

Granville Township Zoning Commission
February 20, 2017

Meeting Minutes

Zoning Commission Chair Rob Schaadt called the meeting to order at 7 PM.

Susan Walker called the roll:

Commissioners present: Rob Schaadt, Judy Preston, Steve Brown, Vince Paumier, Susan Walker

Guests: Karl Schneider, 150 E. Broad St. Columbus, OH; Jeffrey L. Brown, 37 W. Broad St. Columbus, OH

From Granville, OH: Doug Helman, 109 Longford Dr.; Craig McDonald of *The Granville Sentinel*; Park Shai, 170 Potters Lane; Butch Curtis, 1942 Columbus Rd.; Tim Hughes 630 Newark Granville Rd.; Craig and Lynn Connelly, 2926 S. Granview Rd.; Vince Heit, 3156 Columbus Rd.; Mike Whitehead, 4500 Granview Rd.; Kevin Bennett, 172 Mill Race

Approval of Minutes

Commissioner Schaadt made a motion to accept the minutes of the December 5, 2016 meeting. Commissioner Preston seconded the motion and the motion passed by unanimous vote.

Announcements of Commission Members

There were no announcements from the commission members at this time.

New Business

Presentation by Karl Schneider, Continental Real Estate- Proposed Multi Family Project

Commissioner Schaadt gave an overview of the history of the land swap (of green space) that would be proposed/presented tonight by Continental Real Estate to provide land to build cottages:

- June 20, 2016- Commissioner Schaadt had a meeting with Licking County Assistant Prosecuting Attorney (APA) Austin Lecklider and Granville Trustee Kevin Bennett about a project under discussion to see if there was anything in the current zoning resolution that would allow for the project that was under discussion. It was determined that text amendments and map amendments would be required for this project under discussion.

- November 1, 2016- Commissioner Schaadt was on a conference call with Granville Trustee Kevin Bennett, Granville Zoning Inspector Travis Binckley, local developer Park Shai, Karl Schneider and Jeff Brown (of Continental Real Estate), to discuss a possible multi family development within Granville Township. Commissioner Schaadt stated that while on the call, he made it clear that he could only speak to the process of the amendments as a single member of the Zoning Commission and could not speak for the entire Zoning Commission, and suggested it was best for them (Continental Real Estate) to come before the Zoning Commission. On the conference call, Karl Schneider asked if he could speak at the next Zoning Commission meeting.
- Feb. 6, 2017- the Zoning Commissioners received notification from Granville Trustee Kevin Bennett about the proposed land swap.

At this time Commissioner Schaadt turned the meeting over to Karl Schneider, of Continental Real Estate, who stated the following:

Karl Schneider worked on the Middleton Senior Housing facility at the corner of Weaver Drive and Columbus Road and also owns the 5 acre mill district piece on Lancaster Road and River Road, of which there are 4 acres left after the Verizon building was developed.

From discussions with Park Shai and other members of the community we (Continental Real Estate) learned there was a potential interest in relocating the Granville Fire Station somewhere more central to the township and to the village. So preliminary discussions began with people around town about putting the fire station on the mill district piece that sits behind Verizon.

As we built the Middleton project out to completion... (A lot of our residents in other projects that we do around the region such as Lexington, Indianapolis, Cleveland, Cincinnati, we typically build garden cottages, 1200 square foot duplexes, with garages on our site, much like the Kendal project.) We have run out of room here so we started to think about the fire station a little bit and thought maybe there was a potential –since we have seen the demand (at Middleton)- to swap land for the fire station which might help Granville accomplish what it wanted to do and would provide us with some land to build our cottages (at Middleton). So we put together a plan that shows 14 acres with proposed 50 units, all duplexes. (Jack Lucks, my partner, my boss, has built a similar project in Grove City.) We tried to mirror Ashton Grove in New Albany.

For the commercial area we have proposed a 40,000 square foot, two story medical office building. Our idea fits a need we have received quite a bit of interest from, and a medical office is always good for a community for tax reasons.

Mr. Brown, of Continental Real Estate, stated part of what we were trying to figure out, having looked at the Township Zoning Code- it works very well for Kendal because they have 80 acres which is the (Township Zoning Code) minimum requirement for this type of continual care, but obviously our site isn't that big. So the question is, what is the appropriate zoning category in the Township for this

type of use? We haven't drafted anything we were just looking for some direction. When you look at the general business district, one of the conditional uses is residential. If you like the use and you want to do the trade, how do we process this through your system from a zoning standpoint? If so, would you be interested in making changes to what you have (in the Zoning Code) in terms of continual care?

Commissioner Schaadt stated the Zoning Commission had no control over the proposed land swap, and that a land swap would be up to the Trustees. Commissioner Schaadt explained a concern of his, regarding zoning, would be that right now the code is 80 acres (for this type of development), which was put in the code before any of us (current Zoning Commissioners) were on the Zoning Commission. If 80 acres were brought down to 14 acres, the Zoning Commission would have to look at what that would open up in the future for Granville.

Mr. Brown said he was not clear as to what was in the code and the possibility would be to amend it or put some additional language in it.

Commissioner Schaadt said it would be a two-step process, with the need of both a text amendment and a map amendment.

Mr. Schneider said we (Continental Real Estate) could share with you examples, such as Delaware County that has the elderly housing component. We are just trying to get feedback. We are just trying to determine: 1) are we in the ballpark; 2) are you interested in making the trade. Ultimately if we get a "yes" to one and two, we can figure out how we get there.

Further discussion was held regarding the current Zoning Code and how it could be possibly altered for the Continental Real Estate project.

Public Comment

Commissioner Schaadt opened the Public Comment.

Mike Whitehead spoke and asked for clarification on what part of the land (desired by Continental Real Estate) was purchased by open space dollars and what part of the land was purchased by general funds. He commented that to his understanding, any land swap had to be of equal or greater value and Commissioner Schaadt said this was a question for the Granville Trustees.

Tim Hughes spoke and said he was concerned that part of the property would be taken away from Open Space. Commissioner Schaadt said this was beyond the control of the Zoning Commission and that he understood the concern because he had received calls from the public.

Mr. Hughes said that this (land swap) project was unknown to the general public and he thought it needed to "come to light". Mr. Hughes said the public perception of residents who have paid into Open Space/Green Space levies is the land cannot be

developed and Mr. Hughes thought this would be an issue. Also, Mr. Hughes continued, Continental Real Estate wants to tap into the water and sewer that goes to Kendal and Kendal paid a hefty price for its water and sewer. The Village did not supply Kendal with the water and sewer. Mr. Hughes stated there are stipulations (to a grant received by Kendal) and the water and sewer would not just be given away.

Craig Connelly spoke and said this was touching a raw nerve. He had looked at Continental Real Estate projects and said they are all big. Mr. Connelly said that Granville is a rare, small village, and has resisted the crunch of developers. He does not want to see Open Space chipped away for development. He does not want to see Granville become surrounded with a bevy of services and become like any other town. He said that people who move to Granville choose to move to Granville and are passionate about the town and he does not want to see Granville go from the extraordinary to the ordinary.

Commissioner Schaadt said the Commissioners feel the same way.

Lynn Connelly said the Firehouse is an issue and has come into play by what Jack Lucks (Continental Real Estate) is talking about. She said looking at a land swap to put the firehouse on S. Main Street (behind Verizon), the traffic is worse on 37 than it is downtown where the firehouse is now located, and it would be hard for the fire trucks to get out onto 37. My opinion is the firehouse needs to be “out here”. Lynn Connelly stated she is on the Land Management Committee, and that she agrees with her husband and does not want to see more development. That is the purpose of Open Space. It is to protect this community and the people who live here.

New Business

Ohio House Bill 523/ORC 3796.29, Medical Marijuana as it relates to our Zoning Resolution

Commissioner Schaadt gave an overview of the Bill.

Commissioner Walker commented there was not sufficient police force in Granville for medical marijuana cultivation, processing and dispensaries.

The Commissioners discussed the Bill and the Resolution.

Commissioner Walker made a motion to recommend to the Trustees to vote on a Zoning Resolution to prohibit the powers granted in ORC 3796.29 to prohibit the cultivation, processing, or retail dispensaries listed in ORC 3796.29, in the Township and the Township Zoning Resolution could be changed at a further date if necessary. Commissioner Preston seconded the motion.

The following to be sent to the Trustees.

Granville Township Board of Trustees,

At our Zoning Commission Meeting on 2/20/2017 the board unanimously agreed to recommend to the Trustees that they adopt a Resolution which would prohibit the cultivation, processing, and dispensing of Medical Marijuana within Granville Township by powers granted in ORC 3796.29.

At the Township Winter Conference I attended a session on the Medical Marijuana and received the information on the attached page. It is my understanding that the new law allow townships to either regulate or prohibit by way of a formal Board of Trustee Resolution and/or changes within the zoning resolution itself. Given the first deadline of 5/6/2017 the presenter, Brian M Zets, Esq., recommended that if the choice of the Township is outright prohibition then a Board of Trustee Resolution is the easiest way to accomplish this. He also said that he is recommending to his clients that within the actual Resolution to also include language like, "The Township Zoning Commission, at a future date, may amend the Township Zoning Resolution by way of a Text Amendment to prohibit Medical Marijuana." He did say that the additional language is not required as the law is specific that a Board of Trustee's Resolution can accomplish the prohibition on its own.

The law will go into full effect on 9/8/2017 however Mr. Zets stressed that since certain parts of the law would go into effect on 5/6/2017 then that should be the target date. As we all know a Text Amendment to the Zoning Process is not a quick and would likely not be in place even by the 9/8/2017 deadline. The thought of the Commission was that if the Trustees would decide to accept our recommendation then a Board of Trustee Resolution should be possible by the first deadline of 5/6/2017. Our other thought was that probably within the next year other townships may go through the process of text amendments to their zoning resolutions therefore we will not have to "invent the wheel" like we did on Solar. I have not run this by Austin at this point in time. My information is based on my time at the Winter Conference. I'm sure you will want to run this by Austin should you decide to move forward with the recommendation of the Zoning Commission. As always I would be happy to work with you all and/or Austin on the Resolution if that is the decision.

Thank you for your consideration of this recommendation.

Rob Schaadt
Granville Township Zoning Commission

Deadlines and Background

5/6/2017 – Ohio Law requires the Ohio Department of Commerce to adopt Cultivator Rules

9/8/2017 – Ohio Law requires ODC to adopt Processor Rules, Testing Laboratory Rules

- State of Ohio Bd of Pharmacy to Adopt Dispensary Rules, patient/caregiver Rules
- State Medical Board of Ohio to adopt rules for Physicians certified to recommend medical marijuana.
- Marijuana Control Program to be fully Functional

Location Regulation – ORC 519.21(D) – Nothing prohibits a township zoning commission, board of trustees, or BZA from regulating the location of cultivators, processors, or retail dispensaries OR from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the Township.

ORC 3796.29 - The legislative authority of a municipal corporation may adopt an ordinance, or a Board of Township Trustees may adopt a Resolution, to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under this chapter within the unincorporated territory of the Township.

Recommendation by presenter at the conference for those Townships wanting to prohibit altogether.

The Zoning Commission could recommend to the Trustees to vote on a Resolution which would prohibit cultivation, processing, and dispensing of Medical Marijuana by the powers granted in ORC 3796.29. It could also include additional language which would state that the Township Zoning Resolution could be changed at a further date to include language which prohibits cultivators, processors, or retail dispensaries.

Old Business

Remaining Text Amendments from Zoning Inspector/Trustees

Kennels-Comments from APA Austin Lecklider

Commissioner Schaadt commented the options made by APA Lecklider was to do nothing for over 5 acres, limited for 1 to 5 acres, or remove the kennels language altogether.

The Commissioners agreed to remove the kennels language.

Set Next Meeting

The next meeting of the Zoning Commission was set for April 3, 2017.

Adjournment

Commissioner Schaadt made a motion to adjourn the meeting. Commissioner Preston seconded the motion and the motion passed by unanimous vote.

