

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
Wednesday, January 27, 2010

Present: Richard E. Snyder, Chairman
Bruce Murphy
Donna Weiss Carson
Wendy Bruzas
Ben Kotowski
Diana Steffen, Secretary

The Chairman, Richard Snyder, called the meeting to order at 7:48 p.m.

ELECTION OF OFFICERS – *Mr. Murphy moved to open the floor for nominations for the positions of Chairman and Vice-Chairman, Ms. Bruzas seconded and the motion passed unanimously.*

Mr. Murphy nominated Mr. Snyder for the office of Chairman.

Mr. Kotowski nominated Mr. Murphy for the office of Vice-Chairman.

Mr. Kotowski moved to close the floor for nominations, Mr. Murphy seconded and the motion passed unanimously.

Upon a verbal vote for Mr. Snyder for Chairman the vote was unanimous by 5 aye votes to 0 nay votes.

Upon a verbal vote for Mr. Murphy for Vice-Chairman the vote was unanimous by 5 aye votes to 0 nay votes.

Mr. Snyder and Mr. Murphy were re-elected Chairman and Vice-Chairman respectively for 2010.

MINUTES OF DECEMBER 21, 2009 – Mr. Murphy moved to accept the minutes as presented, Ms. Bruzas seconded and the motion passed unanimously.

SPECIALTY FOOD SERVICE OPERATIONS – DRAFT AMENDMENT – Ms. Bruzas reported that she had spoken to legal counsel Sheila Salem to ask if it would be legally defensible to prohibit grease deep fryers. Ms. Salem's opinion was that this would be discriminating against a type of food, and although townships may now use general welfare as a purpose for zoning, this has not been tested in the courts yet and there could be a risk. Since a township's zoning power is based on the land, it would be more reasonable to limit how far apart fast food restaurants may be located. She agreed that if the Township prohibited drive-throughs for a legitimate reason, this would be a better way to limit fast food restaurants than to ban grease deep fryers.

Following a discussion, the Commission agreed to delete item H.6 that banned grease deep fryers.

Ms. Bruzas said she called O.D.O.T., and was advised that there is a comprehensive review of driveway permit applications that is not just limited to access to a state route. O.D.O.T. does not like to see two accesses. If a building and driveway exist and are replaced on the same footprint then O.D.O.T. usually does not have a problem with it.

Mr. Kotowski handed out his research on the number of parking spaces to building square footage of restaurants in Chester, Bainbridge and Newbury Townships. He was surprised to find that in general specialty food shops operate with a parking to square footage ratio of one parking space to each 216 of building square footage. Many of these businesses have drive-throughs, for which parking spaces are not needed. Mr. Kotowski recommended asking for a minimum amount of parking area.

As requested at the last meeting, Mrs. Steffen had brought the plans for the Melody Plaza shopping center that was planned for the south west corner of the Music Street/S.R. 306 commercial area. These plans were approved by the Board of Zoning Appeals in 2005, although to date the shopping center has not gone forward. Mrs. Steffen explained that to have the required number of parking spaces would mean there would be 65% lot coverage, so to lower this the developer asked for a variance for less parking spaces than required, and a variance for 50% lot coverage (40% required). Due to it being described as a "low volume shopping center" the number of parking spaces was considered adequate, and additional land would remain available for more parking spaces, if needed in the future.

The Commission discussed linking the number of parking spaces to the amount of seating in a restaurant, but agreed that this should be up to the owner's business model, since the Township's concern is the amount of impervious surface. The members agreed not to place a limit on the number of parking spaces for a restaurant outside of the existing regulations for the C-S district. The Commission also discussed whether to allow parking on adjacent lots, and decided not since this would violate the C-S district regulations and could be a public safety issue.

The Chairman asked Mr. Kotowski to revise the draft amendment to reflect tonight's decisions. Mrs. Steffen will provide assistance. Mr. Snyder will draft up an amendment to differentiate the two C-S districts as C-S 1 where restaurants will be permitted, and C-S 2 where they will not be permitted. Once this is accomplished the Commission will consider other permitted uses for the two C-S zones. Mrs. Steffen will check with the Planning Commission on whether legal descriptions will be required to rezone the C-S districts.

CONSERVATION EASEMENT ZONING – Mr. Murphy had received three conservation easement templates from the Western Reserve Land Conservancy. After reviewing the restrictions on the land he realized that easements are complex, and was not sure that rezoning such lots is feasible, although it would make a statement about the community's values. He suggested

