

RECORD OF PROCEEDINGS
MADISON TOWNSHIP ZONING COMMISSION
ORGANIZATIONAL, PUBLIC HEARING,
& REGULAR MEETING MINUTES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ **Monday, January 10, 2022** _____ 20 _____
7:00 p.m.

Mrs. Michele Howell, Zoning Inspector, opened the Madison Township Zoning Commission Organizational Meeting at 7:00 p.m. with the following people present: Mr. Randy Rothlisberger, Mr. Jeff Hyrne, Mr. John Witt, Mr. Bob Diak, and Ms. Audra Wisniowski. Mrs. Michele Howell was present as Zoning Inspector and Mr. Max Ungers as Assistant Zoning Inspector.

Mr. Witt nominated Mr. Hyrne for Chairman, seconded by Ms. Wisniowski.

Roll call: Mr. Rothlisberger: Yes Mr. Hyrne: Yes Mr. Witt: Yes
Mr. Diak: Yes Ms. Wisniowski: Yes

Mr. Diak nominated Mr. Rothlisberger for Vice-Chairman, seconded by Mr. Hyrne.

Roll call: Mr. Rothlisberger: Yes Mr. Hyrne: Yes Mr. Witt: Yes
Mr. Diak: Yes Ms. Wisniowski: Yes

Mr. Hyrne nominated Mr. Witt for Secretary, seconded by Ms. Wisniowski.

Roll call: Mr. Rothlisberger: Yes Mr. Hyrne: Yes Mr. Witt: Yes
Mr. Diak: Yes Ms. Wisniowski: Yes

A motion to keep the Zoning Commission Meeting on the second Monday of the month at 7 p.m., with the fourth Monday as the alternate date, was presented by Ms. Wisniowski, seconded by Mr. Diak.

Roll call: All "Ayes."

There being no further organizational business, the Organizational Meeting was closed at 7:01p.m.

Chairman Hyrne opened the Madison Township Zoning Commission Regular Meeting at 7:02p.m. with the following people present: Mr. R. Rothlisberger, Mr. J. Hyrne, Mr. J. Witt, Mr. B. Diak, and Ms. A. Wisniowski. Mrs. M. Howell was present as Zoning Inspector and Mr. M. Ungers as Assistant Zoning Inspector.

A motion was presented by Mr. Witt to approve the minutes from the December 20, 2021 Meeting, seconded by Mr. Diak.

Roll Call: All "Ayes."

Mr. Hyrne informed those in attendance that the meeting this evening is for a Public Hearing for proposed text amendments.

Mrs. Howell stated for the record that the meeting this evening is for a Public Hearing for proposed text amendments to Sections 101 and 142.4.5 of the Madison Township Zoning Resolution. She informed those in attendance that the Legal Ad was advertised in The News-Herald Legal Section on December 29, 2021 and that there has been no contact from area residents regarding this hearing.

She informed those in attendance that Mr. Dave Radachy provided a letter to the Zoning Department informing us that his meeting will be January 25, 2022, and to please take this into consideration when administering the text amendments. Mrs. Howell stated for the record that since the Board does not have the recommendations from the Lake County Planning Commission, the Public Hearing needs to be continued until Monday, February 14, 2022.

Mrs. Howell provided each Board member with a copy of Exhibit A. She informed them that the exhibit would be attached to the minutes and includes definitions for Marijuana, Medical Marijuana, Medical Marijuana Cultivator, Medical Marijuana Entity, Medical Marijuana Processor, and Medical Marijuana Retail Dispensary. Mrs. Howell then explained to the

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Board that Section 142 has to do with Conditional Uses and the proposed text amendments to that Section are as follows:

142.4.5.29 MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES: Shall be conditionally permitted only in B-2 Regional Business, B-3 Wholesale and Trade Commercial, and M-1 Light Manufacturing Zoning Districts and must comply with the following:

142.4.5.29.1 All applicable requirements of Ohio Revised Code 3796 “Medical Marijuana Control Program” must be adhered to by any Medical Marijuana Cultivator, Processor, or Retail Dispensary licensed and locating in Madison Township.

142.4.5.29.2 A Conditional Use Permit (CUP) Hearing before the Board of Zoning Appeals is required, with a site inspection prior to the issuance of any CUP for a Medical Marijuana Cultivator, Processor, or Retail Dispensary. The appropriate license issued by the Ohio Department of Commerce and the State Board of Pharmacy must be presented to the Zoning Inspector prior to the CUP Hearing.

142.4.5.29.3 No Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be located any closer than five hundred (500) feet to any of the following facilities: schools, churches, public libraries, public playgrounds, public parks, or public recreations centers. The distance is to be measured parcel to parcel, from the closest boundary line of the proposed parcel for a Medical Marijuana Cultivator, Processor, or Retail Dispensary to the closest boundary line of the parcel that contains a school, church, public library, public playground, public park, or public recreation center.

142.4.5.29.4 A facility engaged in cultivation or processing of Medical Marijuana shall be located no closer than one thousand (1,000) feet to any R-1, R-2, or R-4 residential zoning district.

142.4.5.29.5 A Medical Marijuana Retail Dispensary shall only operate between the hours of 8:00 AM and 9:00 PM, Monday thru Saturday. A one square-foot sign shall be placed on the entry door of the dispensary to state hours of operation.

142.4.5.29.6 A Medical Marijuana Retail Dispensary shall be prohibited from engaging in any other retail use, excluding the sale or delivery of products intended for the administration of Medical Marijuana as identified in Chapter 3796 of the Ohio Revised Code.

142.4.5.29.7 A Medical Marijuana Cultivator, Processor, or Retail Dispensary shall be permitted one free standing business identification sign, with a sign face area not to exceed forty (40) square feet in area. The maximum height of the sign shall not exceed fifteen (15) feet. One sign mounted to the front face of the building, not exceeding twenty (20) square feet in area shall also be permitted. No merchandise or pictures of the products on the premises of a Medical Marijuana Retail Dispensary shall be displayed on signs, in window areas, or any area where they can be viewed from the sidewalk or street in front of the building. No sign or building shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, symbol, or any other means.

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142.4.5.29.8 Window areas of a Medical Marijuana Retail Dispensary shall not be covered or made opaque in any way.

142.4.5.29.9 A Medical Marijuana Cultivator or Processor shall have no visible outdoor storage of equipment used in the cultivation or processing of medical marijuana. All chemicals stored on site shall be stored in accordance with industry standards and a list of all chemicals stored on site shall be given to the Madison Fire District.

142.4.5.29.10 A Medical Marijuana Cultivator Facility must be enclosed around the entire perimeter of the property used for the cultivation of medical marijuana by a chain link fence no less than six (6) feet in height.

142.4.5.29.11 Parking shall comply with the Off-Street Parking requirements in Section 127 of this Zoning Resolution. Parking for a Medical Marijuana Retail Dispensary shall be in compliance with Section 127.5.5, Retail and Service Uses parking requirements. Parking for a Medical Marijuana Cultivator or Processor shall be in compliance with Section 127.5.6, Manufacturing/Warehousing parking requirements.

Mrs. Howell asked the Board if they had any questions or recommended any changes to the text amendments. Mr. Diak asked if the signage for a Medical Marijuana Facility would be any different than the existing commercial business sign regulations. Mrs. Howell stated that it is smaller than what the Zoning Resolution allows. Mr. Rothlisberger asked if there was a reason we wanted it smaller. Mrs. Howell asked Mr. Gauntner if he wanted to expand on the subject.

Ken Gauntner, 6039 Meadow Wood Dr. Madison, OH 44057

Mr. Gauntner informed the Board and those in attendance that he, along with Mrs. Howell, wrote the text before the Board pertaining to Medical Marijuana Conditional Use. He stated that he based the proposed text amendments to the Madison Township Zoning Resolution on hours of online research of what other townships have put into their language. He continued that the reduction in sign size came from wanting to keep this as discrete an operation as possible and an attempt to avoid certain images and text that some community members may not be in favor of.

He reminded the Board that on November 17, 2021 a decision was made to evoke a Moratorium on the topic of Medical Marijuana allowing the Trustees a six (6) month period to discuss the subject and make a better decision on the language to be created regarding Medical Marijuana. He explained that during this time a lot of misinformation was being shared throughout the community and social media. Mr. Gauntner stated that he heard many citizens mention the amount of tax revenue Madison Township could receive from that kind of business coming into town and that those claims were absolutely wrong. He explained that back in September of 2021, new Ohio Revised Code (ORC) 3796.31 went into effect stating that no political subdivision in the state of Ohio can charge a tax or fee to any Medical Marijuana Processor, Dispensary or Distributor. He continued that there is a possibility that a Joint Economic Development District (JEDD) could be created in order to receive tax money from a business coming into the Township, but there was no guarantee that the necessary relationship with another municipality could be arranged and a business cannot be forced to join. He stated that ORC 3796 already regulates Medical Marijuana pretty seriously and we are simply choosing to regulate what we can regulate. Mr. Gauntner explained that the chances of a business wishing to come to Madison Township and winning the state lottery for a Medical Marijuana license was 1% according to the attorney that was present at the moratorium meeting. He continued that he is not in favor of recreational marijuana, and as a Trustee, he just wanted to ensure the proper due diligence was done before any decisions were

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made regarding Medical Marijuana, which he felt can be beneficial to some in the community and if properly regulated should not have a negative impact.

Mr. Gauntner thanked Mr. Diak for serving another term and thanked those on the Board for their continued service to the community.

Chairman Mr. Hyrne opened up the podium for any public comments.

Ralph Wohr, 5726 Middle Ridge Rd. Madison, OH 44057

Mr. Wohr addressed the Board and explained that he came from a law enforcement background and is not in favor of adding any additional drugs into the community. He stated that law enforcement will only have more issues brought on by additional drug circulation. He asked if the Board is considering how this may negatively affect the traffic patterns in our community. Mr. Wohr informed the Board that there are other communities in the area that offer Medical Marijuana already that our citizens can use. He added that he hoped that he would be able to continue living and raising a family in a community that does not offer those services. Mr. Wohr stated he would not vote for any officials seeking office who are in favor of allowing Medical Marijuana or any other drugs into the community.

Bethany Reese, 7272 Chapel Rd. Madison, OH 44057

Mrs. Reese questioned if Madison Township really wants businesses like that on one of their main roads with a fence built around the property. She asked the Board why they aren't recruiting other businesses that are more beneficial to the community. She added that she thought that the Medical Marijuana businesses picked out Madison Township because they are an easy target. She stated that she wished Madison Township would pick out better businesses instead of ones that are not as attractive and wished the residents could have a chance to vote on which businesses were allowed. Mrs. Wisniewski informed Mrs. Reese that the fences are only required for Cultivators, not dispensary shops like the one she was referring to. She continued that the lack of infrastructure, particularly lack of sewer lines, in Madison Township is a primary reason why many businesses are unwilling to invest here. Mrs. Reese asked the Board what was so desirable about this kind of business since there wasn't any tax benefits. Mr. Wohr followed that by asking why we are allowing or choosing this kind of business for Madison Township. Mr. Hyrne explained to the audience that there have been many businesses that have operated in Madison Township over the years that were not desirable to every citizen, but a Township cannot regulate which businesses come to our community. He stated that the Board can only ensure that those businesses follow the regulations set forth in our Zoning Resolution. Mrs. Howell further explained that these Medical Marijuana businesses were only interested in seeking a zoning verification letter and normally the Zoning Department cannot deny that request. She stated that the recent Moratorium on Medical Marijuana is a way for the Trustees to discuss this issue further and make language and regulations that they may feel are beneficial to our community. She continued that if businesses are permitted uses in our Zoning Resolution we cannot simply tell them no. Mrs. Howell explained that these commercial businesses do their homework through demographic studies and decide where they want to invest and the Township has no effect on their investment decisions. Mr. Diak stated that Madison Township is not Mentor and does not have the authority or the resources to try and recruit businesses that citizens may prefer.

Mr. Gauntner responded to Mrs. Reese and Mr. Wohr's statements by explaining that a Township is the most limited form of government in the state of Ohio. He stated that he could tell the audience plenty of stories about former businesses that were not liked by citizens throughout the history of Madison Township. He continued explaining that what is being misunderstood is that other than Medical Marijuana and Adult Oriented Businesses, a Township has no way of regulating businesses coming into the community in any way. Mr. Gauntner stated that they are not promoting Medical Marijuana they are simply regulating it, which is all they are allowed to do by law. An unidentified audience member asked if the people of Madison Township could vote on whether they want this or not. Mr. Gauntner

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responded that the only way the public can vote on an issue is if the public gets eight (8) percent of the people who voted in the last governor’s election to sign a petition to create a referendum that asks for a public vote. He explained that if that referendum was brought forth the public would have the opportunity to vote down a rezoning or text amendment. Mr. Gauntner stated that to his knowledge that has only happened three (3) different times in the history of Madison Township. Otherwise, the public does not vote on issues, that is what the Trustees are elected to do.

Mr. Witt stated to the audience that if a pawn shop wanted to come into town he may not be in favor of it but as a Board member he did not have any say in whether or not they invested in Madison Township. He informed those in attendance that the Board only has a say in ensuring that a business follows what the Zoning Resolution allows, all while trying to maintain a good relationship with a business that chooses to invest here.

Mr. Rothlisberger asked if the Board should include an updated permitted use chart to the text changes and if Medical Marijuana Cultivators could be included in the Agricultural Zoning Districts, as well as B-2, B-3 and M-1. He continued that in staying consistent with the Adult Oriented Businesses Section of our Zoning Resolution, should the Board include language stating that Medical Marijuana stay one-thousand feet away of any structure that contains a residence. The Board agreed the permitted use chart changes be added to the text amendments and lightly discussed the other subjects without making any final decisions.

There being no further discussion on the matter, Mrs. Howell requested a motion to continue the Public Hearing until February 14, 2022 for the proposed text amendments.

A motion to continue the Public Hearing until Monday, February 14, 2022 was presented by Ms. Wisniowski, seconded by Mr. Witt.

Roll Call: Mr. Rothlisberger: Yes Mr. Hyrne: Yes Mr. Witt: Yes
Mr. Diak: Yes Ms. Wisniowski: Yes

There being no further business before the Board, a motion was presented by Ms. Wisniowski to adjourn the Meeting at 7:58p.m., seconded by Mr. Rothlisberger.

Roll call: All “Ayes.”

Jeff Hyrne, Chairman

John Witt, Secretary

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