



Village of South Russell

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

**PLANNING COMMISSION MEETING
MINUTES
March 14, 2024
7:30PM**

Members Present: James Flaiz, Mayor William Koons, Ph.D., Elisa Budoff, Greg Bruhn, Phyllis Marino

Member Absent: Mark Porter

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

Visitors: Brad Camposo, 1576 Bell Road; Jason Yanesh, 576 Industrial Pkwy; Christopher Woofter, 400 East Washington; Ryan Schmit, 4230 River, Willoughby 44094; Lorraine Sevich, 11 Ridgcrest Dr; Nick & Melissa Nykulak, 1580 Bell Road

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

Ruth Griswold conducted roll call.

Mr. Flaiz said the first order of business tonight is to select a chairperson. William Koons made a motion to nominate James Flaiz. Elisa Budoff seconded. On roll call vote, the motion passed unanimously.

Mr. Flaiz thanked the board members.

Mr. Flaiz asked board members if there were any additions or corrections to the minutes from the Public Hearing and Planning Commission meeting held on November 16, 2023. There were none. Mr. Bruhn made a motion to approve both sets of minutes. Ms. Budoff seconded. On roll call vote, James Flaiz-Yes; Greg Bruhn-Yes; William Koons-Abstained; Elisa Budoff-Yes; Phyllis Marino-Yes. The motion carried.

Agenda Item 1:PC Case #24-01: 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. Ryan Schmit of TDA, on behalf of Mr. Christopher Woofter, Director of Operations for Chagrin Schools, for parking and storm drain improvements to the west parking lot at Gurney Elementary School.

Mr. Flaiz said since Gurney School is operating under a Conditional Use Permit, they have submitted a Conditional Use application for the parking lot upgrades and storm drain improvements. A Public Hearing must be held for any improvements or changes to the property, and tonight's meeting is simply to set up a date for the Public Hearing. He asked the representatives from the school to introduce themselves.

Christopher Woofter said he is representing the school district and has served as its Director of Operations, among other things, for the past twelve years. Their plan is to upgrade the parking area on the west side of Gurney School, which is currently gravel. They are hoping for approval to pave over the gravel areas, as well as add additional parking and put crosswalks in the island area. Mr. Woofter introduced the architect on the project, Ryan Schmit of TDA, who is also working closely with the storm water management engineers, and said he will talk briefly and answer any questions.

Mr. Schmit said the project is primarily about long-term maintenance and life-safety issues. They propose creating hard surface areas for visitors, in addition to improving some of the lighting in the parking lot areas. This will help with evening events, and they plan to be very mindful of the surrounding residential areas. The crosswalk features will complete the site development in that area, allowing it to be usable and functional.

Mr. Flaiz asked board members if they had any questions at this stage. There were none. Mr. Flaiz asked if there would be a retention or detention situation in the stormwater area. Mr. Schmit said it would mostly be kept dry, but may fill up during a significant event. He said they are aware of the concerns about stormwater in the area, and this will allow an opportunity for them to collect rain that had not been collected in the past, and while some issues have been addressed, this project will be a holistic approach to take care of that whole side of the site, which will benefit everyone long-term.

Mr. Flaiz said there have been problems in the past around Waverly, and asked if the stormwater would be directed north-south. Mr. Schmit said yes, that is correct.

Discussion followed regarding setting the date for the Public Hearing. Mr. Flaiz said since the board still has to discuss the proposal to change the time of future meetings, they would let the applicants know the Public Hearing date and time, which will be decided later in the meeting. He assured them that it would be held as quickly as possible.

The applicants thanked the board for their time.

Agenda Item 2: PC Case #24-02: Mr. Jason Yanesh of iDevice Wholesale is seeking approval to open an electronics e-commerce business at 576 Industrial Parkway, Zone 7, owned by Mark Derry of Living Lean.

Mr. Flaiz asked the applicant to tell the board about what he would like to do. Mr. Yanesh introduced himself and said he is a resident of Auburn Township. He began this e-commerce business during Covid when his other business, was dealing with default mortgages, was affected. He buys and resells electronics, and recently obtained contracts with the National Institute of Health. Mr. Yanesh went on to say that his business expanded enough that he grew out of his space in Auburn Township. He was driving around the area and met Mark Derry, who had the upstairs space available.

Mr. Yanesh said most of his iDevice Wholesale business sells directly to other businesses such as phone repair stores, other e-commerce companies and eBay. Mr. Flaiz asked if his business would repair phone screens. Mr. Yanesh said they still do some repairs, although their in-house repairs are limited since they are so busy with buying, repairing, and reselling.

Mr. Flaiz asked the board members if they had any questions. Ms. Budoff asked where he bought most of the phones. Mr. Yanesh said the business mostly gets MacBooks and laptops from the NIH, and just today he picked up 500 MacBooks. They also run Facebook ads and people are able to mail in their phones to them.

Mayor Koons said it is very impressive that he secured a contract with the National Institute of Health. Mr. Yanesh thanked him and said he has been repairing phones since iPhone4. Mr. Bruhn asked if they serviced phones from any different manufactures. Mr. Yanesh said yes, but they try to focus mainly on Apple products since the parts needed are more readily available. He hopes to get certified with R-2 soon, which is a

responsible recycling program. He would be required to outsource the recycling to other R-2 companies. It would limit the places they could send the recycling to, but it would open doors to many other products.

Mr. Flaiz asked if he had just one employee. Mr. Yanesh said yes, that is correct. Mr. Flaiz asked Mr. Hocevar if there were any parking issues in the area. Mr. Hocevar said no, and that the Fire Prevention Officer and he had been through the space, and they saw no problem with anything.

Mr. Flaiz asked Ms. Matheney to go over the requirements for new business reviews for the benefit of the two newer Planning Commission members. Ms. Matheney read from Section 3.04 of the Codified Ordinances:

“(f) Review Standards: It shall be the duty of the Planning Commission to investigate and ascertain if the plans for the development comply with the following conditions, which conditions must be complied with by the applicant in order to receive a zoning permit to develop their property:

(1) That the proposed development is harmonious with the Subdivision Regulations, if applicable, of the Village of South Russell.

(2) That it will not adversely affect neighboring properties.

(3) That the plan of the development provides for integrated and harmonious design of buildings and structures and for adequate and properly arranged facilities for internal traffic circulation, off-street parking and loading, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the applicant as well as from the standpoint of the adjoining or surrounding, existing or potential developments.

(4) That an adequate water supply sufficient for the reasonable needs of the proposed development is available to the development....”

Mr. Flaiz thanked Ms. Matheney for the overview. Ms. Budoff motioned to approve. Mr. Bruhn seconded. On roll call vote, the motion was carried unanimously.

Board members welcomed Mr. Yanesh to the Village, and he thanked the board and Village employees for their assistance.

Agenda Item 3-PC Case #24-03:

Brad and Becky Camposo are seeking approval to swap 5,069 square feet of their property located at 1576 Bell Road, with the neighboring property at 1580 Bell Road (agenda item 4), owned by Nick and Melissa Nykulak.

Agenda Item 4-PC Case #24-04:

Nick and Melissa Nykulak are seeking approval to swap 5,069 square feet of their property located at 1580 Bell Road, with the neighboring property at 1576 Bell Road (agenda item 3), owned by Brad and Becky Camposo.

Mr. Flaiz said the board will review the next two agenda items together. He asked the applicants to begin their presentation.

Nick Nykulak introduced himself and his wife, Melissa as owners of 1580 Bell Road. He said Brad, the owner of 1576 Bell Road, needs more land to better access his driveway, and they wanted more space at the rear of their house for better turnaround abilities. They also put up a privacy mound and planted evergreens. The land swapping is equal in square footage and would not affect any other properties.

Mr. Flaiz asked the board members if they had any questions. Mr. Bruhn asked if the size of Mr. Nykulak's house was contemplated when the sites were laid out, since the house looks larger than intended for the lot. Mr. Nykulak said the size of the house did not change, but they have found since the houses were built, the

topography has come into play and made the homes seem squeezed together. Mr. Bruhn said the berm and the landscaping look very nice, and once the trees mature, they will provide a nice separation.

Mr. Flaiz said he recalls when the applicants appeared before the Planning Commission to obtain approval for the lot splits. He feels this is one of the bigger success stories for the Planning Commission, and the applicants have done a beautiful job by taking unusable space and building two beautiful and amazing homes. He hopes to see other owners of similar bowling alley type lots in the Village do the same.

Mr. Bruhn made a motion to approve the requested land swaps. Ms. Marino seconded. Mr. Flaiz clarified that the motion and second included both agenda items 3 and 4, and asked for roll call. On roll call vote, the motion was carried unanimously.

The applicants thanked the board for their time and consideration.

Mr. Flaiz moved on to Old Business-the **Review of the Solicitor's Zoning Code Recommendations.**

Ms. Matheney went over the discussions that had taken place during past meetings regarding the recommendations. She said the subject was brought up regarding the timeline to commence work after having been given Planning Commission approval, and referred to the current **Section 3.01 ZONING PERMITS:(d) Permit Issued:** *The Zoning Permit shall be issued by the Zoning Inspector immediately after his approval of the application. Such permit shall become void if work is not started within one hundred eighty (180) days and completed within twelve (12) months after the date of issuance unless an extension of an additional six (6) months period is obtained by applicant from the Commission if completion is not possible within twelve (12) months. Any such request for an extension shall be accompanied by an additional fee of twenty-five dollars (\$25.00) and shall be deemed to be a request for a zoning permit under Schedule 1.*

She said the board discussed putting restrictions on their approvals after an applicant wanted to move forward with a Planning Commission approval four years after appearing before the board.

Ms. Matheney then referred to her proposed recommendation of a new section of the code, to read as follows: **Section 3.11, EFFECTIVE APPROVAL** - *Except for administrative appeals or variances granted by the Board of Zoning Appeals, approvals from the Board or Commission granted under Chapter 3 of the Zoning Code shall expire within twelve months if the use authorized by the approval is not established or the work authorized by the approval has not materially commenced unless otherwise provided by the Board or Commission. Upon a reasonable request for an extension accompanied by an additional fee of twenty-five dollars (\$25.00), the Board or Commission may, in its respective discretion, extend the date of its effective approval.*

If the Planning Commission recommends amending the Zoning Code with the new Section 3.11, then in order to be consistent, the changes to the current Section 3.01 are as indicated below:

3.01 ZONING PERMITS *(d) Permit Issued: The Zoning Permit shall be issued by the Zoning Inspector immediately after his approval of the application. Such permit shall become void if use is not established or work has not materially commenced work is not started within one hundred eighty (180) days and completed within twelve (12) months after the date of issuance unless an extension of an additional six (6) months period is obtained by applicant from the Board or Commission, as the case may be, if completion is not possible within twelve (12) months. Any such request for an extension shall be accompanied by an additional fee of twenty-five dollars (\$25.00) and shall be deemed to be a request for a zoning permit under Schedule 1.*

As an example, Mr. Flaiz asked if this scenario would apply to the approval given to Augie's for their patio, and would they then be required to come back before the board. Ms. Matheney said that is correct. She said this is the proposal she has written based on past discussions at Planning Commission meetings, but the board must decide on any changes.

Mr. Bruhn asked if there is any intent regarding the duration of the extension. Mr. Flaiz said if an applicant comes back before the board, the thought was they could then use their discretion as to the length of the extension they would grant. Ms. Matheney said it is also an option for the board to add a time frame, or just have it be at their discretion.

Ms. Matheney then addressed the next item, which was **Certification of Action**. Specifically, when does the action from the Planning Commission actually become certified. Certification is necessary in order to enable the next steps, which could relate to Development Approval, Conditional Uses and amendments. Mr. Flaiz said this is important in case someone wanted to file an administrative appeal of the board's decision with the Court of Common Pleas. He said the current language is ambiguous. Ms. Matheney agreed. She noted *that Ohio Supreme Court has held that, for the purposes of perfecting an appeal pursuant to Chapter 2506 of the Ohio Revised Code, the 30 day time period begins to run from the final entry of the decision of the public body which final entry is created by the public body through the act of making or entering a record, which is evidenced by the approval of the meeting minutes of the public body making such decision.* Mr. Flaiz said there has not been a Planning Commission meeting held for a few months. Ms. Matheney said yes, and as a result, the minutes approved tonight were from November 2023, and if that applicant had been denied and wanted to appeal the decision, that thirty-day time frame would run for thirty days from today. She said the board may have called a special meeting to approve the minutes, if necessary, but the point is that the current code is vague, and she made some proposals that would clarify Sections 3.04(c), 3.05(c), 3.06(c) and 3.07(c), as indicated below:

Section 3.04(c) Action: *Following a review of the application and reports thereon, the Commission shall, within the time limit as set forth in paragraph (b) approve, conditionally approve or disapprove the application. Within five (5) business days of the Commission action, Commission action, including any conditions thereto the Secretary shall shall be certified such Commission action, including any conditions thereto by the Secretary on Form Z-1 to the applicant and the Zoning Inspector.*

Section 3.05(c) Action: *Within 15 days after the public hearing, or continuations thereof, the Commission shall approve, conditionally approve or disapprove the application. Within five (5) business days of the Commission action, the Secretary shall certify such Commission action, including any conditions thereto, shall be certified by the Secretary on Form Z-3 or Z-3-A and one (1) copy shall be returned to the applicant and one (1) copy forwarded to the Zoning Inspector.*

Section 3.06(c) Action: *Within fifteen (15) days after the hearing or forty-five (45) days after the filing date if no hearing is held, the Commission shall recommend approval, disapproval, or modification of the amendment. Commission action including any conditions thereto shall be certified by the Secretary on Form Z-5 within five (5) business days of such Commission action and the Secretary shall return one (1) to the property owner and forward one (1) to the Clerk.*

Section 3.07(c) Action: *Within fifteen (15) days after the public hearing, the Board, or the Commission, as the case may be, shall approve, conditionally approve or disapprove the application. Board or Commission action, including any conditions thereto, shall be certified by the Secretary on Form Z-6 within three (3) business days of the approval of the meeting minutes of the Board or Commission action and one (1) copy shall be returned to the applicant and one (1) forwarded to the Zoning Inspector.*

Mr. Flaiz said he thinks all the proposed changes that Ms. Matheney has written are very good. He said the time periods are reasonable to the applicants, and they do not put undue burden on Village staff.

Discussion followed regarding the proposed changes.

Mr. Bruhn asked if it would make sense for the fifteen days to be thirty days, in order to avoid the need to call a special meeting. Mr. Flaiz said it has always been fifteen days, but the issue has never come up. He recalled the contentious nature when the Lantern was being presented, and the board was supposed to make a decision, but they decided to continue the Public Hearing to get around the fifteen-day requirement. He went on to say with

Mr. Bruhn's suggestion, that would no longer be necessary. Mr. Bruhn said the only question may be is if that would put an undue burden on the applicant. Mr. Flaiz said the Village of South Russell's Planning Commission is always very considerate of their applicants. Mr. Flaiz asked board members what they thought about changing Section 3.07 (c) from **fifteen days to 35 days**. All board members agreed. Ms. Matheney asked if that change should then apply to all mention of fifteen days on the proposed amendments. All board members agreed. Mr. Flaiz asked how the BZA and ARB would be affected by these changes. Discussion followed.

Mr. Bruhn noted that all the sections being amended allow five (5) business days for the Secretary to provide certification, with the exception of Section 3.07(c), which allows only three (3) business days. He was curious as to why Section 3.07(c) is different in that respect. Mr. Bruhn said he would not want something to be an administrative burden. Ms. Matheney said she believes it is because that pertains to the Board of Zoning Appeals. Mr. Flaiz agreed, and said the rationale behind it may be due to the applicants needing to begin construction after being granted a variance. He said it would still be okay to have them all be five days, since it doesn't prevent the certification from happening sooner. Mr. Flaiz asked board members what they thought about changing all of the sections to allow **5 days for certification**. All board members agreed.

Mr. Flaiz moved on to the next item, the proposed clarification to Section 1.05, and referred to Ms. Matheney's proposed change as indicate below:

1.05 ESTABLISHMENT OF ZONING MAP - The aforesaid districts are designated by symbols and the location and boundaries of said districts are established on the map entitled "Zoning Map of the Village of South Russell Ohio." The Zoning Map, certified by the Commission Chairman and Secretary, shall be on file **in the Village Building Department and/or with the Village records** ~~with the Zoning Inspector~~ and no change thereon shall be made without legislative authority.

All board members agreed to the change.

Mr. Flaiz then asked about the next item relating to the Business and Industrial District. Ms. Matheney said at one point, the Planning Commission had discussed eliminating the Industrial District, due to the B1-I1 Overlay District. She feels it needs further discussion due to all the additional changes to the code it would entail. Mr. Flaiz said there used to be more industrial operation in that area many years ago, and today it is more like a restaurant and entertainment district, although there is some variety of businesses as well. His concern is that, since the current code allows, an industrial operation would want to open up near a restaurant. What may make more sense would be to narrow the permitted uses instead of eliminating the Industrial District, since as Ms. Matheney said, it is very interwoven into the code. Ms. Matheney said the district has businesses that are classified as permitted uses, as well as conditional uses. Mr. Flaiz said what is also crazy is that all the restaurants in that district are operating under a Conditional Use Permit, since restaurants are not permitted in the B1-I1 area. Ms. Budoff said that is what she would like to see changed more than anything. Mr. Hocevar said when Burntwood first opened, the Planning Commission decided it best to have all restaurants require a Conditional Use Permit in order to retain reasonable control and limit certain activities. Mr. Flaiz recalled the many restrictions put on Burntwood when they opened, and even more after they put the patio in without permission. He said that is also when the board began requiring valet service for restaurants in that area.

Discussion followed regarding the past zoning changes initiated by the Planning Commission for Cipriani Plaza. Ms. Matheney said prior to the change, neither retail nor restaurants were permitted.

Mayor Koons said the former Citizens Bank building has been vacant for years, and perhaps the Planning Commission can take a look at rezoning that. Mr. Hocevar said he has taken many calls from interested parties, inquiring if a donut or coffee shop would be allowed, which are not permitted uses. He said office space is not in high demand. Discussion followed. Mr. Flaiz said maybe the board may consider making it more marketable by changing the zoning classification. Mayor Koons asked if Ms. Matheney could prepare something in time for the next meeting to begin the process. Mr. Flaiz said he would rather see someone apply for a Conditional Use

permit, rather than rezone it for retail. He would prefer to keep it zoned for professional office use. Mr. Hocevar said after discussing this with Ms. Matheney, he thought it would have to be rezoned, rather than obtaining a Conditional Use permit. Ms. Matheney said that is correct, because the property is currently zoned B-2, and restaurants and retail uses are not permitted to obtain a Conditional Use permit in a B-2 District. Mr. Flaiz said further thought would go into allowing retail there, as the Village does want to encourage economic development. He asked that this issue be added to the agenda as a discussion point for the next meeting.

Mayor Koons said Ms. Matheney's recommendations have not yet been voted on.

After review, discussion, and clarification, Ms. Budoff made a motion to approve all of the changes proposed by the solicitor, which include Items I, II and III in the attachments, and to also change the 15 (fifteen) days after the hearings to be 35 days, and to have all sections reflect 5 (five) business days instead of 3 (three), for action to be certified by the Secretary. Mr. Bruhn seconded. Mr. Flaiz noted the proposed changes would now have to go before Council for their approval. He asked for any discussion on the motion. There was none. On roll call vote, the motion was carried unanimously.

Mr. Flaiz thanked Ms. Matheney for her patience.

Mr. Flaiz then moved on to **New Business** and the proposal to change the meeting time to 7:00pm on the second Thursday of the month. After discussion, it was decided to keep the meeting time of 7:30pm, on the second Thursday of each month.

Mayor Koons said he and Ms. Griswold are unable to attend the Planning Commission meeting scheduled for July 11, 2024. He asked if the meeting could be moved to July 25, 2024.

After discussion, Mr. Flaiz made a motion to change the regularly scheduled Planning Commission meeting from July 11, 2024, to July 25, 2024, at 7:30pm. Mr. Bruhn seconded. Mr. Flaiz asked for any further discussion. There was none. On roll call vote, the motion was carried unanimously.

Mr. Flaiz asked for a motion to schedule a Public Hearing regarding PC Case #24-01, the application submitted by Chagrin Falls Schools, for the parking lot and drainage improvements at Gurney Elementary School, 1155 Bell Road. Ms. Budoff made a motion to schedule the Public Hearing for April 11, 2024, at 7:30pm. Ms. Marino seconded. Mr. Flaiz asked for any further discussion. There was none. On roll call vote, the motion was carried unanimously.

Mr. Flaiz asked for any further business or public comment.

Mayor Koons said Mr. Bruhn is unable to attend the meeting on April 11, 2024, and Ms. Marino said she would be available to serve as an alternate.

Ms. Sevich said it was nice to be at the meeting and witness local government in action and working cohesively together.

There being no further business, Mr. Flaiz motioned to adjourn the meeting at 8:26pm. Mr. Bruhn seconded. Ayes all, the motion carried.


James Flaiz, Chairman

4/11/24
Date


Ruth Griswold, Board Secretary

4-11-2024
Date