

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP ZONING COMMISSION REGULAR MEETING & PUBLIC HEARING MINUTES

Meeting

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

Held _____ Monday, March 14, 2022 _____ 20 _____
7:00pm

The Madison Township Zoning Commission Meeting was called to order at 7:00pm by Chairman Hyrne, with the following people present: Mr. R. Rothlisberger, Mr. J. Mr. Hyrne, Mr. J. Witt, and Ms. A. Wisniowski. Mrs. M. Howell, Zoning Inspector, was also present. Mr. B. Diak and Mr. M. Ungers, Assistant Zoning Inspector, were absent.

Chairman Hyrne requested a motion to approve the minutes from the February 14, 2022 Meeting.

A motion was presented by Ms. Wisniowski to approve the minutes from the February 14, 2022 Meeting, seconded by Mr. Witt.

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

Chairman Hyrne informed those in attendance that the meeting this evening is for a Public Hearing for proposed text amendments to Sections 101, 105, and 142 of the Madison Township Zoning Resolution for a Shooting Training Center.

Mrs. Howell informed those in attendance that the text amendment application was submitted by Mr. Neil Harrison, C-4 Shooting & Training Center, located at 6347 E. Loveland Road.

Mrs. Howell stated for the record that the Lake County Planning Commission met on February 22, 2022 and Mr. Dave Radachy provided the recommendations, which read as follows:

1. *Call the use a shooting sports training center.*
2. *Define a shooting sports training center in section 101 as a facility where semi-automatic pistols or rifles, shot guns, bows, or crossbows may be used in regards to shooting at targets or clay pigeons. Instruction of the use and safety of the above listed weapons may also be conducted.*
3. *Do not allow retail shop as part of the use.*
4. *Add shooting sports training center to AR, Section 105.*
5. *Set the minimum area for the use to 50 acres.*
6. *Define indoor shooting range in section 101 as a building where semi-automatic pistols or rifles, shot guns, bows, or crossbows may be used in regards to shooting at targets or clay pigeons.*
7. *Limit the use to target shooting, firearm, bow or crossbow safety and instruction. That would include law enforcement weapons training, so law enforcement training would not need to be listed in the regulations.*
8. *Do not allow fully automatic weapons. Do not allow ammunition fifty (50) caliber or greater, tracer, armor piercing or steel core at the Shooting Range at any time. Do not allow exploding targets.*
9. *Do not allow law enforcement training other than weapons training.*
10. *Limit product demonstration to firearms, bows, and crossbows.*
11. *Do not allow product testing.*
12. *Do not have hours of operation in the code. Have the BZA determine hours of operation.*
13. *Allow for gunsmith as an accessory use. Define gunsmith in section 101 as a service where repairs, renovations, safety inspections are done on firearms, this may also include assembly of limited number of firearms or appraisals on firearms.*
14. *Do not allow the assembly or manufacturing of ammunition.*
15. *Do not define who can own a shooting sports training center.*
16. *Include noise regulations as part of the conditional use.*
17. *Set sign standards to location of the signs on the property, size of the signs, height of the signs, if they are one side or two and if they can be lighted. Additional sign requirements that have not be mentioned should also be considered.*

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Mrs. Howell stated that the Public Hearing was advertised in The News-Herald Legal Section on March 3, 2022 and the Zoning Office had one area resident request documents regarding the application and another resident who called inquiring about the hearing.

Mrs. Howell added that the proposed section, if approved, would be numbered 142.4.5.30, due to the fact that Section 142.4.5.29 was used for Medical Marijuana.

Mrs. Howell read the applicant's proposed language for the record.:

142.4.5.30 Training Center: A Training Center is the use of land for archery and/or the discharge of firearms for the purpose of firearms training and/or firearms related recreation, including an indoor facility with a retail shop, training facilities, classrooms, and shooting lanes. A Training Center may be permitted as a Conditional Use under specific conditions only in A-R, Agricultural Residential that are located south of the Grand River.

142.4.5.30.1 A property used for a Training Center must have a minimum of 55 acres.

142.4.5.30.2 A Training Center must be located a minimum of 100 feet from all property lines.

142.4.5.30.3 A Training Center must comply with all National Rifle Association (NRA) Operational Rules & Standards as well as with all state and local firearms laws.

142.4.5.30.4 A Training Center must comply with Ohio Revised Code sections 1533.84 and 1533.85.

142.4.5.30.5 The hours of operation for a Training Center may be from 8 a.m. to 10 p.m. every day of the week.

142.4.5.30.6 Lighting of buildings and grounds shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.30.7 Earthen mounds and backstops built around the Shooting Range must comply with all height requirements of the National Rifle Association.

142.4.5.30.8 Off-street parking shall be two (2) spaces for each shooting station, plus two (2) spaces for every employee on maximum shift.

142.4.5.30.9 A Training Center may be used for law enforcement training, product testing, and product demonstration, and the discharge of small arms, bows, and crossbows.

142.4.5.30.10 The use of explosives, except ammunition and other non-firearm ordinance, shall be prohibited at a Training Center. Ammunition is defined as projectiles that are fired from guns that are not mortars, grenade launchers, howitzers, canons, artillery, tanks, or aircraft.

142.4.5.30.11 A Training Center may host a facility for a commercial enterprise where the assembly of ammunition and firearms as an accessory use, provided that the assemble activity is not the cause of a nuisance or annoyance to adjacent or surrounding properties.

142.4.5.30.12 A Training Center may construct a building used as an indoor shooting range. An indoor shooting range is defined as a commercial building where customers can shoot firearms, bows, or crossbows at targets. All buildings constructed must comply with Ohio Revised Code sections 1533.84 and 1533.85.

142.4.5.30.13 A Training Center may have signs, as defined by Section 101, at the entrance of the business, as well as at approved off-site locations. Each sign shall have a maximum size of thirty-five (35) square feet in surface area, regardless of shape. The sign may be illuminated. These signs shall be such as not to cause a nuisance or annoyance to adjacent or surrounding properties. If an entity applying for a Conditional Use as a Training Center has signage already displayed, that signage is to

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be accepted under this section if the entity's application for the Conditional Use is filled before December 31, 2022.

142.4.5.30.14 A Training Center cannot be an accessory use in conjunction with a Club, Not for Profit, or Club as defined in Section 101.

Mr. Robert Shearer 5365 W. Loveland Rd. Madison, OH

Mr. Shearer stated that he wanted to clarify if these text amendments being discussed were for all facilities in the Township. Mrs. Howell clarified that currently there is no language for a shooting training center and if approved, the text amendment would include any Agriculture Residential (A-R) zoned property south of the Grand River. Mr. Shearer suggested that the Board amend the text changes presented to include a mandatory evaluation to be performed by the National Rifle Association (NRA) in order to assess the safety of the current operation. The Board thanked Mr. Shearer for his opinion.

Mr. Terry Lampert 6206 Ford Rd. Madison, OH

Mr. Lampert informed the Board that some of the gunfire he hears is semi or even fully automatic and he wants to know what type of gunfire they wish to be performing. He stated that he is concerned gunfire may stray away from target areas and be a danger to local citizens. The Board thanked Mr. Lampert for his opinion.

Mrs. Lori Boban 6067 Ford Rd. Madison, OH

Mrs. Boban stated to the Board that she has noticed a significant increase in gunfire and the kind of gunfire taking place at the C4 facility in the last 5 years. She continued that her concern is for the safety of her family and as a local tax paying citizen she does not want to live with constant worry. Mrs. Boban questioned the future worth of all the residential properties in the area, even her desire to continue living there, if the business was allowed to grow and expand and the sound and severity of the gunfire continues to significantly increase. She also stated that she agreed that the Board should request the NRA to oversee the facility and determine the safety of every aspect on the property. The Board thanked Mrs. Boban for her opinions.

Mr. Ken Moore 6335 Chestnut St. Concord, OH

Mr. Moore stated that he has owned 51 acres near the C4 facility since 1994. He informed the Board that beginning in 2007, when Urbandale sold the property to a private landowner, he noticed significant increase in gunfire and has since found several bullets on his property. He agreed that the NRA should be consulted to ensure the current facility is safe let alone if they plan to expand it in the future. He stated that his friends have gone there to shoot and said that no employees were present to answer customers questions or to ensure things were being conducted safely. The Board thanked Mr. Moore for his words.

Mr. Mike Kenneley 6266 Ford Rd. Madison, OH

Mr. Kenneley stated that he would like to echo what everyone who spoke before him has said. Prior to C4 owning the property, he found the occasional shotgun firing at the gun club to be almost pleasant. He explained that now the constant automatic gunfire goes on every day of the week and he and his wife are sick of it. Mr. Kenneley stated that he has a cat that lost his leg after being struck by a bullet and his neighbor's house had a bullet come through the wall. He admitted to the Board that he does not know the exact cause of those incidents but knows that he and his wife, and neighbors he has talked to about the facility, are sick of it. Mr. Kenneley stated that he is in favor of closing the place down.

Mr. George Ditchcreek 6300 Ford Rd. Madison, OH

Mr. Ditchcreek stated that he was raised with guns in Pennsylvania and knows them back to front. He informed the Board that he has lived on Ford Rd for the past twenty-nine (29) years and did not have a problem with the club's trap and skeet shooting in the past. He then explained that over the last few years the increased gunfire and unsafe gunfire has become a

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serious issue. Mr. Ditchcreek declared that he has had projectiles come onto his property. That they have landed near him, gone over his head, and gone over his grandchildren's heads. He informed the Board that when sitting outside on their deck the noise has been so loud at times that communication with friends is difficult to enjoy. He acknowledged that he chose to live on Ford Road and understood some hardships come with that choice but that this business is now running the neighborhood. He explained that sometimes the shooting begins before 8am and that is unacceptable. Mr. Ditchcreek thanked the Board.

Mrs. Terry Ditchcreek 6300 Ford Rd. Madison, OH

Mrs. Ditchcreek explained that she was very concerned about what was taking place at C4. She added that she is concerned about the lack of safety and restrictions that are taking place now, let alone if the business were to expand. She informed the Board that there were police reports at the Township for the bullets that were found in her yard and because of that she would need to disclose that information if she wanted to sell her home. She continued that her property has been devalued by the Lake County Auditor's Office. Mrs. Ditchcreek informed the Board that she is not against guns but that the ranges face Ford Road, and that it's only twelve-hundred feet (1,200 ft) from the end of the pistol range to the end of her driveway. She declared that on June 16, 2020 a bullet struck the ground about six (6) feet in front of her husband while he walked down their driveway. On July 2, 2019 while her daughter and grand-daughter were in the swimming pool, two (2) shots went over the pool and they new it was a high-powered rifle. She explained that there are documents on file at the Township that talk about what kind of shells were found when those incidents were investigated by police. Mrs. Ditchcreek stated that they cannot prove that the bullets come from C4 but they feel unsafe in their own home and when company comes over their friends ask them how they can stand this all day and night. Mrs. Ditchcreek mentioned that she has been on Zoning Boards before, that she was on the Lake County Planning Commission, that she was a Madison Township Trustee for eight (8) years and has been the Madison Township Fiscal Officer for the past thirteen (13) years. She cited Section 142.4.5.29.7 of the proposed Text Amendments and asked who is checking with the height requirements established in the referenced NRA guidelines. She cited Section 142.4.5.29.9 and asked what kind of products will be allowed for testing and demonstration within that language. She then cited Section 142.4.29.11 and stated that this property is not commercially zoned, rather A-R, so hosting a facility for a commercial enterprise should not be allowed within the definition of a Training Center. She questioned the difference between a Training Center and a Military Training Center as mentioned in the proposed language. Mrs. Howell clarified that all language was submitted by Mr. Harrison and definitions will continue to be discussed by the Board. Mrs. Ditchcreek closed her statements asking the Board to disallow any expanded language of C4 for the sake of safety for her family and the surrounding neighbors. The Board thanked Mrs. Ditchcreek.

Mr. Neil Nemetz 12795 Rider Dr. Chardon, OH

Mr. Nemetz informed the Board on his professional background in dealing with firearms, shooting and training facilities and the safety measures that come with their involvement. He made clear to the Board that he works hand in hand with C4 as an owner of a separate consulting business as well as other things. Mr. Nemetz informed the Board that in his expertise C4 follows all the proper safety requirements and if the procedures and policies that are already in place at the facility are followed, he sees no reason why it shouldn't be considered a very safe facility if the proposed text amendments are implemented. Mr. Nemetz thanked the Board.

Mr. Jason Bosworth 5855 Dewey Rd. Madison, OH

Mr. Bosworth stated to the Board that he owns a manufacturing company that manufactures ammunition and that he sells his product to C4. He informed the Board that in his opinion C4 offers much safer shooting supervision and training than any local residents that use firearms in his community, such as his neighbor, who he wishes would go to C4 rather than continue to shoot unsafely in the backyard towards his house. Mr. Bosworth confirmed that he knows the height requirements of C4's shooting ranges are up to the NRA guidelines. He stated that gun

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buyers need a place to train safely and C4 is a great place for that. Mr. Bosworth thanked the Board.

Mr. Adam Litke 5686 West Maple Rd. Geneva, OH

Mr. Litke stated to the Board that he works for a couple different gun companies and travels throughout the United States for his profession. Seeing as many as fifty (50) shooting ranges per year, he finds C4 to be an exceptionally safe facility that provides excellent training and education to anyone paying to use and learn from the services they provide. He informed the Board that C4 does a great job in his opinion and hopes the Board sees that their small, safe business is very beneficial to the area.

Mr. Neil Harrison 24948 Regent Rd. Madison, OH

Mr. Harrison stated that he is the Chairman of the Board for C4 Shooting and Training Center and addressed many questions previous speakers had asked. He informed the Board that Mrs. Ditchcreek contacted the NRA when she first had concerns about the range. An officer from the NRA came out to inspect and congratulated C4 on their safety. He stated that the shooting ranges that face Ford Road are six (6) football fields away from Ford Road and many trees are located between them. Mr. Harrison stated that those bays were moved and made by a licensed contractor and are more than NRA standard safe. He stated that the noise level has not increased since the gun club became a business. Mr. Harrison reiterated many times that they are as safe as possible at all times. He turned around to face those in attendance and encouraged them to ask any questions at any time and invited everyone to come visit or call him at any time to discuss anything at all. Mr. Harrison stated his family has lived in the community for a very long time and he loves it here. He mentioned that they could remain a legal non-conforming business but would prefer to amend the Madison Township Zoning Resolution with the proposed text changes so that they can feel more legitimate and community friendly. He explained that they hope to construct an indoor facility to accommodate the outdoor ranges and bays that already exist in order to better provide classes and education to the many courses that already exist. He stated that the hours proposed in the text amendment were taken from the Madison Township Zoning Resolution. Mrs. Howell clarified that those are suggested hours and the actual hours could be made by the Board of Zoning Appeals (BZA) in their meeting to approve a Conditional Use Permit. Mr. Harrison stated that the allowance of certain ammunition and products in the proposed language has to do with the testing they hope to conduct. He explained that he is trying to increase their business for both customer satisfaction and safety. He clarified the difference in definitions between gunsmithing and manufacturing. Mr. Harrison stated that they take every measure possible to keep their business operating at a safe and respectable standard.

Mrs. Howell asked Mr. Harrison if they wish to have the Board consider the Text Amendments as they were submitted or if he would be ok with the Board altering some of the language before it went to vote. Mr. Harrison responded, explaining he prefers the language to be taken as is, but is willing to hear the Board out if they wish to make any changes. Mr. Hyrne clarified to those in attendance that the meeting is to hear comments from the public and there will be no voting or decisions from the Board at the meeting. Mr. Witt asked Mr. Harrison who would be using automatic weapons if allowed in the future. Mr. Harrison stated that they would be used by professionals. An unidentified audience member asked if the language in the application applied to C4 specifically, or any business, and if the Board will change any of the text that he has read. Ms. Wisniewski stated that the purpose of the meeting was to determine that. Mr. Rothlisberger further clarified to those in attendance that any language they are currently discussing is what was written and presented by Mr. Harrison alone and that the current meeting is so the Board can listen to the public's opinions on the matter and combine those opinions with those of the Lake County Planning Commission. Only then will the Board begin to discuss it amongst themselves and determine if the proposed text should be accepted, edited, disallowed, etc. Mrs. Howell clarified that ultimately the Trustees will hear the Zoning Commission's recommendation on the proposed text changes and hold a Public Hearing and vote on approval or denial of the text amendment.

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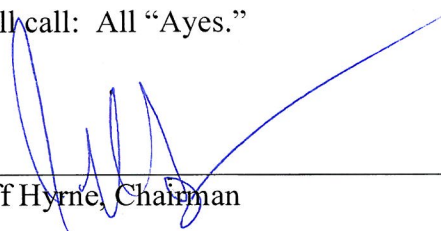
Chairman Hyrne asked if there were any additional comments. With no further comments a motion was presented by Ms. Wisniowski to continue the Public Hearing until April 11, 2022, at 7:00pm, seconded by Mr. Rothlisberger.

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

Chairman Hyrne asked if there was any other new or old business. Mrs. Howell informed the Board that the Trustees passed a Resolution at their last meeting, adopting the proposed text for Medical Marijuana and that language will go into effect April 7, 2022.

There being no further business before the Board, a motion to adjourn the Meeting at 8:18pm was presented by Mr. Witt, seconded by Mr. Rothlisberger.

Roll call: All "Ayes."



Jeff Hyrne, Chairman



John Witt, Secretary