

Minutes: Russell Township Zoning Commission  
Russell Fire-Rescue Station  
April 22, 2015

Present: Richard E. Snyder, Chairman  
Bruce Murphy  
Donna Weiss Carson  
Ben Kotowski (arrived at 8:07 p.m.)  
Tom Warren  
Diana Steffen, Secretary

The Chairman called the meeting to order at 7:44 p.m., and said he would like to add, after agenda item #3, another agenda item, Discussion of Land Use Guide Plan, discussions for May and June.

**MINUTES OF JANUARY 26, 2015** – Mr. Warren asked to amend the minutes to clarify wording under "Retail Food Service Amendment." *Mr. Murphy made the motion to approve the minutes as amended, Mr. Warren seconded and the motion passed unanimously.* Ms. Weiss Carson abstained due to her absence from that meeting.

**MINUTES OF MARCH 25, 2015** – tabled until all three attendees are in attendance to approve.

**DISCUSSION OF LAND USE GUIDE PLAN** – Mr. Snyder asked for Commission members to do the following for the next meeting: Mr. Warren to look over what he needs before writing the Environmental chapter; Ms. Weiss Carson to look at the Regional Relationships chapter for any necessary changes; Mrs. Steffen to ask Jen Dorka to work on the charts in the Demographics section as soon as possible. Mr. Snyder said his goal is to give all the information to Mr. Dietrich by August, with an end date for the Commission's work of around the end of the year. Mr. Dietrich will be asked to create Land Use maps and land use classifications using the Commission's suggestions.

Action Item: Commission members to work on their assigned chapters, as above, for the May meeting.

**RETAIL FOOD SERVICE AMENDMENT** – The discussion from the previous meeting was reviewed, and Mr. Warren recommended adjusting the language in proposed Section 6.5.J.7a to reflect that the required buffer to a residentially zoned property from a food service use must be, "...not less than fifteen (15) feet shall be maintained *between* any building, structure, parking area, driveway or outdoor use area *and* the lot line of the residentially zoned property."

Mr. Warren mentioned two cases from the 11<sup>th</sup> District Court of Appeals regarding restrictions on restaurants pertaining to aesthetics. The Commission discussed the concept of creating an architectural review board but felt that this was not direction to take. It appears there are different approaches that may be taken on the local level, and Mr. Warren said he would like the Commission to research them thoroughly before initiating the amendment. He noted that it may be worth asking an expert to give an opinion regarding the Township's impervious surface regulations as a basis for commercial zone requirements. Mr. Snyder said they could ask the Chagrin River Watershed Partners to do this.

Mr. Kotowski arrived at this time.

The Commission also discussed building size requirements in the commercial zone, and agreed it was necessary to find out why the size limitations were enacted. Mr. Snyder will talk to a previous chairman of the Zoning Commission and a previous Trustee to a meeting to advise on this.

With regard to the buffer requirement of a mound, Mr. Snyder suggested an example of a shopping strip that after a few years would like to include a coffee shop but would be required to go to the expense of a mound and landscaping if adjacent to residentially zoned property. He said that this would be an added expense because the use would be a restaurant, and he suggested giving the Board of Zoning Appeals the discretion to consider what type of buffer would be required. Mr. Murphy said the regulation must be

specific, and Mr. Kotowski said protection from the impact must be provided for residents adjacent to such a use. Mr. Snyder said he will agree to the Commission's decision on this matter.

Action Item: Mr. Snyder to talk to a former Chairman of the Commission and a previous Trustee. He will talk to legal counsel Ann Mitchell regarding restrictions on restaurants. Mrs. Steffen to check the building size requirement before the 1992 code revision, and also research where it is written that architectural review is only permitted in commercial districts.

**MINUTES OF MARCH 25, 2015** – With Mr. Kotowski in attendance there was a quorum to approve the minutes at this time. *Mr. Murphy made the motion to approve the minutes as presented, Ms. Weiss Carson seconded and the motion passed unanimously by 3-0.* Mr. Snyder and Mr. Warren abstained due to their absence from that meeting.

**STATUS UPDATE OF AMENDMENT TO CREATE C-S1 AND C-S2 ZONES** – Mr. Snyder said he has asked Ms. Mitchell to look into the reason for including legal descriptions of the commercial districts in the Zoning Resolution, and whether a metes and bounds approach to circumscribe the zones is the best way to do this, or whether to refer to the Zoning Map, which is simpler and was recommended by the Assistant Prosecuting Attorney at the time of the code revision in the 1990's. He said that Ms. Mitchell will talk to Judge Forrest Burt, the Township's legal counsel at the time, to ask why he recommended removing the legal descriptions and relying on the map. She will also talk to Mr. Dietrich and then come to a meeting to discuss the issue. The Commission will then be in a better position to make a decision on how to do this.

**PERMITTED USES IN C-S1 AND C-S2 ZONES** – At the last meeting the Commission had agreed that it needed to decide on the best way to approach this. Mrs. Steffen said she asked Mr. Dietrich if he recommended a very specific list or whether a short list that includes language such as, "...and similar uses." She said Mr. Dietrich recommended compiling a specific list, because there have been court cases where vague language has lost the case for a township. Mr. Murphy suggested they should first agree on the types of nuisance uses that should be prohibited, such as those that contaminate ground water, cause traffic issues, or are noisy. They can draw up a list with the reasons for prohibiting them.

Action Item: The Commission members to review the list of other townships' permitted uses and consider which businesses create nuisance issues. Mr. Snyder to ask Ms. Mitchell about this approach.

There being no other business, Ms. Weiss Carson moved to adjourn, Mr. Kotowski seconded and the meeting adjourned at 9:47 p.m.

Respectfully submitted,

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Diana Steffen  
Secretary

Date

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Richard E. Snyder  
Chairman

Date

zc minutes 04-22-15