

Minutes: Russell Township Zoning Commission  
Russell Fire-Rescue Station  
January 26, 2011

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

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

**ELECTION OF OFFICERS** – *Mr. Murphy moved to open nominations for Chairman and Vice-Chairman for 2011, Mr. Kotowski seconded.*

*Mr. Kotowski nominated Mr. Snyder for Chairman, Mr. Murphy seconded.*

*Mr. Snyder nominated Mr. Murphy for Vice-Chairman, Mr. Madden seconded.*

*Mr. Kotowski moved to close nominations, Mr. Murphy seconded.*

*Upon verbal votes, Mr. Snyder was unanimously re-elected Chairman and Mr. Murphy was unanimously re-elected Vice-Chairman.*

The Chairman welcomed Justin Madden as a member of the Zoning Commission. Mr. Madden was previously on the Board of Zoning Appeals.

**MINUTES OF NOVEMBER 22, 2010** – *Mr. Murphy made the motion to accept the minutes as submitted, Mr. Kotowski seconded and the motion passed unanimously.*

**REVIEW OF 2011 GOALS** – The Commission reviewed an updated list of goals, and will ask the Zoning Inspector to clarify the issues regarding definition of a dwelling and sign regulations.

**FOOD SERVICE** – Mr. Murphy reported that he received a reply from legal counsel Sheila Salem to his email with questions about the Planning Commission and Prosecutor's comments on the draft amendment. Ms. Salem advised that the Township may not regulate drive-thru windows or hours of operation. Previously the Prosecutor's Office had not advised this, and the L-B amendment included hours of operation. It was understood that restaurants could be regulated differently from other types of businesses. The Commission discussed requiring a more substantial buffer from residential properties by requiring a buffer, setback and mound. Mr. Snyder suggested a meeting at the Planning Commission with legal counsel and the Planning Director.

Action Item: Mr. Murphy will ask Ms. Salem for clarification on these questions and for citations and case law.

**GENERAL WELFARE LANGUAGE INTO ZONING RESOLUTION** – Mr. Murphy had emailed Ms. Salem to ask whether the Zoning Resolution should be amended with updated and consistent language throughout. He said Ms. Salem had responded that because the legislature has not yet included the "general welfare" language in the statute, some townships are waiting until it has been amended to reflect this power. She said the Township could add the language if it wishes to do so. The Commission agreed to add the language.

Action Item: Mrs. Steffen will prepare a draft amendment with the new language, by removing 'morals' and including the new language in the Statement of Purpose.

**WIND & SOLAR ENERGY** – Mr. Snyder has asked Stephanie Spear to suggest a residential wind tower the Commission could visit. He has an article for the Commission that talks about smaller towers that can be shipped on a highway. Mr. Kotowski said he had seen a presentation on installing wind turbines and the biggest mistake made is not enough height. They must be high enough to avoid the effect of topography and trees. If the

Township regulates them by fall zone it may encourage inefficient turbines. The Commission discussed the lack of wind in this area, tax abatements and credits for solar power, and noise.

Action Item: Mr. Kotowski will ask a friend who installs wind towers if he can show the Commission one that has been installed locally.

**DISCUSS REZONING OF TOWNSHIP-OWNED LOTS IN S.R. 306/87 C-S DISTRICT TO O-B** –Mr. Snyder said a study was requested in 2001 to determine whether the C-S and O-B districts are meeting the needs of the residents. The study, *Commercial Districts & Public Facilities Planning Study*, by Mark Majewski of Northstar Planning & Design, Inc., found there was a glut of unused commercial space in Chester and Bainbridge, and he recommended the Township-owned properties in the C-S district at S.R. 306/87 be rezoned to O-B. As well as the Township-owned lots the study recommended rezoning the Shell gas station lot and a lot next to the prior police station lot that is being used residentially at this time. Mr. Snyder said one of the reasons to do this was to prevent more traffic from entering S.R. 87 from businesses located on either side of the hill crest at S.R. 306 by concentrating the commercial activity onto S.R. 306. S.R. 87 has a high speed limit and has sight distance issues near the intersection. After another Northstar study in 2006 focusing on the Music Street/S.R. 306 commercial intersection, the Board of Trustees added both studies to the Land Use Guide Plan. At the last zoning workshop two years ago one of the goals set was to accomplish the rezoning of Township-owned lots in the S.R. 306/87 C-S District to O-B. Mr. Snyder suggested rezoning the old BP lot to O-B, since it is Township-owned, but not the Shell station, since it is being used as a gas station, and not the residentially-used lot that is privately owned.

Mr. Kotowski asked why the rezoning should be done now when there are several vacant lots in the O-B area. He asked if someone could challenge the zoning if there is no market for O-B, since it will affect the value of the lots rezoned. He said the old Town Hall could one day be used for a restaurant, since it has space for parking and will have access to sewers. However, he agreed that the Township's goals are more important than value, and asked what the Trustees would want to see as far as the shape of the district. Mr. Snyder said that because the Guide Plan runs to 2015 the Township will probably start the update next year, and this rezoning should be accomplished before that project starts.

Mr. Snyder explained that the Guide Plan recommends rezoning the S.R. 306/87 commercial district as follows: 1) southeast quadrant, 2) northwest quadrant for the lots fronting on S.R. 87, 3) Old BP lot because it is now Township-owned and cannot be used as C-S. The Commission agreed to rezone the following lots from C-S to O-B:

S.E. Quadrant of the intersection of S.R. 306/87:

- PP# 26-707000 – 0.74 acres at the southeast corner of S.R. 306/87 intersection.
- PP# 26-706400 – 0.7 acres fronting both S.R. 306 and S.R. 87 - former fire station.
- PP# 26-705500 – 14921 Chillicothe Road – 0.62 acres - former fire station (in the name of Russell Fire Department).
- PP# 26-707024 – 8501 Kinsman Road – 1.89 acres - Russell Administration property.
- PP# 26-053255 – 8501 Kinsman Road – 0 acres - Russell Administration building.

N.E. Quadrant of the intersection of S.R. 306/87:

- PP# 26-707049 – 8470 Kinsman Road – 0.41 acres – former BP gas station lot.

N.W. Quadrant of the intersection of S.R. 306/87:

- PP# 26-703000 – 14890 Chillicothe Road – 0.5 acres – Russell Historic Town Hall.
- PP# 26-702900 – 8450 Kinsman Road – 0.38 acres – former police station.

*Mr. Murphy moved the adoption of the following motion: That an amendment to the Russell Township Zoning Resolution, identified as number 2011-4, consisting of 20 pages, marked Exhibit A and B and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Russell Township Zoning Commission this 26<sup>th</sup> day of January 2011. Mr. Kotowski seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Madden – yes, Mr. Snyder – yes, and the motion passed unanimously.*

*Mr. Murphy moved that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2011-4, to the Russell Township Zoning Resolution as attached hereto on the 28<sup>th</sup> day of February, 2011, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Kotowski seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Madden – yes, Mr. Snyder – yes, and the motion passed unanimously.*

**AMENDMENT 2011-1 SECTION 4.7.T DELETE PROHIBITION ON SALE OF ALCOHOL** – The Chairman explained that the Township does not have the authority to prohibit the sale of alcohol, and now that voters in one precinct have approved sale of beer and wine at Circle K it is appropriate to remove Section 4.7.T from the Zoning Resolution.

*Mr. Murphy moved the adoption of the following motion: That an amendment to the Russell Township Zoning Resolution, identified as number 2011-1, consisting of 1 page, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, by hereby initiated by the Russell Township Zoning Commission this 26<sup>th</sup> day of January 2011. Mr. Kotowski seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Madden – yes, Mr. Snyder – yes, and the motion passed unanimously.*

*Mr. Murphy moved that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2011-1, to the Russell Township Zoning Resolution as attached hereto on the 28<sup>th</sup> day of February, 2011, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Kotowski seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Madden – yes, Mr. Snyder – yes, and the motion passed unanimously.*

**AMENDMENT 2011-2 SECTION 11.8 AMENDMENTS – ADOPTION BY TRUSTEES** – Mr. Snyder explained that whereas adoption of an amendment could only be denied or modified by a unanimous vote by the Board of Trustees, the State has now mandated that a majority vote can deny or modify an amendment. The Geauga County Planning Commission and County Prosecutor have strongly recommended amending Section 11.8.

*Mr. Murphy moved the adoption of the following motion: That an amendment to the Russell Township Zoning Resolution, identified as number 2011-2, consisting of 1 page, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, by hereby initiated by the Russell Township Zoning Commission this 26<sup>th</sup> day of January 2011. Mr. Kotowski seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Madden – yes, Mr. Snyder – yes, and the motion passed unanimously.*

*Mr. Murphy moved that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2011-2, to the Russell Township Zoning Resolution as attached hereto on the 28<sup>th</sup> day of February, 2011, at 7:30 p.m. at the Russell Fire-Rescue Station, 14810 Chillicothe Road. Mr. Kotowski seconded and upon roll call the vote was Mr. Murphy – yes, Ms. Weiss Carson – yes, Mr. Kotowski – yes, Mr. Madden – yes, Mr. Snyder – yes, and the motion passed unanimously.*

**AMENDMENT 2011-3 ZONING MAP CHANGE – REZONE 6 PARK COMMISSION-OWNED PROPERTIES FROM R-5 TO PASSIVE PARK DISTRICT** – Mr. Snyder explained that the Russell Park Commission is in agreement with rezoning four sublots on Hillbrook Circle and one lot at the corner of Deepwood Drive and S.R. 87, plus a newly-acquired lot on Sperry Road that is adjacent to other Park Commission-owned and Passive Park District-zoned lots. This is in keeping with all other land owned by the Park Commission in Russell Township. This rezoning will require a change on the W.T.T.O. District Zoning Map to designate these six lots as Publicly Owned Property Other than Property Owned or Controlled by Russell Township Trustees.

These six lots are:

PP# 26-707043 S/L 26 Hillbrook Estate 1.62 acres fronting on Hillbrook Circle.  
PP# 26-707044 S/L 27 Hillbrook Estate 1.57 acres fronting on Hillbrook Circle.  
PP# 26-707045 S/L 28 Hillbrook Estate 1.72 acres fronting on Hillbrook Circle.  
PP# 26-707046 S/L 29 Hillbrook Estate 1.83 acres fronting on Hillbrook Circle.  
PP# 26-707047 5.4 acres at the southeast corner of Kinsman Road and Deepwood Drive.  
PP# 26-001200 4.89 acres fronting on Sperry Road.

