

**PLANNING COMMISSION MEETING MINUTES**  
**Tuesday, July 9, 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
Amy Vensel	Planning Commission Secretary
Jeff Hall	Mayor
David Rhodes	Planning Director
Brian Morehead	City Engineer

**Absent:**

Joe Gebhart	Member
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1. **CALL TO ORDER**- Mayor Hall called the Tuesday, July 9, 2024 Newark City Planning Commission Meeting to order.
2. **APPROVAL OF MINUTES** for the June 11, 2024 PLANNING COMMISSION MEETING- **Motion by Ms. Floyd, second by Mr. Ennen, passed by acclamation**

**PUBLIC HEARING**

3. **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.

**Jonathan Lang, 1378 Residents Dr.** – I worked with Tricia on the legislation. Just a quick summary of what we're doing. This legislation primarily is to add adult use dispensaries, processors, and cultivators to our existing zoning code. In some places we followed what we did with medical, and it's really just inserting adult use where we had medical before.

**Mayor Hall** – Excuse me one minute. For those that don't understand, it was addressed at the state level, and if we don't add it into our language, we're not addressing it. We add the language to address an item that wasn't even talked about a year or two ago.

**Mr. Lang** – Correct. This is all following on Issue 2. I guess I should have started there with the voter-initiated legislation. We will have adult use facilities licensed. We already have the three medical facilities that are all able to apply for dual use. I think one of them may have even already been granted a provisional license, so I think addressing this in our zoning code is appropriate at this time. With respect to medium business district, high intensity business district, limited commercial, general commercial, and the downtown district, we've mirrored what was done with medical marijuana facilities. So, in all those zones, the first four there, we've added adult use as a conditional use, meaning they'll have to go through the Board of Zoning and Appeals process and get approved. We've added adult use dispensaries, processors, and cultivators from the downtown district. Just as we did with the medical marijuana facilities, we're prohibiting those types of facilities in the downtown district. On the limited industrial district and the general industrial district, we added all dispensaries, cultivators, and processors as a conditional use. That is the one thing that is different from how we handled medical. Certainly, interested in the Commission's thoughts on if that's appropriate. I did want to make, briefly, some recommendations based on

conversations I've had since we put this through Council; a couple of points that I think would be good for the Commission to consider. I think we should at least consider removing dispensaries from the limited industrial and general industrial districts. On this map here, those are the, I believe the dark gray and the light gray zones. The thought being everybody is more concerned about where we put dispensaries in our city. Those are obviously two big sections primarily on the east and west ends, and some areas that maybe it doesn't make sense for dispensaries to be included. I have not heard the same feedback as far as processors and cultivators. I think there's a general sense that that's a lower risk type of business because there's no retail involved. It really just means jobs for the city of Newark. I would say that we should keep those in those areas. I think it would be great for the city if we did get one of those facilities, again, not really the same kind of concerns that you have around a dispensary that has retail sales. The other recommendation that I think would be great to consider is a buffer zone between dispensaries. The state is requiring a one-mile buffer between dispensaries. Similar to how we expanded on the state buffer, the state has a buffer of 500' from schools, parks, etc., we are again expanding on that here and doubling it to 1000', with the option for the Board of Zoning to grant a variance down to 750' just like we did with medical. I think doubling up on that dispensary buffer would be an appropriate consideration here as well. So, we would look at a two-mile buffer between dispensaries. Along with that we would then need to consider how grandfathering would occur, because we have two dispensaries right now that are on 21<sup>st</sup> St. I certainly want to get the Law Director's take on whether the legislation would need to specifically include that or just by operation of law if they would be grandfathered into those locations. Those were the things I really wanted to summarize for the Commission and propose some additional thoughts on things that we could do to improve on it. Thank you.

**Mayor Hall** – Thank you. I appreciate that.

**Beth Bline, 33 Summit** – I agree with Jonathan's statement about these districts here with the light gray and the dark gray. However, I want to highlight that our downtown district has been very successful, the special interest district. Presently, that would be eliminated from that site. Now, what has been open is our general commerce district, which is basically where these places are now. They've been successful. The infrastructure suits these sites. There's opportunity for commerce. If I were opening a business, that would be my choice site, right there where most of our commerce is already taking place. So, even if we wanted to unify and create a commerce district where indeed these sites could be located largely within the 5<sup>th</sup> and 6<sup>th</sup> wards, there wouldn't be a lot of movement. This district would be elastic in nature. It could expand as needed. We know that our one site over here has already gained a license for recreational marijuana, and one of these two that are on 21<sup>st</sup> St., probably not. But, there is plenty of opportunity for zoned sites within this 21<sup>st</sup> St. and Deo Dr. region. It's my suggestion that if it's not broken, don't fix it. Keep it right in here. Keep it within this general commerce district because the places that are left over are neighborhood sites. The places in orange, pink, and brown, some of them, sadly, are hotspots for other activity presently. So, let's keep it where it's already working. Let's keep it where an investor would find it profitable. If that's what we're looking for is investors, then this indeed would be the best site for it. Thank you very much.

**Mayor Hall** – Thank you.

**Michael Houser, 28 N. Hazelwood Ave.** – Representing the 1<sup>st</sup> ward on City Council, and Jonathan already commented that it might be part of his recommendation, I think, to remove the light gray and dark gray areas from dispensaries. Obviously, with that map there's a pretty significant area on the east side that would be open to dispensaries. Even in the darker purple section there, I guess I would probably have some concerns about that. It's a pretty broad section that would be open to dispensaries. Can't say I'm a big fan of that. I just want to say that. Thank you.

**Mayor Hall** – Thank you. Appreciate it.

**Mr. Lang** - I just wanted to respond real quick. If we did have a two mile buffer, or even if we just left it with the state's one mile buffer between dispensaries, what I would be concerned about is if

the state says that one of the locations on 21<sup>st</sup> St. has to move. I'm hoping we can end up with a map that gives them options to move to. If we had a one or two mile buffer there, that would obviously eliminate most of that middle pink section there on 21<sup>st</sup> St. where the other one would be located. So, I just want to make sure we give some consideration to if one of those needs to move, where would we be ok putting it. Most likely, that is the scenario we're talking about. This Council has already passed legislation limiting our licensing. I think that is important to keep in mind. We're only going to allow three licenses for dispensaries in the city of Newark, and only to those that are dual licensed, meaning they already have their medical marijuana dispensary license. So, to get anybody else in here, it's really only going to be those three unless the state does something different. I just wanted to highlight that. Thank you.

**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 417 GARFIELD AVE., Newark, Ohio**

Application Number: PC-24-13

Owner: MID OHIO PROPERTY MANAGEMENT LLC

Applicant: JAMES R. HOEKSTRA

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

Proposed Zoning: TFR – TWO-FAMILY RESIDENCE

**Amy Vensel** - A Public Hearing was held by the City of Newark Planning Commission on Tuesday, June 11, 2024. Upon consideration of the information presented, the following actions are recommended: The planning commission believes the best course is for the property to remain the way it is zoned. With the size of the lot a split could be completed and a single-family home could be built on the other lot. Therefore, the planning commission is not preventing the owner from maximizing the use of the property.

**Motion by Mr. Ennen to accept the recommendation and forward to Council, Second by Ms. Floyd, Motion passed 5-0**

#### **5. RECOMMENDATION FOR 842 JEWETT AVE., Newark, Ohio**

Application Number: PC-24-19

Owner: KEVIN R. HALL

Applicant: KEVIN R. HALL

Current Zoning: Single-Family Residence, RH – HIGH DENSITY

Proposed Zoning: GC – GENERAL COMMERCIAL

**Ms. Vensel** - A Public Hearing was held by the City of Newark Planning Commission on Tuesday, June 11, 2024. Upon consideration of the information presented, the following actions are recommended: The zoning classification for the parcel at 842 Jewett Ave. shall be changed to LC - Limited Commercial District. Ordinance 24-17 is recommended for passage and approval by Council.

**Motion by Ms. Floyd to accept the recommendation and forward to Council, Second by Mr. Ennen, Motion passed 5-0**

#### NEW BUSINESS

#### **6. SITE PLAN REVIEW - Take 5 Oil Change, 1200 North 21<sup>st</sup> St.**

**Application Number:** PC-24-29

**Owner:** Mattingly Enterprises LLC, PO Box 760, Zanesville, OH 43701

**Applicant:** Driven Brands, 440 South Church St., Suite 600, Charlotte, NC 28202

**Brandy Zachary, 1136 South Park Dr. Bowling Green, KY** – I'm the civil engineer on the project.

Their business model is the drive-thru oil change facility. Quick service. The prototype that they are proposing is a three bay oil change. It's located at the corner of Pierson Dr. and N. 21<sup>st</sup> St. We're proposing one entrance off of Pierson Dr. The building will face N. 21<sup>st</sup> St. We've got some parking

for employees and customers. Most of the time, they don't have any cars waiting in the parking lot. They service through as they come in.

**Mr. Ennen** – Is this where the Underwood Animal Hospital is now?

**Many** – Yes

**Brian Morehead, Chief Engineer** – We've been working back and forth on this project for a bit now. We reviewed the site plan and the items that have come in. We just received the traffic study, so we want to have our traffic engineer, he's on vacation this week, we'll have him go through that and provide comments back to Brandy's group. Construction plans, we have a few more items to look at on there, and we have some comments to get back to her on that. Other than that, zoning looks good. Set backs are good. We recommend conditional approval by Planning Commission, and we will follow up with items one, two, and three, the traffic study, the rest of the construction plan review and any stormwater management items.

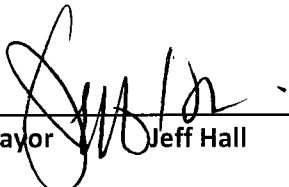
**Motion by Mr. Ennen to approve subject to the conditions, Second by Ms. Floyd, Motion passed 5-0**

**MISCELLANEOUS – ADMINISTRATIVE APPROVALS**

There are none this meeting.

**THE NEXT SCHEDULED PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, August 13, 2024, 6:00 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MONDAY, July 15, 2024 4:30 P.M.**

Meeting stands adjourned

  
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Mayor Jeff Hall

  
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Planning Director David Rhodes