

Minutes: Russell Township Zoning Commission
Russell Town Hall
December 21, 2009

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

The Chairman called the meeting to order at 7:40 p.m.

MINUTES OF NOVEMBER 16, 2009 – *Mr. Murphy made the motion to accept the minutes as presented, Mr. Kotowski seconded and the motion passed unanimously by 4-0. Ms. Bruzas abstained due to her absence from that meeting.*

SPECIALTY FOOD SERVICE OPERATIONS – DRAFT AMENDMENT – The Commission had received informal comments from David Dietrich of the Geauga County Planning Commission, which included those of Rebecca Schlag and Sheila Salem of the Geauga County Prosecutor's Office. The Commission reviewed the comments written in the draft.

Mr. Murphy said it was notable that Mr. Dietrich did not object to the concept of permitting specialty food service only. The Chairman noted that he did suggest making the definition more specific. The Commission agreed with the suggestion to add text to require such operations to be located on lots within the approved 208 sewer plan area, and to require information from a hydrologist that ample water supply is available. With regard to item D, off-street parking, the comment about the number of points of ingress/egress, the Chairman suggested this question should be left up to the B.Z.A. on a case-by-case basis. Ms. Bruzas questioned when O.D.O.T. requires a driveway access permit.

On item G, Odors, the Commission agreed that these are inevitable with a restaurant and agreed to delete this item. However, odor from garbage is a separate matter, sometimes garbage is fenced off. Mr. Murphy said they wrote into item H.3 the flexibility for the B.Z.A. to decide the frequency of waste removal and the time of day. Mr. Snyder suggested that H.4 be amended to remove waste pickup from the restriction on hours of permitted exterior operations, since it would be difficult to enforce.

Mrs. Steffen confirmed that a lighting plan is required as part of an application for a zoning certificate. However, since the Commission was asking in item H.1.a that all exterior lighting be extinguished outside of the hours of business operations, Mr. Dietrich had asked if there should be an exception for safety/security lighting. It was agreed that this is up to the owner of the business, and therefore there should be an exception and the B.Z.A. can deal with the request on a case-by-case basis.

The Commission considered the comment regarding the prohibition on grease deep fryers and frying of food. It discussed Circle K's food preparation activities, and after a long discussion agreed to discuss further with legal counsel, as suggested in the comment.

Mr. Snyder agreed with the suggestion by Mr. Dietrich not to permit air conditioning units to be located in front of the principal building on a lot.

The Commission discussed the definition of specialty food shop and the comments regarding the vagueness of the term "extensive seating" and the word "similar." Ms. Weiss Carson suggested using the size of the parking area to determine the amount of seating. Mr. Kotowski suggested determining the maximum potential size of the parking area under the zoning regulations for a lot of one acre. Mr. Murphy suggested deleting "extensive seating." He said since the zoning mandates the maximum amount of impervious surface, that could determine the maximum number of parking spaces. The owner could then decide the seating he needs based on his business model. Mr. Kotowski offered to count the parking spaces of some of the restaurant lots Mr. Murphy had reviewed previously, and then work out the number of seats that would be allowed. Mr. Murphy stressed that the Fire Code is the determining factor for the number of people or tables allowed.

The Chairman reviewed items for next month's meeting. Mrs. Steffen will bring the plans that were approved by the B.Z.A. for the lot at the southwest corner of Music Street. These plans may provide some insight into the number of parking places permitted. Ms. Bruzas volunteered to contact the Prosecutor's Office to discuss the question of grease deep fryers, and to contact O.D.O.T. regarding driveway permits. Mr. Murphy will contact the Russell Fire Department to find out the Fire Code limitations on the amount of seating. Mr. Kotowski will check the Chesterland Arabica as well as the restaurants reviewed by Mr. Murphy for parking spaces and seating.

CONSERVATION EASEMENT ZONING – Mrs. Steffen had called Mr. Dietrich to ask whether it is feasible to rezone properties with conservation easements to a new zoning district. Mr. Dietrich advised there is precedent to do this, Bainbridge and Hambden have done so, and Auburn has done it with O.D.N.R. and City of Akron-owned land. However, such land is owned by public bodies, and Mr. Dietrich was not aware of it having been done with private residential properties. He believed it unlikely that a conservation easement would ever go away, and if for some reason the Western Reserve Land Conservancy went out of business then the conservation easement would revert to another entity. He said conservation easements are private agreements, the Township is not advised when they are filed at the Recorder's Office. He recommended talking to the property owners early in the process, exploring an overlay district, and asking the W.R.L.C. for a map of all the conservation easements in Russell.

Mr. Murphy reported on his conversation with Ed Meyers, legal counsel for the W.R.L.C. Mr. Meyers questioned the need for rezoning these properties, and said he felt it was more likely that the zoning would change than the easements be reunited with the

