

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
December 10, 2014

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

Also in attendance: Jennifer Dorka, Administrative Assistant.

The Chairman called the meeting to order at 7:45 p.m. This meeting was properly sunshined in the 2014 meeting schedule. The Chairman announced that he was amending the agenda to add discussion of the proposed letter to the Geauga Park District after item #3.

MINUTES OF NOVEMBER 19, 2014 – *Mr. Warren made the motion to accept the minutes as presented, Ms. Weiss Carson seconded and the motion passed unanimously.* Mr. Murphy abstained due to his absence from that meeting.

RETAIL FOOD SERVICE AMENDMENT – At the previous meeting Mr. Snyder had brought up a question regarding the required buffer between the C-S zone and the Residential zone, but because Mr. Murphy was not at that meeting, Mr. Snyder said he would like to discuss it in depth tonight. He explained that the L-B district zoning was written to require a mound, fence or wall due to intensive use at the Pattie Group property, but landscaping on a mound is not required. Mr. Snyder suggested the type of restaurant that is likely to open would be a small enterprise such as a coffee shop, pizza carryout or sandwich shop. It would likely be prohibitively expensive for a small business to install a mound of up to 1000 feet with landscaping atop it, or the owner of a shopping strip might turn down a possible tenant because of that cost. Mr. Snyder asked for everyone's comments.

Mr. Murphy said that the impact of a restaurant could change rapidly once the business was open for a while. Although a fast food restaurant could have the most impact, he said that a coffee shop that opened very early in the day could also affect neighbors. He said the residents have said they do not want fast food restaurants and the intent of the buffer is to protect those residential properties nearby. If a fast food restaurant opened without a buffer and caused a big impact on the adjacent residential lots the owners of those lots could argue the lots have lost their value and ask to have them rezoned as commercial. The Township would lose control of its commercial zone. He felt that it is not possible to regulate for different types of food service, and so the regulation must prepare for the worst case scenario. He questioned whether it would be possible to decide whether a significant buffer was necessary or not for a particular business. He noted that the 5,000 square foot maximum for one establishment will act as a restriction on the size of restaurant.

There was a lengthy discussion. Mr. Warren said that the regulation must deal with the biggest impact that could happen, and a business has the option of applying for a variance. Mrs. Steffen suggested writing the amendment to give the B.Z.A. latitude regarding buffers. Mr. Kotowski said that a mound will not stop a fast food restaurant. He suggested requiring review of the conditional use permit of a restaurant every five years in order for the B.Z.A. to review the impact over time. He was concerned that a business could expand and the Township would lose control of the impact.

Action Item: Mr. Snyder will talk to the Chairman of the B.Z.A. and ask him to meet with the Zoning Commission during its regularly scheduled meeting.

At this time the Commission discussed the January meeting date. Ms. Weiss Carson said she would be absent on January 28th. It was agreed to schedule the January meeting for Monday, January 26th so that she could attend.

