

**KENT PLANNING COMMISSION  
BUSINESS MEETING  
January 16, 2018**

**MEMBERS PRESENT:**

**Amanda Edwards  
Jeff Clapper  
John Gargan  
Peter Paino**

**STAFF PRESENT:**

**Jennifer Barone, Development Engineer  
Bridget Susel, Community Development Director  
Eric Fink, Asst. Law Director**

**I. Call To Order**

The meeting was called to order at 7:00 p.m.

**II. Roll Call:**

Ms. Edwards, Mr. Gargan, Mr. Clapper, and Mr. Paino were present.

**MOTION:**     *Mr. Paino moved to excuse Michael Bruder from the January 16, 2018 Planning Commission meeting.*

*The motion was seconded by Mr. Clapper.*

*The motion passed 4 – 0.*

**III. Reading of the Preamble**

The Planning Commission operates in accordance with the provisions of the Kent City Charter, the Kent Zoning Code and Subdivision Regulations, all of which establish the powers and duties of the Commission. Members of the Planning Commission are appointed by Kent City Council and serve without compensation. Certain cases such as Conditional Zoning Certificates, Special Zoning Permits, Overlay District Projects and Zoning Amendment require Public Hearings before the Planning Commission. During the Public Hearing, any person wishing to address their concerns to the Commission will be provided the opportunity. Once the Public Hearing is closed, it shall be the discretion of the Chair whether to allow any additional public comment. Cases such as Site Plan Reviews and Subdivision Projects do not require a Public Hearing. However, the Chair will allow public comment on each case as it is taken on the agenda. In each instance where the Commission receives public comments or conducts a Public Hearing, those persons wishing to address their concerns to the Commission will be required to do so

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under oath or positive affirmation. The oath or affirmation shall be administered to all who wish to speak at the beginning of the Planning Commission Meeting. Once a decision has been made by the Planning Commission on a case, the Case is closed for the commission, as there is no provision to reopen a case. With the exception of cases falling under the Subdivision Code, any decision of the Planning Commission may be appealed to the City's Board of Zoning Appeals in accordance with the Chapter 1109 of the Zoning Code. Anyone interested in appealing a decision of the Planning Commission is advised to seek private legal counsel.

### **IV. Election of Officers**

Mr. Fink explained the responsibilities of each office.

**Motion:**        *Mr. Paino moved to elect Amanda Edwards as Chair of the Planning Commission.*

*The motion was seconded by Mr. Gargan.*

*The motion passed 4 – 0.*

**Motion:**        *Ms. Edwards moved to elect Peter Paino as Vice Chair of the Planning Commission.*

*The motion was seconded by Mr. Clapper.*

*The motion passed 4 – 0.*

**Motion:**        *Mr. Clapper moved to elect Mr. Gargan as Secretary of the Planning Commission.*

*The motion was seconded by Ms. Edwards.*

*The motion passed 4 – 0.*

### **V. Administration of Oath**

No one took the oath.

### **VI Correspondence**

None

**VI. Old Business**

**A. PC17-016 City of Kent**

**The applicant is seeking review and comment for proposed code language to amend the Kent Codified Ordinances to include the categories for medical marijuana in Chapters 1103, 1137, 1141, 1143, 1153, 1151, 1155, and 1171.**

Ms. Barone stated the medical marijuana zoning code amendment was discussed at the last meeting on December 5, 2017 and it was continued for further discussion. She said Staff has considered all the comments offered. She said Staff is not asking for action on this matter tonight. She said the Staff report for this meeting has been color coded to represent the recommended entity for each section: ORC language in green, Staff in blue, Planning Commission in purple, corrected sections may be in different colors, added information may be in different colors, and verbiage in italics is commentary only. Something that does not need to be in a section has been struck out. Staff is suggesting that further discussion take place and then a version be presented at the next meeting for action to take place.

**PUBLIC COMMENTS**

None

**PLANNING COMMISSION DISCUSSION**

Mr. Gargan asked what happens if recreational marijuana use is approved in the future.

Ms. Barone stated that the zoning code language would have to be amended at that time and would return to Planning Commission.

Mr. Gargan asked if the proposed change was from marijuana, dispensary to medical marijuana dispensary.

Ms. Barone asked Mr. Gargan if he was looking at definitions.

Mr. Gargan replied yes.

Ms. Barone stated the definition says marijuana, dispensary, also known as medical marijuana dispensary meaning the terms are interchangeable. These definitions match those in the Ohio Administrative Code (OAC).

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Mr. Fink clarified that the definition for marijuana facility was requested by the Commission and not in OAC. He stated that the state revised code (ORC) and the administrative code (OAC) are used interchangeably.

Ms. Susel said it is preferred that this is not done.

Mr. Clapper asked if the dispensaries would be permitted in the Commercial-Downtown district.

Ms. Susel referred to the different districts where dispensaries would be permitted but currently Commercial-Downtown is not one of the districts where dispensaries could be located. This issue could be addressed later.

Mr. Paino stated that Chapter 1151 is not included in the January 9th document received.

Ms. Susel replied that Chapter 1151, Light Industrial, is actually not on the map.

Mr. Paino stated it was listed on the agenda tonight.

Ms. Susel stated it was not on the zoning map so that is something that has to be addressed as things move forward.

Mr. Paino asked if the Community Addiction Service Provider was something new.

Ms. Susel replied it is a State definition that only applies to dispensaries. The General Assembly said it does not want a dispensary near anywhere that was giving drug treatment.

Mr. Paino stated that people have to figure out where the dispensaries are to buy medical marijuana. A dispensary could be similar to a pharmacy?

Ms. Susel replied yes.

Mr. Paino asked where the Community Addiction Service Providers were in Kent.

Ms. Susel replied that the only ones she was aware of are Townhall II and Coleman Center. She said Miller House and Freedom House might also be considered.

Mr. Paino stated that he understood the Cultivation process being in an industrial area and then it has to be processed, which will probably be in an industrial area also. The Dispensary is like a pharmacy and could be located in a building downtown or in some odd place as an option.

Ms. Susel stated the State does put qualifiers on the dispensaries.

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Mr. Paino referred to Condition No. 60 under Dispensary which states: Medical Marijuana Facilities shall not be located within 500 feet of any school, church, public park, public playground, public library, pre-school, child day care center, publicly owned property, Community Addiction Service Provider, or other use established specifically for the activities of minors. He asked if publicly owned property included Kent State University.

Ms. Susel replied yes.

Mr. Paino asked if a Medical Marijuana Facility has to be 500 feet from any portion of the property of those places. He asked if it has to be 500 feet of the property line for any of those listed and if that is delineated in the code.

Mr. Fink replied 500 feet is measured from all property lines. He said that is how it is applied but code does not delineate that. He said the court made the determination to measure from property line to property line.

Mr. Paino asked if the post office which a publicly owned property automatically prevents the industrial property behind it from being used. He said there might not be a single piece of property that can be used.

Ms. Susel replied that it is State law. She reminded the Commissioners that there are two Dispensary Districts allowed in Portage County. She said the Dispensary would be serving three counties, so it will probably be located near highways and a lot of cash up front would be needed and the town/city has to show what is available within thirty (30) days. Another criteria is to be adjacent to highways and throughways. Since the number of Dispensaries will be limited, the State wants them to be strategically located.

Mr. Paino asked if Kent State University and the post office are publicly owned property.

Ms. Susel replied yes.

Mr. Paino asked where these dispensaries can be located in the City of Kent.

There was further discussion of the location of the dispensaries.

Mr. Paino stated there are trucks all over the City of Kent blocking traffic and they are a danger to anyone driving. He was concerned as to whether there would be any available in the City of Kent if the location has to meet all the restrictions. He referred to Condition 27 regarding the truck parking areas as well maneuvering lanes and access ways to public streets under Dispensary and said he was not sure how this would affect the Dispensary.

Ms. Susel replied the Dispensary will be getting deliveries. She said the dispensing of medical marijuana is heavily controlled in terms of regulations.

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It was decided that publicly owned land that was not part of the State law might be stricken.

Ms. Susel stated that it would need to include the one that talked about Community Addiction Service Provider separately or keep the current one, with some kind of clarifier that would be applicable under the Dispensary to Condition 60 or add a Condition 61.

Mr. Paino asked if a variance could be sought.

Ms. Susel replied no because it is part of the State code.

Mr. Paino asked if that negates the whole parcel or just a parcel that someone owns within 500 feet of any restricted locations.

Ms. Susel replied we can go by the parcel and we can be more specific in the code and they could subdivide the parcel. She said the staff report is color coded to reflect the recommended entity.

A continued discussion was held regarding the 500 feet setback.

Paul Pinkie (sworn in prior to giving statements), 501 Miller Avenue, Kent, asked if publicly owned property included streets and bike paths. If so, it is too onerous. It is medical marijuana, so there should be reasonable accommodations to make it available.

There was additional discussion on what is considered publicly owned is property referring to.

It was agreed that the code for the City of Kent should correlate with the State code.

It was decided to leave the definitions in the code.

There were no other questions or comments, so Ms. Edwards asked for a motion to continue this discussion.

**MOTION:** *Mr. Clapper moved in case PC17-016, that the Planning Commission continue discussion of the medical marijuana code language at the next Planning Commission meeting.*

*The motion seconded by Mr. Paino.*

*The motion passed 4 - 0.*

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Mr. Fink stated staff needed guidance from the Planning Commission what it wants in regards to definitions.

Mr. Paino confirmed definitions should be included as part of the code.

### **VIII. New Business**

**None**

### **IX. Minutes:      November 21, 2017 December 5, 2017**

**Motion:      *Mr. Clapper moved to approve the minutes of November 21, 2017 as presented.***

***The motion was seconded by Mr. Gargan.***

***The motion carried 3 – 0 – 1 (Abstention by Mr. Paino)***

**Motion:      *Mr. Gargan moved to approve the minutes of December 5, 2017 as presented.***

***The motion was seconded by Mr. Paino***

***The motion carried 4 – 0.***

### **X. Other Business**

**November 7, 2017 joint meeting summary.**

Ms. Edwards asked if there were any changes to the summary.

There were no changes.

Ms. Susel said more than likely there will be no meeting on February 2, 2018. She said the selection committee is just now getting started to review the Request for Qualifications (RFQ). The committee has changed to include City Council at large members. There have been nine (9) submissions and RFQ is now closed for submissions. The schedule includes the committee will score the submissions, and then it will interview three (3) to five (5) of the applicants based on the scoring.

Ms. Edwards asked if there was anything more staff wanted to contribute.

Mr. Fink reviewed the court cases the City has going on. He said for East Main Lofts project, the City of Kent filed an appeal today. There will be a Status Conference

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tomorrow with the magistrate for the CDC Kent case. This case is already in the Court of Appeals. The residents have filed an appeal today. The 1005 East Main case is in the Court of Appeals; the City of Kent did not appeal this case. He reviewed the procedure the City of Kent follows for a case that is in the Court of Appeal

Mr. Fink stated that the Columbus Street Rooming House case may have an agreement, but it is not final.

### **X. Adjournment**

**Motion:**        *Mr. Paino moved to adjourn.*

*The motion was seconded by Mr. Clapper.*

**Vote:**        *The motion carried 4 – 0.*

Meeting adjourned at 8:00 p.m.