

Franklin Township, Portage County
Zoning Commission Hearing
January 19, 2023

Members Present: Chair Mekal Banyasz, Mary Organ, Glenn Luttner, and alternate Judy Spencer.

Others: Zoning Inspector Joe Ciccozzi, Trustee Kellie Kapusta, and Secretary Jenny August.

Call to Order: Ms. Banyasz called the meeting to order at 7:02 pm.

Public Comment:

Dave Smith of 1613 Woodway Road, Kent addressed the zoning commission. Regarding medical marijuana facilities in the township, he wants the commission to go into this with open eyes. It is still federally illegal. The way Ohio put it together is generating a very sketchy enterprise. It is about money. These facilities have trouble with banking and keep cash in the millions of dollars. The doctors on the radio are giving out medical marijuana cards. He wants the zoning commission to be very cautious and maintain control.

Chris Martin of 1633 Woodway Road, Kent spoke next. The commissioners were provided with a letter that he wrote to the Board of Trustees for the April 2022 public hearing on zoning resolution amendments relating to Medical marijuana and how it is affecting his dental office in the city of Kent. Kent followed state zoning guidelines allowing these facilities to be 100 feet from residents, schools, parks, etc. About 80 people spoke at the city meeting but they still approved it. There is a lot of money involved and bad things go on that we don't hear about. One in ten people become addicted and there are a lot of social problems creating additional costs to the police. Very few doctors are interested in prescribing medical marijuana. Marijuana is the most common drug found in car accidents. Medical marijuana is the same as recreational marijuana. He asks the zoning commission to make it more difficult to locate a facility in our township.

Carol Martin of 1633 Woodway Road, Kent added that the city's 100 foot guideline is to a residential home, not the property line, which allows it to be even closer. Mr. Smith added that the city did not restrict medical marijuana to just commercial areas. It can be located in mixed residential/commercial areas.

Approval of Minutes from November 17, 2022:

Mr. Luttner moved to approve the minutes from the November 17, 2022 meeting with a second from Mrs. Organ. All commissioners voted yes. The minutes were approved.

Discussion Topics:

CONTINUED DISCUSSION ON ZONING AMENDMENTS FOR MEDICAL MARIJUANA FACILITIES IN THE TOWNSHIP.

Ms. Banyasz turned the meeting over to Mrs. Organ who has prepared some amendments to the zoning resolution relating to medical marijuana facilities in the township. Mrs. Organ said last April the zoning commission submitted some proposed changes to the Trustees. The Trustees asked the commission to look into some of the industrial aspects that might accommodate growing and processing facilities, and that is what they have been working on. They have gathered information from other local governments, Portage Water Resources, as well as police and fire departments. Based on the discussions they have

had while reviewing this information, Mrs. Organ has created some proposed amendments for the commission to review and make any changes to. The commission reviewed the proposed amendments as well as the rationale for the changes. The document containing the five finalized amendments and rationale are attached to these minutes as exhibit A.

Ms. Banyasz moved to approve amendment #5 for Chapter 13 Definitions, with a second from Mrs. Organ. All commissioners voted yes.

Mrs. Organ moved to approve amendment #4 with a second from Ms. Banyasz. Mrs. Spencer voted no. All other commissioners voted yes.

Mrs. Organ moved to approve amendment #3 with a second from Ms. Banyasz. All commissioners voted yes.

Mrs. Organ moved to approve amendment #2 with a second from Ms. Banyasz. All commissioners voted yes.

Mrs. Organ moved to approve amendment #1 with a second from Mr. Luttner. All commissioners voted yes.

All amendments were approved and will be forwarded to Portage County Regional Planning Commission for review and recommendations. The PCRPC will return their recommendations to the zoning commission for final approval before presenting recommendations to the Board of Trustees.

A PRESENTATION ON A TINY HOME COMMUNITY IN FRANKLIN TOWNSHIP.

Mr. Anthony Mirando, Kent State Professor in the School of Architecture, and student Jordan Allshouse gave a presentation on building a tiny home community on three parcels of land owned by Kent State University and is located near the intersection of Cline and Summit Road across from Dix Stadium. Mr. Mirando said his doctoral research was on sustainable living. For this project, the financing is in place, the design is done, and Kent State supports this project and would like to sell them the property. The 3-parcel property is for sale for \$300,000. The farmland surrounding these parcels is currently for sale for about 2 million dollars.

Mr. Allshouse had prepared a slide presentation for the commissioners that showed the different phases of the project, descriptions of the tiny homes, and the design of the development. Phase one will have 14 units with a total of 27 beds; that is thirteen 2-bedroom units and one single unit, totaling fourteen tiny home units. Phase two will have 36 units. There will be five single units and thirty-one 2-bedroom units. This is a total of 50 tiny homes.

Mr. Mirando said that there are architectural features to prevent the look of a mobile home park. They are made with corrugated metal siding, hardwood cabinets, laundry facilities in each unit, two parking spots, and a mini yard for each unit. R3 zoning would allow for 8-foot side setbacks so they could be 16 feet apart. Each lot is 3,500 to 5,000 square feet.

Zoning Inspector Ciccozzi said that there is no density in our township zoning resolution that would accommodate this project. There would be a map amendment or many variances needed. Costs to the township would include additional EMS calls that the township would have to pay for. He did not think the Trustees would be in favor of more student housing. Mr. Mirando said this project would generate a lot of tax revenue. There would be a lot of work needed to make this happen. They are in the very early stages.

Mrs. Organ asked if they are making this a subdivision and selling lots. Mr. Miranda said no, they are going to be rented with a lease agreement. A managerial company will oversee that. Mrs. Spencer asked how much they will rent for. Mr. Miranda said they will rent for \$1000 per bed including utilities and everything.

Mr. Luttner asked who takes care of security. Mr. Miranda said the local jurisdiction would handle it. Mr. Luttner said that would be the Portage County Sheriff. Mrs. Organ asked if the managerial company will take care of everything such as road maintenance, snow plowing, mowing, trash, etc. Mr. Miranda said yes.

Mrs. Spencer asked how big these parcels are. Mr. Miranda said they total 8.71 acres. There will be a lot of green space. Mr. Allshouse showed slides of other tiny homes. This is unique for students. Mr. Luttner asked about water and sewer utilities. Mr. Miranda said those utilities run down Summit Road and they would tie in. Mr. Luttner asked if the managerial company would allocate for maintenance in advance. Mr. Miranda said all maintenance will be budgeted. Pets would be allowed.

Dr. Martin asked if they would be built on site or modular. Mr. Miranda said they would be built on site and be very energy efficient. This is unique and would be good for the area.

Mrs. Organ had some concerns that there is only one road in and out onto Summit Street in phase 1. Phase 1 may be required to have another road for fire code.

Ms. Banyasz said she senses that there may be tension between the university and the township. The township focuses on residential, and the university focuses on business. The township is interested in affordable housing, not student housing. This might be better if the units were sold to families instead of rented to students. She said they put together a great plan and did great research, but she senses that the township does not want student housing. Ms. Banyasz noted that if the zoning changes, it stays with the property. If Mr. Miranda decided to sell to someone, the zoning would stay. This presentation is for a business.

Mrs. Organ said she does not think the Trustees want this. Tiny homes, yes. Student rentals, no. This project may increase the property value, but the township gets a small amount filtered down through the county. She added that there are a lot of wetlands on this property that are not shown in the presentation. It needs to be realistic.

New or Other Business: none at this time

Next Meeting: The next meeting will be held March 16, 2023 at 7:00 pm.

Adjournment: Mr. Luttner moved to adjourn at 9:07 pm with a second from Mr. Havel. All Commission members voted yes.

Respectfully submitted by Jenny August, Zoning Commission Secretary.

Approved:

Mekal Banyasz, Zoning Commission Chair

Exhibit A

Recommended FRANKLIN TOWNSHIP ZONING CODE AMENDMENTS
for Medical Marijuana Facilities,

January 19, 2023

Rationale:

Zoning Commission's reasoning behind proposed text amendments relating to medical marijuana:

The Franklin Township Trustees lifted their moratorium on Medical Marijuana facilities in the township at their September 28, 2021 meeting. The Zoning Commission was tasked with making a recommendation for updated Zoning Resolution text to the Township Trustees regarding these types of facilities. Trustees held a hearing in April, 2022, to discuss the ZC initial recommendations regarding Medical Marijuana Dispensaries. Initially, the ZC did not recommend locating Cultivators, Processors or Testing facilities within Franklin Township. Trustees sent the issue back to the ZC to do some further research on these more "industrial type" MM facilities.

Amendments 1 & 2: Because Medical Marijuana Dispensaries are similar to pharmacies, or drug stores, the ZC is recommending that these facilities be added to the Conditional Use section of each district where drug stores are currently permitted (anywhere within C-1 or C-2 districts). The ZC also added specific zoning conditions for these facilities in chapter 601.01B 61. These conditions come directly from the ORC, as well as reflecting the Commission's concerns for current residential properties in the township.

Amendments 3 & 4: Because medical marijuana cultivators, processors, and testing laboratories are more "manufacturing" or "industrial" in nature and may have more intense impacts on the residents and the environment than a dispensary, the ZC is recommending that these facilities be added to the Conditional Use section of each Industrial district (anywhere within I-1 or I-2 districts). The ZC also added specific zoning conditions for these facilities in chapter 601.01B 62. These conditions come directly from the ORC, as well as reflecting the Commission's concerns for current residential properties in the township, and the potential for environmental impacts and industrial hazards of these MM industrial facilities.

Amendment 5: Definitions were added for each step of the medical marijuana process and facility. These definitions were taken directly from the ORC Section 3796.

Amendment 1 (pertaining to Medical Marijuana Dispensaries)

Conditionally Permitted Uses, in the subsection titled "Other Uses",
Section 320.02 B4e, (C-1);
Section 321.02 B4e (C-1b);
Section 323.02 B5g (C-1/I-1);
Section 324.02 B3f, (C-2);
Section 332.02 B4g (I-2/C-2)

Proposed Change (same identical phrase for each section, with numerical and alphabetical notations appropriate to each section):

(e). Medical Marijuana Dispensary, as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 61.

Amendment 2 (pertaining to the conditions for MM dispensaries)

Section 601.01(B) Regulations Pertaining to Conditionally Permissible Uses (page 58 of ?)

Proposed Change:

61. Medical Marijuana Dispensaries

A. As stated in ORC 3796, dispensaries shall be located at least 500 feet from any school, church, public library, public playground, public park, or opioid treatment facility.

B. Parcels used for such facilities shall be located at least 500 feet from any property line (front, back or sides) of a parcel of land in any district in which residential use, of any density, is a permitted use.

C. Parcels used for such facilities shall be located at least 500 feet from any property line (front, back or sides) of a parcel of land currently being used for residential purposes, even if that use is a non-conforming use.

Amendment 3 (pertaining to Medical Marijuana Cultivators, Processors, and/or Testing Facilities)

Conditionally Permitted Uses, in the subsection "Other Uses"

Section 323.02 B5h, (C-1/I-1);

Section 330.02 B3h (I-1);

Section 331.02 B2f, (I-2);

Section 332.02 B4h (I-2/C-2)

Proposed Change (same identical phrase for each section, with numerical and alphabetical notations appropriate to each section):

(h). Medical Marijuana Cultivator, Processor, or Testing Facility as defined in the ORC 3796, and subject to the provisions of Section 601.01.B subsection 62.

Amendment 4 (pertaining to the conditions for MM Cultivators, Processors and/or Testing Facilities)

Section 601.01(B) Regulations Pertaining to Conditionally Permissible Uses (page 59 of ?)

Proposed Change:

62. Medical Marijuana Cultivators, Processors and/or Testing Facilities

A. As stated in ORC 3796, cultivators, processors and/or testing facilities shall be located at least 500 feet from any school, church, public library, public playground, public park, or opioid treatment facility.

B. Parcels used for such facilities shall be located at least 500 feet from any property line (front, back or sides) of a parcel of land in any district in which residential use, of any density, is a permitted use.

C. Parcels used for such facilities shall be located at least 500 feet from any property line (front, back or sides) of a parcel of land currently being used for residential purposes, even if that use is a non-conforming use.

D. The operation and maintenance of such Medical Marijuana cultivators, processors and/or testing facilities shall be such that they will not be hazardous, noxious, or offensive due to the emission of odor, dust smoke, cinders, gas, fumes, noise, vibration, refuse matters or water-carried wastes.

Amendment 5

Chapter 13 Definitions (page 25 of ?)

Proposed Change:

Medical Marijuana means marijuana that is cultivated, processed, and dispensed, tested, possessed or used for medical purposes. ORC 3796.01

Medical Marijuana Cultivate means to grow, harvest, package, and transport medical marijuana pursuant to Chapter 3796. of the Revised Code.

Medical Marijuana Cultivator, as used in Chapter 3796. of the Revised Code, means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796. of the Revised Code. Medical Marijuana Cultivator Facilities (whether growing plants indoors or outdoors) shall be categorized as “manufacturing”, never categorized as “agricultural” in nature.

Medical Marijuana Dispensary, as used in Chapter 3796. of the Revised Code, means an entity licensed pursuant to sections 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.

Medical Marijuana Manufacturer means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.

Medical Marijuana Processor, as used in Chapter 3796. of the Revised Code, means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products.

Medical Marijuana Testing Laboratory means an independent laboratory located in Ohio that has been issued a certificate of operation by the Ohio Department of Commerce to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.