

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
January 25, 2012

Present: Bruce Murphy, Vice-Chairman
Donna Weiss Carson
Ben Kotowski
Tom Warren
Diana Steffen, Secretary

Chairman Richard Snyder was absent with apologies.

The Vice-Chairman called the meeting to order at 7:36 p.m.

ELECTION OF OFFICERS – The Commission agreed that election of officers should be postponed until a full board was in attendance. Mr. Snyder and Mr. Murphy will remain in their current positions as Chairman and Vice-Chairman respectively until the election can take place.

The Commission welcomed Tom Warren as a new member of the Commission, and introduced themselves. Mr. Warren introduced himself and gave his background.

MINUTES OF DECEMBER 28, 2011 – *Ms. Weiss Carson made the motion to approve the minutes, Mr. Kotowski seconded and the motion passed unanimously.* Mr. Warren abstained since he was not a member of the Commission at that date.

RETAIL FOOD SERVICE – The Commission reviewed the 12/05/11 draft amendment with David Dietrich's informal comments. The first comment asked for an amended zoning map and legal description of the area to be rezoned. Mrs. Steffen said the Geauga County Planning Commission will revise the zoning map, and it had already been decided by the Commission that Section 3.3 of the Zoning Resolution negates the need for a legal description. Regarding specifying minimum lot area and frontage, Mr. Murphy said that proposed Section 6.5.J.1 states that the amendment is subject to all C-S-1 zoning requirements, so there is no need to restate all requirements. Regarding specifying the minimum number of parking spaces, the Commission agreed that the Board of Zoning Appeals will have the opportunity to decide on the number during the application process, and the applicant would be expected to know his business needs.

The fourth comment referred to the restriction on specific hours of outdoor service or other patron activities. Mr. Dietrich recommended discussing this with legal counsel due to the Ohio Supreme Court case of Bainbridge Township v. Funtime Inc. Mr. Murphy said he looked at Chester Township's outdoor dining regulation and did not find any reference to hours of operation, but he recommended leaving the requirement in the amendment and wait for the G.C.P.C.'s formal recommendation. Mrs. Steffen suggested that a member of the Zoning Commission attend the G.C.P.C. meeting.

Mr. Warren said he had noticed that proposed Section 6.5.J.9 may not be clear as to its intent. The first line states that outside patron activities and/or service in a location outside of a completely enclosed building are subject to a number of conditions. Similarly, the last condition regarding amplified music states it shall not be conducted outside of a completely enclosed building. Mr. Warren pointed out that this could be understood to mean the conditions are not applicable when buildings are not completely enclosed. Ms. Weiss Carson mentioned that some restaurants open large garage doors or sliding doors in the summer, and the regulation as written may permit amplified music outside in that case. Mr. Kotowski agreed. After a lengthy discussion Mr. Kotowski offered to draft the section to be clear that 1) the primary food operation is to be conducted within a reasonably enclosed structure, and 2) anything to occur outside of that structure is subject to the conditions.

The Commission agreed to rewrite the last condition for clarification as follows: "Amplified music, amplified communications systems and amplified entertainment shall be conducted only inside a completely enclosed building." This condition will be moved to Item 6, below 'c', where it would be more appropriate.

Action Item: Mr. Kotowski will redraft proposed paragraph 9.

