



**PLANNING AND ZONING COMMISSION**  
**WORK SESSION WITH COUNCIL MEETING**

**MINUTES**

**Tuesday, January 16, 2018 (followed the Council regular meeting)**

**CALL TO ORDER:** Dr. Boester called the meeting to order at 7:22 p.m.

**ROLL CALL:** Charles Boester, Dan Holahan, Bart Sauer, Ralph Waszak, Mike Wheeler

**OTHERS PRESENT:** Village Council Members- President of Council Mike Lyons, Vice President of Council Rick Hudak, Gary Domanick, Pat Healy, Jim Kahoe, Barb Lanford, Mike Wheeler, Council Clerk Jeff Gorman; and Mayor Bobbie Beshara, Law Director Hanna, Police Chief Morgan, Fire Chief McLean, Planning & Zoning Director Brian Frantz, Finance Director Sandy Turk, Parks and Recreation Director Ruth Jocek.

**OLD BUSINESS:**

1. Case No. 37-2017

The enactment of a new Zoning Chapter (1183) titled, "Medical Marijuana" that will be applied to all zoning districts

Mr. Frantz explained that Ordinance 66-2017 was referred to PZC by Council on 11/02/17 and was reviewed at the 11/28/17 Planning Commission meeting. Planning Commission believed it would be best to have a work session with Council— and have Susan Bungard, marijuana law/regulation expert at Walter Haverfield, give a presentation on her experience on this matter thus far. Ms. Bungard took the floor and projected her presentation to the floor. She reviewed the 29-page power point document in detail and provided an electronic copy as well. She mentioned that Ohio will be the most controlled states by the Medical Marijuana Control Board ("MMCP") and has adopted regulations for all aspects of the program. All final rules for the program went into effect on September 8, 2017. At the Federal level, discussions continue to evolve as Attorney General Jeff Sessions reviews policy. Mr. Hanna confirmed the moratorium is good for 6 months and expires May 16, 2018. Dr. Boester commented that he doesn't see any rush on this right now, there's still time to decide or rescind a decision. Mr. Lyons commented that a moratorium is similar to prohibition and that prohibition could be adopted and amended later; or continue to use the moratorium until adoption. Mr. Kahoe asked if those around the table wanted to give a <sup>show poll</sup> vote to pass the legislation or to extend the moratorium. Mr. Kahoe voted for the moratorium, as well as Mr. Hudak, Mr. Wheeler, Mr. Domanick, Mr. Lyons, Ms. Healy, Chief Morgan, Chief McLean, Mr. Waszak voted no. Ms. Lanford <sup>voted</sup> no opinion, and no for now. Mr. Holahan chose to abstain. <sup>stated she had</sup>

2. Case No. 34-2017

An applicant requests to operate an indoor gun range at property located at 2636 Brecksville Rd.

Mr. Frantz explained that the applicants, Milo and Linda Valenti, previously attended a pre-submission conference with Planning Commission on 11/14/2017 to discuss a potential business opportunity, an indoor gun range located at 2626 Brecksville Rd. Mr. Frantz reiterated the impediments that Mr. Valenti faces with this proposed business- an indoor gun range is not a permissible use in the Planning and Zoning code and Village Ordinance 549.08 prohibits the discharge of firearms within the corporate limits of the Village. Mr. and Mrs. Valenti, along Jonathan Ingalls of Action Target, gave an overview of how the facility would be designed, built, managed and incorporated into the community. The design and materials would be above standard requirements, making it a state of the art facility and superior amongst those in NE Ohio. The

facility would also have training and educational gun handling classes for the public, as well as for local police departments. One of the requirements of the facility would be no outside ammunition, which has to be bought on premises; and prohibited use of heavy artillery or certain caliber guns. The ammunition used is made from recycled materials and will be collected for further recycling. The facility will also have an elite design in its' ventilation and noise barrier systems. Mr. Valenti asked again what are the issues he faces and how he should go forward from here. Mr. Frantz reiterated the impediments and possible paths, which are not guaranteed, but are options that may take time and effort:

An indoor shooting range is not a permissible use in the Planning and Zoning Code. There are two possible scenarios by which the request can be considered. First, the applicant can seek a text amendment to the Zoning Code to permit (or conditionally permit) the requested use. This process takes place in one of three forms: a) motion of the Commission; b) adoption of a resolution by Council; or c) filing of an application with Council by one or more property owners within the area proposed to be changed or affected by the proposed amendment to this Zoning Code.

The other potential option is to seek a use variance from the Board of Zoning Appeals (BZA). This process follows Section 1107.05 of the Planning and Zoning Code, which states that appeals to the BZA may be initiated by any person, firm, or corporation, or by any officer, board, or department of the Village, deeming himself or itself to be adversely affected by any decision or action made by the Zoning Inspector, any administrative officer, including the Commission, regarding matters related to the Code.

In addition to the zoning issues, Village Ordinance 549.08 prohibits the discharge of firearms within the corporate limits of the Village. The Village Council would have to amend the ordinance in order to put a shooting range in the Village.

In closing Mr. Lyons stated to Mr. Valenti, Village Council and Planning Commission gave feedback, and that he needs to put it together/take the next steps. Was also suggested that Mr. Valenti look into retaining a Zoning Code Attorney or other counsel to assist him with his business opportunity.


**COMMENTS FROM THE PUBLIC:** None.


**ADJOURNMENT:**

A motion was made by Mr. Waszak to adjourn the meeting. His motion was seconded by Mr. Holahan and the meeting was adjourned at 10:16 p.m.

Respectfully submitted,

Approved,

  
\_\_\_\_\_  
Amy Nauer, Clerk  
Planning and Zoning Commission

  
\_\_\_\_\_  
Dr. Charles Boester, Chairman  
Planning and Zoning Commission