

Franklin Township, Portage County
Zoning Commission Hearing
February 17, 2022

Members Present: Chair Mekal Banyasz, Mary Organ, Reed Havel, and Glenn Luttner.

Others: Jenny August, Zoning Commission Secretary. BZA Chair David Hansford and resident Corrine Wise observed.

Call to Order:

Ms. Banyasz called the meeting to order at 7:00 pm. Ms. Banyasz moved to excuse Mrs. Geist. Mr. Havel seconded. All commissioners voted yes.

Minutes:

Mr. Luttner moved to accept the minutes from the January 20, 2022 meeting. Mr. Havel seconded. All commissioners voted yes. The minutes were approved.

Discussion Topics:

Continued Discussion on Medical Marijuana Facilities in Franklin Township

Ms. Banyasz explained that after last month's meeting, the zoning commission asked Portage County Regional Planning Commission (PCRPC) to provide us with clearer maps that designate areas where Medical Marijuana Dispensaries could be located. They sent us four new maps with different separation requirements for the commission to review. Ms. Banyasz asked Mrs. Organ if she would like to begin the discussion by reviewing her findings on the maps.

Mrs. Organ said that she had some free time and actually drove by and identified all of the businesses on the 4th version of the maps because that is the map that provided the most places for facilities to be located. Version 4 had a 500-foot boundary around residential districts which allowed for nine locations. She reviewed each location.

The version 3 map was the map that Mrs. Organ personally prefers. This map keeps all of the language that we currently have proposed, yet adjusts the buffer zone to 250 feet, instead of 1000 feet. The buffer surrounds all the parcels of land in the township that are currently being used for residential homes/buildings, including both permitted and non-conforming residential uses. Ms. Banyasz noted that none of these maps offer a 1000-foot buffer that the commission preferred.

Mr. Luttner said he thinks we are serving our residents better and keeping property values up by limiting locations.

Mr. Havel said some of the nine properties are currently owned by other businesses or owners and they may not be available or for sale anyway. Mr. Hansford said one of the nine properties is owned by the City of Kent and would not be available. It is a well head that is used to check the aquifer. (Number 4 and 5 on the list of parcels.)

Mr. Luttner said at a previous Board of Zoning Appeals meeting, the applicant wanted to put in a medical marijuana store on State Route 43 in Twin Lakes. One big concern was the traffic flow. State Route 59 however, would likely be able to accommodate the traffic.

There was no other discussion. Mrs. Organ moved to forward the following recommendations to the Franklin Township Board of Trustees:

Mrs. Organ moved to amend section 403: Prohibited Uses by adding the following language:

K. Medical Marijuana Cultivator Facilities as defined in ORC 3796.

L. Medical Marijuana Processor Facilities as defined in ORC 3796.

M. Medical Marijuana Testing Laboratory Facilities as defined in ORC 3796.

Mr. Havel seconded the motion. All commissioners voted yes.

Mrs. Organ moved to amend the following sections: Section 312.02(B), (R-1/C-1); Section 320.02(B), (C-1); Section 321.02(B) (C-1b); Section 322.02(B) (C-1/R-3); Section 323.02 (B) (C-2) Section 324.02(B), (C-2): Section 332.02(B) I-2/C-2) by adding the following identical phrase to each section:

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

Mr. Luttner seconded the motion. All commissioners voted yes.

Mrs. Organ moved to amend section 601.01 (B) Regulations Pertaining to Conditionally Permitted Uses by adding the following language:

61. Medical Marijuana Dispensaries (page 58 of 58)

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. Such facilities shall be located at least 250 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. Such facilities shall be located at least 250 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.

Mr. Havel seconded the motion. All commissioners voted yes.

Mrs. Organ moved to add the following definitions to Chapter 13:

- 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.

Mr. Luttner seconded the motion. All commissioners voted yes.

Continued Discussion on a possible PRD near the corner of Summit and Cline

At the last meeting, Mrs. Organ said there has been discussion about a possible Planned Residential Development (PRD) near the corner of Summit Street and Cline Road. The developer has two options: they can either request a zoning change, or they can go to the Board of Zoning Appeals and apply for a PRD. The PRD request will allow for smaller property parcels and more open space. This will allow for more homes to be built in the development. At this time, no applications have been submitted, so this is just an FYI.

New or Other Business:

Next Meeting:

The next meeting is to be announced.

Adjournment: Mrs. Organ moved to adjourn at 7:40 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