

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

Minutes of

Meeting

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

Held _____ **Monday, June 14, 2021** _____ 20 _____
7:00 p.m.

informed the Board that the proposed tunnel car wash will be approximately 4,562 square feet and the project includes associated parking, landscaping, and utility infrastructure. Mr. Smallwood stated that the proposed car wash will also accommodate employee parking, bug preparation stations, customer vacuum stations, and a trash enclosure. Mr. Smallwood directed the Board's attention to page C-400 of the Preliminary Site Drawings and informed those in attendance that the car wash will have a water re-claiming system. He also added that the portion of the pavement on the exiting side of the tunnel car wash will be heated concrete. Mr. Smallwood commented that the proposed site would accommodate twenty (20) plus vehicles.

Mrs. Howell asked Mr. Smallwood how long the proposed building will be. Mr. Smallwood stated that the building will be approximately one hundred (140) feet long and there will be three (3) stations within the tunnel. Mr. Witt asked if the car wash will be open twenty-four hours a day. Mr. Smallwood stated that the ModWash car wash facilities do not stay open twenty-four hours a day. Mr. Witt also asked if there was going to be supervision on site when open. Mr. Smallwood stated that there will be an employee on site during open hours and that the small office can be accessed to purchase gift cards, but not a full office. Mr. Witt asked about the traffic flow. Mr. Smallwood informed those in attendance that the traffic flow will enter the site from the current south drive entryway and that the drive entryway to the north will no longer exist once the site is redeveloped.

The Board did not have any further questions. The Board discussed and agreed that the architect/engineer does not need to attend the Site Development Plan Review Public Hearing.

Mr. Brian Smallwood thanked the Board for their time.

Chairman Wisniowski stated for the record that the next item on the Agenda a Public hearing for Proposed Text Amendments to Sections 101, 114, 126, 127, 128, 140, and 142 of the Madison Township Zoning Resolution. Mrs. Howell stated for the record that the Zoning Commission held Workshops for the proposed changes on February 8, 2021, March 8, 2021, and May 10, 2021. Mrs. Howell stated for the record that the Public Hearing was advertised in The News-Herald Legal Section on May 26, 2021 and that the Zoning Office has had no inquiries regarding this matter. She informed those in attendance that the Lake County Planning Commission met on May 25, 2021 and provided their recommendations for the proposed text amendments.

Mrs. Howell stated that the first Section is Section 101, Definitions. She informed those in attendance that the Funeral Services definition had been discussed previously and the Board had agreed that "*excluding crematories*" should be removed from the definition, and that she is also recommending adding the words, "*or pet*" so the definition covers pets as well. The Board agreed with the recommendation. Mrs. Howell stated that the Lake County Planning Commission had no comments regarding this change.

Mrs. Howell informed those in attendance that the next definition is for the Sign definitions. She stated that under the Sign definitions, new definitions have been created for Animated Sign, Balloon Sign, Banner Sign, and Temporary Yard Sign, which Mr. Gauntner assisted in creating. Mrs. Howell added that the Lake County Planning Commission suggested leaving the definitions for Political Sign and Political Action Sign and add language that states "administered as a Temporary Yard Sign." She also stated that the Lake County Planning Commission suggested moving a portion of the Temporary Yard Sign definition to Section 128 for Sign Regulations. The Board discussed and agreed the regulations should be in the Sign Section of the Zoning Resolution. Mrs. Howell stated that the Lake County Planning

Commission also recommended creating a definition for a Temporary Portable Advertising Sign, which has never existed. The Board discussed and agreed that a definition for a Temporary Portable Advertising Sign should be in the definition section. Mrs. Howell

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commented that she will take the definition from the language in Section 128 for a Temporary Portable Advertising Sign.

Mrs. Howell stated that the definition for a Swimming Pool needs to be amended, because when Section 129 was recently amended, removing the words "*or being required by the manufacturer to use a filter system*", the definition for a swimming pool was overlooked. The Board agreed. She informed those in attendance that the Lake County Planning Commission had no comments for this change.

Mrs. Howell stated that the next Section is Section 114, the Permitted Use Table 114.3. She informed those in attendance that the Board is recommending to update the Use for a Small Retail Business in the M-1 Zoning District from a Conditional Use to a Permitted Use. Mrs. Howell stated for the record that the Lake County Planning Commission had no comments for this change.

Mrs. Howell stated that the next Section is 126. She informed those in attendance that the Board had discussed in the Workshops that Section 126.8.3 be amended, adding language that states the Zoning Commission hold a Public Hearing for the Site Development Plan Review and creating a New Section 126.8.6, that creates a time frame for submitting and conducting the Public Hearing. She informed those in attendance that the Lake County Planning Commission does not recommend the change because there is no statutory requirement for Site Development Plan Reviews. The Board discussed and agreed that they would like to keep the notification language for Site Development Plan Reviews.

Mrs. Howell stated Section 126.9 had a few repeated words and the proposed change is to remove them. The Board agreed to the removal of the words in Section 126.9. She informed those in attendance that the Lake County Planning Commission recommended adding language that would allow the BZA to hear an appeal if there was an error on part of the Zoning Commission. The Board discussed the recommendation and has no problem with the additional language.

Mrs. Howell stated that the next Section is Section 127, Off-Street Parking Requirements. She informed those in attendance that the Board is recommending that the parking requirements in Section 127.5.5 for a Bed & Breakfast be amended to match the parking requirements in Section 142.4.5.24.11, which is the parking requirements for a Conditional Use for a Bed & Breakfast. She stated for the record that the Lake County Planning Commission had no comments regarding this change.

Mrs. Howell stated that in Section 127.5.5, the parking requirements for a Car Wash are incomplete, because it references Concord Township's Zoning Resolution. She informed those in attendance that the Board is recommending adding language to include car wash stations. She also stated that the Lake County Planning Commission recommended defining a car wash station. The Board discussed and agreed to modify the language to read; "*One space for every employee on maximum shift, plus a minimum of three (3) waiting spaces for every bay or for every twenty (20) feet of building length for a tunnel car wash.*"

Mrs. Howell stated that the next Section is 128. She informed the Board that the proposed change to Section 128.4, Temporary or Portable Signs is to remove the word "*or*" and have it read Temporary Portable Advertising Signs. She commented that the change is so there won't be any confusion between these signs and the Temporary Yard Sign that was referenced earlier in the meeting. The Board discussed and agreed to the change. Mrs. Howell stated for the record that the Lake County Planning Commission had no comments for this proposed change.

Mrs. Howell stated the next proposed change is for Sections 128.9.10 and 128.9.10.1. She stated for the record the proposed change would remove all language in both sections and replace it with; *Section 128.9.10: "Political Signs see definition for Temporary Yard Sign."*

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And Re-number Section 128.9.10.1 to “*Section 128.9.11: Political Action Signs see definition for Temporary Yard Sign.*” Mrs. Howell stated for the record that the Lake County Planning Commission recommended changing the language to read *A Political Sign shall be administered as a Temporary Yard Sign and a Political Action Sign shall be administered as a Temporary Yard Sign.* The Board discussed and agreed to the proposed change, along with re-numbering the balance of Section 128.9. Mrs. Howell also informed those in attendance that part of the proposed text change, as referenced earlier in the meeting, is to create a Section (128.9.12) for Temporary Yard Sign regulations. The Board discussed and agreed to move the regulations portion of the definition into the Sign Section.

Mrs. Howell stated that Section 128.11 – General Regulations of all Signs, does not have a general statement for the Section, so the language has been adjusted and renumbered so the items flow better. She informed the Board that a New Section, 128.11.1.3 A Balloon Sign advertising a business or service is prohibited in all Zoning Districts, which was crafted by Mr. Gauntner and language being added to Renumbered Section 128.11.5; Signs located on a building shall not project into any required building setback area **for more than eighteen (18) inches**. The Board discussed and agreed to the proposed changes to Section 128.11. Mrs. Howell stated for the record that the Lake County Planning Commission had no comments regarding this change.

Mrs. Howell informed the Board that the next Section is Section 140. Mrs. Howell stated that this is another Section that did not have a general statement, so the Subsections have been renumbered so everything will flow better. She reminded the Board that during the previous Workshop Meetings the Board had discussed and agreed that the Sections pertaining to a Certificate of Occupancy should be removed, due to the fact that the Lake County Building Department issues the COO’s, and commented that the Fee for this permit would need to be removed from the Fee Schedule. The Board agreed to the amendments. Mrs. Howell stated for the record that the Lake County Planning Commission had no comments regarding the changes to this section.

Mrs. Howell stated that the next Section is Section 142. She reminded the Board that at the previous Workshops it had been discussed that in Section 142.4.2 to remove the word “non” from the language, which the Board agreed to. She also informed the Board that additional language has been created stating; *If ownership of land or business changes, an administrative update is required, by means of a notarized statement being provided to the Zoning Inspector, without requiring a Public Hearing for the update, and all original conditions shall be adhered to.* Mrs. Howell stated for the record that the Lake County Planning Commission suggested obtaining a New CUP and the new owner would be required to attend a BZA Public Meeting. The Board discussed and decided to edit the language to read; *“If ownership of land or business changes, the new owner must attend a BZA Public Meeting to acknowledge ownership and agree to the current conditions of the CUP.*

Mrs. Howell stated that a new Section is being recommended; Section 142.4.5.7.2.1, which reads; *Upon review and approval of a Planned Unit Development Area by the Board of Zoning Appeals, final approval must be granted by the Zoning Commission in conformance with Sections 141.54, and the requirements of Section 142.4.3 of this Zoning Resolution.* Mrs. Howell stated for the record that the Lake County Planning Commission recommended clarifying what the Zoning Commission would be approving. Mrs. Howell informed the Board that she modified the language to read; *Upon review and approval of a Planned Unit Development Area by the Board of Zoning Appeals, final **site plan** approval must be granted by the Zoning Commission, **per Section 126**, and in conformance with Sections 141.54, and the requirements of Section 142.4.3 of this Zoning Resolution.* The Board agreed with the new language.

Mrs. Howell informed the Board that the next Section is Section 142.4.5.18: Motor Vehicle Sales (Pre-owned), including Recreational, Heavy Equipment, and Motorcycle and ATV sales. She reminded the Board that during the Workshop Meetings the Board had discussed

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and agreed to amend the language to read: *Motor vehicle dealers (pre-owned), including recreational and motorcycle dealers shall be conditionally permitted in the B-2, B-3, and M-1 Zoning Districts and comply with the following*, and to update Table 114.3 for the Conditional Uses. Mrs. Howell stated for the record that the Lake County Planning Commission recommended adding B-1 and B-2 Zoning Districts as Conditional Uses for pre-owned vehicles sales. The Board discussed and agreed to leave the B-1 Zoning District out of the conditionally permitted zoning districts.

Mrs. Howell stated that the next text review is for Section 142.4.5.24.5. She reminded the Board that it was discussed at the previous Workshop Meetings that this requirement should be removed from the B&B Section. The Board confirmed. Mrs. Howell stated for the record that the Lake County Planning Commission had no comments regarding this text change.

Mrs. Howell stated that the last Section is Section 142.4.5.24.11, the parking requirements for a Bed & Breakfast. She reminded the Board that at the Workshop Meetings the language had been amended to read; *One (1) parking space per guest room, two (2) owner parking spaces, plus one (1) parking space for every employee on maximum shift. On-Street parking is not permitted and all parking spaces shall be located as to not create a negative impact on adjacent properties.* The Board agreed with the language for the parking requirements. Mrs. Howell stated for the record that the Lake County Planning Commission recommended adding language that would state on-street parking is not permitted to be used to count as a parking requirement. The Board discussed and agreed not to add the additional language from the Lake County Planning Commission.

Mrs. Howell stated that completes all of the proposed text amendments. Chairman Wisniewski asked if there was anyone in the audience who cared to speak regarding the proposed text amendments. No one came forward.

Mrs. Howell requested a motion to make a recommendation to the Madison Township Board of Trustees to approve the proposed text changes to the Madison Township Zoning Resolution.

A motion was presented to make a recommendation to the Madison Township Board of Trustees to approve the proposed text changes to the Madison Township Zoning Resolution by Mr. Hyrne, seconded by Mr. Diak.

Roll call: Ms. Wisniewski: Yes Mr. Hyrne: Yes
Mr. Diak: Yes Mr. Witt: Yes

A motion to close the Public Hearing for the Proposed Text Amendments at 7:47 pm was presented by Mr. Witt, seconded by Mr. Hyrne.

Roll call: All "Ayes."

Chairman Wisniewski stated for the record that the next item on the Agenda is the Public Hearing for a Site Development Plan Review for the Proposed Dollar General Store located on Hubbard Road.

Mrs. Howell informed those in attendance that the Site Development Plan Review for the proposed Dollar General located at Hubbard Road, Permanent Parcel #01-B-116-0-00-003-0, is being presented this evening by Mr. Matt Casey, from the Zarembo Group, and that the property is zoned B-1, Neighborhood Business. She stated for the record that the Site Plans were reviewed by the Zoning Department for content in accordance with Section 126 – Site Development Plan Review of the Madison Township Zoning Resolution and that all written approvals have been submitted to the Zoning Office. Mrs. Howell also informed those in attendance that Hull Engineering, an independent engineering firm, reviewed the proposed plans due to stormwater concerns in the immediate area, and determined that the proposed plans meet or exceed the requirements. Mrs. Howell thanked Mr. Casey for cooperating with

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the Township to try and ensure the proposed project does not have a negative impact on the surrounding area.

Mrs. Howell stated for the record that the neighbor/owner/applicant letters were mailed on Wednesday, May 26, 2021 and the Legal Ad was advertised in the Legal Section of The News-Herald on Wednesday, May 26, 2021. She informed those in attendance that the Zoning Office has had no inquiries about this hearing.

Mr. Matt Casey, Zaremba Group, 14600 Detroit Ave. Lakewood, OH.
Mr. Casey informed those in attendance that the proposed project is for the construction of a new 9,100 square foot retail store for Dollar General. Mr. Casey asked if the Board had any questions for him. Mrs. Howell asked Mr. Casey what the estimated cost of construction is. Mr. Casey stated that the estimated cost of construction is \$1.3 million dollars. She also asked what the hours of operation are going to be and how many employees will be hired. Mr. Casey stated that the store is generally open 7 days a week with the hours of 8am to 10pm. He added that if there is a need to adjust the hours that will happen once the store is open, and the demand hours are verified. Mr. Casey stated that the store will employ 8-12 employees. Mrs. Howell asked how many of them will be full time. Mr. Casey stated there will be 2-3 full-time employees and the balance being part-time employees, with additional seasonal staff throughout the year. Mrs. Howell also asked what is the construction time frame for the project. Mr. Casey stated the approximate construction time frame is 120 – 150 days.

Mr. Witt asked if the 9,100 square feet is a standard store size. Mr. Casey stated that at the time of application, that was the standard store size, but that Dollar General has an additional larger store size now. Mr. Witt asked if the construction is an unprotected non-combustible structure. Mr. Casey confirmed, that a sprinkler system is not required for the proposed project. Mr. Witt asked if a decision has been made in regards to the electrical being above ground or underground. Mr. Casey stated there has not been a final decision on the electrical placement yet. Mr. Diak asked Mr. Casey if the proposed project is anticipating much foot traffic and the need for a crosswalk. Mr. Casey stated that they do not anticipate much foot traffic.

Chairman Wisniowski asked if there were any further questions from the Board. Mr. Witt commented that the Site Plans were very well done. Mr. Casey thanked Mr. Witt. The Board had no further questions.

Chairman Wisniowski asked if there was anyone in the audience who wished to speak.

Ms. Pat Welch, 1579 Dock Rd., Madison, OH.
Ms. Welch stated for the record that she and her husband own the property just south of the proposed project, 6992 Whispering Sands Dr. She asked what is proposed for the south side of the store, seeing as that will be abutting their property. Mr. Casey stated that it is just grass area and the non-business side of the store. He added that there should not be an impact on her property from the store activity. She also asked about the stormwater, because there are water issues in the area. Mr. Casey again, directed Ms. Welch's attention to the Site Plans indicating that the catch basin for stormwater will be along Hubbard Road and will travel across the street. Ms. Welch thanked the Board and Mr. Casey for their time.

Chairman Wisniowski requested a motion to approve the Site Plan as submitted.

A motion to approve the Site Plan as submitted was presented by Mr. Diak, seconded by Mr. Witt.

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

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A motion to close the Public Hearing the Site Development Plan Review for Dollar General at 8:07 p.m. was presented by Mr. Hyrne, seconded by Mr. Diak.

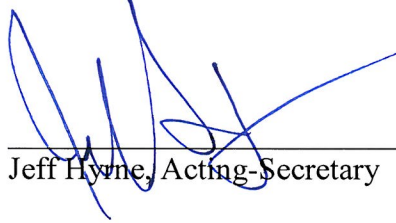
Roll call: All "Ayes."

There being no further business before the Board, a motion to adjourn the Meeting at 8:10 p.m. was presented by Mr. Hyrne, seconded by Mr. Diak.

Roll call: All "Ayes."



Audra Wisniowski, Chairman



Jeff Hyrne, Acting-Secretary

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