

Minutes: Russell Township Zoning Commission
Russell Town Hall
November 19, 2007

Present: Richard E. Snyder, Chairman
Bruce Murphy
Elizabeth Rader
Eileen Rogers
Donna Weiss Carson
Diana Steffen, Secretary

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:35 p.m.

MINUTES OF OCTOBER 10, 2007 – Mr. Snyder explained that although this field trip was not a meeting, it had been sunshined on the advice of legal counsel and so brief minutes were required. *Ms. Weiss Carson made the motion to approve the minutes as submitted, Mr. Murphy seconded and the motion passed unanimously.*

MINUTES OF OCTOBER 15, 2007 – *Ms. Rader made the motion to approve the minutes as submitted, Ms. Weiss Carson seconded and the motion passed by 4-0. Mr. Murphy abstained due to his absence from that meeting.*

TAKE OUT FOOD SERVICES – Mr. Snyder welcomed Gus Saikaly, Director of the Geauga County Department of Water Resources, who was invited to talk about the Township's 208 Plan and the relationship between sewers and food service. Mr. Saikaly gave a history of the 208 Plan and explained that this year several lots in the commercial district at S.R. 306 and S.R. 87 have been added to the 208 Plan at the request of the Board of Township Trustees. The Russell Lane plant can accommodate these lots, but food preparation does require greater capacity than other businesses. Asked if zoning regulations should limit how many food service establishments can be at the intersection, Mr. Saikaly said that his department would make that decision since people must apply to him prior to obtaining a building permit. If the plant would be over capacity he would not allow someone to add such an establishment. He also said that any food service at this intersection would have to have a sewer.

With regard to the commercial zone at the intersection of S.R. 306 and Music Street, Mr. Saikaly said in the past he received a request from the owner of the southwest corner to extend the sewer line from South Russell Village up S.R. 306 to that property. He rejected this request since it was not part of the 208 Plan. Although a very small force main line could be installed, historically the Russell Township Trustees have been very concerned that others would try to tie in to such a line. Mr. Saikaly said he has not seen this happen in the County with a force main, but he agreed it could do so under certain circumstances. Mr. Snyder asked if the small lots could sustain a septic system and food service. Mr. Saikaly said that possibly a take out food establishment would work with an

onsite system, but a restaurant would require more land for a system and there may not be enough room. Most systems require a stream to discharge into, but since there is no stream there only an onsite system would work.

Mr. Saikaly advised that if he does not agree to a sewer tie-in request, people can argue they cannot use their land and the Geauga County Commissioners must decide whether to go to court. Because force mains are usually small lines they are unlikely to be used for a tie-in, unless the technology improves. If the Township does not wish to have sewers then it should be wary of zoning for uses that require sewers. Mr. Saikaly recommended an Ohio E.P.A. 'Green Book' that computes the size of septic system required for different types and sizes of restaurants. Then the zoning can restrict food service to smaller businesses that can use a septic system. He also recommended the Zoning Commission ask the Ohio E.P.A. office in Twinsburg for assistance.

Mr. Snyder thanked Mr. Saikaly for his assistance and Mr. Saikaly left the meeting.

Mr. Snyder said Chagrin Falls Village has useful standards for parking space requirements versus seating requirements for restaurants, and he has distributed this information to the Commission. Mr. Murphy said he has researched food service, and noted that there are many different types of restaurants, and some, such as drive-ins, that come and go. The Commission must be careful to take into consideration the many different types and that there may be other types in the future. He recommended that if the Commission decides to allow food service, it should regulate it as a conditional use in the C-S district so that issues such as access to adequate sanitation and traffic flow patterns will control the size of the establishment. Food service could be restricted to the C-S district only at Music Street, and prohibited in the L-B district. A distinction between restaurants and take-out services must be made and then whether to allow either type based on health and safety issues. These issues, such as traffic and proximity to the intersections, would be handled as part of the conditional use process.

PUBLIC COMMENT – Resident Peter Rogers had asked the Chairman prior to the meeting to be given time to make comment on the proposed riparian setback amendment. Mr. Rogers made a statement that although he is generally in favor of riparian setbacks, he objected to the setbacks on small streams. The Commission reminded Mr. Rogers that at present those streams are subject to a 30-foot setback, which will be reduced to 25 feet in the amendment.

RIPARIAN SETBACKS – The Chairman noted that a final version of the proposed amendment has been reviewed by the Commission. Ms. Weiss Carson asked for a minor grammatical change.

Mr. Murphy made the motion that an amendment to the Russell Township Zoning Resolution, identified as number 2007-4, consisting of nine pages marked Exhibit A and guide map marked Exhibit B and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Russell Township Zoning Commission this 19th day of November, 2007. Ms. Weiss Carson seconded.

