has signed an easement agreement, and also wanted assurance that if the pole blocks his sign, then the Village will pay to have the sign moved. Mr. Porter said the Village Engineer is confident that the sight line will not be interfered with.

Mr. Latkovic asked how extensive the improvements to the intersection would be. Mayor Koons said he believes there will be three new poles altogether, but only one requires an easement onto private property.

Mr. Latkovic made a motion to approve the easement agreement. Mr. Porter seconded. On roll call vote, motion carried unanimously.

Old Business: None

New Business: None

There being no further business, Mr. Latkovic adjourned the meeting at 7:50pm.



Steve Latkovic, Chairman

4/13/23

Date



Ruth Griswold, Board Secretary

4-13-2023

Date



Village of South Russell

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

**PLANNING COMMISSION PUBLIC HEARING
MINUTES
March 16, 2023
7:30pm**

Members Present: Steve Latkovic, Chairman, Mark Porter, Mayor William Koons, Elisa Budoff

Member Absent: James Flaiz

Other Officials: Jarred Flynn, Solicitor; Dave Hocevar, Building Official; Ruth Griswold, Board Secretary

Visitors: Kristen Scanlon, 506 East Washington Street; Bradley Fink, 905 Bell Road; Phyllis Marino, 124 Southwyck Drive

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

Ruth Griswold conducted roll call.

Agenda Item 1:

PC CASE # 23-02: Ryan and Kristen Scanlon, owners of PonyBoys Restaurant and applicants for the property located at 506 East Washington, owned by Mr. Thomas Violante, are seeking approval for a proposed sign on the front of the building.

Mr. Latkovic said he is not sure about the rest of the Planning Commission members, but he has seen the sign, and thinks it is a nice-looking sign and hard to miss due to the lights. He asked the applicant to begin her presentation. Ms. Scanlon said they replaced their existing sign without first obtaining approval, thinking since it was a smaller sign it would be okay. They have since found out that is not the case, and that their former partner never got approval for the previous sign. She apologized for their mistake. Mr. Latkovic asked if the previous sign had been lit up. Ms. Scanlon said it was supposed to be, but they never got around to doing the necessary electrical work to make it so. She said as for the lighting on the existing sign, she hopes to eventually replace it with more of a yellow light than the current bluish LED color. Their plan is to request another Conditional Use Permit for more exterior lighting, and if approved, they will have their electrician address the light on the existing sign at that time and make it more subtle.

Discussion followed regarding the variables involved in the different colors of lighting choices.

Ms. Budoff asked if they had received any complaints from neighboring businesses regarding the sign. Ms. Scanlon said no, there have not been any complaints.

Mr. Latkovic asked board members and visitors for any further comments or questions. There were none.

Mayor Koons made a motion to adjourn the Public Hearing. Mr. Porter seconded.

Mr. Latkovic adjourned the Public Hearing at 7:37pm.



Steve Latkovic, Chairman

4/13/23

Date



Ruth Griswold, Board Secretary

4-13-2023

Date



Village of South Russell

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

PLANNING COMMISSION MEETING MINUTES

April 13, 2023

7:30pm

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

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

Visitors: Greg Bruhn, 169 Chestnut Lane; Phyllis Marino, 124 Southwyck Drive; Mike Roeder, 5740 Primavera Dr, Mentor; James Nace, 400 East Washington

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

Ruth Griswold conducted roll call.

Mr. Latkovic said there are two sets of minutes to approve from the previous month, and asked if board members had any comments, changes, or questions. There were none. Mr. Porter motioned to approve the minutes from the Public Hearing on March 16, 2023. Mayor Koons seconded. On roll call vote, Latkovic-Yes; Flaiz-Abstain; Porter-Yes; Koons-Yes; Budoff-Yes. Motion carried. Mr. Latkovic motioned to approve the minutes from the Special Planning Commission meeting on March 16, 2023. Mayor Koons seconded. On roll call vote, Latkovic-Yes; Flaiz-Abstain; Porter-Yes; Koons-Yes; Budoff-Yes. Motion carried.

Agenda Item 1:

PC CASE # 23-04: Pursuant to Section 3.05(b) of the Zoning Code, the Planning Commission shall schedule a public hearing within 60 days on the Conditional Use Permit Application submitted by Mr. Mike Roeder of EMOD LLC, on behalf of Mr. Christopher Woofert, Director of Operations for Chagrin Schools, to replace the current two-classroom modular unit with a four-classroom modular unit at Gurney School.

Mr. Latkovic asked the applicant to provide a brief overview of the project before the board discusses a date for the Public Hearing.

Mike Roeder of EMOD Construction introduced himself and said Chagrin Falls Schools asked his company to look at the possibility of replacing the existing two classroom modular unit with a four-classroom modular unit for the preschool programs at Gurney Elementary.

Mr. Roeder referred to the large screen showing the proposed structure. He indicated that the four-classroom building was built in 2013, and bathrooms were added by the previous owner. Gurney School plans to keep the bathrooms and make them usable for the young students and staff. He said the location would be where the current building is and would tie into the existing utilities. Mr. Roeder went on to say that they would also like to connect the usable entrance with a canopy that would tie into the school, providing protection from the elements as students and staff go back and forth.

Mr. Latkovic said the Public Hearing must be scheduled within 60 days, and asked if the next regularly scheduled meeting on May 11th would provide enough time for the necessary notifications to go out. It was determined that there would be sufficient time. Mr. Flaiz motioned to set the date of **May 11, 2023, at 7:30pm** for the Public Hearing. Mr. Porter seconded. On roll call vote, the motion passed unanimously.

Mr. Roeder asked the board if they would like to see anything other than what has been submitted thus far. Mr. Flaiz asked him to submit drawings that indicate how the canopy would tie in. Mr. Roeder said he could do that, and also provide photographic examples of canopies they have used on other jobs. He will also elaborate on the design and include the bathrooms on the drawings, adding that if there is going to be public comment, the submission should be more accurate.

Mr. Latkovic thanked the applicants.

Old Business: Review of the Solicitor's Zoning Code Recommendations

Mr. Latkovic said the Review of the Zoning Code recommendations should be at a meeting when Dave Hocevar is present.

New Business: Mayor Koons said he would like to discuss appointing alternate members to the Planning Commission. He said in 2019, there was no response from residents when the need for alternates was announced. In 2022, eight people responded, expressing interest in the opportunity to volunteer as an alternate. Over time, the candidates were reduced to three: Greg Bruhn and Phyllis Marino, who are both present tonight, and Brad Fink, who was unable to attend. He said the Building Committee met with Phyllis and Brad and is planning to meet with Greg in May. Mayor Koons said he recognizes that the Planning Commission is not something anyone could just jump into. Discussion followed regarding surrounding communities and their utilization of alternates.

Mayor Koons said the current legislation in South Russell allows for one alternate, and he would like that changed to allow three alternates, with the restriction of never having more than two serve at the same time. He said he would like the first of three readings presented at the April 24, 2023 Council meeting. He hopes to have the changes in place by the end of May.

Mr. Latkovic asked if the alternates would have to be sworn in. Mayor Koons said yes, that is a requirement. Discussion followed regarding scenarios when alternates would be called on.

Mr. Latkovic said he thinks having alternates is a good idea, and asked the applicants why they want to volunteer for this position. Ms. Marino said the position is of interest to her since she has been involved in planning during her career in health care, and she is also getting more involved in her neighborhood as the HOA president. Mr. Bruhn said he has been involved in real estate for most of his life, first as a lender and most recently as CFO of a development company. He said he has a long-term interest in the welfare of the community, and the Planning Commission is a focal point for making decisions that have a long-term impact.

Mr. Flaiz said the Planning Commission protects the appearance of our community more than Council, the Mayor, or any of the departments. He said they are the gatekeepers of the Village and play a vital role in keeping things the way the community wants them, and protecting the qualities of the Village that make people

enjoy living here. He said the Planning Commission performs a very important and underrated function in the Village.

Ms. Matheney said neighboring communities will often have two alternates serving on a board at one time in order to have a full board and said there may be a time when developers may need to come in and get their review, and three members are not available. She wants to make sure the Village is not tying itself down with that rule. She said if every alternate is getting all the information, she sees no reason why three couldn't serve at one time if and when that situation should arise.

Mr. Flaiz said what is unique about the Planning Commission, and different from any other board, is that it has both the Mayor and a Council representative as voting board members. He said he would hate to see someone try to game the system.

Mayor Koons said Jim makes a good point, and recalled past instances where applicants would postpone their review until certain board members were absent.

Mr. Latkovic said the rules could state that neither the mayor's nor Council's seat could be filled by an alternate. Mr. Flaiz said a meeting can always be rescheduled. Ms. Matheney said it would be beneficial to think it through to avoid being put in a difficult position later. Mayor Koons agreed and said there is time to give it some thought.

Mr. Porter said having the alternates available to fill in makes sense, and also to possibly take over a permanent position if a board member should vacate their position.

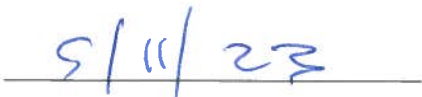
Moving on to other business, Mr. Flaiz said that it upsets him when the Planning Commission approves something, and then the person changes it. He noticed that the sign for Red Barn Commons is now completely lit up, and he also feels that they turned up the lighting over the entire area. The Planning Commission was very specific in allowing only the tenant names on the sign to be backlit, and now the entire sign is being backlit.

Mr. Latkovic thanked Jim for bringing it up, and he said in his opinion, what was done to the barn completely ruined a beautiful structure. He said the Planning Commission spent a lot of time on that submittal, and the owner should absolutely be held to the standards that were adopted, and to adhere to the requirements of the board. Mayor Koons said Dave Hocesvar will be advised of the situation when he returns on Monday.

There being no further business, Mr. Latkovic adjourned the meeting at 7:50pm.



Steve Latkovic, Chairman



Date



Ruth Griswold, Board Secretary



Date



Village of South Russell

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

PLANNING COMMISSION MEETING MINUTES May 11, 2023 7:30pm

Members Present: Steve Latkovic, Chairman, Mark Porter, Mayor William Koons, Elisa Budoff

Member Absent: James Flaiz

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

Visitors: Bob and Jo Royer, 233 Manor Brook Drive; Mike Roeder of EMOD Construction; Phyllis Marino, 124 Southwyck Drive; Chris Smith, 200 Fox Lane; Christopher Woofter, Chagrin Falls Schools; Jennifer Bencko, Chagrin Falls Schools

Mr. Latkovic called the meeting to order at 8:14pm.

Ruth Griswold conducted roll call.

Mr. Latkovic said he had no comments on the minutes from the meeting held on April 13, 2023. Mayor Koons motioned to approve; Mr. Latkovic seconded. On roll call vote, motion carried unanimously.

Agenda Item 1:

PC CASE # 23-04: Mr. Mike Roeder of EMOD LLC, on behalf of Mr. Christopher Woofter, Director of Operations for Chagrin Schools, is seeking approval to replace the current two-classroom modular unit with a four-classroom modular unit at 1155 Bell Road, Gurney School.

Mr. Latkovic asked that the Public Hearing minutes be referred back to for the discussion. He asked Ms. Matheney to provide a quick overview of the development review standards.

Ms. Matheney began by saying that the duty of the Planning Commission is to investigate and ascertain that the plans for development comply with conditions, and conditions must be provided by the applicant in order to receive a zoning permit to develop the property. She said it must be determined that the project is harmonious,

will not adversely affect neighboring properties, that the design is harmonious, and the water supply is adequate. Since the school is operating under a Conditional Use, per Chapter 7 of the Zoning Code, consideration must be given to ensure if the use would be properly located per the adopted land use plan, the use will generate minimum traffic in the residential neighborhoods, the use is necessary to serve the surrounding residential areas, the location, design and operation of the use shall not discourage or interfere with appropriate neighborhood development or impair the value of the surrounding areas, and the use shall comply with all applicable provisions of the zoning code, including parking, loading, sign regulations, frontage regulations and any other supplementary regulations.

Mr. Latkovic said considering the request is for a replacement of an existing modular classroom, the use of this is needed for the school, the fact that it is integrated behind the school, there is a parking and ingress and egress plan, and the use itself is consistent with the development of the whole area, he fully supports the project. He said he appreciates the time, effort and dedication shown by Mr. Woofter and the district. He said two of his children have been through the program, and he is very happy that the modular unit is being replaced, and that there is a continuing investing in the future.

Mayor Koons made a motion to approve the replacement of the modular classroom. Mr. Porter seconded. On roll call vote, motion carried unanimously.

Old Business: Review of the solicitor's zoning code recommendations

Mr. Latkovic said this discussion should be brought up at a meeting when all board members are present.

New Business: Ms. Budoff asked the mayor to share the status of the lighting on the Red Barn Commons sign. Mayor Koons said he spoke with Mr. Yert the day after the issue was brought up. Mr. Yert had recently agreed to sign an easement agreement to allow a traffic light post on his property and may now believe that he, in turn, should be permitted to have his sign lit up. Mayor Koons said he would speak with him again when he gets back into town. Mr. Latkovic said the reality is that one issue has nothing to do with the other. The Planning Commission spent a lot of time working with Mr. Yert, and it is very concerning that he is now refusing to comply with the conditional approval of his property. He said if he refuses to comply, he would be happy, as chairman of the Planning Commission, to send Mr. Yert an official letter detailing his rights, if it has to come to that.

There being no further business, Mr. Latkovic adjourned the meeting at 8:12pm.




Steve Latkovic, Chairman

James Fiaz Acting Chair

9/14/23

Date



Ruth Griswold, Board Secretary

9-19-23

Date



Village of South Russell

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

PLANNING COMMISSION PUBLIC HEARING MINUTES May 11, 2023 7:30pm

Members Present: Steve Latkovic, Chairman, Mark Porter, Mayor William Koons, Elisa Budoff

Member Absent: James Flaiz

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

Visitors: Bob and Jo Royer, 233 Manor Brook Drive; Mike Roeder of EMOD Construction; Phyllis Marino, 124 Southwyck Drive; Chris Smith, 200 Fox Lane; Christopher Woofter, Chagrin Falls Schools; Jennifer Bencko, Chagrin Falls Schools

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

Ruth Griswold conducted roll call.

Agenda Item 1:

PC CASE # 23-04: Mr. Mike Roeder of EMOD LLC, on behalf of Mr. Christopher Woofter, Director of Operations for Chagrin Schools, is seeking approval to replace the current two-classroom modular unit with a four-classroom modular unit at 1155 Bell Road, Gurney School.

Mr. Latkovic asked the applicants to begin their presentation. Mr. Woofter began by thanking the South Russell community and Planning Commission for the opportunity to present. He introduced himself as Director of Operations and Human Resources. He said although the Superintendent, Dr. Penczarski, was unable to attend, she wanted it known that the project has her full support. He will talk about the project from a conceptual level, and then have the Pupil Services Director, Ms. Jennifer Bencko speak about the programming aspect from a pre-school and special education perspective, and then Mr. Mike Roeder of EMOD Construction will speak about the construction itself.

Mr. Woofter said the existing space currently has two connected modular units that have been there for ten years and are nearing the end of their useful life. He said the replacement would be a four unit building with an awning and some steps. The decision to do this was based on some spacing issues related to enrollment and services. The final decision to move forward with the project was made in February and EMOD Construction

was contacted. They perform quality work and have extensive experience in this area. He asked Ms. Bencko to discuss why the classrooms are necessary from a special education and pre-school perspective.

Ms. Bencko said many people may not be aware that the school district has a legal obligation to provide special education services to children, starting at the age of three, who have been identified as having a disability or special needs. She said there has been a tremendous growth in need during the last two years, coupled with changes to school licensing rules, which encourage programming where special needs students are represented in a general education setting. They have expanded from two pre-school classes to four, due to the increase in needs, especially after Covid. The determination was made that the facility lacked adequate space to be able to provide the necessary additional services, and the expansion of the extra classrooms will alleviate that need.

Mr. Woofter added that the existing playground in that area will be converted to a more pre-school appropriate playground.

Mr. Roeder referred to the updated plans on the large screen, and said the building was built in 2012. The previous owners had added four bathrooms, three of which will be converted to accommodate the pre-school population. The building will have three classrooms and one staff work room. While the new building is larger than the existing one, it will still fit nicely into the space, with some reorientation of the main access. He said the school district also asked them to create a traffic circle for drop-offs and pick-ups. The access to all utilities is very close. There will also be a canopy over the main entrance to allow protection from the elements between the modular classrooms and the main building.

Mr. Woofter said additional school safety features will also be added during the course of the project.

Mr. Latkovic said he appreciates and values the continued partnership between Gurney and the Village. He knows from firsthand experience that this is a needed improvement. He asked the applicants what the expected life of the structure would be, and if cost was a factor in not building something more permanent.

Mr. Woofter said the anticipated life cycle of the structure is about fifteen years and the cost of the modular classroom building is very reasonable, which allows them to add the needed square footage and remain within their budget.

Mr. Porter asked what would happen to the old building. Mr. Roeder said they plan to take it apart and dispose of it off site. He said since they need to begin the project as soon as school lets out for the year, this would also be the fastest method of removal. Mr. Porter asked how long they anticipate the project to take. Mr. Roeder said they are hoping to be completed and ready in time for the new school year, around August 15th. Mr. Woofter said, judging from their past projects, he is very confident that EMOD will complete the project in time for the beginning of the next school year.

Mr. Latkovic asked if there would be any permanent parking by the turn-around. Mr. Woofter said it would be strictly for drop-off and pick-up, and there will be no parking. Mr. Latkovic asked how far back the turn-around goes. Mr. Roeder said its diameter is 50' and the radius is 25' and referred to the depiction of the area on the large screen. Discussion followed regarding the placement of the turn-around in relation to existing conditions.

Mayor Koons asked Ms. Bencko what methods are utilized to incorporate the special needs children into the larger school population. Ms. Bencko said there are many opportunities to do cross-grading activities, such as buddy classes, which provide good modeling for all of the students. She said some of the therapists will bring a mix of students together with activities in the main school building.

Mr. Latkovic asked what the anticipated enrollment for next year would be. Ms. Bencko said the anticipated capacity is about 56 preschoolers for the three rooms, and right now their enrollment is at about 46. She said the maximum enrollment two years ago was 32 students, and of those only 16 of the students had IEPs. There has been a significant increase since then. Mr. Woofter said early identification of the special needs of children is very important to their overall success.

Mayor Koons asked Mr. Roeder what the biggest problem is with modular units. Mr. Roeder said from an architectural standpoint, they are fairly plain, but landscaping can soften their look. They are metal sided, and painting has to be kept up in order for them to look decent. The roof is very easy to maintain, as are the HVAC systems. Mr. Latkovic asked about the interior acoustics. Mr. Roeder said the walls are vinyl covered, and the transfer of noise between rooms is very low, since two walls separate the rooms instead of one. If the room is noisy, it would be due to the 8' ceiling. He said the design of these rooms, per the State's requirement of 20 square feet per student, would allow 32 children, but he would suggest that realistically it would handle 20 children very well.

Mr. Latkovic asked if the structure has permanent electrical back to the building. Mr. Roeder said yes, it does, and Gurney updated their electrical about five years ago, and they have a feed for the existing, which will be doubled, and some things will have to be moved around a bit. There will be an exterior panel placed between the two buildings, which can be locked up.

Mr. Latkovic asked guests in attendance for their comments. Chris Smith of Fox Run introduced himself and asked if the building would be on pillars or on a foundation. Mr. Roeder said it would be about 36" off the ground with skirting of either vinyl, metal, or wood. Mr. Smith asked where the roof gutters would run to. Mr. Roeder said they would be tied into catch basins under the building and one to the side. The details regarding tying in have not been confirmed yet. Mr. Smith asked if the run-off from the added turnaround would go into the catch basins. Mr. Roeder said he believes so. Mr. Smith asked if he knew where the catch basins discharge to. Mr. Roeder said he was not sure. Mr. Smith said he wants to be sure the water runoff does not become an issue due to the added areas of impervious surfaces. Mr. Smith then asked if there would be any lighting on the new building. Mr. Roeder said there would be lighting at the doors, and he wasn't sure if there would be any more. Mr. Woofter said any additional lighting would be down-lighting, like the school currently has, and there wouldn't be any bright security lights. Mr. Smith asked how much more square footage the new building would have in comparison to the existing. Mr. Roeder said it is about double the size. Mr. Smith said his two concerns are water runoff and lighting. Mr. Woofter said the district's civil engineer has been involved in the review of the project to ensure the proper handling of water runoff, and if anyone would like to speak to the civil engineer regarding the project, that could be arranged. Mr. Smith asked if there were any variances needed for the new building. Mr. Roeder said they are not exceeding the footprint of the existing building, and they do not need any variances. The zoning application was displayed on the large screen and confirmed that the distances from lot lines are in compliance with the code.

Jo Royer of 233 Manor Brook asked if the school nurse would be expected to cover the increase in student enrollment. Mr. Woofter said yes, but the position is full-time at Gurney. Ms. Royer asked how the project would tie in with the proposed expansion of the transportation garage. Mr. Woofter said they have not put that project out to bid yet, and that the district has not yet made a decision, whereas the replacement of the modular classroom is nearing the end of its useful life, and funds have been allocated for the replacement. He said all the plans for proposed projects are also on the school website.

Mr. Smith referred to the satellite view of Gurney School and asked for clarification as to the placement of the turnaround and traffic flow. He wanted to be certain that no headlights would shine into any neighboring houses. Mr. Woofter clarified the direction of traffic and said pickup and drop-off hours would be from 9:00am-3:00pm.

Mr. Latkovic moved to adjourn the Public Hearing. Mr. Porter seconded.

Mr. Latkovic adjourned the Public Hearing at 8:13pm.



Steve Latkovic, Chairman

James Flaiz Acting Chair

9/14/23

Date



Ruth Griswold, Board Secretary

Ruth Griswold, Board Secretary

9-19-23

Date



Village of South Russell

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

PLANNING COMMISSION MEETING MINUTES

September 14, 2023
7:30pm

Members Present: James Flaiz, Acting Chairman, Mark Porter, Mayor William Koons, Elisa Budoff

Member Absent: Steve Latkovic

Other Officials: Bridey Matheney, Solicitor; Dave Hocevar, Building Official; Leslie Galicki, Acting Board Secretary

Visitors: Chad Verhoff, 15615 Priorway Drive; Greg Bruhn, 169 Chestnut Lane

Mr. Flaiz called the meeting to order at 7:30pm.

Leslie Galicki conducted roll call.

Mr. Porter motioned to appoint James Flaiz as Acting Chairman. Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Mr. Flaiz asked for any corrections or comments on the two sets of minutes from the Public Hearing and subsequent Planning Commission meeting held on May 11, 2023. There were none. Mayor Koons motioned to approve both sets of minutes, Ms. Budoff seconded. On roll call vote, motion carried unanimously.

Agenda Item 1:

PC CASE # 23-05: Mr. Chad Verhoff, Owner and Operator of Jackson Grey Jewelers, located at 516 East Washington Street, is seeking approval to be permitted to add the service of engraving firearms at this location.

Mr. Flaiz asked the applicant to introduce himself and begin his presentation. Chad Verhoff said he is the owner of Jackson Grey Jewelers, and thanked the board for accepting his application and gathering on his behalf.

Mr. Verhoff said he has been a metalsmith and a jeweler for 36 years, and has had his business in South Russell for 9 years. One year ago, he acquired a laser engraving machine which can be used to engrave many different items. This piece of equipment can also be used for firearm engraving. In speaking with the manufacturer of

the engraving machine, he learned of the necessary procedures on how to obtain a Federal Firearms License, which is required to handle firearms for engraving. This license allows him to engrave on certain firearms that cannot be disassembled, and also must be kept overnight. Designing an engraving could take a number of days, and the engraving itself may take 3-5 hours, which is why it may be necessary to keep the firearm longer.

Mayor Koons asked how he would handle a customer walking in the door with a shotgun in hand. Mr. Verhoff said it is a cautionary issue. There is a side door entrance, and because there are other businesses in the building, he would schedule an appointment and meet the client in order to not cause anyone alarm. Having been in the business 36 years, he is aware of the associated risks and has many precautions in place, and is in close communication with the police department.

Ms. Budoff said that was her concern, since people are bringing in weapons, what is to stop someone from robbing the establishment. Mr. Verhoff said he has a list of protocols in place, but he doesn't necessarily disclose what they all are. His experience in the industry has given him many tools to protect his business, including three sets of cameras, and bars on the outside windows.

He said they are pleasantly surprised that the shop has been averaging about 55 new clients every month, along with having many established regular customers. They often make appointments to meet with their customers, since there are only two people in the shop.

Mr. Porter referred to the letter Mr. Verhoff presented, which indicated he would be engraving or modifying firearms, and asked what he meant by modifying. Mr. Verhoff said the ATF considers engraving to be a modification.

Mayor Koons asked if this would be opening the door to having a retail gun shop. Mr. Verhoff said he has no intention or desire to buy and sell guns, and the license he is applying for would not allow that.

Mr. Flaiz said gunsmithing in that area would be permitted per the Zoning Code, but not a retail gun establishment.

Mayor Koons asked if the license would be transferable. Mr. Verhoff said there are a lot of steps to go through to obtain a Federal Firearm License, including background checks and fingerprinting, and they are not transferable.

Discussion followed about the extent of the services Mr. Verhoff would provide.

Mr. Flaiz asked board members if they had any further questions or concerns. There were none.

Ms. Budoff motioned to approve the application. Mr. Porter seconded. Or roll call vote, motion carried unanimously.

Mr. Verhoff thanked the board members and invited them to visit his shop.

Old Business: Review of the solicitor's zoning code recommendations

Mr. Flaiz said this discussion should be brought up at a meeting when all board members are present.

New Business: Mr. Flaiz said the remodeled building at Washington and 306 in Bainbridge has a newly installed LED message board on the corner that looks terrible. He researched Chagrin's sign regulations and said their codes have much better wording. Ms. Matheney said one of the zoning code recommendations is to change our sign regulations. Ms. Budoff asked if the Red Barn sign was still backlit. Mayor Koons said he believes so. Mr. Flaiz said it infuriates him, after all the time the Planning Commission spent on his case, that he

just ignores the conditions required by the board. Mr. Hocesvar said although he has not seen the sign lit up, he will send the appropriate notice if he is not complying with the conditions.

There being no further business, Mr. Flaiz adjourned the meeting at 8:12pm.



James Flaiz, Acting Chairman

10/12/2023

Date



Ruth Griswold, Board Secretary

10-12-2023

Date



Village of South Russell

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

PLANNING COMMISSION MEETING MINUTES

October 12, 2023
7:30pm

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

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

Visitors: Jae Kwon, 23804 E. Groveland Road, Beachwood 44122; Greg Bruhn, 169 Chestnut Lane; Brad Friedlander, 20 Oakshore Drive, Bratenahl, 44108; Phyllis Marino, 124 Southwyck Drive; Bradley Fink, 905 Bell Road

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

Ruth Griswold conducted roll call.

Mr. Latkovic asked for any corrections or comments on the minutes from the Planning Commission meeting held on September 14, 2023. There were none. Mr. Porter motioned to approve; Mayor Koons seconded. On roll call vote, the motion carried unanimously.

Agenda Item 1: 506 East Washington Street

PC Case #23-06: Pursuant to Section 3.05(b) of the Zoning Code, the Planning Commission shall schedule a public hearing within 60 days of the Conditional Use Permit Application submitted by Mr. Brad Friedlander, who is seeking approval for a new restaurant, new sign and use of the existing patio at **506 East Washington Street**, owned by Mr. Thomas Violante.

Mr. Latkovic asked the applicant to share a little about his proposal. Mr. Friedlander said he is taking over Pony Boys Restaurant and will be renaming it Lopez & Gonzalez. Mr. Latkovic explained that a Public Hearing date must be set for the full developmental review of his proposal. Discussion followed among board members regarding the date.

Mr. Flaiz made a motion to schedule a Public Hearing on PC Case #23-06 for November 16, 2023, at 7:30pm and also move the regularly scheduled Planning Commission meeting of November 9, 2023 to November 16, 2023 at 7:30pm. Mayor Koons seconded. On roll call vote, the motion carried unanimously.

Agenda Item 2: 5216 Chillicothe Road

PC Case #23-07: Dr. Jae Kwon is seeking approval to open a Veterinary Hospital in the former dental clinic located at **5216 Chillicothe Road**, owned by Jonathan Rosenthal, DDS, of Jabar Holdings.

Mr. Latkovic welcomed the applicant and asked him to begin his presentation. Dr. Kwon said he is a veterinarian, and is planning to lease the building at 5216 Chillicothe Road, which was previously a dentist's office, and convert it into a veterinarian practice exclusively for dogs and cats.

Mr. Flaiz asked if he would offer any boarding of animals. Dr. Kwon said no, he will not offer that service, and there will also be no overnight hospitalizations of animals.

Mr. Porter asked if he would be dealing with deceased animals. Dr. Kwon said he would only offer euthanasia and would outsource the cremation.

Mayor Koons said in the past that building has experienced water problems, which he believes have been resolved. Dr. Kwon said the realtor had made him aware of that as well.

Mr. Latkovic said parking is a concern for some businesses in the Village, and asked the applicant how many people he thinks will be at the establishment at any given time, including employees. Mr. Latkovic noted that the building has its own parking lot in front. Dr. Kwon said once the business starts rolling, he will have five people, including himself, working there. There will be three or four exam rooms, allowing four to five clients at any given time. He thinks the parking lot will be able to accommodate about ten cars, which should be sufficient.

Discussion followed regarding the number of parking spaces. Dave Hocevar said in this instance, the number of parking spaces required per the code is determined by the square footage of the building, and this site has ample parking and meets the requirements.

Mayor Koons asked Dr. Kwon if he would be leasing or buying the building. Dr. Kwon said he plans to lease for now, and when Dr. Rosenthal is ready to sell in a few years, he may consider purchasing the property.

Mr. Latkovic said he feels this is a great business to have in the Village. Mr. Flaiz recalled having a veterinarian once before at the shopping plaza across the street, and it was a hot topic because they did offer boarding of animals, but there were never any issues.

Mr. Latkovic asked the applicant what the plans for signage would be. Dr. Kwon said he is planning to keep the existing signage and just change the name. Discussion followed and it was determined that as long as the sign did not change in size or location, it would not have to come before the Planning Commission. Ms. Budoff asked if the sign had any lighting, and apparently it does not.

Mayor Koons motioned to approve a veterinarian business at 5216 Chillicothe Road. Mr. Latkovic seconded. On roll call vote, the motion carried unanimously.

Mr. Porter asked Dr. Kwon when he would be moving in, and he said it would most likely be February, as he currently works as an associate at another practice.

Board members welcomed Dr. Kwon to the Village and wished him luck.

Agenda Item 3: 1225 Bell Road

PC Case #23-08: Mr. Donald Yert is seeking approval for occupancy to relocate his D.R.Y. Insurance offices to **1225 Bell Road**. The offices are currently located at 5197 Chillicothe Road.

Mr. Latkovic asked Mr. Yert to begin his presentation. Mr. Yert said he would like to move only a portion of his current offices into one of the 1,500 square foot units at 1225 Bell Road.

Mr. Porter asked if he ever got a tenant for the second-floor office space in his insurance building. Mr. Yert said no, he has not.

Mr. Flaiz said he recalls that historically, when a property is in violation of the building code, or of the conditions required by the Architectural Review Board or Planning Commission, the Village has denied or tabled new applications until compliance has been attained. He asked Mr. Hocevar to confirm. Mr. Hocevar agreed and said it has been a long time, but it has been done in the past. Mr. Flaiz asked Ms. Matheney if an applicant is in violation, is that a justifiable reason for the board to deny their application. Ms. Matheney said it could certainly be used for a reason, as anything the board wanted to consider could be used as an added weight to the decision.

Mr. Yert said the D.R.Y. Insurance is a separate entity from 1225 Bell LLC, and it has nothing to do with any violations. Mr. Flaiz said he is here seeking approval from the board for the use at 1225 Bell. He went on to say he is very troubled that, after going through a lengthy process last year on Mr. Yert's behalf, he has chosen to go against the agreed upon conditions and have the whole sign for the Red Barn Commons lit up. Mr. Flaiz said the Village has sent two letters of violation to Mr. Yert, which have been ignored. Additionally, he had made many improvements to the property that were not approved, and the board bailed him out on that and gave him a lot of leeway, which resulted in granting conditional approval. Mr. Flaiz said it is also very troubling that the security light on the north side of the D.R.Y. property that was supposed to be dimmed is now, once again, shining very brightly onto the adjoining property, which is against our ordinances. Mr. Yert insisted that the light was taken down a long time ago. Mr. Flaiz said anyone can see from the window that the dentist's office is currently lit up by the security light from the D. R. Y. Insurance property.

Mr. Latkovic asked Mr. Yert why he didn't comply with the first notice of violation regarding the sign, which made it necessary to send a second notice. Mr. Yert said the mayor was involved, and Mayor Koons said he would like to respond. He distributed information regarding the codes of South Russell and other signs in the area. He said he feels the whole thing is ridiculous, and when comparing the restrictions required of this sign as opposed to others in the Village, he believes it is unfair. The fact is that the Village doesn't have grounds to stand on, and when looking at the amount of light that's coming from the gas station and other areas, the barn sign is not a big deal, and we should just let it go.

Mr. Latkovic asked the mayor if he feels the sign is complying with what the Planning Commission adopted during the development review. Mayor Koons said no, but he thinks the board made a mistake during the development review and should reconsider. He doesn't think it's right that other situations have much more light and it's fine, but in this particular situation we seem to dig our heels in, and it just doesn't seem fair.

Ms. Budoff read from the violation notice, The Planning Commission approved the installation of the sign strictly under the following conditions, ***"...adopting the sign as presented, specifically with the flat polycarbonate face being the only back-lit part of the sign that will turn off at 10:00pm every night."*** She said she's confused as to whether the issue is the brightness or that it's not lit as required.

Mayor Koons said he feels they came up with some standards that should be reconsidered.

Mr. Flaiz addressed Mr. Yert and said he didn't comply with the Planning Commission. He asked him if the mayor told him he didn't have to change the sign. Mr. Yert said the mayor told him he would reconsider it because he gave his permission for the new traffic lights to be placed on his property, and he deserved some

compensation for that. Mr. Flaiz asked him if the mayor told him the sign would be reconsidered if he gave permission for the posts to be on his property. Mr. Yert said he didn't want to hold up the placement of the necessary traffic signals, and he didn't want monetary compensation, but he does want to be able to have a sign on his property that doesn't violate any codes. Mr. Flaiz asked him if the mayor said that would be okay. Mr. Yert said the mayor told him he would look into it and see what he could do.

Mr. Flaiz said he is outraged at that, and reminded the mayor that he voted for the approval of these conditions. Mayor Koons said he thinks it was a mistake. Mr. Flaiz said he realizes that the mayor has a lot of authority but that doesn't include overruling a decision of any boards or Council, and Mr. Yert has been flouting the authority of the Planning Commission for almost a year, and it turns out that it's due to some sort of side deal that was made regarding the traffic light posts. Mayor Koons said there was no side deal made, he simply told Mr. Yert that he would speak up on his behalf, since he feels Mr. Yert is being held to a different standard than others in the Village.

Mr. Flaiz referred to the printed handout that the mayor distributed and said that the South Russell Code states that one must shield adjoining properties against lighting from their property, which is exactly the problem at the corner property. He understands that that is a separate issue, but the Village does have an ordinance protecting adjoining properties from neighboring light sources.

Mr. Latkovic asked Mr. Yert why he put up a sign that was not in compliance with what everyone agreed upon and the Planning Commission adopted. Mr. Yert said the sign was already put up. Mr. Flaiz said that is not true; it had been manufactured, but not installed prior to the Planning Commission approval. Ms. Budoff asked Mr. Yert once it was installed, which areas of the sign were lit up. Mr. Yert said the top part was not lit. Ms. Budoff asked when the entire sign was lit up, and did he ask for permission to do so. Mr. Yert said no one ever saw the sign fully lit. Ms. Budoff said that is because the Planning Commission asked for it not to be fully lit. Mr. Yert said he wanted to show the mayor how the fully lit up sign still meets the standards and is no different than other signs in the area.

Mr. Flaiz said the approval was granted for a sign could not have the top lit, yet Mr. Yert still installed a sign with that capability. Mr. Yert said the sign was always capable of being lit and was already built, and again mentioned other signs in the area that are similar. Mr. Flaiz said the fact is that the sign that Mr. Yert has installed is in direct violation of the Planning Commission's approval.

Mr. Latkovic reminded Mr. Yert that he has now received two violation notices regarding the sign, and asked him if he planned on changing the sign to be compliant with what was adopted and approved. Mr. Yert said he guesses he has no choice.

Mayor Koons asked what other signs in the Village have to be turned off at 10:00pm. Mr. Latkovic said the problem is that the Planning Commission spent a lot of time on this development review, and the applicant is in violation of what was adopted by the Planning Commission, and it is gross negligence to come and pretend that because other signs are different, that the rules of the Planning Commission can just be flouted and ignored. This body, and this Village, has rules for a reason and if people decide to ignore those rules based on feeling that others are treated differently, then it all just falls apart. He said he is highly bothered by Mr. Yert's defiance, and added that Mayor Koons could have previously and reasonably expressed his thoughts to the Planning Commission, but that is not what happened.

Mr. Latkovic said that for Mr. Yert to now come before the Planning Commission seeking approval to move his business while he is blatantly and knowingly in violation of the Planning Commission's conditional approval is

appalling. He is not going to vote in his favor tonight, and he will never vote for that sign to be changed. Mr. Latkovic said he would only consider any future requests from Mr. Yert after the sign is in compliance.

Mr. Yert said he would turn the top light on the sign off.

Mr. Flaiz said turning off the sign is not good enough. He wants confirmation from the building inspector that the light at the top that backlights the red area is disabled and removed completely. Mr. Flaiz reminded Mr. Yert that the Planning Commission has to approve any business that wants to move into the office spaces at the barn, and he will not vote for any approvals until the sign is in compliance with the Planning Commission's conditional approval.

Mr. Flaiz motioned to deny the application in PC Case #23-08. Mr. Latkovic seconded. Mr. Porter asked if it would be better to table the application. Discussion followed regarding whether to deny or table. Mr. Latkovic said he is fine with tabling the issue. Mr. Flaiz withdrew his motion.

Mr. Porter said by tabling the application, Mr. Yert has time to comply, and he can return to the Planning Commission. Assuming he remains in compliance thereafter, the Planning Commission would consider his application at that time, and perhaps make it conditional on the sign being compliant with the prior Planning Commission decision. He is suggesting this compromise because, to a large degree, Mr. Yert has been a very good and helpful property owner in connection with the recently installed traffic lights. Mr. Porter said he recognizes that Mr. Yert has done great things with the corner property, as well as adding business space in the red barn. He also acknowledges Mr. Flaiz's observation that he is out of compliance and is thumbing his nose at the board. He agrees with the suggestion by Mr. Flaiz to have the sign not just turned off, but completely disabled so it cannot be lit up in the future.

Mr. Flaiz would also like the building department to investigate the intensity of the lights on Mr. Yert's property, as they seem brighter since the Planning Commission approval. Mr. Yert said he did not have the lights turned up. Mr. Flaiz said the security light has been turned on and is glaring onto the dentist's office, and the Village has an ordinance about light intrusion on adjoining properties.

Mr. Porter made a motion to table the application from Mr. Yert in connection with the red barn. Mr. Latkovic seconded. On roll call vote, the motion carried unanimously.

Mr. Latkovic reminded Mr. Yert that the next meeting date is November 16, 2023. Mr. Yert thanked the board.

Mr. Flaiz said he is very frustrated by all the time spent on this case, crafting conditions and granting approval, time he could be spending with his family, only to have the mayor tell the applicant he will try to have the decision reconsidered. The sign has been in violation of the Planning Commission's conditional approval for months.

Mayor Koons said it is very frustrating for him to see what he feels is a double standard being applied, and that perhaps the board got off on the wrong foot with this business.

Mr. Porter told Mayor Koons that perhaps it's time for an ordinance regulating lighting, limiting strength of lighting and lumens. He recalled the solicitor forwarding ordinances from other communities as reference. He doesn't think Council has taken it under consideration yet, but perhaps it should be discussed at the Public Utilities meeting tomorrow.

Mr. Latkovic addressed Mayor Koons and said, whether he is right or wrong, why he feels the requirement to turn off the back light of the sign, as adopted, is such a problem. He said to get to the point in a meeting where it feels like the mayor is working behind the Planning Commission's back and making promises, it just doesn't feel good. This is not the way they should work as a Planning Commission; they should all stand behind their authority. He asked why this sign in particular was such a big deal to not have back lit.

Mayor Koons said as mayor, his position is to do what he feels is best for the Village, and he thinks they, as a Planning Commission, held this applicant to a different and unfair standard. Mr. Flaiz reminded the mayor that he voted for this, adding that many signs in the Village are not backlit. He said while there may not be consistency with signage in the Village, one of the reasons for the tighter restrictions imposed on the red barn sign is because it is adjoining a residential area, and it is a unique property in the sense that it is the only commercial property going east on Bell. He recalled many board members expressing concern about allowing a large lit up commercial sign in that area. He said the board is not treating any individual applicant differently, but rather, they are treating different properties differently. He said personally, he would treat a commercial property that is basically in a residential district vastly different than he would Pony Boys, which is in the business corridor.

Ms. Budoff said she doesn't know of any other sign in the Village that has a large backlit logo on their sign, and she never wanted to see that portion of the red barn sign lit up. She said if Mr. Yert had approached the situation differently by requesting permission from the board to turn it on just so they could see how it looks, it would be different, but he chose to try and ask for forgiveness rather than permission. Mr. Porter said he has the opportunity to fix the problem, and if he doesn't, the likely result is apparent.

Mr. Latkovic said he supported Mr. Porter's position out of respect for him, and felt he made valid points about reaching a compromise. He said he is highly bothered by the mayor taking the position that the board was wrong, and that he was going to do something about it. He disagrees with the mayor's position, and said the board spent a lot of time talking about the sign and brought up many valid reasons prior to reaching their decision. He told the mayor, with all due respect, that he is just one member of the board, and to suggest that he could make a deal with Mr. Yert, or anyone in the Village, and try to go around what the board adopted, is very troubling. Mayor Koons said first of all, he knows he voted for this, but the more he thought about it, he thought it was wrong and that a mistake was made. He said he told Mr. Yert that he would fight for him, and that he is doing what he thinks is best for the Village. Mr. Porter said the sign was approved over a year ago, and why is it just being heard about now. Mr. Flaiz said he is fighting for the residents of South Russell, not for an out-of-town business owner, so they don't have to look at an obnoxious sign. He said the mayor is elected by the residents, and when he was an elected official himself, he took seriously his oath and duty to protect the quality of life in the Village, and not cater to business owners. Mayor Koons said he still believes a mistake was made. Mr. Flaiz said the only mistake that was made was by the mayor, when he attempted to bypass an official act made by a commission of the Village.

Mr. Latkovic asked if there was any further business to discuss. There was none. Mr. Flaiz moved to adjourn at 8:10pm.



Steve Latkovic, Chairman



Ruth Griswold, Board Secretary

11-16-23

Date

11-16-2023

Date