

Franklin Township, Portage County
Board of Zoning Appeals
November 8, 2021

Present: Chair David Hansford, Glenn Russell, Marilyn Sessions, Justin Money Penny, and alternate James Henry, Board Members; Joe Ciccozzi, Zoning Inspector; Jenny August, Secretary.

Mr. Hansford called the Board of Zoning Appeals meeting to order at 7:00 p.m. He introduced the Board Members and explained the procedures for the meeting.

7:00 Hearing:

At 7:00 p.m. and application by Pure OH LLC, 101 Kemple Drive, East Palestine OH representing the property located at 7279 State Route 43 (parcel number 12-068-00-00-016-000) was heard for a conditional use variance to section 320.02 A.1. The applicant was requesting a variance to open a Medical Marijuana dispensary which is not a permitted use in a C-1 zoning district.

Mr. Hansford asked who is here to speak to this tonight. Ms. Christina Gates of 7631 W. Parkside Drive, Boardman Ohio representing Pure OH LLC, was sworn in. Ms. Gates gave the Board some background on her company. Pure Ohio LLCV is a tier II processing facility that opened in 2019. They have had no issues and they have created jobs in the East Palestine area. They are looking to expand. Pure OH LLC grows and processes medical marijuana in many forms such as gummi's, salve, etc., but they do not have a dispensary. They have had a dispensary in Colorado for two years. She has a background and extensive knowledge with the security business. One of the owners has helped create and outline the restrictions in the United States. In the US, there are over 216,000 medical marijuana card holders. Portage County is very under represented with no facilities. People of all ages are using medical marijuana for cancer, chronic pain, Alzheimer's, and Parkinson's disease to name a few. People think it is THC, but it is a very low amount.

Ms. Gates said the location at 7279 SR 43 is a great location to serve Streetsboro, Twinsburg, Ravenna, and Kent. They anticipate approximately 90-150 people per day will be stopping in. They plan to remodel it to look like a doctor's office. Your doctor will make sure you are a candidate for medical marijuana before giving you a prescription card. It must be renewed annually. Insurance does not cover it, so there is a cost.

Mr. Russell thought 90-150 people per day seemed like a lot. Ms. Gates said the count is based on current numbers. They expect 2100 people registered to each location. There is a vault and an armed guard required. There are cameras inside and out, with the state viewing at all times. They will employ 12-16 people and will generate over one million

dollars in revenue the first year. If they are awarded the license, they will have an open house so the public can come in and check it out and learn about the benefits.

Mr. Hansford said he had five letters opposing the location of the dispensary, and one that supports it. The Board was also presented with a petition signed by 73 people that also oppose this application. He then reviewed the Standards for a Variance:

A- no, B- yes, C- yes, D- it will impact, E- yes, F- no, G- no.

Mr. Hansford opened up the meeting to public comment.

Mrs. Diane Robinson of 7358 Sylvan Drive was sworn in, and she asked what the status is of the Dome in Kent. Mr. Hansford said everyone must apply, and 88 licenses will be issued. At this time, nobody knows who will get the licenses.

Mr. Joseph Carron of 7510 Birkner Drive was sworn in. He asked what is to gain by having it in the township. His answer is that they would not have to pay income tax, and there is no police department. He has had three intrusions and called 911. The shortest time it took for the Sheriff's office to show up was 25 minutes. Criminals don't care about cameras. He has cancer and is on chemotherapy. He waits in line at CVS like everyone else. This proposed location already has heavy traffic with no traffic light. We need a police department for this. This is marijuana, not cancer medicine.

Mr. Dave Smith of 1613 Woodway Road was sworn in. He has researched this. This area is C-1, commercial businesses that serve the neighborhood. This doesn't serve the neighborhood.

Mr. Elwin Robison of 7358 Sylvan Drive was sworn in. He is not in favor of this. This brings us a target and needs to be somewhere that there is a police department. It is not appropriate in Twin lakes.

Mr. Glen Luttner of 7568 West Lake Blvd. was sworn in. He asked if there will be any consumption on site. Ms. Gates said no, that is illegal. Mr. Luttner said this is primarily a residential area. He thinks it will affect property values and cause traffic issues on SR 43.

Mr. Mark Pennell of 7327 Diagonal Road was sworn in. He said that these establishments bring property values down. People stand outside and sell pot cheaper than the dispensary. Kids are managing to get licenses. He thinks crime in the neighborhood will increase. Eventually Ohio will allow recreational marijuana, which will end up being sold in these businesses.

Ms. Mary Markulis, the Realtor who is selling this property for the owners of Protech was sworn in. The property has not been purchased yet, and she appreciates everyone's concern. Ohio has legalized medical marijuana and the Ohio State Board of Pharmacy is in tight control of enforcement. This location fits all requirements. A Physician must make a diagnosis. Local pot smokers will not come here and pay high dollar for medical marijuana when they can get it on the street for a fraction of the cost. In the Franklin Township Zoning Resolution Section 320.01, C-1/R-3 requirements are all met. A pharmacy is allowed, which is a medically controlled facility.

Mr. Dave Smith of 1613 Woodway said Ohio has legalized medical marijuana, but enforcement will treat it like an opioid. It is still illegal on the Federal level.

Mr. Steve McCoy of 7779 S.R. 43 said the discussion should not be based on prohibiting it. We have lived through prohibition, and we need to look beyond negativity.

Mr. Hansford closed public comment.

Mr. Russell asked if the Zoning Commission has made any progress with medical marijuana in the Zoning Resolution. Mr. Hansford said he didn't know, but there have been two different entities apply.

Mr. Henry said he thinks most people that are in attendance tonight are opposing this. Is it the Boards responsibility to represent a new business or the people of the township?

Mrs. Sessions said they were presented with a petition signed by 73 people that could not be here tonight. Mr. Russell said the petition does not give addresses, but we are assuming that they are residents.

Kim Palovic of 7279 SR 43 was sworn in. She said 73 people out of 468 households is not really that many. Mrs. Sessions said they have not received any petitions of support. Zoning Inspector Joe Ciccozzi said he received a letter from the Vice President of Western Reserve Hospitals and he supports this.

Mr. Russell said at the last meeting they were looking at a property that was not in a residential area, unlike this application.

Mrs. Sessions moved to grant a conditional use variance to allow the applicant to open a medical marijuana facility at 7279 SR 43. Mr. Moneypenny seconded. The vote was called. All Board members voted no. The motion failed.

Approval of Minutes: Mr. Russell moved to approve the minutes from the October 11, 2021 meeting. Mrs. Sessions seconded the motion. All Board members voted yes except Mr. Henry who abstained. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for December 13, 2021 at 7:00 p.m.

Adjournment:

The hearing was adjourned at 8:13 pm.

Respectfully submitted,

Jenny August
Secretary, Board of Zoning Appeals

Approved as submitted:

Chairperson, David Hansford

Approved as amended:

Chairperson, David Hansford