

**Planning Commission
Regular Meeting Minutes**

Council Chambers 6:00pm

Monday, November 13, 2017

CALL TO ORDER

The meeting was called to order at 6:00 P.M.

ROLL CALL

Planning Commission members present were Chair, Matt Reed, Council Representative Gerald Simms, Susan Stiles and Frank Doden. Also present were Denise Swinger, Zoning Administrator, and Chris Conard, Village Solicitor. Rose Pelzl joined the meeting at approximately 6:50pm.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of September 25, 2017 were reviewed. Stiles MOVED to APPROVE THE MINUTES AS WRITTEN. Simms SECONDED and the MOTION PASSED 3-0 with Doden abstaining.

COMMUNICATIONS

Simms addressed Chris Zurbuchan's resignation letter, and thanked her for her service to the Commission.

COUNCIL REPORT

Simms noted that Transient Guest Lodging has been proposed as a permitted use, and this legislation is currently before Council. The matter is expected to be revisited after the first of the year.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS:

1. Fire Station 6 Conditional Use and Site Plan Review 6 Residential C 6 High Density Residential District. The Miami Township Trustees has submitted a conditional use and site plan review application for the purpose of locating and constructing a new fire station and township offices at Xenia Avenue between Marshall and East Herman Streets.

The property consists of 11 lots sold to Miami Township by Wright State University. Located on the east side of Xenia Avenue between Marshall and East Herman Streets, it is the proposed site for Miami Township Fire-Rescue's new fire station and township offices. The property contains approximately 2.095 acres.

The applicant is requesting a conditional use permit to allow for the construction of a new fire station and offices for the Miami Township trustees. The Fire Department will consist of five apparatus bays opening out onto Xenia Avenue, administrative offices, support spaces, living quarters for up to six full-time firefighters, and a training room. The Township offices will consist of an open office and a small conference room for use by the Township Trustees and their staff. The Township will use the training room for their twice a month Township Trustees meetings.

Architect Nestor Melnyk of MSA Architects described the project, noting that it will replace the current fire station and will provide office space for Township officials as well.

Melnyk stated that the structure is to be designed as a 30-35 year facility, and is being designed to blend in with the neighborhood. Fire apparatus will discharge onto Xenia Avenue, he noted, with the main entrance for personnel facing south, which is also the return entrance for rescue vehicles.

Simms asked about the retention basin for the facility, and was told that this is still being devised.

Conard addressed the driveway width issue. Section 1284.04 references essential services, he stated, and includes accessories to a use. He argued that a driveway providing egress and ingress to an emergency vehicle certainly meets this criteria, and would as such be permitted: no variance needed.

Reed asked that bike racks be provided, and asked that screening be provided to mask the dumpster.

In response to a question from Stiles, Powell noted that lot consolidation is in process for the site.

Powell noted that at a later point, an additional bay is contemplated, which would be slightly smaller than those depicted on the current plan.

In response to a question from Swinger, Powell stated that the apparatus bays will be used for any deliveries, unloading or loading activities.

In response to a question from Reed, Johnnie Burns stated that he sees no problems from the water and/or wastewater aspect.

Reed OPENED THE PUBLIC HEARING.

Resident Linda Potter stated that her only concern is potential light pollution.

Dan Montgomery of MSA addressed the matter, stating that the height maximum will be 20 feet and that the lights will be aimed towards the interior of the lot.

There was further discussion regarding lighting to the interior of the proposed structure.

Reed CLOSED THE PUBLIC HEARING.

Stiles inquired as to the status of the storm water management plan, and received confirmation that approval will need to be conditional upon this as well as the replat.

Reed added dumpster screening and addition of a bike rack.

Stiles MOVED TO APPROVE the conditional use and site plan review for the new Miami Township fire station and Miami Township offices, allowing for the overhead doors facing Xenia Avenue, and with the following conditions, 1) an approved storm water management plan by the Village's engineer, 2) a replat of the property reducing the 11 lots to one, 3) screening of the dumpster and 4) addition of bike racks. All conditions to be worked out with Village staff. Doden SECONDED, and the MOTION PASSED 4-0.

2. CBE/Commerce Park - Final Plan Phase One Replat & Planned Unit Development (PUD) District (I-1 Industrial-Mixed Use). The Village of Yellow Springs has submitted a replat application for the purpose of re-dedicating right-of-ways and parcels for the development of infrastructure to the proposed Cresco Labs medical marijuana cultivation and processing plant, and future mixed use PUD development.

Reed noted that approval would be conditional upon Cresco receiving approval for licensure.

Swinger described the replat request as follows: Following the CBE specific guidelines in the Zoning Code, the intent of the Village of Yellow Springs is to later submit a Final Plan Phase Two to further subdivide Lot 2 and Lot 3 into smaller lots which will be developed for industrial, educational or business purposes as restricted by the *Declaration of Covenants and Restrictions for the Center for Business and Education*, and to provide for any extension of streets and utilities infrastructure. This final plan may require easements outside of the proposed rights-of-way on future lots to allow for maintenance of some of the public infrastructure.

Swinger noted that the unique configuration of the facility on the lot and within the CBE itself has to do with the requirement that the facility be a minimum of 500 feet from an existing school or church.

The replat will still contain three lots, but will allow for more rights of way.

Reed OPENED THE PUBLIC HEARING. There being no comment, Reed CLOSED THE PUBLIC HEARING.

Stiles MOVED to APPROVE CRESCO's FINAL PHASE ONE REPLAT REQUEST, CONTINGENT UPON CRESCO RECEIVING LICENSURE FROM THE STATE OF OHIO. Simms SECONDED, and the MOTION PASSED 4-0 on a roll call vote.

3. Cresco Labs ó Conditional Use and Site Plan Review ó PUD District (I-1 Industrial-Mixed Use) at CBE/Commerce Park. Cresco Labs has submitted a conditional use and site plan review application for the purpose of establishing and constructing a medical marijuana cultivation and processing plant.

Swinger explained that the applicant is requesting a conditional use permit and a site plan review to allow for the construction of a medical marijuana cultivation and processing plant. The CBE/Commerce Park is a PUD (Planned Unit Development) and is zoned as I-1, Mixed Industrial District. The medical marijuana cultivation and processing plant is a conditional use under the categories of greenhouse/nursery and medical and dental laboratories. The other aspects of Cresco Labs operations are permitted under the use of òmanufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials,ö and òresearch, development and testing laboratories.ö The zoning code has no *specific conditions* that the Planning Commission must review for the two conditionally permitted uses.

The first phase of the cultivation and processing plant proposed is 49,740 sq. ft. and is two buildings, a 26,445 sq. ft. Processing Head House, one-story, slab-on-grade structure, and a 23,294 sq. ft. Grow-Building, one-story steel building with glass roof.

Given restrictions posed by the lot shape and size, current plans show the proposed parking area at the front of the first structure, facing Dayton Yellow Springs Road.

Swinger stated that she is seeking relief from the requirement for the number of parking spaces as well as for placement of the parking area facing Dayton Yellow Springs Road. Swinger noted that the number of required parking spaces is based upon square footage of the facility, and given that one of the facilities is a grow house rather than a space devoted to employees such as an office, this request is reasonable.

The calculation for required parking was based on 1 for every 1.5 employees. With 45 employees at their largest shift, this would require 30 spaces. The parking plan shows 45 spaces, including 2 barrier free parking spaces, and the location of an additional 26 spaces for future expansion of the Cresco facility. The plan shows two spaces for loading/unloading.

Mark Filaramo, Architect for Cresco Labs, indicated that the large greenhouse portion of the facility may only have two or three employees at work during a shift.

Filaramo, spoke to the request, explaining the function of each of the proposed structures, and explained why the configuration of the structures on the lot is needed.

Stiles asked about the storm water retention plans, and asked about the calculation for maximum water level.

Filaramo explained that the current retention pond is based upon the currently planned structures, and that a second retention area along the west side of the lot will be considered for phase two.

A discussion then ensued among PC, Filaramo and Jeff Kunk of Choice One Engineering regarding climate change and increasing water levels and calculating for these eventualities.

Those eventualities not being currently mandated, the discussion remained theoretical.

Patti Bates, Village Manager, explained the drainage tendencies of the lot, noting that it drains in different directions and may require several small ponds for that reason.

Reed asked whether Filaramo would consider a smaller parking area if the retention pond is smaller.

Filaramo indicated that this would not be probable.

Reed asked for a bike rack in the parking area.

Reed asked about odor control.

Filaramo described the filtration system for the drying room and the exhaust and odor suppression system for the grow facility.

Simms noted that visits to existing facilities proved no apparent odor.

In response to a question from Reed, Filaramo described the blackout system used for the grow facility such that there is no light escape.

Filaramo stated adamantly that no neighboring properties would see light from the grow house during nighttime hours.

Reed inquired about screening.

Filaramo stated that trees are not proposed at present for the area in which the fire lane may need to extend.

Filaramo stated that the lighting for the property will all be 20ø poles and would be downward facing.

A discussion regarding fan noise from the grow house occurred, with Filaramo speculating that the noise level is not highly noticeable.

Rose Pelzl joined Planning Commission at this point.

Reed OPENED THE PUBLIC HEARING. There being no public comment, Reed CLOSED THE PUBLIC HEARING.

Pelzl received clarification regarding the configuration of the structures on the lot, given the 500 foot distance requirement.

Stiles MOVED APPROVAL of the conditional use and site plan review, allowing for an exemption to the front yard parking and loading area and the number of parking spaces, and with the following conditions, 1) a legal description of the property, 2) a revised storm water management plan approved by the Village's engineer, 3) a revised landscaping plan showing the additional tree plantings, and 4) a plan for implementing the recommendations of the Architectural Review Committee including screening and black chain link fence sans barbed wire, and to include a bike rack. Simms SECONDED, and the MOTION PASSED 4-0 on a roll call vote, with Pelzl abstaining.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Swinger noted a conditional use hearing for December for the Yellow Springs Brewery.

ADJOURNMENT

At 7:21pm, Simms MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Matt Reed, Chair

Attest: Judy Kintner, Clerk

Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.