

## PLANNING COMMISSION MEETING MINUTES

Tuesday, August 13, 2024 6:00pm

The Newark City Planning Commission met in Council Chambers, City Hall located at 40 W. Main Street, Newark, Ohio.

### **Present:**

Bruce Ennen	Member
Carol Floyd	Member
Joe Gebhart	Member
Amy Vensel	Planning Commission Secretary
Jeff Hall	Mayor
David Rhodes	Planning Director

### **Absent:**

Brian Morehead	City Engineer
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1. **CALL TO ORDER-** Mayor Hall called the Tuesday, August 13, 2024 Newark City Planning Commission Meeting to order.
2. **APPROVAL OF MINUTES** for the July 9, 2024 PLANNING COMMISSION MEETING- **Motion by Ms. Floyd, second by Mr. Ennen, passed by acclamation**

### **PUBLIC HEARING**

#### **3. ZONING CHANGE FOR 203 N. GAY ST., NEWARK, OHIO**

Application Number: PC-24-27

Owner: Association for Retarded Citizens of Licking County

Applicant: Regan Eveland

Current Zoning: SINGLE-FAMILY RESIDENCE, RH – HIGH DENSITY

Proposed Zoning: TFR – TWO-FAMILY RESIDENCE

**Regan Eveland, 667 Hopewell Dr.** - Our agency, Center for Disability Services, previously known as Association for Retarded Citizens of Licking County, owns this home, this property. I could go on and on of all the reasons why I think we should do, that I vote for. I've been in this field for a very long time. Just to give a little bit of insight, this home currently is deteriorating fast. So, we are building a brand new home to move the individuals that are living in this home to another home on King Avenue that's almost done being built. And this Gay Street home will be demolished and then rebuilt into these two single unit apartments, if you will. What's that? Not a duplex, all one. Yes, individual. That's a strong need right now for people with developmental disabilities. Along with we have about 13 properties we own in this county, too. It's a passion to provide reasonable, affordable housing for people. So, it will still look, it won't be two stories. It'll be one story, but it'll be two different settings to allow for that option. We're working very closely with Licking County Board of Developmental Disabilities. Couldn't be here tonight because she's on vacation, but with them to create this residence and use grant funding as well.

**Mr. Ennen** - Other than notice about this meeting from us, has anybody talked to the neighbors about it? I mean, you've been there for a while, so you have a good relationship with the neighbors?

**Ms. Eveland** - Yeah, for the most part, yes. And we own a home diagonal from it on Rose Hill. But we did get notice about this.

**Mr. Ennen** - I just want to know if you talked to them about the change.

**Ms. Eveland** - No one's specifically talked. We haven't talked to anybody specifically, but we do have good relationships with a lot of the neighbors. We've been there at that home for many, many years.

**Director Rhodes** - How many people do you currently have in that house?

**Ms. Eveland** - There are three guys that live in there now. Those three guys will move to the King Avenue home by Newark High School.

**Director Rhodes** - How many will live in the new home?

**Ms. Eveland** - Probably two. We were looking to do three, but the size of the property won't allow for that. So, two.

**Director Rhodes** - Just two individuals?

**Ms. Eveland** - Yeah. Two single units.

**Motion by Mr. Ennen to close the public hearing and refer the ordinance to the Planning Director for recommendation, Second by Ms. Floyd. Motion passed 5-0**

#### OLD BUSINESS

**4. Recommendation for ORDINANCE NO. 24-18** AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.

**Director Rhodes** - We've had our public meeting. This is where I would have my opinion. I guess I would need a motion to adopt 24-18, and then I'm going to make an amendment to substitute 24-18 with 24-18A, and then I think we're going to have some further changes to it.

**Motion by Mr. Ennen to approve 24-18 as submitted and reviewed by the Planning Director, Second by Ms. Floyd**

**Director Rhodes** - I want to make an amendment to substitute 24-18A knowing we're probably going to have a few changes to that also. I've asked Councilman Lang and I've given a copy of this to both Councilman Cost and Councilwoman Blaine. So, I'm asking to substitute 24-18 with 24-18A.

**Second by Mr. Ennen for the amendment**

**Jonathan Lang** - Thank you. I don't know procedurally then if we need to make further changes here if we need to do an amendment to the amendment. I don't know. You guys decide how you want to run your meeting. So, I'm going to skip around a little bit because I think there's a couple that are easier to explain first. The first one is on page, and I went through and numbered my pages, it is on page 7 section 46.4. These are the conditional uses for medium business intensity. So, this is the first district where we're adding dispensaries as a permitted use. If you recall last time we were here we discussed adding a two-mile buffer between dispensaries. As you know the state has a one-mile buffer like we did with the buffer about schools. We thought doubling that would make sense. So, that's the first change that you see. There's the two-mile buffer. The second change there, and this was not something that really was brought to my attention until we got the draft back from the Law Director's office, she had added a prohibition on vehicular drive-thru. You'll see that a couple paragraphs down, and or curbside services prohibited. None of our dispensaries do that today. I'm not aware of any of them planning to do that. I don't necessarily have an issue with it. I really would leave it to you as to whether you think that's a good idea to include or not. It wasn't really something that had been brought up, but like I said, it doesn't bother me to put that in there. I don't think that's an unreasonable restriction on these kinds of sales.

**Mayor Hall** - Do you know what's permitted by the State for drive-thru?

**Mr. Lang** - I think when we asked the Law Director she did say it was permitted by the State. So, that is something they could do if we don't prohibit it which is, I think, different from medical. I don't know that the medical was allowed to do that. So, those two are the kind of more substantive changes and then you'll see those are added as well under section 2 then on the next page to the adult use. So, they're including them for both the medical and the adult use. The other change that we had discussed last time is back on page 10 of what you've got in front of you. This is under article 64 section 64.4 where we outline the conditional uses for under the limited industrial districts. We had initially

included dispensaries in those zones both. This is the same for the next change of your general industrial. We had included both the dispensaries in addition to the cultivators and processors in those two industrial zones and one thing we discussed last time was potentially taking them out of the industrial zone. So, that's what we did there was striking those two paragraphs in section 5 and then in section 7 and then additionally on page going on to page 11 striking dispensaries from medical dispensaries from 66.4 and striking adult-use dispensaries as well in under section 19. So, those are the main changes that we had discussed in addition to the drive-thru. There are a number as you flip through here there are a number of additional sections that were added. I would certainly leave this up to your discretion as whether you guys think this is a good idea. Our Law Director had added prohibited uses under a number of different districts. You'll see the conservation district, agricultural district, medium density, you know a number of the residential districts. Basically, she went through every section where we're not putting dispensaries and added a paragraph expressly prohibiting them. I don't think that's necessary and I don't think we do that for really anything else. So, it seems like a lot of extra language and I think we're also going to have pushback and concerns about well why aren't you including everything that's potentially prohibited, right? Could you put a pizza shop in a residential area? Could you put a liquor store in a residential area? So, I think there's going to be a lot of questions of if you're not going to take the time to make it an exhaustive list, why include it? Because dispensaries are only going to be included under those zones where we permit them.

**Ms. Floyd** - As I said earlier when we were talking, the problem with having a prohibited list, you leave something out. Somebody's going to come up with something that you don't have in that list of prohibited uses.

**Director Rhodes** - Carol, do you want to make a motion to strike the prohibited uses from there?

**Motion by Ms. Floyd to strike prohibited uses from 24-18A**

**Mr. Lang** - Just one point if I might clarify before you vote. I think you want to not, the one section you want to leave in is under the downtown district. We did add a prohibited use there so I think we just want to clarify that amendment. It's everything except for the prohibited use under the downtown district.

**Mr. Ennen** - So, let's go with Article 10, Article 17, Article 12, Article 16, Article 18, Article 20, Article 22, Article 24, Article 26, Article 28, Article 30, Article 34, Article 38, Article 40, and Article 44 will all be eliminated.

**Second by Mr. Ennen, Motion passes 5-0**

**Bill Cost** - I just want to make sure that I understand not only where we are but what we're proposing to do. Right now, my understanding is that we're allowed three dispensaries and they both have to be able to offer both medical and recreational. And then my discussion a few moments ago, I was told that we're now going to be able to add one or the state is going to be able to add one. Am I correct still on that part?

**Director Rhodes** - The state would have to free up another license in order to add one.

**Mayor Hall** - There's a dual license which would include medical. Go ahead, Jonathan.

**Mr. Lang** - The licensing legislation that we've already passed limits the number of dispensaries that we have. So, under that legislation, we can't have more than three. Even if the state granted a fourth license for medical and recreational to another facility, unless we went back and amended the licensing legislation, our safety director would not be permitted to give them a license to operate. So even if they got licensed by the state, found a spot that works with our zoning, it's not going to change the licensing requirement that we already have in place.

**Mr. Ennen** - The zoning code doesn't contain anything about licensing. So, in theory, under the zoning code, an adult use only could open but the licensing ordinance that you guys created would prevent that.

**Mr. Cost** - So, could we as a municipality initiate this to the State to say I think we really need a fourth location?

**Mayor Hall** - We would have to change the ordinance, the licensing to allow say a fourth or whatever number. If you have three, what if one of them closed? Then that would allow one space. It doesn't

mean it has to go in that same location. Then the zoning kicks in as to where they could go. The other way would be if we wanted to ease up from three, then Council would have to do that. That isn't Planning Commission. The zoning that we're doing tonight would say where they could place that.

**Mr. Cost** – So, as we stand right now, we also have what licenses available for one growth facility and one production facility or more than that?

**Mr. Lang** – We didn't place any licensing limits with respect to cultivators and processors. It's unlikely that we would ever get more than one. That's a discussion to have if we start getting some interest.

**Mayor Hall** – There's so few of those and very few people in that. I believe at least one of our dispensaries is in that business.

**Mr. Cost** – But not in Newark.

**Mayor Hall** – Not in Newark.

**Mr. Lang** – That's why we focused on dispensaries with the licensing because there's no retail component to the cultivators and processors. It's a lower risk.

**Motion to approve the substitution of 24-18 with 24-18A, Second by Mr. Ennen, Motion passed 5-0  
Vote to forward entire package with both amendments to full Council, passed 5-0**

**NEW BUSINESS**

There is none this meeting.

**MISCELLANEOUS – ADMINISTRATIVE APPROVALS**

There are none this meeting.

**THE NEXT SCHEDULED PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, September 10, 2024, 6:00 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MONDAY, August 19, 2024 4:30 P.M.**

**Meeting stands adjourned**

  
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Mayor Jeff Hall

  
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Planning Director David Rhodes