

Minutes: Russell Township Zoning Commission
Russell Town Hall
May 18, 2009

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

Also in attendance: Ric Machnics, Zoning Inspector; Kristina Port, Trustee, during the first half of the meeting.

The Chairman called the meeting to order at 7:32 p.m.

MINUTES OF APRIL 20, 2009 – *Mr. Murphy made the motion to accept the minutes as submitted, Mr. Kotowski seconded and the motion passed unanimously.*

FOOD SERVICE/PERMITTED USES IN C-S ZONE – Mr. Murphy handed out his research regarding different types of restaurants. He explained that it is possible to differentiate between types as long as there is a rational basis. Prohibiting franchise operations would be considered arbitrary and not defensible. Some communities allow specialty food service, such as coffee shops and ice cream stands, but not full-service restaurants. He also mentioned that a full-service restaurant is usually only viable if it has a liquor license. He had found three separate definitions for coffee houses. Citing definitions from The District of Columbia, Mr. Murphy concluded that a community may limit the foods sold at a coffee shop by defining them as incidental to the sale of coffee. Ms. Port arrived at this time.

The Chairman asked everyone, as residents, to decide the type of food service they would like to see in Russell. In order to start writing the amendment they must make that decision first. Mr. Murphy recommended food service be written as a Conditional Use in order to give the Board of Zoning Appeals the authority to consider all the issues, such as location, noise, traffic patterns. A lengthy discussion took place focusing on the following issues: whether to permit drive-throughs or whether to prohibit them which would effectively prohibit fast-food franchises; whether to limit the amendment to coffee shop types of business or whether to leave it open to all types; if limited to coffee shops, should they be allowed to have a drive-thru; the fact that most of the lots are very small and self-limiting unless two or more are consolidated; whether to include the same buffers as written in the Limited Business district; how a full-service restaurant could fit.

The Chairman asked the Commission to think about the direction they wished to go by the next meeting, especially with regard to drive-throughs. By prohibiting drive-throughs, but not the type of food service, they would be leaving it up to the business,

