

## Economic Development Committee Minutes

Honorable Council  
City of Newark  
October 10, 2017

There was a meeting of the Economic Development Committee in Council Chambers on Monday October 9, 2017 after Ways & Means Committee with these members present:

Jeremy Blake  
Jeff Rath  
Jonathan Lang  
Bill Cost Jr  
Mark Fraizer

We Wish to Report:

1. **Ordinance No. 17-43** Article 46: MB Medium Intensity Business District, Article 64: Limited Industrial District, and Article 60: DC Downtown District of the Zoning Code of the City of Newark, Ohio was considered.

**Mr. Fraizer-** what we have seen is a prohibition moratorium that was brought forth and rejected by this Council. We saw a proposal last week that was brought forward and didn't make it out of committee. I didn't support it because it was holistic, it didn't include cultivators and processors as well as I disagreed with the zoning that it was intended for as well as the residential restriction that was attached to it. What we have before us is a Medium Intensity Business District zoning. What that is for, it is above Limited Office, General Office, Limited Intensity Business, those are supposed to be treated as a buffer between residential areas and commercial districts that is what the zoning was intended for. We also included a 1,000 foot prohibition from schools, churches, libraries, public playgrounds, public parks and addiction service providers. What we see on the zoning map, we are waiting for the final version from the Engineer's office because of how complex this is, from about the west side of Deo Drive down to Catalina on 21<sup>st</sup> Street will be available for zoning. Pieces of 13 around Plaza Pizza would be available. Far west as far as West Main and Cherry Valley Road intersection in the Tamarack area would be available as well as far east regarding the church and the daycare center there is some zoning available over there. We are waiting for the final map to come out but based on my ruler and my zoning map that is where it appears to fall and I had conversations with the Engineer's office today and they confirmed that is most likely the areas that should be able to have Medium Intensity Business District that is far enough from the primitive areas of 1,000 feet. I hope that Council and this committee will support this legislation in order to move it on to full Council where it will then go to Planning Commission then we will see what the Planning Commission comes

back with. There is a corresponding piece of legislation being worked on by the Law Director to require a \$500.00 licensing fee on January 31<sup>st</sup> each year for the cultivators, processors and distribution centers to make sure we are aware of what is in the application as well as making sure they renew on a regular basis about employees, any terminations and any issues they may have. There is also a clause with the State for if there is termination the State is supposed to notify the local police enforcement. One of the items that I have passed around to the committee is a synopsis of the State legislation to show the surveillance requirements, to show the protections that are provided, to show that this is the most controlled roll out of medical marijuana in the country. What you are seeing are operating hour that are very distinct, 24 hour surveillance, vault security, panic alarms and so Medium Intensity Business not only goes with health clinics it also with banks. What we are seeing is the security aspect; the regulatory aspect and the manner in which it is going to be used follow directly in line with the Medium Intensity Business.

**Mr. Lang-** can you clarify where does that put us for the processors and the cultivators?

**Mr. Fraizer-** processors are not allowed to be within 500 feet of a park, school or church

**Mr. Lang-** I meant in terms of the zoning

**Mr. Fraizer-** Limited Industrial and with the 500 feet restriction you are looking at some contiguous areas on Buckeye Ave because of the Wells Ave park but you also see the Tamarack area and you also see some areas on East Main Street even with the school there should be some spots available for Limited Industrial for cultivators and processors.

**Mark Shavoney-** I wanted to put a medical marijuana dispensary in the City of Newark, I was pretty excited about it. The one thing is that the application has to be by November 17<sup>th</sup>. In order to fill out the application you really have to have all of your ducks in a row here. Most of the application process has to do with having the exact location. I would need to know realistically within two weeks maybe a week and a half if I could move forward in the City of Newark. I don't really know where that puts us.

**Mr. Fraizer-** I can answer that and I will yield to the Law Director to make sure it is correct. Because we revoked the prohibition there is technically no zoning in the City of Newark and there's also no zoning restricting you from doing business so that puts you in a grey area where you are allowed to file because there is no specific zoning on the books. Where we are targeting is Medium Intensity Business that is going to go through the Planning process and probably won't come out until January. As far as planning your location you can plan on a Medium Intensity Business with the map of 1,000 feet. You can move forward with that with the intent that this will eventually come but on your application you can check that box that states there is no distinct zoning in place.

**Mark Shavoney-** but I still have to get a lease in place for a specific area and that is ok to do at this time?

**Mr. Fraizer-** yes I believe so, Mr. Law Director

**Director Sassen-** you need to speak to your attorney not me.

**Mark Shavoney-** I guess I understand but I am still a little unclear on whether I should be able to move forward with this.

**Mr. Fraizer-** there are a lot of municipalities that have not addressed this issue at all. We

are basically in the same state right now but what you have seen from this Council is we don't want a prohibition and we don't want a moratorium so we want to do business. The zoning process takes time; we are initiating that process now. We would love to have your business if it's not worth the risk we absolutely understand. This is going to be a very competitive market especially with three dispensaries in a four county radius. With that being said with the State process of determining who is going to get it, how many people apply and the zoning complexity you should absolutely consult an attorney and you should also weigh the options of other communities that aren't addressing this whatsoever.

**Mark Shavoney-** if I came up with a location who should I contact to see if we were ok within the city for zoning and everything else?

**Mr. Marmie-** you don't have any restrictions other than what the State has at this point. Your lease agreements are up to you, contact your attorney if your attorney is a good attorney they will have out clauses that you will be able to have in there so you can get out of it. A lot of people may have multiple leases at this very moment just because of that. That is what I common practice and what is happening in the State but as of right now the biggest thing you can check on that application is that there is no moratorium.

**Mark Shavoney-** keep it with the 1,000 feet instead of the 500 just to be in the safe zone?

**Mr. Marmie-** yes you are going to have to do that because it is a State requirement.

**Mr. Mangus-** we keep talking about Medium Intensity Business Districts but this legislation as written will actually allow it not only in Medium Intensity Business Districts but everything above that and that is the same for the cultivators and processors in their districts as well. Is that the intention of this legislation or are we trying to keep it in these separate zoning levels?

**Mr. Fraizer-** that is the intention of zoning. We zone it and it rolls up. Limited Industrial District also goes higher to a General Industrial District so we zone it appropriate. When it comes to a High Intensity, a General Business and upwards it is meant to be zoned appropriately and as that intensity increases it is allowed in that is how it is supposed to work.

**Mr. Mangus-** one other comment or concern regarding this legislation, here in Newark many of our zones backup to residential neighborhoods. A Medium Intensity district isn't necessarily separated from a residential area. I am concerned that we are saying medical marijuana dispensaries shouldn't be within a 1,000 feet of a school or a church but that it is ok to have it back right up to a residential area. Frankly I don't see what the difference is between a residential area and a school and a church.

**Motion by Mr. Fraizer to send to full Council, second by Mr. Lang**

**Motion passed by a vote of 4-1 (Mr. Cost)**

Jeremy Blake, Chair