

Franklin Township Trustees
Tuesday, April 12, 2022
Special Hearing Minutes

At 6:00pm Chairman Scott Swan called the hearing to order. The purpose of the hearing was stated to be consideration of Resolution 2022-17 approving an amendment to the Zoning Resolution pertaining to medical Marijuana dispensaries.

PUBLIC COMMENT

Mary Organ – 5876 Horning Road – spoke as a zoning commission member about the process the commission used to garner information. Their task was to come up with verbiage addressing the allowable locations of medical marijuana dispensaries within the township following the lifting of the moratorium by the board. Ms. Organ stated that the goal of the commission was to protect residential areas where both conforming and nonconforming uses are in place, outside of the existing ORC provision that prohibits dispensaries within 500 feet of schools, churches, and parks, playgrounds, and other opioid dispensing facilities. With the assistance of Portage County Regional Planning Commission, they looked at distances of 1,000 feet buffers regardless of the zoning designation and came up with no locations available within the township. Next, they looked at a buffer of 500 feet for both conforming and nonconforming use parcels around any current residential zoning district and still no parcels would be available. Then they looked at a buffer of 250 feet from adjacent parcels of any zoning district of conforming uses and three locations were determined. And finally, a buffer of 250 feet surrounding any zoned district where there is a non-conforming use residential area and there were nine locations possible.

Discussion ensued regarding both industrial type uses for medical marijuana facilities such as dispensing, cultivating, processing, testing and research. Testing and processing uses would require a good amount of water access. Commission Chairperson Mekal Banyasz, and members Mary Organ and Glenn Luttner all shared their thoughts regarding concerns about water usage as well. Scott Swan shared thoughts that the options recommended by the commission at this time would possibly limit the township at the onset as changes are likely to come about quickly regarding marijuana and its use in Ohio and also pointed out that a business proposing to cultivate or test medical marijuana could be provided with the opportunity to bring water into the to the parcel if needed and did not want to ignore the possibility of business growth opportunity and jobs to township businesses. He questioned whether or not any of the options contained in the resolution tonight would still pertain if the use for the parcel was cultivating or testing or research. There was not a clear answer and likely Portage County Regional Planning would need to provide more information as well.

Dave Hansford – 6918 St Rt 43 made the following points:

1. Whether 1,00 ft, 500 ft, or 250 ft buffer requirements were made they could all be challenged in court
2. Industrial uses permitted now could easily be turned into selling opportunities for the same locations as laws and guidelines rapidly change over the next few years

3. The Davey Tree owned parcel is being talked about as a possible location and he asked the board if zoning restrictions placed upon the parcel upon requisition would still apply now that the parcel has been annexed into the City of Kent. The answer is no, all restrictions placed on the property while it was a part of the township would become null and void and the parcel would reflect city zoning guidelines.

The trustees each shared their thoughts and comments prior to voting on the resolution. Glenn Russell stated for the record that while he does not currently support a medical marijuana dispensary in the township and does not feel 250 feet is an acceptable buffer he is comfortable allowing the Board of Zoning Appeals to hear any request put before it on a dispensary in lieu of the proposed verbiage. Scott Swan stated that Mr. Hansford made good points in that guidelines and regulations could be subject to rapid changes of the next few years and that there are currently too many unknown variables. He is comfortable letting the Board of Zoning Appeals hear individual cases that appear. Kellie Kapusta stated that she has family members who have benefitted from the use of medical marijuana but is not comfortable with a 250 ft. buffer and does not feel that Franklin Township is ready to make a decision at this time but recognizes that things could change.

Chairman Scott Swan asked for a motion to vote on Resolution 2022-17 accepting Zoning Resolution amendments pertaining to medical marijuana dispensaries. There was none. Mr. Swan then made a motion to not consider the Zoning Resolution Amendment at this time; 2nd Glenn Russell. All three trustees voted yes.

Ms. Banyasz and Ms. Organ then asked for clarification about whether or not the commission was being tasked to reconvene and keep working on the issue. The board collectively asked that they continue to gather information regarding other uses of medical marijuana facilities, not just as dispensaries and be ready to make recommendations as things change.

At 6:58pm a motion to adjourn was made by Glenn Russell; 2nd Scott Swan. All three trustees voted yes.

Date _____ Fiscal Officer _____

Chairman _____