



## Village of South Russell

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

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### PLANNING COMMISSION

#### PUBLIC HEARING 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 Hocesvar, 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

Public Hearing called to order by James Flaiz at 7:32pm.

Ruth Griswold conducted roll call.

#### **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 told commission members that although Mr. Friedlander does not have formal plans due to the difficulty in finding a replacement for his original architect, he thought the rough sketch may be sufficient for the members to review the proposal in concept, and any approvals could be conditioned on providing acceptable final plans. The legal notices had also already been published. He said if anyone objects to that, please let him know. There were no objections from commission members.

Mr. Flaiz asked Mr. Friedlander to begin his presentation. Mr. Friedlander said they would like to be able to use the outdoor dining patio more often, and in order to help them utilize its potential, he would like to provide a cover over the top.

While referring to the rough drawing projected onto the media screen, Mr. Flaiz noted that the proposal includes adding another exit door, along with a 5x5 pad and an asphalt ramp. He asked if that would go out onto the

Burntwood property. Mr. Friedlander said yes, it does, and he did receive a verbal agreement from Burntwood, but will wait until formal approval before he pursues any legal easement that would be necessary. Mr. Flaiz asked what made the additional exit necessary at this point. Mr. Friedlander said he doesn't really understand why it is required just because he wants to add a canopy over the patio. Mr. Flaiz recalled the initial approval of the patio for the former tenants as having some egress concerns, and asked if the Fire Marshal is requiring the additional exit. Mr. Hocevar said when the Fire Marshal reviewed the proposal and said the additional exit would be required because of the length of travel, he also questioned it. But the Fire Marshal did show him the relevant section in the Ohio Fire Code. Mr. Friedlander said he did agree he would put it in, but it doesn't make any sense to him, since they are not adding any seating.

Mr. Flaiz asked if he was envisioning a free-standing roof or would it come off the existing roof. Mr. Friedlander said he would like it to look like part of the building as much as possible.

Mr. Friedlander referred to the display on the large screen, indicating how little the canopy would impact egress. Discussion followed. Mr. Friedlander said any consideration would be appreciated since the cost of adding another exit is significant, along with legal work relating to the easement. Mr. Flaiz said he recalls the Fire Marshal having concerns with ingress and egress when the patio was initially approved. He told the applicant that he may want to meet with the Fire Marshal to discuss the possibility of any flexibility regarding the layout on the patio, if an additional exit addresses those concerns.

Mayor Koons complimented Mr. Friedlander for working with his neighbor regarding the need for an easement.

Mr. Flaiz reviewed the options before the board, which would be to continue the item, approve the concept conditioned on receiving formal plans, and requiring the applicant to reappear when the plans are finalized.

Mr. Flaiz told Mr. Friedlander that the board will go over the approvals and address the sign issue in the regular Planning Commission meeting. He concluded the Public Hearing for PC Case #24-05.

**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 when the commission approved the business use, smoker set up and temporary food truck for Hawaiian Guys, there was discussion regarding the possibility of carry-out, which was not approved, and the applicant wishes to revisit the possibility. Mr. Flaiz welcomed Ms. Sherry and asked her to begin her presentation.

Ms. Sherry said concerns about the parking was the reason they were not approved for carry-out operations, and said since moving in, they have observed daily traffic patterns in the area during the hours of 11:00am-3:00pm. She said there is almost no one back there during that time frame. Living Lean and Ortho Sport, the two other tenants in the building, are very supportive of their proposed carry-out operation. Their busy times are in the morning, but then it clears out. There is one neighbor who had concerns about parking, but the tenants in their building are all utilizing their spaces and have not had any problems. Mr. Mynchenberg added that there are now four signs installed indicating the parking spaces for Hawaiian Guys, and that the other businesses are respecting that. Ms. Sherry said that is correct.

Ms. Sherry said she has been asked how they would be able to manage the parking. They are planning to utilize the ability to manage the online orders and limit them to fulfilling an order every 15 or 30 minutes, and then having it block any further ordering attempts. She said they also can turn off online ordering if they get too busy.

Mr. Flaiz asked board members for questions or comments. Mayor Koons said he is having a tough time with this request. He feels they would basically be running a restaurant behind narrow little roadways, where turning and maneuvering vehicles is a challenge. He could see a year from now it could turn into outdoor dining at picnic tables. Ms. Sherry said they do not want anything like that at all. They had a dine-in operation at their Burton location, and they have no desire to do any kind of dine-in or even offer outdoor dining ever again. She simply wants to offer carry-out, which would be brought to their car, and then the customer would leave.

Mr. Flaiz said he stopped by there yesterday, which was a Wednesday, in the middle of the afternoon. There were not a lot of cars parked there. He said there are four parking spaces for Hawaiian Guys, but there are only three signs up because the smoker occupies one of the spots. Ms. Sherry said they will move the smoker back into the smoke shack, and it was only pulled out for an event. Mr. Flaiz said the smoke shack is a lot larger than he envisioned when the Planning Commission approved it. Essentially, there are three spots in the front, and he assumes that the employees park in the back. Ms. Sherry said that is correct. Mr. Flaiz referred to the media screen and pointed out the current parking situation with the other tenants utilizing their spaces. He said it would force people picking up their orders to turn around in the back area, which is not easily maneuverable. He said to the mayor's point, at their Burton location, the popularity of the food was such that there were long lines, a lot of cars and people, and they would sometimes run out of brisket by 3:30 on a Friday. He said this site is nowhere near able to accommodate something like that. He feels they have the capability of making a lot more food here than at their previous location, and even if this location would only draw half the amount of people that Burton did, it would still be overwhelming for the area. He went on to say that he hates to be critical of the plan because of their prior success, but he has to judge the traffic flow and the potential impact to the area.

Ms. Sherry said they would be offering very carefully timed orders so that only 4 people would be scheduled to pick up their food within a fifteen-minute time frame. She said they could change that to three people if needed. Mr. Flaiz said those details are not something the board could control; they would either be approving the carry-out or not. He saw first-hand their past success and popularity in Burton, and it would not be suitable for this area, and it would be unfair to the other businesses if the Village permitted a large amount of traffic to be drawn to the very last spot in the Industrial Parkway. He went on to say if cars are parked perpendicular to the building on the right, it doesn't even seem feasible for two cars to pass each other. Ms. Sherry said that it would come down to having their online system keeping the parameters in place. They do not want to have lines or produce the volume of food for carry-out such as they did in Burton. The patrons would not be permitted inside, the food would be brought to their cars, and they would leave. She said they have the support and consideration of their neighbors, who are aware of the possibility of their spaces being utilized for a short time, during a period of the day that will not impact their own patrons. She added that she drives a large pickup truck with an extended cab, and she does not have any issues turning around in that area.

Mr. Friedlander of Lopez Restaurant said since he is aware that parking in the area can be a problem, they also carry the food out to patron's cars when they are picking up their carry-out. He said they don't even allow Door Dash to enter the restaurant; everything is brought out to the car for carry-out service. Because of this effective approach, they have been able to avoid parking issues. He said he is on site all day and night, since he also has his office space back there, and he can attest that there are many vacant spaces between noon and 3pm. Mr.

Friedlander said he is in support of their proposal, and Hawaiian Guys has very good food. Mr. Flaiz said part of the problem is that they are known for having very good food, and it would attract a lot of people.

Dr. Rob Truax said he is a tenant in the building next to Hawaiian Guys. He referred to the site plan on the media screen, and indicated where his parking spaces are. Unfortunately, they do see some traffic problems. His concern is that people picking up carry-out will use the most convenient empty spaces, and then his patients, who are in pain, would not have a close place to park. He said there is already a parking pressure there, and Cross-Fit has a lot of outdoor activity for their special needs clients. Dr. Truax said the parking ratio in the South Russell code is currently not being met at 477 Industrial Parkway, and it is not uncommon for Cross-Fit patrons to use their parking spaces, and the owner of their building will not allow them to put up signage for exclusive parking. He said he understands that people want to grow their business, but as that happens, he can certainly see people parking in spots not permitted for Hawaiian Guys and justifying it due to them just "running in".

Mr. Flaiz said he noticed that Ortho Sport has installed signs to reserve their parking spaces, and it leads him to believe there was a parking problem that prompted that. Ms. Sherry said she spoke with Ortho Sport directly, and they both felt their signs would simply help the area be more organized, and that it was not prompted by any problem.

Mr. Mynchenberg reiterated that there is no seating at Hawaiian Guys, so no one will park and stay. There are four spaces, and there would only be four possible pick-ups within a restricted time period. He added that the entrances to the other businesses are on the other side of the building. He agrees that two-way traffic would be difficult in a certain area, but it has no impact on the parking in the front. Mr. Mynchenberg said he has never seen a real problem and that Dr. Truax's clients could not utilize the spaces for Hawaiian Guys anyway, he would still be limited to his spaces. Dr. Truax said his concern is people using their spaces to come pick up carry-out orders and rotating every twenty minutes. Ms. Sherry assured him that no one would be permitted to do that, and that it sounds like Dr. Truax may need to talk to Cross-Fit regarding the parking problem, instead of encroaching on their business, since they may be the source of his issues. She said she spoke at length with their neighbors about the parking, and they know that of all the other neighbors, Dr. Truax has issues with parking. Ortho-Sport watches very carefully where their clients park, and they do not utilize Dr. Truax's spaces. She said it sounds like Cross-Fit may be the issue for them.

Dr. Truax said while the parking issue is a concern for this board, the current issue and main concern of his is that if traffic develops, his business has the logical default spots for somebody to park and wait. This may cause his patients to have to wait for a spot. Ms. Sherry said he could call her, since she is there all the time, but she feels that the natural default spot would be at Ortho-Sport, since his business has a patch of grass separating them.

Mr. Flaiz said he understands Dr. Truax's concerns. Mr. Mynchenberg referred to the media screen and pointed out other potential additional parking areas at the site. Mr. Flaiz said that is not something the board can enforce or regulate; they are simply allowing carry-out or not. The previous location of Hawaiian Guys had people lining up, and now to scale up the business to produce more food, he cannot logically see how there would be less people.

Ms. Mynchenberg said she thinks it should be made clear that this is a catering business, and they do not want to have anything to do with running a restaurant. If other places allow Uber and Door Dash, why couldn't they also be approved to do this. Mr. Flaiz said restaurants are permitted to have carry-out. The Planning Commission approved Hawaiian Guys to operate a catering kitchen, but by offering carry-out, it becomes a

restaurant. Ms. Mynchenberg said there are traffic and parking issues for the restaurants in the area, and there is a big carry-out business. She is wondering why a small family business would not be permitted to offer carry-out also.

Ms. Matheney asked the applicant if they are keeping their catering business or switching to a carry-out only restaurant. Ms. Sherry said it is a catering business, and the carry-out option would be for potential customers to be able to sample their menu items prior to hiring them to cater an event. She said she usually just tells them to go to one of their pop-ups, but it would be nice to offer another option.

Ms. Budoff said it sounds like they are presenting a completely different business plan than their former location. People cannot walk in and order anything, and they wouldn't potentially run out of brisket, since they control and limit the orders. Ms. Sherry said that is correct, patrons can only order online. They will not even have a phone number to call for ordering.

Ms. Budoff referred to the media screen and clarified which parking spaces belonged to which business. She asked the applicant if they would be willing to modify their signs to have more details such as limiting the parking to specific minutes, indicating no eating in cars, etc. Ms. Sherry said that is a good idea, and they would be willing to do that. Ms. Budoff said since their plan is to bring the carry-out to the car, another way to control parking would be to refuse the food delivery if they are not parked in the correct space.

Mayor Koons said he thinks they are afraid of their success. Ms. Sherry said in Burton they were very busy with long lines of people coming in and ordering. It was a great success, but it also caused a lot of stress. They do not want to do anything like that again. It was disorganized, parking was a problem, they didn't even have any signs for spaces. She said having only online ordering will allow them to limit the volume, and there will be no patrons waiting while their order is prepared. Mayor Koons asked if someone in the area could walk over and attempt to order carry-out. Ms. Sherry said the customer would have to plan ahead for that, and the door is kept locked.

Mr. Flaiz reiterated his concern that the board cannot regulate that. They can only decide whether to allow carry-out or not. He said if they are doing a hundred take-out orders in four hours, they would not be able to stop that. Ms. Mynchenberg said they are being honest when they tell the board they would not be doing that, her daughter and her husband don't want that for their business. She said they were told they couldn't do carry-out when the Planning Commission approved the catering kitchen, but the owners do not want to run a high-volume business. Mr. Flaiz said he doesn't think they are misrepresenting what they would like to do, he is saying the board is in a position to approve carry-out or not. They would lose a lot of control of the situation, and they have to be fair to the other businesses.

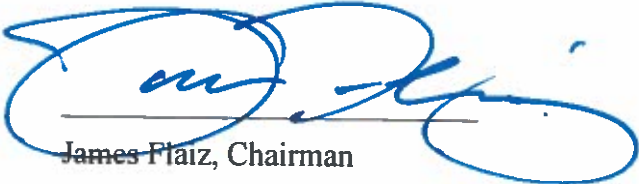
Mr. Flaiz asked for any further comments for the Public Hearing. Mr. Bruhn said he is a little concerned about people eating in their cars or going next door to the church property to do so. He recalled the previous approval was conditioned upon, among other things, having a fence installed in the area where the cookers are, and extending to the edge of the building. He thought the fence was primarily to discourage people from going to the grassy area of the church property.

Dr. Truax presented a scenario where if the carry-out activity gets busy enough, there may be people coming and going at the same time. He said if the designated spaces are full, the patron would have to wait for one to open up to then back out, and the small area makes maneuvering difficult. The person picking up the order may then choose to wait in one of his parking spaces, simply while waiting for a carry-out spot to open up. This could cause problems for his clients, even though all parties are attempting to follow the rules.

Mr. Flaiz referred to the Planning Commission minutes from the previous approval on November 17, 2022, and read a portion of the motion, "...and to approve the smoke shack, subject to approval by the Fire Prevention Officer. The condition of the smoke shack is that a fence be installed from the building to the smoke shack on the west side and the fence must be approved by the Building Commissioner." Mr. Flaiz thanked Mr. Bruhn for catching that. Ms. Sherry said she will check with her architect, since he attended the meeting also and should have included that with the plans.

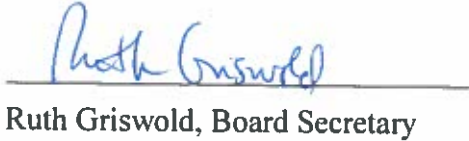
Mr. Flaiz read further from the motion, "There will be no counter sales permitted. The approval is also for an immobile, temporary kitchen on the property, the location of which is subject to approval by the Fire Prevention Officer and the Building Commissioner and shall be removed from the property no later than June 30, 2023." Mr. Flaiz said there is no mention of the other smoker currently situated in a parking space being approved.

Mr. Flaiz asked for any further comments for the Public Hearing. Hearing none, he said development review for the two agenda items from the Public Hearing will take place during the Planning Commission meeting immediately following. He asked for a motion to adjourn. Mr. Bruhn motioned to adjourn the Public Hearing at 8:19pm. Ms. Budoff seconded. Ayes all, the motion carried.



James Flaiz, Chairman

7/25/24  
Date



Ruth Griswold, Board Secretary

7-25-2024  
Date