

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

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

Also in attendance: Ric Machnics, Zoning Inspector.

MINUTES OF SEPTEMBER 28, 2011 – Mrs. Steffen said she had made a minor grammatical change since distributing the minutes. *Mr. Murphy made the motion to approve the minutes as amended, Mr. Madden seconded and the motion passed unanimously.*

COUNTY MODEL ZONING RESOLUTION CHANGES

Statement of Purpose – Mr. Murphy said the County Model has been amended to incorporate the Statement of Purpose from the language in O.R.C. 519.02, but the language is very confusing. He had previously tried to separate the language out to explain it better and felt that, since the Township's language is a general statement that references the O.R.C., no change is needed. If specifics are put into the Statement of Purpose it would need to be amended each time a change is made in the O.R.C. He said the reference is sufficient, since anyone can read the O.R.C. if they have a question about it. The Commission agreed that amending the Statement of Purpose is unnecessary, so no change will be made.

Revocation of Conditional Zoning Certificate and discussion of time limits – Mr. Snyder said that B.Z.A. member Chuck Johns is tonight attending a program sponsored by the Chagrin River Watershed Partners on dam safety in his position as President of the Foxwood Farms Homeowners Association. Since there is expected to be information provided relating to conditional zoning certificates, Mr. Snyder suggested waiting for Mr. Johns' feedback.

Conformance and Enforcement – Add new Section 10.15 – Mrs. Steffen had drafted the new language as a new paragraph at the end of Section 10. Mr. Snyder explained that in the past the Township was not notified of a land split or consolidation by the Geauga County Recorder, so the Zoning Inspector was unable to determine if the new lots were in compliance with zoning prior to transfer. The County's zoning inspectors worked with the Geauga County Planning Commission resulting in the new paragraph which requires the zoning inspector's review and approval before the transfer is accomplished. Mr. Snyder said he believed this should be put in Section 10 as a new separate paragraph to keep it separate from Section 10.8 which deals with subdividing land for platted subdivisions and not smaller parcels. He asked Mr. Machnics if he was in agreement with the suggested amendment. Mr. Machnics said he was, and that the new procedure was already in use.

Action Item: Mrs. Steffen will prepare the language for an amendment that will be initiated when there are a number of other amendments ready.

RETAIL FOOD SERVICE OPERATIONS

Revised Draft Amendment - Mr. Kotowski said he had redrafted the proposed amendment to incorporate changes suggested at the previous meeting. He had not yet included a traffic impact study as a requirement since he had questions for the Commission about it. He asked what should be expected from a traffic study and who should do it and what should trigger it. In his research he found that traffic studies may be necessary when developing a corner lot. The cost appears to range from about \$2,000 to \$7,000 if all possible components are done. Ms. Weiss Carson said that even the lower amount would be very high for some applicants. Mr. Murphy said he thought that data would be available for analysis so

the cost need not be so high. Mr. Snyder said he spoke with David Dietrich, who agreed that since retail food service will be a conditional use, we could include a paragraph to give the Board of Zoning Appeals the authority to require a traffic study, with the scope of the study to be determined by the B.Z.A., depending on the particular case.

Mr. Snyder said that not all engineering firms do traffic studies, so one that has the right qualifications should be required. The State of Ohio licensure for Professional Engineers does not distinguish "traffic" engineers from civil engineers at this time. Mr. Madden suggested that the Retail Food Service section have an affirmative statement that it is the applicant's obligation to present a traffic impact study, with the B.Z.A. approving who conducts the study.

It was agreed to add the traffic impact study requirement as a separate paragraph below the hydrologist requirement, and the wording will require an applicant to use an engineering firm that has expertise in traffic studies, and a Professional Engineer licensed in the state of Ohio who has suitable qualifications.

The Commission agreed to some other minor changes to the proposed amendment.

Action Item: Mrs. Steffen will write up the minor changes and email the revised draft to Mr. Kotowski, who will add traffic impact study language and send the draft to Mr. Snyder.

Draft amendment to separate CS zone into CS-1 and CS-2 – With assistance from Mr. Murphy and Mr. Snyder, Mrs. Steffen had drafted a proposed amendment to separate the two districts. Mr. Snyder asked whether the Commission wished to consider removing some conditional use items from the CS-2 district that would not fit there because of limitations on the acreage needed. Mr. Murphy suggested leaving them since it may be possible to combine CS-2 lots with adjacent residentially-zoned lots where the uses are permitted. The Commission agreed to remove only adult-oriented businesses from the CS-2 district, since the lots there are too close to residences or the residential district to meet the minimum required distances as specified in Section 6.5.I.2.B.

Other uses suggested in order to expand the list of permitted uses in the CS zones were child care centers, funeral homes, adult day care.

Action Item: All Commission members will consider again other possible permitted uses for the two CS zones. Mrs. Steffen will review the Zoning Resolution for changes that might be needed as a result of separating the CS zone into two districts, and will send out her findings with the next meeting agenda.

OTHER BUSINESS – Resident Charles Butters suggested changing language in Section 7.5 Nonconformance due to a case that was settled some years ago and a new residence permit that was issued over a year ago. Mr. Snyder asked him to explain his issue in writing, so the Commission could look into it and respond appropriately.

Mrs. Steffen mentioned an informational meeting on oil and gas drilling to be held the next night at the Geauga County offices, and a program on household chemicals to avoid and replace with less harmful products. The latter program is part of the Phase II educational program and is being sponsored by the Geauga Soil & Water Conservation District.

There being no other business, Mr. Madden moved to adjourn, Mr. Murphy seconded and the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Diana Steffen
Secretary

Date

Richard E. Snyder
Chairman

Date