



## Village of South Russell

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

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PLANNING COMMISSION  
MINUTES  
JUNE 20, 2024, at 7:30PM

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

**Member Absent:** Mark Porter

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

**Visitors:** Karen Becker of Becker Signs; Jeff Allie, 5040 Richmond Rd; David B. Jilbert, 528 East Washington Street; Brad Friedlander, 20 Oakshore Dr, Bratenahl; Rob Truax, 477 Industrial Parkway; Rachael Sherry and Elijah Sherry, 44 East Bel Meadow Ln; Gary and JoAnn Mynchenberg, 16 Louise Drive

Planning Commission meeting called to order by James Flaiz at 8:19pm.

Ruth Griswold conducted roll call.

**Mr. Flaiz said the first order of business is to approve the minutes from the Planning Commission meeting on May 9, 2024. He asked if there were any corrections or changes. There were none. Mayor Koons motioned to approve. Mr. Bruhn seconded. On roll call vote, the motion was carried.**

**Agenda Item 1: PC Case #24-05: 506 East Washington Street-Lopez**

Mr. Brad Friedlander, owner of Lopez Restaurant, is seeking approval for a new canopy roof over the existing patio and permission for the temporary sign to become a permanent sign for Lopez Restaurant, 506 East Washington Street, owned by Mr. Thomas Violante.

Mr. Flaiz began the discussion by talking about the Lopez sign and confirmed with Mr. Hocevar that this was approved as a temporary sign, since it has been up for a while. Mr. Hocevar said yes, that is correct. Mr. Flaiz said since this is now proposed to become his permanent sign, the Planning Commission must review it. The photo of the sign was displayed on the media screen. Mr. Flaiz said he liked the sign, and asked members if they

had any questions, comments or concerns. Ms. Budoff said she also liked the sign, and asked if it was lit, which it is not.

**Mr. Flaiz asked for a motion to approve. Ms. Budoff made a motion to approve the Lopez sign as submitted. Mr. Bruhn seconded. On roll call vote, the motion passed unanimously.**

Mr. Flaiz then moved on to the second request from Lopez, which is to install a new canopy roof over the existing patio. Discussion followed regarding possible actions the board could take tonight, which were also discussed during the Public Hearing. Mr. Flaiz said if the board approved the concept, the owner could then move forward and have drawings done by his architect, as well as begin legal proceedings to obtain the easement from Burntwood for the exit door. Members agreed.

**Ms. Budoff made a motion to approve the concept of the covered patio and the additional exit door, subject to having the applicant return to the Planning Commission with the final drawings for approval. Mr. Bruhn seconded. Mr. Flaiz asked for any discussion on the motion. Hearing none, he asked for roll call. On roll call vote, the motion passed unanimously.**

**Agenda Item 2: PC Case #24-06: 576 Industrial Parkway-That Hawaiian Guy's BBQ**

Ms. Rachael Sherry, owner of **That Hawaiian Guy's BBQ**, is seeking permission to review the discussion to allow carry-out operations from That Hawaiian Guy's BBQ from 11:00am-3:00pm at 576 Industrial Parkway, owned by Mr. Mark Derry.

Mr. Flaiz said it would be more accurate for the request to be for a modification to the prior Planning Commission approval, which was discussed during the Public Hearing, to allow carry-out operations from 11:00am-3:00pm at 576 Industrial Parkway. He asked Ms. Matheney to go over the items the Planning Commission must consider during development review.

Ms. Matheney said the two that are most applicable are that it *"cannot adversely affect any neighboring properties"* and that *"the plan of the development provides for integrated, harmonious design of buildings and structures, and for adequate, 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 and surrounding existing, or potential developments.* Ms. Matheney said the other two standards relate to subdivision regulations and having an adequate water supply.

Mr. Flaiz asked Ms. Matheney if the applicant were to be approved, would they also need a variance, since it would kind of be morphing into a restaurant. Ms. Matheney said they don't have a definition of restaurants, but the definition of retail includes the selling of food. The applicant wouldn't need a variance, and a Public Hearing was required because they are operating under a Conditional Use permit. Mr. Flaiz asked her to go over the standards for granting Conditional Uses. Ms. Matheney read the following from Section 7.01 of the Zoning Code:

- (a) *The use shall be properly located in relation to adopted land use and street plans.*
- (b) *The use shall generate minimum traffic through residential neighborhoods.*
- (c) *The use is necessary to serve surrounding residential areas, which cannot be served satisfactorily if the same use is located in a nearby, less restrictive district where it may be permitted by right.*
- (d) *The location, design and operation of the use shall not discourage or interfere with appropriate neighborhood development or impair the value of the surrounding area.*

*(e) The use shall comply with all applicable provisions of this Code including parking and loading, sign, development and performance regulations, and the following supplementary regulations.*

Mayor Koons asked the applicant if she could provide any flexibility to her proposal. Ms. Sherry said she wants the Village to know that they are very willing to work together towards a compromise.

Ms. Budoff asked if the commission would be able to conditionally approve this, then have the situation be reviewed after a specific time period. They are doing as much as they can to control the flow to make this a different situation than they had in Burton and are being honest about their intentions. She would like to give them the opportunity to prove themselves right. Dr. Truax said he does not disagree that they are honest people, and all businesses want to grow, and he also wants that for them. Ms. Sherry said she only wants to grow her catering business. Dr. Truax said he is here to voice his concerns because his parking spots are so logically situated for Hawaiian Guys patrons to use. The parking in the area is just very awkward for a carry-out business.

Mr. Flaiz said he is concerned that there are only four parking spaces. Ms. Sherry said she understands his concern, but with the support of Living Lean and Ortho Sport, there are 42 spots available during the off hours for those businesses. She understands the commission cannot regulate what she's saying but the idea is that they would not even need to use those spaces, given the restrictions on the timing of the carry-out. Mr. Flaiz said the bulk of those spots are behind the building, making it unlikely that people would park there to pick up carry-out.

Mayor Koons asked Ms. Sherry when they were hoping to begin the carry-out business. Ms. Sherry said they have the system in place to do so, but catering remains their priority. There would be limited hours a week, and they would work within whatever made the most sense.

Ms. Budoff asked Dr. Truax if they would be permitted to have parking signs for their spaces, and if the building is identified. Dr. Truax said no, the building owner will not allow any of that because the owner doesn't want any frontage sign, as that is the Australian motif, which he likes. He went on to say there is nothing to discourage people other than his patients from parking there, and unfortunately Ms. Sherry is also suffering the consequences of their building owner's restrictions.

Mr. Flaiz said both the Development Review and Conditional Use regulations focus on the impact to surrounding businesses. His opinion is they must be sensitive to that, especially since the original approval of the catering kitchen was conditioned on not having takeout.

Mr. Flaiz made a motion not to approve the Hawaiian Guy's application. Mr. Bruhn asked if there were a way to do a trial period. Mr. Flaiz said even if the trial goes well, business may amp up in the future.

Dr. Truax said all the businesses want to grow, including theirs, but that growth is restricted by the parking.

Mr. Flaiz said his suggestion would be to cook the food in their catering kitchen and get storefront elsewhere to sell it from. Ms. Sherry said she appreciates the level of success that is being predicted for them, but if they wanted to put themselves in a position of being that busy with carry-out, then they would definitely be looking for a different spot. Ms. Mynchenberg reiterated that they only want to grow their catering business. Mr. Flaiz said the catering business is what the Planning Commission approved.

Mr. Flaiz said if no one is seconding his motion, then someone should make a different motion.

Mayor Koons made a motion to table the application until the next meeting on July 25, 2024. Mr. Flaiz said in the meantime, the fence issue from the original approval should be addressed. Mr. Bruhn seconded. On roll call vote, James Flaiz-No; William Koons-Yes; Elisa Budoff-Yes; Greg Bruhn-Yes. Motion carried.

**Agenda Item 3: PC Case #24-07: 5216 Chillicothe Road-Family Paws Animal Hospital**

Mr. Jeffrey Allie of Northcoast Signworks, applicant on behalf of Dr. Jae Kwon of Family Paws Animal Hospital, is seeking approval to replace the existing 30 square foot monument sign with a new 23 square foot monument sign for the property located at 5216 Chillicothe Road, owned by Jabar Holding Company LLC.

Mr. Flaiz welcomed the applicant, thanked him for his patience and asked him to begin his presentation. Mr. Allie said the proposed sign would be smaller than the existing sign, since Dr. Kwon's choice of material only comes in a 4 x 8 size. Mr. Flaiz asked if it would be backlit. Mr. Allie said no, there are only a couple spotlights. The design process went through four or five iterations, and he suggested something a little more elaborate, but Dr. Kwon preferred the simpler version. His wife and daughter created the graphics, and the images are hand drawn by them, which were then scanned and made so they could be carved.

Mr. Flaiz said he thinks the sign looks awesome, and he wishes more signs in the Village had simple designs.

Mr. Bruhn asked if the sign would be any taller than the current sign. Mr. Allie said no, it would not be any taller.

**Mr. Flaiz asked board members for any questions. There were none. Mayor Koons made a motion to approve the sign as presented. Mr. Flaiz asked for any discussion on the motion. There was none. Mr. Bruhn seconded. On roll call vote, the motion passed unanimously.**

Mr. Hocesvar said the applicant will also appear before the Architectural Review Board.

Mr. Flaiz thanked the applicant and complimented him on the design work.

Mayor Koons said Dr. Kwon held an open house last week. The facility has been completely remodeled, is ready to open, and Dr. Kwon is there every day.

**Agenda Item 4: PC Case #24-08: 1184-1186 Bell Road**

Mr. Brian Becker of Becker Signs Incorporated, applicant on behalf of Sharon Schmah of Leap Orthodontics and Powerscourt Properties Ltd., is seeking approval to replace the existing ground sign with a new 21.34 square foot multi-tenant monument sign for the property located at 1184-1186 Bell Road, owned by Powerscourt Properties Ltd. Karen Becker will be in attendance on behalf of Becker Signs.

Mr. Flaiz welcomed the applicant and asked her to begin the presentation. Ms. Becker began by saying they are replacing the deteriorating and outdated sign with a beautiful modern and more appealing sign. The location will be a little further from the road than the existing sign, in order to have it centered in the landscaped bed. The owners plan to improve the landscaping after the sign is installed. The existing spotlights will remain as lighting.

Ms. Becker said lettering on the sign will be dimensional, which provides an elegant feature. Ms. Budoff said she is concerned about the longevity of the color on the sign. Ms. Becker provided Ms. Budoff with a

manufacturer's brochure which indicated their resistance to the elements. Ms. Becker said the blue color is from Sherwin Williams and is named "Splashy". The owner spent a lot of time choosing the color. She consulted with her employees and tenants and ended up choosing the "Splashy" color over many other blue colors.

Ms. Budoff expressed concern about the paint chipping or peeling. Mr. Bruhn said the color is usually impregnated into the material of the sign and asked Mr. Hocevar to confirm that. Mr. Hocevar said yes, that is the standard for this type of sign. Mr. Flaiz said although he does not care for the blue color, he does like that it will only be spot-lit and not backlit.

Mr. Bruhn said the existing sign is not as outstanding as the proposed sign. He is a little concerned about the bright color, and asked the applicant if there was a way to tone it down a bit. Ms. Becker said they did encourage them to limit the information on the sign. Ms. Budoff said the design of the sign is very good, but to her, the blue is very bright. She asked if the color would be the board's decision. Mr. Flaiz agreed and said it doesn't fit the character of the neighborhood, and he feels the blue is an odd choice since the building itself does not have any of that color on it.

Ms. Matheney referred to the standards of the sign regulations, which says "*...the color of the sign shall be a component of the color of the building façade, and the total number of colors on the sign shall be limited to four.*"

Mr. Flaiz said the board could approve the sign with the condition that the color be changed to match a component of the building. Ms. Matheney said the code also indicates the sign should be, "*...compatible in character and style in regard to materials, color, and size of the building.*" Mr. Flaiz said he thinks a black color would be way more compatible than the blue.

Discussion followed among board members and the applicant regarding options.

**Mr. Flaiz made a motion to approve the sign with the blue background color and the blue color for "Orthodontics" changed to black. Ms. Budoff seconded. Mr. Flaiz asked for any further discussion. Mr. Bruhn and the applicant asked for clarification. On roll call vote, the motion passed unanimously.**

**Agenda Item 5: PC Case #24-09: 528 East Washington Street**

Mr. David Jilbert of BAC Industries is seeking approval to operate a Naturepedic Warehouse storage facility for mattress supports such as organic fibers, sheets, duvets, etc. from the property located at 528 East Washington Street, owner by David R. Jezek of Washington Center Ltd.

Mr. Flaiz welcomed the applicant and said, in full disclosure, this is one of his favorite companies. All his children slept on their baby mattresses, and he is very impressed with their products. He knows they have a manufacturing facility in the Knowles Industrial Park and that they do a little retail as well. Mr. Jilbert said they have four buildings in Knowles Industrial Park and there is no additional room for them there. The South Russell site is the only space available for them.

Mr. Flaiz asked if they would be storing materials for manufacturing or finished products. Mr. Jilbert said there would be no mattresses, and two of their main manufacturing facilities are sprinklered at the other site. They are interested in getting into the furniture business, so they are buying bedroom items such as nightstands, beds and dressers, and that is mostly what would be stored here. There would be no retail sales in South Russell.

Mayor Koons asked if there were any concerns regarding fire safety. Mr. Jilbert said he spoke with the Fire Marshal, Sean Davis, and he said the site complies with the building and fire codes. He does want to see full plans, including the layout. The email from Mr. Davis is included in his submission.

Mr. Flaiz asked if there was a loading dock there. Mr. Jilbert said yes, there are two. His lease will be a sub-lease of an existing lease from the guy who has the pods.

**Mayor Koons made a motion to approve, subject to approval by the Fire Marshal. Mr. Bruhn seconded. On roll call vote, the motion passed unanimously.**

Mr. Flaiz welcomed the applicant to the Village and thanked him for waiting patiently.

**Old Business:** Discussion regarding tree planting for Manor Brook

Mr. Flaiz asked Mayor Koons to update members on the tree planting. Mayor Koons said there are three different jurisdictions that make up Manor Brook. After the culvert work was done by the Village, the residents felt they needed screening from noise and the view of Chillicothe Road. Impullitti Landscaping is doing the work, and they have recommended planting arborvitae in the fall. The cost to the Village of \$15,000 has already been approved.

Mr. Flaiz asked if there has been any feedback from the residents. Mayor Koons said the first application of the vegetation was done way too late, but the second attempt is taking better and looks okay. The most important thing is that the water mitigation project is working well. He said the catch basins for the Whitetail and Manor Brook area had incorrect mortar, and the Village is replacing all of those. An ESID was created to take care of some swales and ditches that had filled in over the years. That project was supposed to take six weeks, but it is taking about eight months. Also, it has come to light that the water lines for their private water system need replacing, so they have some expensive issues. Mr. Bruhn asked what all the current excavation is from. Mr. Hocevar said it is all drainage work. Mayor Koons said the State of Ohio did a wonderful thing by creating the ESID program. Mr. Flaiz said he believes the Village did right by the residents in doing that project, as it has completely alleviated the problems on both sides of 306. He said the contractor who did the culvert work did an outstanding job.

Mr. Flaiz asked about the status of the bathroom project at South Russell Village Park. Mayor Koons said this discussion has been going on for ten years, and the price has gone from about \$40,000 to \$110,000. He said a lot of research had been done regarding available grants. Basically, at this time, it is ready to go forward. Mr. Flaiz said he thinks porta-potties work just fine for that park. Ms. Budoff said her concern would be the new bathroom would invite vandalism. Mr. Flaiz said the new bathroom would get the most use by Amazon drivers and people traveling the roads during the day. Mr. Bruhn said a fence around the porta-potties would be an improvement. Mayor Koons said planting arborvitae to screen them has also been suggested.

Mr. Flaiz asked Mr. Hocevar if he knew anything about school buses being parked near the fenced in storage area on where the pods are. Mr. Hocevar said he would follow up on that.

Mr. Bruhn said, going back to the parking issues at 576 Industrial Parkway, sometimes something as simple as striping could make a big difference. There is a long row of parking along the side of the building that Hawaiian Guys is in, which he thought was all dedicated to that building. If it was striped, making them visible, it would draw people to park there. Without striping, people don't know what to do. Mr. Flaiz said that is a good point. Ms. Budoff said the wrench in the whole thing is the doctor's office next door. Mr. Bruhn said it is definitely a

difficult situation, but it is not done very well right now. He asked if there was a way for the Village to require a refreshment of the parking spaces. Mayor Koons said the lawn in front of the doctor's office could be converted to parking spaces. Mr. Bruhn said they could add another space or two in front of Hawaiian Guys. Mr. Flaiz said the smoke shack is a lot larger than he thought it would be, and it projects out quite far. Mr. Bruhn said there is an area to the left of the existing spaces that is currently gravel, and that area may be utilized for creating parking spaces. Discussion followed regarding potential options for maximizing the parking on the site.

Mr. Hocevar said he could approach the building owners regarding striping the lot. The code requires a certain number of spaces depending on the size of the building. Ms. Matheny asked if Hawaiian Guys had a directional sign at the road. Mr. Hocevar said they do not. Mr. Flaiz said they do not even have a sign on the building. He said he was on the fence regarding the proposal and thought maybe there would be a way to make it work, but after hearing from the doctor, it swayed him the other way. Mayor Koons said it is understandable that the doctor is concerned about parking, if his clients have trouble walking.

Discussion followed regarding the potential parking problems and the ability of the business owners to control any restrictions. Ms. Budoff said although the Sherrys are planning to do a phenomenal job in controlling the carry-out, customers may arrive earlier than their pick-up time, and take up a space. Mr. Flaiz said it also would be difficult to stop people from eating in their cars. Ms. Budoff added that customers may also go to eat their food on the grassy area, but the installation of the fence may be helpful with that. Mr. Bruhn suggested a reorientation of the parking spaces may also be an option. Mr. Flaiz said that Mr. Gottschalk would have to agree to that, but the possibility of a fire truck having access must be maintained.

Mr. Bruhn asked what enforcement measures could be taken if they were conditionally approved and things weren't going well. Mr. Flaiz said if they conditionally approved the submission, it would be difficult to enforce the limitations proposed. Ms. Matheny said the police department could enforce Planning Commission restrictions. Mr. Bruhn asked what penalties would be imposed if they violated the conditions. Mr. Flaiz said the approval could be rescinded.

There being no further business, Mr. Flaiz adjourned the meeting at 9:33pm



James Flaiz, Chairman

7/25/24  
Date



Ruth Griswold, Board Secretary

7-25-2024  
Date