

**Planning Commission
Regular Meeting**

Virtual Meeting @ 6:00pm

Tuesday, May 11, 2021

CALL TO ORDER

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

ROLL CALL

Planning Commission members present via zoom were Frank Doden, Chair, Council Liaison Laura Curliss, Sarah Amend, Susan Stiles and Stephen Green. Also present were Denise Swinger, Zoning Administrator, Village Manager Josue Salmeron and Village Solicitor Breanne Parcels.

REVIEW OF AGENDA

Hearing number four was moved forward of hearing number three. This is reflected in the minutes.

REVIEW OF MINUTES

Minutes of April 13, 2021 Regular Meeting. Doden MOVED and Curliss SECONDED a MOTION TO APPROVE the Minutes as amended. The MOTION PASSED 4-0 ON A ROLL CALL VOTE, with Stiles abstaining due to not having been a member of PC at the time of the meeting.

COMMUNICATIONS

- Judy Woods re: Opposition to TGL at 402 N. Winter St.
- Tom and Holly Underwood re: Opposition to TGL at 324 West Davis St.
- Rose Obrien re: Opposition to TGL at 324 West Davis St.
- Marie Miller re: Opposition to TGL at 324 West Davis St.
- Susan Wolf re: Objection to TGL at 402 N. Winter St.
- Laura Taylor re: Objection to TGL at 402 N. Winter St.

All communications were noted and will be filed by the Clerk of Council.

COUNCIL REPORT

Curliss reported the following:

Council passed legislation implementing fees on all TGLs, with those for non-operator occupied paying an additional fee of \$1,500 as a Housing Mitigation Fee.

Council passed an ordinance establishing an Affordable Housing Fund, the revenue stream for which is to be the Housing Mitigation Fee.

Council passed an amended version of the PC recommendation for text amendments regarding TGLs. Amendments, moved by Curliss, were to add the following language:

1. **For non-operator occupied permits, the Zoning Administrator shall also send a copy to the Greene County Auditor.**
2. Parking. A minimum of one off-street parking space **per two adult guests** shall be provided on the lot for the transient guest lodging unit in addition to the off-street parking spaces required for the principal dwelling unit.

The amended ordinance was approved 5-0.

Council brought forth legislation enacting a DORA, but the legislation received no second and therefore died on the table. The VM will follow up with the Chamber of Commerce, which will host a session on a possible DORA for business owners, to see if there is any reason to bring the matter back before Council at a later point.

Council agreed to legislation approving the sale of Village Renewable Energy Credits, with the proceeds from that sale going to fund a match for Glen Helen's grant request for a clean-up of the former Antioch power plant.

Salmeron added that Council had approved \$125,000 from the sale of RECs to go towards clean-up of the former Antioch power plant pending receipt of a grant by Glen Helen for this purpose.

CITIZEN COMMENTS

There were no Citizen Comments.

PUBLIC HEARINGS

1) Conditional Use Application —Jill Pauley has submitted a conditional use application for an Accessory Dwelling Unit and Transient Guest Lodging at 402 N Winter St - Chapter 1248 Residential Districts, Chapter 1262.08 (e)(1) Conditional Use – Specific Requirements - Accessory Dwelling Units, Chapter 1262.08(e)(7) Conditional Use –Specific Requirements – Transient Guest Lodging - R-B, Moderate Density Residential District. **Greene County Parcel ID#F19000100110013600.**

Jill Pauley has submitted a conditional use application to add a 23 x 28.3 or 650 sq. ft. garage with an ADU on the second level. According to her TGL application, she intends to use both the primary dwelling and the ADU for transient guest lodging, living in the ADU when she is here to visit family.

The height of the ADU will be 24-feet and meets the maximum height requirement of 24-feet for an accessory structure with an ADU. The lot size and setback requirements for the ADU is met. For lot coverage, the maximum allowance is 2,500 sq. ft., which is 40% of 6,250 sq. ft. The total of all structures is 1,837 sq. ft. and meets the requirement. The applicant indicated on her application there will be room for 5-6 vehicles. The zoning code requires 3 (2 for the primary dwelling and 1 for the ADU).

Swinger noted three letters of objection, two of which objected to the use as a TGL, and the other was opposed to the garage ADU, and questioned the five-foot side yard setback, and the need for a 20 foot driveway.

Swinger commented that a variance could be sought for the driveway, noting that there are sidewalks on the opposite side of the street, making it unlikely that sidewalks will be placed on that side, safely enabling a shorter driveway.

Green received clarification that the entrance to the garage is proposed for the north side, rather than the street-facing side in order to satisfy the 20 foot length requirement.

Pauley stated that she would be interested in seeking a variance so that she could orient the garage entrance towards the street and install a shorter driveway.

Swinger affirmed that there is no garage currently on the property.

Amend asked whether permission had before been granted for a driveway before the ADU is constructed.

Swinger responded that a garage is a permitted use, and as such, permission is not required for the driveway or for the garage. Parcels concurred.

Amend asked about the impact of the proposal upon the neighborhood.

Stiles commented that it is premature to ask for permission for the TGL prior to construction of the ADU, and that permission for the use should be sought after the ADU is built.

Swinger explained that this would be prohibitive, since people are loathe to build before they know they have permission to use the space in the manner they wish.

Curliss reiterated this point, stating that approval is often required to obtain a permit.

Regarding neighborhood impacts, Parcels stated that PC is able to interpret protection of the interests of the neighbors and the community in this regard. She cited Section E of 1262.03 for this opinion.

Green asked what to expect with regard to a “party atmosphere.”

Swinger stated that she could not respond to any complaints.

Parcels stated that there was only one complaint made to the PD since TGL’s were made a conditional use in 2017, and that complaint was not for the neighborhood in question.

Amend asked for a definition of “proximity.”

Swinger referenced the map (Exhibit C).

Jill Pauley stated that she is willing to request a variance for the driveway, and that she “will not purposely seek out party-goers.” She stated that her family lives in the area, and her father goes by the property and checks on it. There is currently a long-term renter in the home.

Pauley explained her logic, stating that she had been seeking a place to stay when she visits the

Village, and was looking for a property that already had an ADU. She instead found 402 N. Winter Street, and purchased it with the thought that she would then build an ADU and rent it out/use it to stay in. Her idea was that the ADU would help to subsidize the cost of the property as a whole.

Pauley explained that she was seeking permission for TGLs for both the ADU and the home in case the building of the ADU fell through.

Swinger stated that conditional uses are good for one year. If the structure is not built, Swinger asked, can Pauley keep the permission for the TGL.

Parcels stated that if the structure had not been built in that year, permission for the TGL would expire, and it could not receive permission again given the new TGL rules in place.

Amend asked whether PC members could set a precedent regarding proximity.

Parcels suggested that this could be done, and could vary depending upon facts of the hearing, but that the precedent could be set.

Doden OPENED THE PUBLIC HEARING.

Laura Taylor, an abutting neighbor, stated her concern regarding a two-story building which could be 5-7 feet from her yard, particularly if there were outside stairs or a balcony.

Judith Woods an abutting neighbor listed a number of concerns. She objected to the TGL use in general, stating that there are 3 or 4 in the neighborhood already. She had a number of misconceptions, which were cleared up.

Woods cited quality of life issues in objecting to the use, and had a number of questions regarding zoning, which Swinger addressed.

Rose Pelzl received clarification that there will be separate votes for each of the TGL requests.

Pelzl received clarification that there is no owner occupied rule for ADU's.

There being no further comment, Doden CLOSED THE PUBLIC HEARING.

Curliss MOVED TO APPROVE THE APPLICATION FOR THE ADU AS REQUESTED WITH THE CONDITIONS THAT THE APPLICANT ORIENT THE GARAGE DOOR TOWARDS NORTH WINTER STREET, AND SEEK A VARIANCE FROM THE BZA TO DO SO. Green SECONDED, and the MOTION PASSED 4-1 with Amend voting against.

Curliss moved to approve the TGL permit for the ADU only with the following conditions:

- That the applicant must obtain and provide to the Zoning Administrator an MTRF inspection for the primary dwelling and for the ADU prior to its use as a transient guest lodging.

- The applicant shall be advised that the ADU must be finished and the TGL use must commence one year from the date of Planning Commission's approval or any request for an extension of time will be subject to the specific requirements of the zoning code at the time the request is made.

- An outdoor smoking area is designated that is at least 15 feet from any property boundary

- "Quiet time" is stated as 9pm to 7am.

Amend then asked that a condition be added that the TGL be a minimum of one-tenth of a mile from any other TGL.

Parcels advised that this would not be a legal motion, since the property owner could not feasibly comply with the condition.

Green received confirmation that the Village does have a noise ordinance which limits decibels between 10pm and 7am.

Curliss then re-stated the motion as follows: That the TGL permit for the ADU only be approved with the following conditions:

- That the applicant must obtain and provide to the Zoning Administrator an MTRF inspection for the primary dwelling and for the ADU prior to its use as a transient guest lodging.

- The applicant shall be advised that the ADU must be finished and the TGL use must commence one year from the date of Planning Commission’s approval or any request for an extension of time will be subject to the specific requirements of the zoning code at the time the request is made.

- An outdoor smoking area is designated that is at least 15 feet from any property boundary

Green SECONDED, and Curliss’ MOTION PASSED 3-2 ON A ROLL CALL VOTE with Amend and Stiles voting against.

Green MOVED to approve the TGL permit for the main dwelling with staff recommendations. Doden seconded.

Swinger received clarification from Parcels that if the ADU is not built in one year, permission for the TGL use will be based on the code in effect at that time, which would preclude a non-operator occupied TGL.

Pauley stated that she only wants one TGL, but is asking for both so that she can somehow manage to make one work.

Pauley received information that she could request that only one TGL could be in effect on the property.

Green then WITHDREW the MOTION.

Green MOVED TO APPROVE WITH STAFF RECOMMENDATIONS AND A CONDITION THAT ONLY ONE TGL CAN EXIST ON THE PROPERTY, PER THE OWNER’S REQUEST. Doden Seconded. MOTION FAILED 2-3 with Doden and Green voting in favor.

2) Conditional Use Application – Elizabeth Gish has submitted a conditional use application for a Transient Guest Lodging establishment at 324 W Davis Street - R-B, Moderate Density Residential District -- Chapter 1248 Residential Districts, Chapter 1262.08 (e) (7) Conditional Use –Specific Requirements – Transient Guest Lodging. **Greene County Parcel ID#F19000100040010100.**

The applicant has two off-street parking spots available. The code requires one additional parking space above the required two for a single-family dwelling. Council should consider that she would be renting it when she is not there and determine if the two available spaces will be free.

Swinger noted that there were three letters regarding the use, and all were in opposition.

Stiles asked whether the number of days could be limited.

The Clerk suggested that the applicant could request a cap.

Parcels affirmed this, and added that PC could impose such a condition based upon neighbor concerns.

Elizabeth Gish commented that she does live in the home and has requested only persons with five-star reviews book with her. She noted that the rental makes it affordable for her to remain in the home. She added that the neighbor complaints regarding smoking occurred before she was aware of the need to seek approval to have a TGL, and she had not clearly posted her “No Smoking” requirement. She added that she has local contacts on call for problems that might arise.

Green commented that one letter complained of a person smoking in the public Right of Way--likely so that he would not be smoking on the property.

Gish stated that another issue was regarding privacy, and she is putting up blinds on the windows to address this.

Doden OPENED THE PUBLIC HEARING.

There being no comment, Doden CLOSED THE PUBLIC HEARING.

Amend MOVED TO DENY BASED ON PROXIMITY TO OTHER EXISTING TGLs. Stiles SECONDED. The MOTION FAILED 1-4, with Amend voting in favor.

Curliss MOVED TO APPROVE WITH THE CONDITIONS THAT

- per the owner’s request the use is limited to a maximum of four nights per month

- If smoking is permitted on the property, an outdoor smoking area is designated that is at least 15 feet from any property boundary

Stiles SECONDED and the motion passed 4-1 with Amend voting against.

3) Conditional Use Application - Jonathan Dalmau and Logan Ginsberg have submitted a conditional use application for a Transient Guest Lodging establishment at 437 Suncrest Drive - R-B, Moderate Density Residential District -- Chapter 1248 Residential Districts, Chapter 1262.08 (e) (7) Conditional Use -- Specific Requirements -- Transient Guest Lodging. **Greene County Parcel ID#F19000100040001800.**

Swinger explained that the transient guest lodging establishment will be located in an accessory dwelling unit within the primary dwelling. The owner will live on the property. This property was used as a transient guest lodging before the owner sold it. TGL's cannot be transferred and the new owners must apply for their own permit.

There are four off-street parking spaces available, and the property owner has passed a fire inspection through MTRF.

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

Amend MOVED TO DENY BASED UPON PROXIMITY TO THE OTHER TGL. There was no second.

Curliss moved to approve with the condition that if smoking is permitted on the property, an outdoor smoking area is designated that is at least 15 feet from any property boundary. Green SECONDED and the MOTION PASSED 4-1 on a ROLL CALL VOTE, with Amend voting against.

4) Conditional Use Application — Josh Myers has submitted a conditional use application for an Accessory Dwelling Unit and Transient Guest Lodging at 202 Fairfield Pike - R-A, Low Density Residential District Chapter 1248 Residential Districts, Chapter 1262.08 (e)(1) Conditional Use -- Specific Requirements - Accessory Dwelling Units, Chapter 1262.08(e)(7) Conditional Use -- Specific Requirements -- Transient Guest Lodging. **Greene County Parcel ID#F19000100120001800.**

Swinger explained that Ashley and Josh Myers have submitted a conditional use application to convert an existing 576 sq. ft. garage into a 745 sq. ft. accessory dwelling unit to be used as transient guest lodging. Although grandfathered in, the accessory dwelling unit meets the zoning code's rear yard setback requirement of ten feet and side yard setback requirement of five feet.

Swinger noted further that the property is 17,500 sq. ft. The primary dwelling measures 1,200 sq. ft., which allows for an ADU maximum size of 792 sq. ft. The existing garage's depth will expand by 6-feet 7¼ inches for a proposed size of 746 sq. ft., which meets the requirements. The height of the ADU will be 22-feet, 1-inch, and meets the height requirement of 24-feet maximum for an accessory structure with an ADU. The lot size, lot coverage and setback requirements for this project are met, as are the requirements for the size of the ADU. With the increased size of the accessory structure, the lot coverage will be 11.24%, well below the 35% maximum allowance.

Swinger added that while there was one inquiry, there were no letters submitted in opposition.

When questioned, Mr. Myers stated that they now live in Columbus, and plan to consider a move to Yellow Springs once their children are of school age. Myers stated that the house is now being rented long term.

Doden OPENED A PUBLIC HEARING. There being no comment made, Doden CLOSED THE PUBLIC HEARING.

Curliss MOVED TO DENY THE APPLICATION FOR TGL. There was no second.

Green MOVED TO APPROVE THE APPLICATION AS SUBMITTED for the ADU and the TGL with the following conditions:

- The applicant must obtain and provide to the Zoning Administrator an MTRF inspection of the ADU prior to its use as a transient guest lodging.
- The applicant shall be advised that the ADU must be finished and the TGL use must commence one year from the date of Planning Commission's approval or any request for an extension of time will be subject to the specific requirements of the zoning code at the time the request is made.
- If smoking is permitted on the property, an outdoor smoking area is designated that is at least 15 feet from any property boundary.

Doden SECONDED and the MOTION PASSED 4-1 on a ROLL CALL VOTE, with Curliss voting against.

5) Conditional Use Application - Theodora Stephan, with permission from Antioch College, has submitted a conditional use application for construction of a single-family dwelling on East Center College Street - Chapter 1246 E-I, Educational Institution District, Chapter 1262 Conditional Use Requirements, Chapter 1268 Site Plan Review. **Greene County Parcel ID#F19000100080037300.**

This is currently for the development of a single-family dwelling, which will have a commercial kitchen for classes and a conservatory. The applicant will be required to return to the Planning Commission for a map amendment (rezoning) and a minor subdivision (lot split) later. Staff wants Planning Commission to know what is ahead in case there are any questions about the applicant's future plans. Ms. Stephan anticipates bringing the map amendment and minor subdivision application to the June or July Planning Commission meeting. The minor subdivision and map amendment will allow her to build a single-family or two-family dwelling following the residential zoning code requirements. She anticipates having up to 16 culinary classes/popup dinners a year.

The plan is to construct a 4,000 sq. ft. single-family residence with a commercial teaching kitchen, classroom and conservatory. The single-family residence meets the setback and lot coverage requirements for the E-I District.

Swinger noted that the lot abuts R-C zoning on three sides, so that a re-zoning would not result in spot zoning. The reason for the rezoning is that Stephan wishes to construct an ADU for the chefs that she would have coming in, and ADUs are prohibited in the E-1.

Stiles asked about a parking plan, and was told that this would be required.

Stephan stated that she has purchased the lot from Antioch College, and plans to put in gardens and fruit trees on the lot as well.

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

Curliss MOVED TO APPROVE with the conditions that the applicant will be required to submit a storm water mitigation and a parking plan when seeking the zoning permit for new construction. STILES SECONDED AND THE MOTION PASSED 5-0 on a ROLL CALL VOTE.

6) Cresco Labs – Site Plan Review – 1130 Springs Way - Village of Yellow Springs CBE/Commerce Park. Cresco Labs has submitted a site plan review for the purpose of expanding their medical marijuana cultivation and processing plant at 1130 Springs Way –Chapter 1268 Site Plan Review, Chapter 1254 PUD, Chapter 1252 Industrial Districts, Chapter 1256.03 Gateway Overlay District **Greene County Parcel ID #F1900010020000300.**

Swinger explained that for the Cresco expansion, only a site plan review by the Planning Commission is required.

Cresco is requesting site plan review approval for a five-year master plan to allow for a phased expansion of their existing medical marijuana cultivation and processing facility. Due to strict State of Ohio regulations of the medical marijuana industry, Cresco is requesting this phased plan approval. The final build out will total 144,724 square feet with no changes to the previously approved PUD (Planned Unit Development) or underlying zoning of I-1, Mixed Industrial District.

Cresco received conditional use approval from PC on November 13, 2017 for medical marijuana cultivation and processing under the categories of *greenhouse/nursery* and *medical labs*, including the permitted use of “*manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials,*” and “*research, development and testing laboratories.*” With approval of the overall site plan phases by the Planning Commission, the applicant is requesting that the zoning administrator be able to approve each phase thereafter. Village staff, including the Public Works Director and the Village's contracted engineering firm will review the final construction and engineering drawings for each phase of development. The Zoning Administrator will require Planning Commission approval for any major changes to the site plan as presented.

According to the PUD zoning regulations, if the PUD is to be developed in phases, the final development plan may be submitted for one or more phases of the overall PUD. A tentative schedule for the completion of each phase and commencement of the next phase shall also be submitted for Planning Commission approval.

The existing cultivation and processing plant is 49,670 sq. ft. and consists of two buildings, a one-story, slab-on-grade processing head house, and a one-story steel grow-building with glass roof. The Planning Commission approved a modification to Cresco's parking requirements to allow parking at the front of the property per section 1254.03(d) of the PUD requirements.

The existing building height measures 26 feet, 6 inches and is well below the maximum building height of 40 feet. The new buildings will be the same or up to two feet higher as “*new grow rooms have to be 24' clear inside so another couple feet for structure makes it 26'.*” The two additions meet the front yard setback of 20 feet, the side yard setback of 10 for a total of 25 feet, and the rear yard setback of 25 feet as indicated on the site plan by the dashed lines. *The Cresco Labs proposed building expansion meets the required setbacks for I-1, Mixed Industrial District.*

The lot coverage requirement is 70% in I-1. The zoning code defines lot coverage as “*the part of the lot occupied by buildings or structures, expressed as a percentage, including accessory buildings or structures, but not including parking lots.*”

With an acreage of 8.226, the total square feet = 358,325. Seventy percent = 250,828 sq.ft. With an expansion to 144,724 sq. ft., the Cresco Labs building meets the lot coverage requirement for the I-1, Mixed Industrial District.

For Cresco’s previous conditional use and PUD approval in 2017, staff required they follow the PUD criteria in 1254.03 PUD Requirements for a modification of parking requirements within the underlying I-1, Mixed Industrial District. The Planning Commission found that Cresco met four of the eight criteria – specifically (1), (2), (5) and (6) to allow parking in the front yard of the building.

Security lighting is a requirement for this facility and lighting will be designed to minimize glare on adjacent properties. Cresco recognizes the Village’s concern with light spill from the glass roof design, which is evident in the winter months when the days are shorter. Cresco previously expressed in writing Council’s permission to keep the lights on for a set number of hours in the winter months. To alleviate this issue Cresco indicated, “The existing greenhouse structures will be remodeled with a new roof system that does not leak grow light into the sky.”

Cresco intends to use low impact design methods as outlined in the Village’s recent update to the Subdivision Regulations. The Village’s contracted civil engineer will review the plans prior to the issuance of a zoning permit for new construction. Cresco currently has a detention pond with piped collection catch basins, curbs and gutters running to it. They intend to use the new low impact design standards using bio-swales and rain gardens. Depending on the areas of discharge, the runoff will direct to a perforated tile that allows the water to slowly drain into adjacent fields at the same rate it is currently.

The PUD’s parking requirements for the commerce park aka Center for Business and Education is two spaces for every 1,000 sq. ft. of gross floor space or 288 spaces. With the Village’s new subdivision regulations goal of decreasing impervious surface areas that cause additional stormwater runoff, staff requested information on Cresco’s projected employee numbers, in addition to shift scheduling. Swinger stated that it is important to take into consideration the square footage of the greenhouse area as Cresco anticipated needing only 2 to 3 employees for their greenhouse operation in 2016. Cresco anticipates parking for guests and employees to a maximum 219 spaces. The site plan shows 199 spaces for vehicles and 8 for motorcycles, as well as a location for bike racks. The amount of spaces takes into consideration multiple shift change overlaps. Cresco currently has about 10-percent of their employees carpooling, walking, biking and using motorcycles. Although difficult to assess at this time, Cresco assumes a maximum 220 employees based on the existing and proposed expansion as is currently shown.

Previously, Cresco Labs consulted with the Fire Chief and a 20’ wide fire lane was added to access the front and rear of the proposed buildings. A future fire lane was also included in the site plan around the perimeter of the property as Cresco expands their operations. Staff reached out to Chief Altman of the Miami Township Fire and Rescue and he indicated the fire lane, as proposed on the site plan, will meet the fire code requirement for fire apparatus access lanes.

In the previous design, two barrier free parking spaces were added, along with five-foot wide sidewalks. The new plan shows six barrier free parking spaces at the front entrance to the existing building.

Previously, there were two truck loading spaces. In the new design, the location of the two loading spaces is eliminated. This area will contain parking for vehicles and an outdoor seating area for employees. One of the truck loading spaces is now located further west at the front entrance side of the building. The other location is now an indoor drive-in dock for enhanced security on the east side of the building. The zoning code requirement is four for this size of a facility, but Cresco does not want to have any additional loading docks because the majority of the proposed western addition is for cultivation. They stated, “There is very little product that is produced that requires multiple truck shipments. One truck dock is adequate for this expanded facility. The second loading area in the proposed eastern expansion area is a drive-in secured area where outgoing finished goods are loaded and hauled.” Cresco requested flexibility regarding the loading dock, as they may decide to add an additional dock in the future.

Cresco was considering an entry point off East Enon Road for truck traffic, but staff advised against this due to the road width and conditions. A revised plan was submitted with changes to the front entrance to allow maneuvering of trucks entering the facility.

The road frontage on the south property line is $150 \text{ LF}/50 = 3$ canopy trees, plus six canopy or understory trees for a total of 9 canopy and understory trees. Five trees are in the front yard setback area and four in front of the building. Cresco followed the recommended tree list for these plantings.

One tree for every ten parking spaces shall be planted within the parking lot. Trees shall be canopy species. While drought tolerant native species are preferred, other species may be planted within parking areas if approved by the Zoning Administrator or Planning Commission, as applicable.

The previous plan called for 45 parking spaces, including two barrier free. A future expansion plan showed an additional 26 spaces for the facility for a total of 71 spaces. For this number of parking spaces, 5 to 7 canopy trees were required. Eight trees were planted in the parking lot area, which met the requirement for parking lot landscaping. Cresco proposes a total of 219 parking spaces, which includes 199 vehicle spaces, 8 motorcycle spaces, plus bike racks. An additional 13 trees will be required in the parking lot green space areas.

In response to a question from Green, Swinger stated that per the Public Works Director, it would be permissible for Cresco to provide a road entry for employees off of Enon Road, but that this should not be a truck access.

Amend asked whether Cresco could break up the facade on the wall facing Dayton-Yellow Springs with the option to use dual tone mural instead of the more expensive stone, brick, windows, or building adjacent landscaping.

Swinger stated that there can be no screening, but that other methods could be used to break up the exterior.

Amend asked whether the parking lot could be staged.

Christian Ficaro, Project Manager for the Cresco Expansion, presented a power point covering the plans for expansion and providing background information regarding the company. Ficaro estimated a 40 million dollar investment involved in the expansion.

Ted Donnell, Project Architect, noted the strict and involved regulations involved in the approval process. Donnell noted that the original building will eventually be phased out and repurposed. He stated that the greenhouses are now obsolete, and will be replaced with black boxes which use low energy LED lights.

Donnell noted that single entry point is what is currently on the table, given the difficulty of providing adequate security at two checkpoints.

Green asked about potential odor.

Donnell indicated that there was little to no odor because of the filtration systems.

Donnell stated that the building will have a metal façade.

Amend suggested a mural or something to break it up.

Donnell responded that the building has to look like a secured facility.

Ficaro stated that he is committed to working with staff to provide a vibrant and welcoming façade.

Curliss inquired about the Township zoning adjacent to the facility and was informed that it is AG-1.

Doden OPENED A PUBLIC HEARING.

Rose Pelzl commented that light spill is an important issue. She commented that there is definitely an odor from the facility, but noted that it's an agricultural use and is not problematic in her view.

Matt Kirk encouraged planting of wildflowers. He stated that a K-12 school might be sited near the property soon, and that there "is a party vibe."

Swinger stated that the facility is far enough from any church or school use, and is in compliance in that regard.

Raven Behrens argued in favor of keeping the exterior "discreet looking" so as not to garner attention.

There being no further comment, Doden CLOSED THE PUBLIC HEARING.

Doden asked the Cresco representatives to address the odor issue.

Ficaro stated that Cresco is continually seeking technology to reduce odor, and they are cognizant of the matter with regard to the facility. He noted the issue of light spill as well.

Ficaro noted that there should not be any more light spill with the new grow facilities.

Amend asked whether odor is viewed in a manner similar to a cattle farm, for example.

Parcels responded that this is an industrial zone, and documented complaints might influence a decision, but social media commentary does not rise to that level.

Curliss MOVED TO APPROVE AS REQUESTED WITH THE CONDITIONS THAT:

- 1) For each phase of development, Cresco will submit a complete set of building specifications, grading, surface drainage and drainage swale plans, driveway curb cuts and driveway specifications, low impact design specifications for stormwater, parking, loading and storage, fencing, lighting, landscaping plans, and other plans as outlined in section 4 and 5 of the Declaration of Covenants and Restrictions for review by the Village's contracted civil engineer, Public Works Director and Planning & Zoning Administrator prior to the issuance of zoning permits.
- 2) The option for vehicle entry at Enon Road is granted.
- 3) A height maximum of 20 feet for lights is enforced
- 4) Building exterior enhancements are made as approved by staff
- 5) Parking is phased in as needed
- 6) A third loading dock is permitted if needed

Doden SECONDED AND THE MOTION PASSED 5-0 on a roll call vote.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Green asked about the use of shipping containers "as fencing", and was informed that the containers can be on the property line on an alley, so they are viewed as structures, not as fencing.

Amend stated that she had received a complaint about having to request a link to participate in the meeting.

The Clerk explained that this is a necessity due to abuse of the published link earlier in the year.

Curliss asked for changes to the TGL permitting process, and several ideas were suggested. The group asked that the ideas come back for further discussion as follows:

1. Increase the CU from one year to 2 from time of approval.
2. Designated smoking areas added to 1262 for TGLs.
3. Swinger notes that the expiration is in other areas of the code so will require some work to thoroughly amend.
4. Require commercial insurance for non-owner occupied TGLs.
5. Resolving the Issue of "Proximity"

AGENDA PLANNING

Transient Guest Lodging Text Amendments; Home Occupation Permit; Addressing Standards; Lot Minimum Standards

ADJOURNMENT

At 8:55pm, Curliss MOVED and Doden SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Frank Doden, 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.