



# MEETING MINUTES

## Planning Commission

September 3, 2024 – City Council Chambers

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The meeting was called to order at 1:30 p.m.

Roll was taken, and the following members were present: Mr. Jim Rauck, Ms. Kim Wemlinger, Chair Julie Oyster, Mr. Michael Farnsworth, and Mr. Larry Titus. Staff members present: Dash Logan, Senior Planner; Terry Barr, Planner; Kyle Rauch, Development Director; Kim Shields, Community Development Manager; Jesse Shamp, Frost Brown Todd; Mike Boso, Chief Building Official; Laura Scott, Planning and Zoning Coordinator; Tami Kelly, Clerk of Council; Kevin Teaford, Safety Director; Ryan Andrews, EMH&T.

Chair Oyster asked for a moment of silence and the Pledge of Allegiance.

### Organizational Items:

Chair Oyster asked for approval of the August 6, 2024, Planning Commission meeting minutes. Mr. Farnsworth moved to approve the minutes. Ms. Wemlinger seconded the motion, and the minutes were approved 5-0.

### New Items:

#### ITEM #1 – Butterfly Boutique – Certificate of Appropriateness

PID # 20240710028

Mr. Logan presented the Development Department's findings. He stated that the applicant requests approval of a Certificate of Appropriateness to allow for a sign exceeding the maximum permitted signage for a structure within the Historical Preservation Area. An administrative Certificate of Appropriateness for the Butterfly Boutique sign was denied due to the total square footage of signage between the tenants exceeding the maximum square footage permitted per structure. The existing window sign for Sommer House Gallery measures 8.5 square feet and is established as a permitted sign. The sign for Butterfly Boutique measures 3.89 square feet, which, combined with the Sommer House Gallery sign, exceeds the 10 square feet of signage permitted based on building frontage. This window signage at 4038 Broadway is a combined 12.39 square feet of signage that occupies approximately 22% of the total window area, which is within the maximum of 25% of the total window area allowed for window signs per Section 1138.25 of code. Staff believes the Butterfly Boutique sign is appropriately scaled, not a significant deviation from the standards outlined in code and is in character with the scale of signage found elsewhere within the Town Center.

Mr Logan concluded by noting that the proposed sign aligns with both the intent for the Historic Preservation area and the existing built character found in the Town Center and that after review and consideration, the Development Department

recommends Planning Commission make a recommendation of approval to City Council for the Certificate of Appropriateness with the two deviations from code noted in the staff report.

Katie Fleming, Butterfly Boutique, 4038 Broadway Grove City, OH., was present to speak on the item.

Hearing no questions or discussion from Planning Commission or the public, Mr. Titus moved to approve the Certificate of Appropriateness with the following deviations:

1. A deviation shall be granted from Section 1138.25(a)(2) to allow two window signs in a single window.
2. A deviation shall be granted from Section 1138.28 to exceed the maximum permitted amount of signage (10 square feet) by 2.39 square feet for a total permitted sign area of 12.39 square feet

Mr. Rauck seconded the motion, and the item was approved 5-0.

## **ITEM #2 – The Chandler – Certificate of Appropriateness**

**PID # 202408270035**

Mr. Logan presented the Development Department's findings. He stated that the applicant is requesting approval of a Certificate of Appropriateness to permit a sign at The Chandler at 4048 Broadway, which exceeds the maximum permissible signage for an interior sign per code. An administrative Certificate of Appropriateness for the proposed sign was denied due to the sign exceeding the maximum square footage permitted by Code, and this application serves as an appeal to the administrative denial. The sign under consideration is 11.83 square feet and is considered an "interior sign" as it is not physically affixed to or painted on the glass or other components of the window. There are no standards for interior signs within Chapter 1138 other than in section 1138.23, which notes that interior signs are limited to 25% of the window area, or four-square feet, whichever is less. As the proposed sign exceeds the maximum square footage for an interior sign not requiring a permit, but Code does not contain other standards by which an interior sign must comply, the proposed sign is being reviewed based on its general scale compared to other approved signs in the HPA. The proposed sign accounts for approximately 22% of the window area. Staff believes the sign is appropriately scaled with the window it is visible through and is in character in terms of scale, material, and other design elements with signage throughout the Town Center.

Mr. Logan concluded by noting that the proposed sign is designed to be compatible with the historic Town Center and its built character. After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Certificate of Appropriateness with the one deviation noted in the staff report.

Zach Roybal, The Chandler, 4048 Broadway, Grove City, OH., was present to speak on the item. He stated that they just celebrated the fifth anniversary of their flagship store in Grove City and could not be happier.

Hearing no questions or discussion from Planning Commission or the public, Mr. Farnsworth moved to approve the Certificate of Appropriateness with the following deviation from Code:

1. A deviation shall be granted from Section 1138.23(d) to exceed the maximum size of 4 square feet for an interior sign by 7.89 square feet for a total sign area of 11.89 square feet.

Ms. Wemlinger seconded the motion, and the item was approved 5-0.

Mr. Logan presented the Development Department's findings. He stated the applicant is requesting approval of a use approval to allow for the operation of a cannabis dispensary at 3586 Broadway. The City's permitted uses and districts are based on the federally established 1987 Standard Industrial Classification (SIC) system, where marijuana remains an illegal controlled substance at the federal level and subsequently not listed within the SIC. Therefore, the city's zoning code, based on the SIC, does not include cannabis-related businesses as a permitted use within any zoning district. Operation of such use requires a Use Approval from the City in accordance with Section 1135.09 of the City's codified ordinances. Approval of this application would allow the applicant to operate a recreational cannabis dispensary, and any site improvements or building modifications would need to be reviewed with future applications. The materials provided by the applicant state that the proposed use will comply with all state regulatory requirements that have been put in effect. The proposed use would operate Monday through Saturday from 10:00 a.m. to 7:00 p.m. and Sunday from 10:00 a.m. to 5:00 p.m.

Mr. Logan noted that when the application was submitted, the City had no established standards or review criteria for such a use. However, with City Council's passage of Ordinance C-32-24, a Special Use Permit process and review criteria for evaluating dispensary uses were established. Based on the established standards, retail dispensing of Marijuana prohibits any marijuana retailer from locating within 500 feet, measured from the property line of a parcel that is residential in use. The proposed location for this use does not comply with this requirement, as multiple residential uses are within 500 feet of the site, including The Ashford of Grove City, Highland Terrace Apartments, and Barfield Heights subdivision.

Mr. Logan concluded, noting that the proposed use does not meet the criteria established for such a use by City Council in Ordinance C-32-24, passed as an emergency measure to maintain the City's existing character, and that after review and consideration, the Development Department recommends Planning Commission make a recommendation of disapproval to City Council for the Use Approval.

Rebecca Mott, Plank Law Firm, 411 East Town Street, Columbus, OH., was present to speak on the item. She stated that the property is located within a prime commercial corridor, and while there is a multi-family use to the east, they would have been aware that this site is and would be used for retail. The marijuana dispensary is compatible with the neighborhood and is a good use for the property, which are the criteria the planning commission should review. She stated that the use should be treated no differently than a pharmacy or other retail use, and her client had submitted their application before City Council passed the ordinance establishing special use permit criteria for such a use. Still, her client is happy to comply with these regulations except for the 500-foot buffer requirement for residential uses. She stated that Ohio's Revised Code does include a buffer requirement, but the requirement is only for public parks, schools, and libraries to protect children and make sure uses are compatible. Residential was not part of the state code, and this requirement would prohibit either of the dispensary applications submitted to the city from operating. She stated that when there are supplementary conditions attached to a use, City Council and Planning Commission may waive these conditions within the approval process and requested Planning Commission recommend approval of this use approval with a waiver from the buffer requirement from a residential use. She stated that the 500-foot buffer poses an unnecessary hardship and is unreasonable, and is not based on fact or accurate information. She noted that the City's buffer requirement exceeds the requirement of the Ohio Administrative Code, and since multi-family uses are transitional, the proposed use is compatible with the neighborhood. There are laws regarding employees, storage areas, delivery areas, recording and reporting requirements, verification requirements, and licensed people required to be on site.

Kyiree Bass, Silver Star Protection Group, 24 Clark Drive Riverside, OH., provided an overview of the security of the operations. He stated that a system registers the license plates of vehicles and people on site. Security personnel are on-site during all business hours and for deliveries and help verify IDs upon entering the business. The security team is armed, trained, and licensed in the State of Ohio, similar to law enforcement in Ohio. Walk-arounds are conducted every half hour to hour to

ensure everything on the premises is secure. He stated they work closely with law enforcement to ensure that there are no security issues.

Mr. Titus asked whether these establishments were strictly cash and if they were permitted to have a relationship with a banking institution.

Mr. Nevil Patel, Shangri La Enterprises, 5100 Forum Boulevard, Columbia, MO., stated that they work with Wright-Patt Credit Union in Ohio. They typically see 70% of their business through debit transactions and 30% through cash. Armed security picks up cash once a week and takes it to the bank.

Mr. Titus asked, on average, how much cash is kept on site. Mr. Patel responded that approximately \$10,000 in change and between \$50,000 to \$70,000 in cash are kept on-site in a secure vault. In all his operations he has not had any loss of money. He stated that Ohio regulations are much more secure than other states such as Colorado. No products are on display, and once an order is placed, the order is filled in the vault, where it is bagged and sealed, and the customer must leave the premises before opening the bag.

Mr. Titus asked about the purchase of medical marijuana cards online and whether they can still be purchased online.

Mr. Patel stated that Ohio does not allow for the purchase of medical marijuana cards online. He said that more than half of the States have voted to legalize marijuana, but the federal government classifies marijuana like other more dangerous products. He stated that the rescheduling of Cannabis was recommended by the DEA, and within the next four months, cannabis will be rescheduled from Schedule I to Schedule III. Mr. Patel stated that during COVID, the state of Ohio had a window where the medical marijuana cards were available online, but this is no longer the case.

Ms. Wemlinger asked if Mr. Patel operates other facilities. Mr. Patel responded that they operate three facilities in Missouri, one in Illinois, four active locations in Ohio, one in Connecticut, and another 15 locations set to open across the country, which are all state-licensed.

Ms. Wemlinger asked Mr. Patel to speak about any crime issues he has seen at these locations. Mr. Patel responded that they have had zero crimes across three years at their ten locations.

Mr. Farnsworth asked how much of the sales are medical vs. recreational. Mr. Patel responded that it varies from state to state. Since Ohio adult-use sales are so recent, it is difficult to tell, but it is estimated that it will probably be around 40% medical to 60% adult-use.

Mr. Farnsworth asked how close the site is to the Catholic Church and School along Broadway. Mr. Patel responded that these are at least 500 feet away. Mr. Logan stated that the church and school are outside the 500-foot buffer requirement, but the surrounding residential uses are closer than 500 feet.

Mr. Patel stated that just before the start of the meeting, the State of Ohio announced that no new dispensaries could be located within Franklin County. He said that when he applied, Grove City did not have any regulations, so they chose a location that complied with state regulations. He stated they had spent upwards of \$100,000 to reserve this location to find out that this location would not qualify, nor could he find a new location due to the state announcement that no more dispensaries would be permitted in Franklin County. Grove City would not have a dispensary if these proposed dispensaries are not allowed. He stated that they estimate there would be around \$1 million in tax revenue annually to Grove City from the dispensary.

Mr. Farnsworth asked about the SIC codes and when such a use may be added to the SIC Codes. Ms. Kimberly Shields, Community Development Manager, stated that to make this use permitted by right would require an amendment of code to add this use to whichever districts are deemed appropriate. The use approval process is the process in which uses that are not explicitly listed as permitted anywhere in code are examined for appropriateness.

Mr. Farnsworth questioned materials Ms. Mott distributed to Planning Commission related to the election results of Issue 2, which noted that 17,000 voters in Grove City voted on Issue 2. He questioned how these 17,000 voters compared to all eligible voters within Grove City. Ms. Shields responded that this information was sent to staff prior to the meeting and that staff had not had a chance to review it.

Mr. Patel clarified that the information was from the 2023 election and was not a special election, so it likely would have included all voters who chose to vote in the general election. Ms. Wemlinger clarified that she believes that Mr. Farnsworth was pointing out that the 17,000 voters were not inclusive of all eligible voters.

Mr. Patel showed renderings of his proposed site plan and building, noting that they try to provide separation between their business and residents. Mr. Logan stated that this application is to examine the use only, not for building architecture, which will require future applications.

Mr. Patel showed Planning Commission a floorplan and noted the security features, including double entry doors at the vestibule and cameras throughout the building. He stated that the cameras monitor vehicles in the parking lot, and if a car has been parked for more than ten minutes, security will ask the car to leave. He stated problematic vehicles can be tagged through their plate number in the system and allow for the cameras to alert security when they enter the parking lot. He stated that their drive-thru works similar to a bank teller and is more secure since customers enter and exit the site quicker than walk-ins, and he recognized Grove City does not want a drive-thru.

Ms. Wemlinger asked if the City has consulted with the Police Department and Safety Director in regards to the use and whether impacts from this use have been studied in other communities.

Mr. Kevin Teaford, Safety Director, was present to speak. He stated that the City has not been looking at how adult use has affected other cities, but the City has been tracking data from other states that have adult use and have seen that the number of traffic fatalities has increased in other states where recreational marijuana has been legalized.

Mr. Rauck asked about the percent increase. Mr. Teaford stated he does not have an exact number but would be able to provide this data. He stated he does not have any data related to an increase in crime.

Ms. Wemlinger asked about the impact on property values. Mr. Logan responded that the City has not seen anything related to the impacts on property values and could not comment on any effects.

Mr. Patel stated generally the valuation of a dispensary building is higher than usual, and since the valuation of the building increases, the property values around the building would increase. He stated that he neglected to mention tax benefits, and stated that the City would receive approximately \$1 million in tax revenue.

Mr. Kyle Rauch, Development Director, stated that with Issue 2, Grove City residents were asked to vote on whether to legalize marijuana for the state of Ohio, a state issue, and not to legalize marijuana within Grove City.

Ms. Wemlinger asked if this is something that could be a ballot issue in Grove City.

Mr. Jesse Shamp, Frost Brown Todd stated that this would not happen since it was on the state ballot previously, and the City passed legislation establishing criteria for the use.

Mr. Titus asked if the applicant had looked at any other properties that are not on the main entry into town. Mr. Patel responded that they had looked at several available properties in the City. With the state regulations that were in place, this site was selected. At this point, changing the location is not an option due to state regulations.

Mr. Teaforde stated that to follow up on Mr. Rauch's comments, voters did vote to allow communities to restrict the number and qualifications for these types of establishments and none of the revisions before the General Assembly have precluded this.

Ms. Mott stated with passage of the legislation, the city put into place regulations for the use that must be followed. She reiterated that with respect to the 500-foot buffer from residential, they believe City of Grove City went outside the scope of what would be reasonable. The City Council and Planning Commission can waive this condition and request that Planning Commission recommend a waiver from this requirement and make a recommendation of approval.

Mr. Shamp clarified that the City has never read the requirement to deviate from supplemental code requirements as a two-tier requirement. He stated that the City views the code as stating that the City Council can deviate from the supplemental standards, regardless of whether or not the Planning Commission recommends it. Ms. Mott stated that the word "and" implies, from a technical standpoint, both bodies must approve the deviation and reiterated the ask of Planning Commission to grant a waiver from the buffer requirement.

Hearing no questions or discussion from Planning Commission or the public, Ms. Wemlinger moved to disapprove the use approval as submitted. Mr. Farnsworth seconded the motion.

Mr. Shamp clarified that motions are typically made in the affirmative, to clarify that a "no" vote means a recommendation of disapproval.

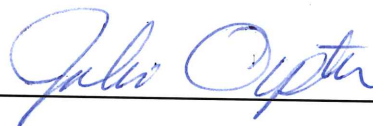
Ms. Wemlinger withdrew her motion to recommend disapproval.

Mr. Titus moved to approve the use approval as submitted. Mr. Farnsworth seconded the motion, and the item was disapproved 0-5.

There being no additional discussion, Chair Oyster adjourned the meeting at 2:24 p.m.



Kim Shields, Community Development Manager



Julie Oyster, Chair