

**SAGAMORE HILLS TOWNSHIP
ZONING COMMISSION – REGULAR MEETING**

Monday, October 25, 2021 – media notified

The meeting was called to order by Dr. Koncal at 7:00 p.m.

R/C: Dr. Woodruff-present; Chasar-present; Lachina-present; Dr. Koncal-present; Witkiewicz-present.

Mr. Chasar made a motion to approve the minutes from the September 27, 2021 Public Hearing. Seconded by Mr. Witkiewicz. R/C Vote: all in favor

Mr. Chasar made a motion to approve the minutes from the September 27, 2021 Regular Meeting. Seconded by Mr. Witkiewicz. R/C Vote: all in favor

Dr. Koncal asked Mr. Chasar when he attends the trustee's public hearing tomorrow to thank the trustees for the raise the board received.

There was a discussion on Section Three Residential Cluster Zoning Page 3-5 paragraphs 5.5 and 5.6.

Dr. Woodruff made a motion to forward the amendments to Section Three Residential Pg. 3-5 paragraphs 5.5 and 5.6 to Summit County Planning Commission for their review. Seconded by Mr. Lachina. R/C Vote: all in favor

Dr. Koncal stated the trustees put a moratorium in place on medical marijuana.

There was a lengthy discussion on medical marijuana and recreational marijuana.

Mr. Snell said that Northfield Center went to the planning commission last Thursday with two issues related to marijuana. One deals with medical marijuana and one deals with recreational marijuana. Northfield Center passed two resolutions both saying affirmatively it is not allowed.

Mr. Fantozzi said he has been contacted by a grower from Dayton who is looking at the empty space at the Sagamore Plaza for medical marijuana. Ray told him we have a moratorium and that he can come back in six months. He said he needs the space before he gets a license from the state. Mr. Fantozzi also had someone from Pennsylvania a couple of months ago with the same interest. Mr. Snell commented Sagamore Hills is very attractive because of our location and we do not have an income tax. Mr. Snell said Northfield Center is getting the same requests.

Dr. Woodruff asked Mr. Snell if there is any anticipation how this type of business could fight back in terms of excessive restriction. We had to be very careful with adult entertainment. Mr. Snell responded adult entertainment was possible because of the first amendment. There is really no first amendment right to use marijuana or to purchase marijuana. Pornography is thought of as a first amendment issue by courts. It requires strict scrutiny as you regulate it because it is viewed as a first amendment issue. Mr. Snell read a lengthy list of different types of businesses that we allow in our Commercial District. A medical marijuana person could argue and say I'm no different than any of these types of businesses.

Mr. Snell said it would be better to affirmatively say no medical or recreational marijuana is allowed, rather than say it is not in the book so it is not allowed. Mr. Snell said if the board did not want to allow it, they need to regulate it. Dr. Woodruff asked Mr. Snell whether there is a consensus among the trustees how they felt about this. Mr. Snell responded he has not had any discussion with them.

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Dr. Koncal said it seems like the simple answer is to say no. Dr. Koncal asked whether anyone was interested in trying to write regulations for this or just say no. Dr. Woodruff responded he didn't think they had to write regulations about this if they allowed it.

Mr. Snell agreed with Dr. Koncal and they simply say no, marijuana cannot operate in Sagamore Hills.

Mr. Chasar asked whether there was any benefit for Sagamore Hills if we allow medical marijuana. Mr. Snell responded property tax and keeping the commercial space full, but at what price.

Dr. Koncal said the board's discussion is leaning toward no marijuana and no adjectives. Now there needs to be a discussion on where in the resolutions do we want it. It was agreed to put it in Section Seven Supplementary, Page 7-1 the letter "L". At the request of Dr. Koncal, Mr. Snell put the wording together and send it to the board before the November meeting. If the board approves it, they can send it down to Summit County Planning before the end of the year. Dr. Koncal said that Mr. Snell can convey to the trustees the direction the board is going to take unless the trustees have something they don't like about it.

Mr. Snell reminded the board that the trustees are having a public hearing tomorrow on all of the zoning changes. Mr. Snell asked Ms. Taylor if anyone filed anything. Ms. Taylor responded no.

Mr. Chasar asked whether the change regarding marijuana has to go through the normal amendment process before the moratorium is over. Mr. Snell responded yes, but the moratorium can be extended if needed.

The next topic was contiguous and non-contiguous open space.

The contiguous open space required in senior living had been eliminated before we sent it down to Summit County Planning and did not replace it with anything. We have issues with contiguous open space in PUD's and cluster developments. Dr. Koncal asked whether the zoning board needed to review the problems they have been having. There was a discussion about getting rid of the word contiguous.

Dr. Koncal had asked Mr. Chasar to put a proposal together as to what he thought we could do. Dr. Koncal thought he had some good ideas.

Dr. Koncal asked Mr. Chasar to lead the discussion on non-contiguous. Mr. Chasar reviewed the chart he had drawn up. There was a lengthy discussion.

Dr. Koncal said the comments have been constructive, but suggested the sub-committee meet again. Mr. Chasar agreed to meet with Dr. Koncal. This topic was tabled for the night until after the sub-committee meets.

Mr. Fantozzi said there is a Board of Zoning Appeals meeting on Wednesday, October 27, 2021, 7:00 p.m. Mr. Fantozzi reviewed the background regarding the reason for this appeal.

Mr. Fantozzi also reviewed the situation with Vic Magazine regarding the shed he put up without a permit.

Mr. Fantozzi is receiving a lot of phone calls regarding dead trees and the exterior maintenance code and how we handle it.

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The property between Brandywine and Boyden has nineteen acres and has been for sale. The prospective buyer wants to split it because they only want two of the lots, which means the owner would have to split the lot in three's and get a variance because it doesn't meet the frontage variance on Boyden. This will have to go to the Board of Zoning Appeals. There was a brief discussion.

Mr. Snell said there is an ongoing issue with Acadia Farms. They had a Halloween Party over the weekend. A lot of activities going on there, and we are not sure whether it's a party center or hotel. Mr. Snell will keep the zoning commission updated.

Mr. Snell said someone wanted to buy a house and build yurts and tree houses for people to stay in and call it a wellness bed and breakfast. Mr. Snell explained to them that a bed and breakfast has a principal structure and that is where everything incurs, not multiple structures, but one structure. They were also looking at another property on Chaffee to build tree houses.

Mr. Fantozzi said that Sagamore Plaza has been painted and paved. The next step will be redoing parts of the roof. Mr. Snell said Mr. Fantozzi did a great job following through on this.

Mr. Wahl said he wanted to thank the person responsible for the tickets that were made available in September for the Akron Zoo.

The property on Chaffee has been allowed as agriculture with very strict guidelines as to how the owner is using it. There is another one on Carter. They are building a house and want to build another building 2400 sq. ft. claiming it is agriculture.

Dr. Woodruff made a motion to adjourn at 8:53 p.m. Seconded by Mr. Witkiewicz.
R/C vote: all in favor