

PLANNING COMMISSION MEETING

November 7, 2024

Chair Rob Vela called the meeting to order at 7:00 p.m. Commission members present were Mathew Beredo, Andy Lorenz, Mayor Mackin, Rob Vela, Becky Williams, and Megan Wolfinger (6). Greg Bade was absent (1). Also present were Brody Walters, Planning & Zoning Administrator, and Tim Effler, Law Director.

APPROVAL OF MINUTES

Ms. Williams moved to approve the September 26, 2024 meeting minutes as written and seconded by Mayor Mackin. Ayes: Beredo, Lorenz, Mackin, Williams, and Wolfinger (5). Nays: (0). Abstain: Vela (1).

ADMINISTRATOR'S REPORT

No report.

Special Approval Use (Landmark Feature)
Monarch Grief Center
314 Louisiana Avenue

APPLICANT/OWNER/DEVELOPER

Tim Polakowski
Cofounder and Executive Director
Monarch Grief Center
314 Louisiana Ave.
Perrysburg, OH 43551
tpolakowski@monarchgriefcenter.org

REQUEST

Chapter 1215.02 – Definitions: “Landmark Feature/Signage”
Chapter 1235.04(zz) – Landmark Feature & Signage

PROPERTY LOCATION & DESCRIPTION

Location: The applicant has proposed a 9’2” tall, steel, monarch butterfly be constructed and placed on private property visible from the public sidewalk outside of his business location.

Property Size: .N/A

Parcel: Q61-000-902203003000

BACKGROUND

See attached project scope and explanation.

ANALYSIS

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of requirements is what is referred to as the “general conditions” and the second set is referred to as the “specific conditions”.

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

1. The establishment, maintenance or operation of the special approval use will not be detrimental to or endanger the public health, safety, or general welfare or the natural environment.
2. The special approval use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor shall it substantially diminish and impair property values within its neighborhood.
3. The establishment of the special approval use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special approval use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.

Specific Requirements

Ch.1235.04(zz) Landmark Feature/Signage

Landmarks featuring signage are exempt from the provisions of the zoning code (including the sign code) but shall require City Council approval in accordance with the criteria of the Special Approval Use (SAU). No Landmark Feature/Signage shall be approved by the Planning Commission unless it shall find the following:

1. The feature utilizes materials that are of high quality, and are arranged in a way to be complementary to its surroundings.

2. The feature provides a broad interest or benefit to the public. Any signage or promotion of private enterprise does not in any way dominate the visual impact of the structure or property.
3. Any signage or promotion of private enterprise does not in any way dominate the visual impact of the structure or property.
4. The features shall provide landscaping at its base where possible.
5. If signage is present, the location of the structure is reasonable in relation to the messages provided on it.
6. The proposed structure shall not pose a danger to visibility or pedestrian/vehicular traffic.
7. Details shall be provided outlining the relief/deviation from the Zoning Code that an approval would grant the applicant.
8. After review, the Planning Commission shall make a recommendation to the City Council. City Council shall hold a public hearing with respect to the proposed use, in accordance with the same procedures as provided for in Chapter 1285, shall review and decide whether or not the use will be permitted in accordance with the criteria of this Zoning Code.

The applicant has provided a proof of the proposed artwork that is being considered.

RECOMMENDATION

It is recommended that the applicant be required to submit a maintenance agreement to the City of Perrysburg prior to any final approval. This maintenance agreement should clearly define the maintenance responsibility and a removal clause in the event the mural is damaged or not maintained.

Further, it is recommended that a Public Hearing be set before City Council for December 19, 2024, at 6:10 p.m.

Mr. Walters reviewed the above Staff Report regarding the Special Approval Use (Landmark Feature) for Monarch Grief Center at 314 Louisiana Avenue. Tim Polakowski, Monarch Grief Center, was present and said that they intentionally chose downtown Perrysburg for their office location. There was a brief discussion about establishing a maintenance agreement for this structure, and Mr. Walters noted that there is a similar agreement for the mural at Waterhouse Bath & Kitchen Studio. Mayor Mackin asked if there would be a security camera installed on or near the structure, and Mr. Polakowski said that is not the plan, but that it's not a bad idea either. Mr. Beredo referenced Chapter 1235.04(zz)(3) concerning the proposed landmark feature and Mr. Polakowski said that this structure is an artistic interpretation, it's not the business logo, and therefore not a direct promotion of the business.

Ms. Williams motioned to recommend conditional approval of the Special Approval Use (Landmark Feature) for Monarch Grief Center at 314 Louisiana Avenue with the following conditions:

1. Submit a Maintenance Agreement
2. Schedule a Public Hearing for December 19, 2024, at 6:10 p.m.

Seconded by Mr. Lorenz. Ayes: Lorenz, Mackin, Vela, Williams, and Wolfinger (5).
Nays: Beredo (1).

***Special Approval Use
ACT LAB (Dept. of Commerce Licensed Testing Laboratory –
Division of Cannabis Control)
741 Commerce Drive***

APPLICANT/OWNER/DEVELOPER

ACT LAB
Tahaney Abuzahrieh
617 E. Hazel St.
Lansing, MI 48912
tabuzahrieh@gmail.com
216-926-0727

REQUEST

Chapter 1225.08 – Land Use and Base Zoning District Table
Chapter 1235.02(d) – SAU – Standards
Chapter 1235.04(t) - Laboratories

PROPERTY LOCATION & DESCRIPTION

Location: The proposed use would be located at 741 Commerce Drive, north of W. South Boundary Street. Other uses in the immediate area include professional offices and Yark Chevrolet to the east.

Property Size: 2.18 acres (approximately)

Parcel: Q61- 400-070305013000

Zoning: PBP – Planned Business Park

BACKGROUND

The applicant is seeking approval to open a state licensed marijuana testing laboratory. There would be no cultivation, processing or sale of any product or material.

ANALYSIS

This Special Approval Use is subject to both the “general” and “specific conditions” for this type of use. The applicant has provided with their submission, responses to each of these identified requirements.

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

1. The establishment, maintenance or operation of the special approval use will not be detrimental to or endanger the public health, safety, or general welfare or the natural environment.
2. The special approval use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor shall it substantially diminish and impair property values within its neighborhood.
3. The establishment of the special approval use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special approval use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.

Specific Requirements

Ch.1235.04(t)

1. Testing materials shall be such as not to have external effect in any way on abutting properties in the district.
2. Waste materials shall be disposed of in a safe and acceptable manner.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed the application for Special Approval Use for ACT LAB at 741 Commerce Drive and has found that the applicant has met the requirements to be granted a Special Approval Use for the laboratory, as described, at this location.

Mr. Walters reviewed the above Staff Report regarding the Special Approval Use for ACT LAB at 741 Commerce Drive. The applicant was not present. There was a brief discussion about the processes that this facility will house with a focus on quality control and waste procedures. Mr. Walters noted that this establishment originates out of Lansing, Michigan, and that it's regulated by the State of Ohio. There was a brief discussion about an indication of signage, and Mr. Walters confirmed that the facility will be imperceptible from the exterior as to what the business is.

Mr. Vela motioned to approve the Special Approval Use for ACT LAB at 741 Commerce Drive. Seconded by Ms. Williams, and the application was unanimously approved (6-0).

Preliminary Site Plan

Elcan and Associates, Inc. (on behalf of Dollar Tree)

Parcel Q61-400-070404031003 (o Eckel Junction Road)

Parcel Q61-400-070404030003 (o Eckel Junction Road)

APPLICANT/OWNER/DEVELOPER

Richard Ogburn
Elcan and Associates, Inc.
PO Box 230
Point Clear, AL

Art Hardin
Calibre Engineering, Inc.
7700 Paragon Road STE C
Centerville, OH 45459

Eckel River, LLC
5215 Monroe St. STE 8
Toledo, OH 43623

REQUEST

Chapter 1260 – Site Plan Review

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the north side of Eckel Junction Road, just east of the Dixie Highway and Eckel Junction intersection. The potential site is also south of Black Diamond, and north of Buckeye State Bank. The property comprises two parcels totaling 1.83 acres and is zoned C-3 Community Shopping.

ANALYSIS

Intensity and Dimensional Standards

- Structure would need a side yard variance from the Board of Zoning Appeals if the lot were split as shown by the yellow line on page CP-2.0.
- Building meets all setbacks as shown (without lot split).
- Please note that the future development cannot exceed 9,905 SF. This would ensure that the buildings comply with the maximum lot coverage for C-3 districts (25%).

Parking Standards

- The number of parking spaces meets the minimum standard.
- All proposed parking spaces are shown to be 10' x 20' in size.
- The parking lot is located within the required front yard setback and requires approval from the Board of Zoning Appeals.
- Curb stops are shown throughout the parking lot.
- Drive aisles are shown exceeding the minimum width required.
- Please note that a landscape buffer will need to be placed between the parking lot and Eckel Junction Road.

Drives & Access

- The site has two drive entrances shown from the Black Diamond entrance drive.
- The drive aisle locations meet and exceed the minimum standards for location.

Sidewalks

- A sidewalk currently exists across the frontage of the property.
- The sidewalk is shown connecting from the right of way to the entrance.

Dumpsters

- Dumpsters are shown to be enclosed and located in the rear of the building.
- Enclosure details must be provided with the final site plan approval.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission approve the Preliminary Site Plan with the conditions that the applicant receives a variance for parking in the required setback and should the applicant want to split the lot a variance for side yard setback from the Board of Zoning Appeals.

Mr. Walters reviewed the above Staff Report regarding the Preliminary Site Plan for Elcan and Associates, Inc. (on behalf of Dollar Tree) for 2 parcels along Eckel Junction Road: Q61-400-070404031003 and Q61-400-070404030003. Richard Ogburn (Elcan and Associates, Inc.) and Art Hardin (Calibre Engineering) were present on behalf of the application. Mr. Walters stated that the minimum distance has been addressed for the traffic signal and noted the six (6) foot-tall vinyl fence that is shown to surround the future building footprint (sheet CP-5.0 Landscape Plan). Mr. Hardin said that they have worked with Mr. Walters and Mr. Easterling to bring their proposed construction further to compliance by moving the Dollar Tree building to the forefront of the property, planning for a lot split with the future development of the property while anticipating relief from the BZA, cross-access agreements, and understanding the landscaping setback requirement. He added that the six (6) foot vinyl fence is a temporary structure with the intention to enclose the nearby site (graded building pad for future development). Mr. Walters noted that variances are not guaranteed and that they are based on a hardship. Mr. Vela recognized that in order to review the submission, the Commission needs to hold the whole parcel in their purview with code

requirements. The Commission further discussed the implications if the property were to be submitted and approved for a lot split. Mr. Walters noted that the circulation pattern would not allow for much of a setback delineation and Ms. Wolfinger added that this is a self-created tension while noting that the entire site could be developed at once instead. The Commission further discussed landscaping with intentionality, parking, and the proposed six (6) foot vinyl fence.

Joann Tallarico, 12 Callander Court, was present and said that she has concerns with landscaping, lighting, and visibility. She asked that the dumpsters be moved further west and Mr. Hardin confirmed that they will be enclosed by a masonry structure.

Theresa Romp, 10 Callander Court, was present and said that she would like to see the building be moved more centrally to the parcel if the lot is not split.

Tim Butler, 4 Callander Court, was present and asked about landscaping and irrigation.

Lenore Pohlman, 9 Callander Court, was present and said that she has traffic concerns.

Mr. Vela made a motion to grant conditional approval of the Preliminary Site Plan for Elcan and Associates, Inc. (on behalf of Dollar Tree) for 2 parcels along Eckel Junction Road: Q61-400-070404031003 and Q61-400-070404030003, with the following conditions:

1. Submit to the Board of Zoning Appeals to seek relief for parking in the required front yard setback.
2. Should the applicant want to split the lot, they shall submit to the Board of Zoning Appeals to seek a variance for the side yard setback.

Seconded by Ms. Williams, and the conditional approval of the Preliminary Site Plan was unanimously approved (6-0).

Code Amendment

Chapter 1250.06(b) – Parking Space Layout, Standards, Construction and Maintenance

APPLICANT/OWNER/DEVELOPER

City of Perrysburg
201 W. Indiana Ave.
Perrysburg, OH 43551

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1250.06(b) – Parking Stall Dimensions

DESCRIPTION

The proposed Code Amendment to Chapter 1250.06(b) would allow public parking stalls within the downtown area, specifically along Louisiana Avenue, to be installed/reinstalled at a size of 9' width x 20' length rather than the standard size of 10' width x 20' length. The number of parking stalls downtown has been identified as an important factor for the public and many business owners, so in an effort to preserve as many spaces as possible, this request would allow the newly constructed/reconstructed parking spaces which are part of the downtown revitalization to keep their current size so as not to reduce the parking count. Reducing this width requirement would also acknowledge the unique function parking in the downtown and would still provide reasonable space to park and enter/exit vehicles.

ANALYSIS

Existing Code Language

Ch. 1250.06(b) Parking space layout standards shall be provided in accord with the specification in the following table:

Parking Stall Dimensions

	Degree of Parking Angle			
Angle of Parking Stall (1)	Parallel	30-53	54-74	75-90
Maneuvering Lane Width	12 ft.	12 ft.	15 ft.	20 ft.
Parking Space Width	8.5 ft.	10 ft.	10 ft.	10 ft.
Parking Space Length	23 ft.	20 ft.	20 ft.	20 ft.

- [1] The standard size parking stall shall be at least ten (10) feet wide and twenty (20) feet long unless otherwise noted above.

Proposed Code Language

Ch. 1250.06(b) Parking space layout standards shall be provided in accord with the specification in the following table:

Parking Stall Dimensions

	Degree of Parking Angle			
Angle of Parking Stall	Parallel	30-53	54-74	75-90
Maneuvering Lane Width	12 ft.	12 ft.	15 ft.	20 ft.
Parking Space Width	8.5 ft.	10 ft.	10 ft.	10 ft.
Parking Space Length	23 ft.	20 ft.	20 ft.	20 ft.

- [1] Parking stalls dedicated for public parking and located along Louisiana Avenue shall be permitted to have a minimum stall dimension of nine (9) feet width by twenty (20) feet length. Parallel stalls in this area shall use the above chart for sizing.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the proposed Code Amendment to Chapter 1250.06(b) Parking Stall Dimensions as presented in this report.

Further, it is recommended that a Public Hearing be set before City Council for December 19, 2024, at 6:25 P.M.

Mr. Walters reviewed the above Staff Report regarding the proposed Code Amendment to Chapter 1250.06(b) – Parking Space Layout, Standards, Construction and Maintenance. Mr. Walters added that he was given direction to write the code language as narrowly as possible for parking along Louisiana Avenue. Ms. Williams asked how many 10 x 20 spots are lost on Louisiana Avenue if approved and Mr. Walters said (8) spots on the 100-200 block of Louisiana Avenue and (5) spots on the 300 block of Louisiana Avenue.

Ms. Williams motioned to recommend to City Council approval of the proposed Code Amendment to Chapter 1250.06(b) – Parking Space Layout, Standards, Construction and Maintenance, and that a Public Hearing be set for December 19, 2024, at 6:25 p.m. before City Council. Seconded by Mr. Lorenz, and the recommendation of the proposed Code Amendment to City Council was unanimously approved (6-0).

Commission member Andy Lorenz left the meeting at 8:14 p.m.

Code Amendment

Chapter 1215.02(110.01) – Medical Marijuana

Chapter 1225.08 – Land Use & Base Zoning District Table

Chapter 1235.04(aaa) – Special Approval Uses

1215.02 (110.01) **Medical Marijuana and/or Adult Use Cannabis: See “Definitions” Section of Chapter 1235.04(aaa), “Medical Marijuana and/or Adult Use Cannabis”.**

1235.04 (aaa) Medical Marijuana and/or Adult Use Cannabis

(1) PURPOSE.

- A. The purposes of this Section are to establish limitations on medical marijuana and adult use cannabis operations within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of adult use cannabis dispensaries within the

City, all in order to promote the health, safety, and welfare of the Citizens of the City.

(2) INTENT.

- A. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of cannabis allowed by the Ohio Medical Marijuana Control Program and the Ohio Adult Use Cannabis Control Program. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations. Although some specific uses of cannabis are allowed by the Ohio Medical Marijuana Control Program and the Ohio Adult Use Cannabis Control Program, cannabis continues to be classified as a Schedule 1 controlled substance under Federal law making it unlawful under Federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense cannabis.
- B. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to cannabis to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.

(3) DEFINITIONS:

- A. The following words and phrases shall have the following definitions when used in this section.
 - 1. Words and phrases contained in the Ohio Medical Marijuana Control Program ("OMMCP"), HB523 and the Ohio Adult Use Cannabis Control Program ("OAUCCP"), R.C. Chapter 3780 as enacted by the People of the State of Ohio. This subsection contains some words and phrases that are defined in the OMMCP and the OAUCCP. As used in this section, they have the same meaning as provided in the OMMCP and the OAUCCP, except that if at any time the definition of a word or phrase set forth below conflicts with the definition in the OMMCP and the OAUCCP, then the definition in the OMMCP and the OAUCCP shall apply. These words and phrases are as follows:
 - a. "Adult use cannabis" or "cannabis" or "marijuana" means "Marihuana" as defined in Ohio R.C. Chapter 3719.
 - b. "Medical marijuana" means that term as defined in Ohio R.C. 3796.01.
 - c. "Primary caregiver" means a person who is at least twenty-one years old and who has agreed to assist with a patient's

medical use of marijuana and who has never been convicted of a felony involving illegal drugs.

- d. "Qualifying patient" means a person who has been diagnosed by a physician as having a qualifying medical condition.
2. Other words and phrases. The words and phrases in this subsection, as used in this section, shall have the following meanings:
 - a. "Medical and/or adult use cannabis dispensary" means a building or part of a building where employees operate with the intent to transfer cannabis between employees and qualifying patients under the OMMCP or eligible adult consumers under the OAUCCP.
 - b. "Medical and/or adult use cannabis research and testing facility" means a building or part of a building where a qualified agency conducts research and testing as permitted by the OMMCP and/or the OAUCCP.
 - c. "Ohio Medical Marijuana Control Program and OMMCP" mean HB523 of the 131st Ohio General Assembly.
 - d. "Ohio Adult Use Cannabis Control Program (OAUCCP)" means R.C. Chapter 3780 as created and approved by the People of the State of Ohio.
 - e. For all other definitions of terms associated with the "Ohio Adult Use Cannabis Control Program" or "OAUCCP", reference R.C. § 3780.01 "Definitions".

(4) PROHIBITION ON CERTAIN MEDICAL AND/OR ADULT USE CANNABIS OPERATIONS.

- A. No person shall operate a medical and/or adult use cannabis cultivator or processor in the City. Any person who violates this section shall be guilty of a misdemeanor of the first degree.

(5) LOCATIONS OF MEDICAL AND/OR ADULT USE CANNABIS DISPENSARIES.

- A. No more than two (2) medical and/or adult use cannabis dispensaries may be located in the City, in accordance with the following restrictions:
 1. Medical and/or adult use cannabis dispensaries shall only be located in a district classified pursuant to Part Twelve - Planning and Zoning Code.
- B. Buildings used for medical and/or adult use cannabis dispensaries shall require a special approval use in accordance with the process described in this Chapter of the Planning and Zoning Code. Should an approved medical cannabis dispensary desire to add adult use cannabis sales or transition exclusively to adult use cannabis sales, said dispensary shall go

through the special approval use process to seek approval for the special approval use to be amended to allow for adult use cannabis sales.

- C. No medical and/or adult use cannabis dispensary shall be located within 500 feet of a parcel on which a school, church, public library, public playground, or public park is located.
- D. No medical and/or adult use cannabis dispensary shall be located within one (1) mile of another legally operating medical and/or adult use cannabis dispensary.

(6) MEDICAL AND/OR ADULT USE CANNABIS DISPENSARY REGULATIONS:

- A. No person may operate or cause to be operated a medical and/or adult use cannabis dispensary without complying with the following requirements:
 - 1. The medical and/or adult use cannabis dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state.
 - 2. No one under the age of twenty-one shall be allowed to enter a medical and/or adult use cannabis dispensary unless accompanied by a parent or guardian.
 - 3. No smoking, inhalation, or consumption of cannabis shall take place on the premises.
 - 4. Drive-Through Windows and Facilities Prohibited. Medical and/or adult use cannabis dispensaries shall not be permitted to have any accessory drive-through facilities or provide drive-through or “curbside” delivery service. A medical and/or adult use cannabis dispensary may be permitted to have a drive thru if such drive thru is required by the Ohio Revised Code or by a rule or regulation set by a State of Ohio regulatory department or agency. Said drive thru will still be reviewed as part of the special approval use review process to ensure it appropriately fits the property where the dispensary is to be located. Shall a medical and/or adult use cannabis dispensary desire to add a drive thru after receiving a special approval use and Use Permit, said dispensary shall go through the special approval use process to ensure the drive thru is designed in a safe and secure manner and have the special approval use be amended as needed to accommodate said drive thru.
 - 5. All activities of a medical and/or adult use cannabis dispensary shall be conducted indoors, with the exception of transactions that occur through a drive thru, if a drive thru is required for the State of Ohio to license the dispensary.

6. No equipment or process shall be used in any medical and/or adult use cannabis dispensary which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
7. Signage: All signage shall be in compliance with the Zoning Code. The following signage standards are applicable to medical and/or adult use cannabis dispensaries:
 - a. Exterior signs, other than those required by the State of Ohio or by Zoning Code, on the building shall not cover the windows of the medical and/or adult use cannabis dispensary.
 - b. Exterior signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.
 - c. Neon signs, LED signs, and/or electronic message boards are not permitted in connection with any medical and/or adult use cannabis business establishment.
 - d. Signage shall not contain any language or imagery oriented toward youth.
 - e. The special approval use authorizing the medical and/or adult use cannabis dispensary shall include a signage plan depicting the allowed exterior signs for the dispensary.
8. Security and Video Surveillance. Each medical and/or adult use cannabis dispensary must install and maintain in good working order security, video surveillance, and inventory protection and control systems:
 - a. Medical and/or adult use dispensaries must adhere to the security and surveillance requirements, standards set forth by the State of Ohio.
 - b. Medical and/or adult use cannabis dispensaries must have a Security Plan containing written policies and procedures for security, surveillance, and control to prevent diversion, theft, or loss, meeting the requirements set forth by the State of Ohio and approved by the Chief of Police, prior to approval for a special approval use.
 - i. In the event a dispensary is made aware of any investigations or legal proceedings where a video recording may contain relevant information, they must retain an unaltered copy of the recording until the investigation is closed, or the investigating

authority notifies that it is no longer necessary to retain the recording.

9. Lighting. All interior, exterior and site lighting for medical and/or adult use cannabis dispensaries must be installed and maintained in good working order and of sufficient intensity for security cameras and the safety of customers and employees.

- a. The premises of every adult use cannabis dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms.

10. The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

11. The use of any vending machine which allows access to adult use cannabis is prohibited. For purposes of this subsection (a)(6), a vending machine is any device which allows access to adult use cannabis without a human intermediary.

B. Medical and/or adult use cannabis dispensaries shall comply with all other regulations of the zoning district in which the medical and/or adult use cannabis dispensary or medical and/or adult use cannabis cultivation facility is located, except when they are in conflict, in which case this section shall prevail.

C. Medical and/or adult use cannabis dispensaries are required to obtain a Use Permit from the Office of Planning and Zoning.

D. Medical cannabis dispensaries shall be operated in compliance with the OMMCP. Adult use cannabis dispensaries shall be operated in compliance with the OAUCCP. Shall a facility serve as a medical and adult use dispensary, said facility shall operate in a manner that complies with both the OMMCP and the OAUCCP.

(7) CULTIVATION OR OTHER MEDICAL AND/OR ADULT USE OF CANNABIS AS A MEDICAL AND/OR ADULT USE CANNABIS HOME OCCUPATION IN RESIDENTIAL DWELLINGS.

A. In a residential dwelling in any zoning district, cannabis cultivation and/or dispensary shall not be permitted as a home-based business. This section does not prohibit an individual from engaging in home grow activities authorized as part of the OAUCCP and as permitted and defined in R.C. § 3780.29.

(8) LOCATION AND REGULATION OF MEDICAL AND/OR ADULT USE CANNABIS RESEARCH AND TESTING FACILITIES.

- A. Medical and/or adult use cannabis research and testing facilities shall be designated as “Laboratories” and shall follow all of the rules and regulations set forth in this Chapter and through the Ohio Revised Code.
- B. Medical and/or adult use cannabis research and testing facilities "Laboratories" shall be permitted or subject to a special approval use.
- C. Retail sales are not permitted.
- D. Medical and/or adult use cannabis research and testing facilities shall comply with all other regulations of the zoning district in which the medical and/or adult use cannabis research and testing facility is located, except when they are in conflict, in which case this section shall prevail.

RECOMMENDATION

It is recommended that a Public Hearing be set before City Council for December 19, 2024, at 6:15 p.m.

Mr. Effler reviewed the above Staff Report regarding the proposed Code Amendments to Chapter 1215.02(110.01) – Medical Marijuana, Chapter 1225.08 – Land Use & Base Zoning District Table, and Chapter 1235.04(aaa) – Special Approval Uses. He confirmed that per state code, facilities have to be at least one mile apart and that drive-thrus are not currently allowed unless approved by the state. Mr. Beredo asked if this language is more restrictive and Mr. Effler confirmed that it is. There was a brief discussion about the reasoning behind the Industrial Use category and the medical card age requirement in section 6. Mr. Effler confirmed that the current moratorium expires December 3, 2024.

Ms. Wolfinger motioned to recommend to City Council approval of the proposed Code Amendments to Chapter Chapter 1215.02(110.01) – Medical Marijuana, Chapter 1225.08 – Land Use & Base Zoning District Table, and Chapter 1235.04(aaa) – Special Approval Uses, and that a Public Hearing be set for December 19, 2024, at 6:15 p.m. Seconded by Mr. Vela, the recommendation of the proposed Code Amendments to City Council were unanimously approved (5-0).

OTHER BUSINESS

There being no further business, the meeting adjourned at 8:27 pm.

Respectfully submitted,

Heather Alfaro
Recording Secretary