



DATE:	April 10, 2025
APPROVED BY:	Rhea Benton, Secretary

## **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

**February 25, 2025**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission; and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

The following members answered roll call and were present at 105 Main Street, Painesville Ohio: Messrs. Beverage, Brotzman, Phares (Alt. for Regovich), Schreiber (Alt. for Siegel), Varga, and Veselko (Chair) and Mme. Gilmore (Alt. for Kurt).

Planning Commission Officers present were: Secretary Benton.

Planning and Community Development Staff present were: Mr. Radachy (Director), Ms. Ciancibello (Planner), and Mrs. Andrews (Recording Secretary).

Visitors present: There were no visitors present.

### **CALL TO ORDER**

Chairman Veselko called the meeting to order at 5:30 P.M.

### **ROLL CALL**

Roll call was taken. There were six (6) voting members present. There was a quorum.

### **ELECTION OF ASSISTANT SECRETARY**

Mr. Veselko moved and Mr. Schreiber seconded the motion to nominate Mr. Radachy as Assistant Secretary for the Planning Commission.

All voted "Aye."  
Motion passes.

## **MINUTES**

Mr. Varga moved and Mr. Schreiber seconded the motion to approve the January 28, 2025 Minutes as written.

Five (5) voted "Aye."  
One (1) abstained  
Motion passes.

## **FINANCIAL REPORTS**

### January 2025 Financial Report

Mr. Radachy reported that expenses for the month of January included costs associated with Advertising and Printing and Postage. He reported that revenue for the month of January 2025 was \$150 in lot split fees.

Mr. Varga moved and Mr. Schreiber seconded the motion to approve the January 2025 Financial Report.

All voted "Aye."  
Motion passes.

## **PUBLIC COMMENT**

There was no Public Comment.

## **LEGAL REPORT**

There was no Legal Report.

## **DIRECTOR'S REPORT**

Mr. Radachy reported on the following matters:

- Fairport Harbor Village
  - Hired an Assistant Zoning Inspector
  - Mr. Radachy will be assisting this individual planning and BZA matters
- Lake County Comprehensive Plan
  - Contract negotiations are ongoing
  - Prosecutor is reviewing contract language
- The Lake County Soil and Water Conservation District (SWCD)
  - Signed the Lake Erie Communities Coastal Resilience Grant with OEPA and the Lake Erie Commission
  - Staff will be assisting with management of the grant

- Leroy Township Comprehensive Plan
  - Staff met with the Leroy Township Trustees to get comments
  - Comments are being integrated and will be completed soon
- Madison Township Comprehensive Plan
  - Staff is continuing to assist with this project
- North Perry Comprehensive Plan
  - Staff is assisting with the update of the North Perry Comprehensive Plan
- Mr. Radachy is assisting several communities with various planning requests to include site plans, zoning questions, and inventory questions

Mr. Brotzman inquired as to the timeline for the Madison Township Comprehensive Plan.

Mr. Radachy stated that he has been collaborating with Madison Township on the Comprehensive Plan for the past 12 months. He noted that the Comprehensive Plan should be completed with the next 6-9 months.

Mr. Brotzman inquired as to whether the Comprehensive Plan was being reviewed in its entirety or just certain sections.

Mr. Radachy stated that the Comprehensive Plan is being reviewed in its entirety. He noted that review of successes and failures in Madison relative to zoning are being discussed as well as trends such as Air BNB and VRBO rentals. Mr. Radachy stated that real estate inventory has impacted the State of Ohio, and they are looking at ways to address this in Madison. He noted that Madison has a lot of legal non-conforming lots, which could be corrected through zoning so that developers can build smaller more affordable housing.

Mr. Brotzman inquired as to whether there have been workshops or meetings relative to the Comprehensive Plan.

Mr. Radachy stated that meetings have been occurring about once a month, and they are open to the public. He stated that he will notify Mr. Brotzman of the next meeting.

## **ANNOUNCEMENTS**

There were no Announcements.

## **SUBDIVISION REVIEW**

### **Concord Township – Easement Modification Plat S/L 18 Grandridge Pointe**

Mr. Radachy stated that the matter involves a revised storm sewer easement on Grandridge Pointe Drive in Concord Township. He noted that the Lake County Stormwater Management Department worked with Concord Township and Marut and Sons Excavating in the fall of 2024 to repair a failed storm sewer outlet at the end of Grandridge Pointe Drive in Concord

Township. Mr. Radachy stated that the failed storm sewer outlet unfortunately was only partially within the existing platted Drainage Easement, so as part of the replacement, the Lake County Stormwater Management Department and Concord Township would like the easement corrected so it encompasses the location of the newly installed pipe. He stated that coordination with the property owners has occurred, and they are in agreement with the new easement location. Mr. Radachy stated that the Easement Modification Plat being presented this evening for consideration will have Concord Township vacate the previously platted Drainage Easement and accept a new Drainage Easement over the newly installed pipe. He noted that performing this correction via plat accomplishes everything required in one process, which is the most efficient and effective way of handling the matter. Mr. Radachy stated that Concord Township is in agreement with the easement modification and has no comments.

Staff recommends approval of the Easement Modification Plat S/L 18 Grandridge Pointe as submitted.

### **BOARD/PUBLIC COMMENTS**

Mr. Varga inquired as to whether the pipe is located completely underground.

Mr. Radachy confirmed this to be the case.

Mr. Varga inquired as to whether the new location of the easement still allows adequate maintenance access.

Mr. Radachy confirmed this to be the case.

Mr. Veselko commented that the easement is on the same piece of property owned by same people and that it is merely a change of location.

Mr. Radachy concurred with Mr. Veselko's comment. He noted that there was a similar matter before the Lake County Planning Commission in the past involving a detention pond off of Hoose Road. He stated that the detention pond took up most of the lot, the property owner requested that the detention pond be smaller so that a house could be built. Mr. Radachy stated that the township agreed and the plat was modified to allow for reduction in the size of the detention pond.

Mr. Brotzman moved and Mr. Schreiber seconded the motion to approve the Easement Modification Plat S/L 18 Grandridge Pointe, as submitted.

All voted "Aye."  
Motion passes.

### **Subdivision Activity Report**

Mr. Radachy reported on the following subdivision activity since the last meeting:

- Fairway Pines Phase 5

- On the Commissioners agenda this Thursday
- Plat for the 29-lot phase will be recorded soon
- The Villas at Canterwood Farms Phase 3
  - Walk through has been scheduled for this Thursday
- Reviewing smaller developments and lot splits with various property owners

## **LAND USE AND ZONING REVIEW**

### **Madison Township Text Amendments – Sections 101 (Definitions), 128 (Signs), 130 (Accessory Buildings/Utility Sheds), and 142.4.5.29 (Medical Marijuana Cultivators, Processors and Retail Dispensaries)**

Mr. Radachy stated that the proposed text amendments were initiated by Madison Township Zoning Commission. He reviewed the major points of the proposed zoning text amendments, to include the following:

## **AMENDMENT SUMMARY**

- **Section 101 – Definitions**
  - Deleting the definition for “medical marijuana”
  - Deleting the word “medical” from the terms and definitions of “marijuana cultivator,” “marijuana processor,” “marijuana retail dispensary”
  - Definition for “marijuana cultivator” to read “an entity that has been issued a certificate of operation by the Ohio Department of Commerce and the Ohio Board of Pharmacy to grow, harvest, package, and transport marijuana as permitted under Chapter 3796 of the Ohio Revised Code. A facility shall mean a building, structure, or premises used for the cultivation or storage of marijuana.”
  - Deleting the term and definition for “political sign”
  - Deleting the term and definition for “political action sign”
  - Adding the definition for “structure (temporary/enclosure): Any enclosure or structure that is readily movable and/or lacking a permanent foundation. Used or intended to be used for a period not to exceed 90 consecutive days. Such structure shall be subject to all dimension, setback, and location requirements for the zoning district in which it is located.”
- **Section 128.9 Incidental signs allowed on any zoning lot as a property right:**
  - Deleting “128.9.10 political signs shall be administered as temporary yard signs”

- Deleting "128.9.11 political action signs shall be administered as temporary yard signs"
- **Section 130 – Accessory Structures (residential only)**
  - Adding "130.10 - A portable storage container is not permitted as a permanent accessory structure in any district."
  - Adding "130.11 Temporary structure/enclosure" standards
    - 130.12 - A zoning permit will be required
    - 130.23 - Max of 90 days, twice a year
    - 130.14 - Must adhere to all setbacks
- **Section 142.4.5.29 – Medical marijuana cultivators, processors, and retail dispensaries**
  - Adding "Adult Use" to the whole section
  - Retail dispensaries conditionally permitted in B-2 and B-3. Being eliminated as a conditional use in M-1.
  - Adding that cultivators and processors shall be conditionally permitted in B-2, B-3, M-1 and A-1.
  - 142.4.5.29.1 - Adding the adherence of ORC 3780 - Adult use cannabis control
  - Changing 142.4.5.29.4 to read "Medical/Adult Use marijuana retail dispensaries shall be no closer than five hundred (500) feet to any R-1, R-2, or R-4 residential zoning district"
  - 142.4.5.29.6 - Adding the adherence of ORC 3780 - Adult use cannabis control
  - Deleting 142.4.5.29.8 - Standards for windows of retail dispensaries
  - 142.4.5.29.8 - Deleting the term "medical"
  - 142.5.5.29.9 - Deleting "medical" and "chain link;" adding that the fence must be approved by the BZA
  - 142.4.5.29.10 - Changing "be in compliance" to "comply"

## **STAFF COMMENTS**

- The new additions to Section 130 should be labeled 130.11.1, 130.11.2 and 130.11.3 instead of 130.12, 130.13, and 130.14

- Concord Township does not include inflatable swimming pools as a temporary structure. You may want to consider not including that in the temporary structures section. May also want to consider a maximum of 30 days rather than 90 days.
- The different temporary structures have different issues. Temporary storage structures are different from temporary pools and temporary pools are different from tents.
- Carports are not defined in the Madison Township Zoning Code.
- Carports can be permanent structures. There are also temporary carports made out of cloth. Do you want to administer carports as temporary structures? Some of the cloth or vinyl materials can handle severe weather.
- "Medical" is being eliminated from all of the marijuana definitions, so is it necessary to keep it as a term/phrase used in section 142.4.5.29?
- Does "Adult Use" marijuana need to be added to the definitions section?
- The definitions of political sign and political action sign are bad and need to be revised, but not eliminated.
- A-1. Agriculture 1 is a residential district with 20,000 SF lots. Cultivators and processors are not good uses in a residential district. Even with an acreage minimum, someone could purchase enough 20,000 square foot lots to meet minimum acreage and you could have a processor in the middle of the residential area.
- Why did you not allow cultivators and processors in A-R, Agriculture Residential if you would allow them in A-1? A-R lots are five-acre minimum lot size.
- B-2, Regional Business is your bread-and-butter retail district. You should not use it for manufacturing processes.
- Cultivating and processing marijuana is manufacturing process and not an agriculture process. There is a reason why Ohio did not add it to the agriculture exemption and they allow you to administer it.
- Not allowing dispensaries to cover their windows is a safety issue. It easier for zoning, fire and police to see into the building before entering the building.

## **STAFF RECOMMENDATIONS**

- Keep the definition of medical marijuana.
- Add a definition for Adult Use Marijuana. You can use: Marijuana that is cultivated, processed, dispensed, tested, processed or used for adult, recreational purposes.

- Add a definition for carport. CARPORT: Any parking space or spaces having a roof but not enclosed by walls and accessory to a dwelling unit or units (Concord Township)
- Revise the definition of political sign. Here is Concord Township's definition: "Political Sign: Any sign advocating political action or concerning any candidate, issue, levy or any other non-commercial matter." This definition would allow you to eliminate Political Action Sign.
- Remove carports as temporary structures and administer them as regular accessory structures.
- Revise the regulations so that they can properly administer tents, temporary pools, dumpsters, porta johns, temporary storage structure, etc.
- If you do not want people using shipping containers as sheds, you may want to consider making it a prohibited use.
- Don't allow cultivators and processors in A-1 or B-2.
- Add A-1, R-3, and A-R to 142.4.5.29.4. A-1 and A-R are residential districts and they deserve the same protections as R-1, R-2 and R-4.
- Leave section 142.4.5.29.8 in the regulations.

Staff recommends approval of the Madison Township Text Amendments – Sections 101 (Definitions), 128 (Signs), 130 (Accessory Buildings/Utility Sheds), and 142.4.5.29 (Medical Marijuana Cultivators, Processors and Retail Dispensaries) with the incorporation of all comments and recommendations.

## **BOARD/PUBLIC COMMENTS**

Mr. Varga inquired as to whether there are any restrictions to location of a cultivation center near a school or church.

Mr. Radachy stated that these restrictions are all contained in the Ohio Revised Code (ORC). He noted that the only thing Madison Township could do is extend what is required by the ORC.

Mr. Varga noted that there appears to be no distinction between a permanent carport and a temporary carport. He inquired as to whether consideration was given to a canvas temporary carport and whether issues might arise without clarification.

Mr. Radachy stated that there is concern regarding Mr. Varga's point noting that temporary structures can be used for different things during different seasons. He stated that



Concord Township and Painesville Township have zoning regulations for each type of temporary structure, and staff has suggested that Madison Township do the same. He stated that carports are not defined in Madison Township zoning code currently, which is why staff made those recommendations as well.

Mr. Brotzman commented that it appears much of the proposed zoning text changes, especially relative to marijuana, are housekeeping matters.

Mr. Radachy stated that many communities had to change regulations when marijuana became recreational. He noted that a medical marijuana dispensary that had a license to sell recreational marijuana in the City of Euclid could not move forward with recreational sales until the zoning code changed.

Mr. Brotzman noted that outdoor cultivating centers give off a very strong odor for a considerable distance. He inquired as to whether there has been any feedback relative to an odor issue near indoor cultivating centers.

Mr. Radachy stated that he has not heard of any issues with odor. He noted that there is an indoor cultivating center in Eastlake currently. Mr. Radachy stated that most cultivators process year round at indoor facilities, much like a huge factory.

Mr. Varga noted that he has seen shipping containers being used as super structures, after some alteration. He noted that with these alterations, some of these shipping containers may "pass muster." Mr. Varga inquired as to whether removing shipping containers from the zoning text would prevent property owners from placing them on their property at all.

Mr. Radachy stated that this zoning text change addresses shipping containers as accessory structures, such as a shed. He noted that Madison Township is trying to avoid a potential issue of people dropping shipping containers on a lot. Mr. Radachy stated that property owners will be required to place shipping containers on a foundation, like in a manufactured home park.

Mr. Varga noted that this zoning text will allow a property owner to use a shipping container as a man cave or other out building. He commented that alterations should be performed so that the shipping container does not look like a shipping container.

Mr. Radachy stated that a property owner in North Perry put a trailer on his lot, and the zoning official told them to remove it. He stated that the property owner built a pavilion around the trailer, put a roof on it; and with the proper permit, it was allowed. Mr. Radachy stated that shipping containers will need to be placed on a foundation and would need to meet the minimum size for an accessory structure.

Mr. Veselko inquired as to whether the proposed zoning text changes for Madison Township align with other communities in the county so everything is pretty comparable.

Mr. Radachy stated that Concord Township, Leroy Township, and Painesville Township do not have marijuana regulations noting that both Leroy and Concord Townships do not want them.

He stated that Painesville Township is applying a "similar use" strategy, and Perry Township has not addressed marijuana regulations yet. Mr. Radachy stated that Leroy Township has no temporary structure regulations, and Madison Township's temporary structure regulations are not even close to what Concord Township and Painesville Township have. He stated that Madison Township could take that section of zoning code from either Concord Township or Painesville Township and edit for their purposes.

Mr. Beverage asked for clarification as to how Madison Township intends to administer political signs if references are being removed from zoning text.

Mr. Radachy stated that political signs are a special breed of signs. He noted that there have been some court cases on political signs, which is why they are removing them from the code. Mr. Radachy stated that the people are entitled to free speech and can place signs on their property even after election season in support of their candidate. He noted that courts have ruled that communities cannot enforce regulations on political signs. Mr. Radachy stated that there has been discussion relative to regulating political signs as temporary signs, and some communities do; but Madison Township is removing this from their zoning code. He noted that the only regulation most communities really enforce regarding signs is placement in the right-of-way, i.e. signs cannot be placed in the right-of-way period. Mr. Radachy stated that most zoning officials will not touch a political sign, even if it is in the right-of-way, until after an election.

Mr. Beverage inquired as to whether removing signs, political or otherwise, is the jurisdiction of the zoning official.

Mr. Radachy stated that it could be the jurisdiction of a zoning official to remove signs placed in the right-of-way.

Mr. Beverage asked for clarification as to whether Madison Township is proposing to remove all references of political signs from their zoning text.

Mr. Radachy confirmed this to be the case.

Mr. Beverage inquired as to how political signs will be administered going forward.

Mr. Radachy stated that Madison Township could administer political signs as temporary signs, but they are removing this from their zoning code. He noted that the courts have ruled that you cannot read a sign to administer it, i.e. one cannot regulate signs differently based on their content (for sale signs vs. political signs). Mr. Radachy stated that, in the case of temporary signs, they all must be administered the same.

Mr. Beverage inquired as to whether political signs will be treated the same as any other sign.

Mr. Radachy confirmed this likely will be the case.

Mr. Beverage noted that there are court cases relative to political signs as being a form of free speech.

Mr. Radachy concurred with Mr. Beverage's comment noting that this is why Madison Township is removing "political signs" from their zoning text. He stated that courts have ruled that signs cannot be administered based on what they say. Mr. Radachy stated that communities can remove any sign if it has been placed in the right-of-way.

Mr. Beverage noted that he is not questioning the right-of-way. He asked for clarification as to what would happen if someone wanted to put a political sign up 365 days of the year.

Mr. Radachy stated that most communities are more concerned with the location of the political sign rather than how long it is up. He stated that most communities allow 90 days for a temporary sign.

Mr. Beverage expressed concern relative to the proposed zoning text change in that Madison Township will likely administer political signs, which are free speech, as temporary signs that are typically allowed only to be placed for 90 days.

Mr. Radachy stated that each community has different zoning text, and he does not recall the zoning text for administration of temporary signs in Madison Township. He noted that some communities are administering political signs as temporary signs, and other communities are just turning a blind eye to political signs. Mr. Radachy stated that Madison Township is removing political signs from their code, and it is unclear how they will administer political signs going forward.

Mr. Varga inquired about flags with messages.

Mr. Radachy stated that flags are not part of this zoning text as they are not considered political signs or temporary signs. He noted that the only time communities will typically get involved is if messages become dangerous.

Mr. Veselko inquired if there were any other questions and asked for a motion to approve staff's recommendations.

Mr. Beverage inquired as to whether the motion would be to approve all staff recommendations at once or could each section of zoning code be considered for approval separately.

Mr. Radachy stated that a motion could be made to approve all at once or separately.

Mr. Beverage stated that it is his personal opinion that political signs are supposed to be "hands off," and there are court cases that have labeled political signs as free speech. He expressed concern about removing the political sign designation from the zoning text. Mr. Beverage stated that removing the political sign designation would mean that political signs are treated the same as any other yard sign, which in some communities may be taken down after 90 days. He stated that he believes a political sign should not be considered a temporary yard sign, a permanent yard sign, or even a sign as it is a part of free speech. Mr. Beverage indicated

he would like to vote "No" regarding this section of zoning text because it is literally carving out political signs from the text.

Mr. Radachy stated that the reason this came about is that Madison Township has been getting complaints to remove political signs from the yards of residents of the party who won from residents of the party who lost. He noted that zoning officials do not want to get pulled into petty neighborhood disputes and arguments.

Mr. Brotzman suggested that the Board add a recommendation this evening that Madison Township review the proposed text amendment relative to political signs with their legal counsel; and at the very least, check with legal counsel before removing political signs for anything other than placement in the right-of-way.

Mr. Radachy concurred with Mr. Brotzman's suggestion.

Mr. Beverage stated that staff's recommendation regarding political signs streamlines it down to one statement. He noted that staff's recommendation does not address how political signs would be treated.

Mr. Radachy stated that staff's recommendation was to go forward with Madison Township's text amendment to remove political signs from their zoning text. He stated that staff did not recommend they remove political signs or keep political signs. Mr. Radachy stated that staff indicated that Madison Township is can remove political signs from their zoning text. He noted that the Board recommendation could state that legal counsel should be consulted before political signs are removed to ensure compliance with First Amendment rights and case law.

Mr. Varga concurred with Mr. Brotzman and Mr. Beverage noting that a board recommendation should be added this evening relative to the political sign matter.

Mr. Veselko inquired as to whether approval for all proposed text amendments could be considered together with the addition of the recommendation made by the Board this evening.

Mr. Beverage indicated that he feels very strongly about Madison Township removing political signs from their zoning text so he will have to vote No on everything if the proposed zoning text is considered for approval altogether. He stated that if the Lake County Planning Commission is making rules for the townships...

Mr. Radachy and Mr. Veselko stated the Planning Commission does not make rules for the townships; only recommendations.

Mr. Radachy stated that, under the Ohio Revised Code, each township must have a zoning resolution. He noted that townships are required to submit zoning resolution matters to the Planning Commission for review and guidance.

Mr. Beverage commented that the Board's recommendation this evening is that before removing political signs, talk to legal counsel.

Mr. Radachy confirmed this to be the case.

Mr. Beverage stated that what he is saying is that political signs should never be removed period.

Mr. Radachy stated that the Planning Commission makes recommendations, but the townships do not have to comply with the recommendations. He recommended that the Board consider approval of the proposed zoning text changes separately.

Mr. Beverage moved and Mr. Varga seconded the motion to accept staff's recommendations relative to the approval of the Madison Township Text Amendments – Section 101 (Definitions).

All voted "Aye."  
Motion passes.

Mr. Beverage moved and Mr. Phares seconded the motion to accept staff's recommendations relative to the approval of the Madison Township Text Amendments – Section 130 (Accessory Buildings/Utility Sheds).

All voted "Aye."  
Motion passes.

Mr. Beverage moved and Mr. Schreiber seconded the motion to accept staff's recommendations relative to the approval of the Madison Township Text Amendments – Section 142.4.5.29 (Medical Marijuana Cultivators, Processors and Retail Dispensaries).

All voted "Aye."  
Motion passes.

Mr. Beverage moved and Mr. Varga seconded the motion to accept staff's recommendations relative to the approval of the Madison Township Text Amendments – Section 128 (Signs), and the recommendation made by the Board this evening to consult legal counsel prior to removal of political signs to ensure compliance with case law, the ORC, and First Amendment rights.

Five (5) voted "Aye."  
Mr. Beverage voted "Nay."  
Motion passes.

Mr. Beverage noted that he voted "Nay" as he does not believe there should be any regulations relative to political signs.

## **REPORTS OF SPECIAL COMMITTEES**

There were no Reports of Special Committees.

## **CORRESPONDENCE**

There was no Correspondence.

### **OLD BUSINESS**

Mr. Radachy reported that the Subdivision Regulations Review Committee needs input from newly elected County Engineer Exley prior to proceeding. He noted that this project will be held until later in the year as Engineer Exley is new to the office and still settling in.

### **NEW BUSINESS**

Mr. Radachy announced that the NEO Planning and Zoning Workshop for 2025 will be held in Trumbull County (Niles, OH) on June 13 at Eastwood Event Center in Niles, Ohio. He noted that there will be sixteen (16) sessions, and speaker recruitment will commence soon. Mr. Radachy stated that registration will be open sometime the end of April beginning of May and that the Planning Commission is invited to attend.

### **PUBLIC COMMENT**

There was no additional Public Comment.

### **ADJOURNMENT**

The February 25, 2025 meeting of the Lake County Planning Commission was adjourned at 6:20 PM, by consensus.