

Franklin Township, Portage County
Zoning Commission Hearing
August 18, 2022

Members Present: Chair Mekal Banyasz, Reed Havel, Glenn Luttner, and alternate Judy Spencer.

Others: Jenny August, Zoning Commission Secretary. Trustee Glenn Russell, Fiscal Officer Lisé Russell, Ravenna Township Trustee Jim DiPaola (he was also the former Ravenna Township Zoning Inspector), and Commissioner Mary Organ was absent but listening remotely via cell phone.

Call to Order:

Ms. Banyasz called the meeting to order at 7:01 pm.

Minutes:

Ms. Banyasz tabled approval of the June 30, 2022 minutes until there are enough people to vote that were in attendance at the last meeting.

Discussion Topic:

Continued Discussion on Medical Marijuana Facilities in Franklin Township

Ms. Banyasz was able to attend the presentation by Wright State University about Medical Marijuana. Her takeaway was that there is a disconnect between the medical community and dispensing of medical marijuana. It could be that the legislation doesn't really look at the medical side. There isn't enough efficacy for most conditions. There are issues with detoxing when used regularly. Also, we currently do not have the technology to measure levels of intoxication. There are websites online where you can pay money for licensing. Many doctors on this panel were not supportive.

Mrs. Spencer asked Mr. DiPaola if they would be able to take a tour of the cultivation facility on Lake Rockwell Road. Mr. DiPaola said the state only allows certain people in. There are very strict regulations. The facility is inspected by the state on a monthly basis. The facility had to go through the permitting process like everyone else. Mrs. Russell suggested discussing this with Randy Roberts at the Portage County Building Department.

Mr. Luttner asked Mr. DiPaola if the EPA gets involved. Mr. DiPaola said no, because there are no hazardous materials. It is the same as a farm. Per the Ravenna Twp. Zoning Resolution, they met all of the requirements.

Mrs. Spencer asked Mr. DiPaola how much money Ravenna Twp. gets in taxes. He was not sure, but he said they do not get the agricultural exemption. Mr. Havel looked it up on the Portage County Auditors website and said the annual tax is \$15,200. There is no income tax in Ravenna Township. Mr. Russell asked what kind of acreage this facility has. Mr. DiPaola said it is five acres.

Mr. Luttner said there are other fees listed in the Ravenna **City** Zoning Resolution in Sect. 860.08.c that states that dispensaries must also pay the city of Ravenna an annual, non-prorated license fee in the amount of \$25,000 upon license renewal, plus an amount equaling 1.5% of the licensee's gross annual sales above the amount of \$1,250,000 which the license shall calculate at the expiration of the renewal term using sales figures from the

license's state mandated reporting or record keeping forms, and which the licensee shall pay to the City within 60 days of the expiration of the term (new or renewal) of the license.

Mr. DiPaola said Ravenna Township allows cultivating and processing facilities, but considers dispensaries to be a non-permitted use. The Ravenna Township Zoning Commission and Trustees thought it would be better elsewhere. Ravenna Township knew that the city was trying for a dispensary.

Mr. Havel asked Mr. DiPaola if he knows about the staffing at the cultivating facility. Mr. DiPaola said there are 16 full time employees and 8 part time employees.

Ms. Banyasz asked if there is a buffer requirement for residential or commercial properties. Mr. DiPaola said no, just the normal setback requirements, but the Board of Zoning Appeals did require 2 fences that are 12 feet apart. Also, the glass windows are stronger than regular glass, per the owner's choice. There are alarms in place. The biggest difficulty were the fire department requirements in the event of getting people out quickly.

Mr. Luttner asked if they looked at other locations in the township. Mr. DiPaola said yes, but they weren't a good fit. The owners preferred to be out in the country. He was told that the neighbors said they would prefer a factory over a housing development.

Mrs. Organ said per Portage County Regional Planning Commission, using the 250 foot residential buffer, there are only two viable spots; the Alpha Pets Shop and the Ultimate Car Wash. According to Tia McKee at Portage County Water Resources, those properties have sewer service but not water. Mrs. Organ also spoke with Bridget Susel from the City of Kent about their regulations. Mrs. Susel said in the ORC Section 3796 there is a 100 ft buffer requirement between medical marijuana facilities and any other building. The Kent City Planning Commission does the rezoning as well as serves as the Board of Zoning Appeals.

Mrs. Banyasz said we will continue this discussion at our next meeting. Reed is going to check with the Portage County Building Department about building codes. Mrs. Spencer moved to table the discussion until the next meeting. Mr. Luttner seconded the motion. All commissioners voted yes.

Correction to section 404.03

Ms. Banyasz said that Zoning Inspector Joe Ciccozzi noticed in Section 404.03 there is a reference to Section 403.06, which does not exist. The corrective action would be to change 403.06 to 404.05- just a numbering correction that would not need to go to the Board of Trustees or the Portage County Regional Planning Commission. Here is the correction:

Section 404.03 General Standards Prior to the commencement of any development, plans and other information reasonably necessary to identify and verify the existence of any of the natural resource features noted above shall be submitted to the Zoning Inspector. All plans for development shall account for such features and shall fully comply with the environmental protection standards applicable to each feature of ~~Section 403.06~~ Section 404.05. Site alterations, regrading, filling, and clearing of vegetation prior to

the submission and approval of such plans shall be a violation.

Mr. Luttner moved to accept the correction. Mr. Havel seconded. All commissioners voted yes.

New or Other Business: Mrs. Spencer said she would like to commission to work on putting some language in the General Provision section of the Zoning Resolution that addresses “spot zoning”.

Next Meeting: The next meeting will be held October 20, 2022 at 7:00 pm..

Adjournment: Mr. Luttner moved to adjourn at 8:07 pm with a second from Mrs. Spencer. All Commission members voted yes.

Respectfully submitted by Jenny August, Zoning Commission Secretary.

Approved:

Mekal Banyasz, Zoning Commission Chair