CITY OF FAIRBORN
PLANNING BOARD FORMAL SESSION
November 12, 2025 - 4:00 p.m.

Chair McCauley called the meeting to order at 4:00 p.m.

BOARD MEMBERS	**Present**	**Absent**
Marilyn McCauley, Chair	☒	☐
Pam Gayheart, Vice Chair	☒	☐
Amy Davenport, Board Member	☐	☒
Michael Cox, Board Member	☒	☐
Kevin Knepp, Board Member	☒	☐
Gary Siembab, Board Member	☐	☒
Tim Steininger, Board Member	☐	☒

Ms. McCauley led the Pledge of Allegiance.

A motion was made by Mrs. Gayheart, seconded by Mr. Knepp, and carried to excuse Ms. Davenport, Mr. Siembab and Mr. Steininger.

Dr. Cox	Yes	Mr. Knepp	Yes
Mrs. Gayheart	Yes	Ms. McCauley	Yes

STAFF MEMBERS PRESENT
Kathleen Riggs, City Planner, Michael Gebhart, City Manager, Cindy McNamee, Legal Counsel, Lesley Adkins, Planning Board Secretary

CITIZENS PRESENT
Mike Reed

APPROVAL OF AGENDA
A motion was made by Mrs. Gayheart, seconded by Mr. Knepp, and carried to approve the agenda for the November 2, 2025, Planning Board meeting.

Dr. Cox	Yes	Mr. Knepp	Yes
Mrs. Gayheart	Yes	Ms. McCauley	Yes

APPROVAL OF MINUTES
A motion was made by Dr. Cox, seconded by Mr. Knepp, and carried to approve the work and formal session minutes for the October 14, 2025, Planning Board meeting.

Dr. Cox	Yes	Mr. Knepp	Yes
Mrs. Gayheart	Yes	Ms. McCauley	Yes

OLD BUSINESS
None

NEW BUSINESS
CASE #2025-19
An application has been submitted to the City of Fairborn Planning Board requesting approval of text amendments establishing the framework for a single dispensary to be located in the City of Fairborn.

Applicant: City of Fairborn

Ms. Riggs said the City of Fairborn is the applicant in this case and these zoning text amendments are about setting parameters for the one dispensary that will be located in the City of Fairborn.

Ms. Riggs gave some background information and said in 2023 the State of Ohio approved the legalization of sales of adult-use marijuana. She said since 2024 the City of Fairborn has had several moratoriums on dispensaries locating in the City, in order to study the state regulations that were slowly coming out over the past couple of years since this was approved. The last moratorium was approved in September and is scheduled to expire on December 31st of this year. Also, in September of this year, City Council established a policy that limits the number of dispensaries that can locate in the City where there can only be one. She said so what do the amendments really talk about. Ms. Riggs said first and foremost we do have an additional chapter; it is Chapter 1136 that outlines our regulations for marijuana dispensaries, so a few highlights of this Chapter are that we have conditionally permitted dispensaries to locate in the Light Industrial Zoning District only; currently they are in the code within the commercial districts. She said prior to this we had medical dispensaries in our commercial districts and once those dispensaries and the use of marijuana was not only for medicinal purposes then we changed the name to dispensaries and made that change that they are limited to the Light Industrial district only. She said to go over where the majority of our Light Industrial is located, you will see those locations on the map provided; the light purple area is our Light Industrial district. She said the areas are located near Sport Street and Xenia Drive and Yellow Springs Fairfield Road. She said another area that has Light Industrial zoning is located off Spangler Road and Broad Street near the interchange of I-675.

Mr. Knepp asked if there are pockets of Light Industrial zoning scattered around the city. Ms. Riggs said the only other location that comes to mind are a few lots off Commerce Center Blvd. and they just applied for a different project; so I imagine that zoning will change to a Planned Unit Development; the former Elder Beerman storage building located on Trebein Road at the intersection of Dayton-Yellow Springs Road is still zoned Light Industrial and possibly one other parcel there but the majority is located in the Sport Street, Yellow Springs-Fairfield area and Spangler Road at Broad Street.

Ms. Riggs said other parameters in this list of regulations include they are not to be located within 1,000 feet of schools, churches, parks, other dispensaries, establishments selling liquor; and we have also included building design and development standards and these will provide adequate buffering and traffic circulation, landscaping, lighting, setbacks as well as the architectural design of the building, these building design standards fall in line with our most recent update where we require this for new builds in other commercial districts and that was a recent change made in May.

Ms. Riggs said drive throughs and delivery will be prohibited unless authorized by the State of Ohio; we have also established renewal and fee requirements as a part of the conditional use permit. She said the permit is reviewed annually for administrative renewal and it is non-transferable. She said lastly, we established operational standards; so, hours of operation requiring continuance video surveillance and no on-premises consumption which would be prohibited. She said this is to give you an overview of what these regulations were intended to enforce and to give us some guidance as we review an application to locate within the city.
Ms. Riggs said I did receive some feedback in the letter before you and was emailed earlier; it is from Robert Zimmerman with the firm representing Green Thumb Industries which is a cannabis

company who have existing dispensaries in the state and are looking to locate in Fairborn. She said they are not in favor of the text language and would like to see the dispensaries located in more commercial districts.

Ms. Riggs stated overall the Zoning Code is intended to promote the health and safety of welfare of the Fairborn community and we believe this additional language provides staff with guidance and Planning Board with guidance, so dispensaries are compatible with their surrounding land uses.

Ms. Riggs stated that Staff recommends approval of Alternative 1.

ALTERNATIVES

1. Approve the proposed Zoning Code Text Amendments as submitted by the Applicant based on the Board's ability to make the necessary determinations found in FCO Chapter 1122 & 1132, finding that it is consistent with the general criteria for approval.

2. Approve the proposed Zoning Code Text Amendments as submitted by the Applicant based on the Board's ability to make the necessary determinations found in FCO Chapter 1122 & 1132, finding that it is consistent with the general criteria for approval with conditions: None

3. Deny the proposed Zoning Code Text Amendments as submitted by the Applicant based on the Board's ability to make the necessary determinations found in FCO Chapter 1122 & 1132, finding that it is inconsistent with the general criteria for approval.

Ms. Riggs asked if there were any questions and said Cynthia McNamee, our legal counsel and she is here tonight and able to answer any questions.

Board Questions

Dr. Cox said there was no such dispensary to be within 1000 feet of businesses that sell liquor, not beer and wine so it would be bars and liquor stores in particular is what that is referring to? Mrs. McNamee said that would be one of the sensitive areas and that would be spiritous liquor which would be like a bar or a business with a spiritous liquor license.
Dr. Cox said I would like to know a little more about the rationale behind why it would be in the Light Industrial as opposed to a commercial area, I understand not being next to a church or schools but could you tell us about the history of that change or the rationale behind it, why Light Industrial; are there other retail businesses that are restricted to Light Industrial? Ms. Riggs said we modeled this after Adult Entertainment which is also limited to our Light Industrial zoning district and that was the premise behind it.

Mr. Knepp said we have one liquor store controlled by the State and it is close to the Light Industrial area so what is the difference between one to the other, why can we have the liquor store there and not the dispensary? Ms. Riggs said these are only the regulations for dispensaries and we did not make any other changes to the Zoning Code regarding any other establishment or business, we are just focusing on dispensaries as we currently have a moratorium on them that expires on December 31, 2025; this was to focus only on that. Mrs. McNamee stated this is something that has been done in quite a few other municipalities throughout the state; there is additional regulation on the dispensary such as no loitering and as far as the design because of the additional policing that might be required and also there would be fewer sensitive areas close to the Light Industrial so perhaps there is more opportunity to

develop there and to encourage development in those areas. Mr. Knepp said do some of these guidelines come from the State. Mrs. McNamee said the State has authorized local jurisdictions to regulate or even prohibit a dispensary and what we did is look at other municipalities legislation throughout Ohio and a lot of them have located dispensaries in the Light Industrial zoned area; we also have adult use in this area, and it seemed consistent with that.

Mrs. Gayheart asked if the Planning Board said no and Council said no, is this something they can fight and say yes, we are going to come. Mrs. McNamee stated there could be a referendum that was passed or initiated; there is a process for that and if it were voted in by the citizens and there is a legislative chapter on how to do that. She said the city could say no and then it could be put to a vote but that would have to be initiated. Mrs. Gayheart said I looked at the quoted election in the application and it stated that 60% of the community, well 10% of the community voted and so it was not a resounding 60% percent; and I have questions. City Manager Mike Gebhart stated there is an Ordinance that Council has approved to allow one dispensary in the city; this language is to determine where those facilities can be located. He said one of the discussions we had was to determine the most appropriate zoning district, where the facility is away from residential areas as this is a controversial issue, half of the population is for it, and half of the population is against it. He said we want to make sure we put this in an appropriate zoning district; the most appropriate district which would not have close proximity to residential use, churches or schools is the Light Industrial area, and that is one of the driving forces behind this due to those reasons. He said Light Industrial is the district for Adult Entertainment businesses, not saying this is an Adult Entertainment business but it is controversial and the most appropriate district is Light Industrial as it will not be near residential areas, churches or schools. He said Council has determined that allow one, so I do not think this is going to prevent them from going in, we would have to go back and recraft the text language but the Ordinance is in place and has passed the referendum period so there is the ability to have one dispensary for the entire city, there is a moratorium until December 31st, if there were additional debate on this by Planning Board, it is highly likely we would have to extend that moratorium beyond the December 31, 2025 date.

Mr. Knepp said I was at a City Council work Session where Green Thumb had a plan and building location and is this the same company? Mr. Gebhart said Green Thumb was there at the work session. Mr. Knepp said they wanted to go to the Kroger area and Mr. Gebhart agreed. Mr. Knepp asked if the city has come up with the rules to establish which dispensary will be here? Mr. Gebhart said there is a permitting process, so no we need to have this text in place because they cannot apply now; I don't know how many will apply for that one permit for this area that Fairborn would allow, that is a permit issue with the State of Ohio but I am assuming our text will require that they be able to obtain the permit from the State before they move forward. Greenthumb has been most active in trying to locate in Fairborn.

Dr. Cox asked for clarification and said 60% of the population is closer to two-thirds than one-half mathematically, and there was a comparison between the liquor store to this as being essentially controversial, yet the point Mr. Knepp made was that the liquor stores are really close but not in Light Industrial. He said we have liquor store near residential and light industrial and it was not forced to go into Light Industrial; but we are stating that dispensaries are like liquor stores. Mr. Gebhart said years ago after prohibition I don't know if townships or municipalities had a balloted issue with liquor stores and even though people may consider this a vice, I don't think it has made the same progression through this process. Dr. Cox said is the other party here to discuss the letter or should I ask the city; there was a concern about vape shops and convenience stores that actually do sell marijuana; Mike Gebhart interjected and stated they do not sell marijuana, they sell THCa which is hemp based product and that is what

Governor DeWine issued the executive order on to ban the sale of that and it is totally separate issue. Dr. Cox stated I have seen flower in vape stores; Mike Gebhart stated that is a policing issue and that is going through the court with a temporary restraining placed by a Franklin County judge on the Governor's THCa Delta 8 variant which comes from hemp and so the court and legislature are deciding that, this is specifically for a permitted marijuana dispensary in the city and it is separate whether vape shops can sell it or not, that is something the courts and state legislature will determine over the next six to twelve months, so this is completely separate. He said this is for a licensed marijuana facility that requires a State of Ohio permit to do that type of sale, so this is specific to just a permitted marijuana facility.

Mr. Knepp said this main entrance is near high traffic areas and would be quite noticeable; if they put it somewhere along 235 or 444 coming into town and how to we rate this great big thing that is going to sell marijuana as an entry point into our city? Mr. Gebhart said I respectfully disagree with you because of the signage limits that it will look like any other office building or point of sale business; I think the signage is what makes or breaks whether it is a dispensary or not and I think the provisions we have proposed would address many of your concerns about whether it is very noticeable and this will look like any other single story business; it is limited on signage and detail on what it can advertise. Mr. Knepp said is that in this code also regarding the signage and Mr. Gebhart said that is correct. Mr. Gebhart said I envision this as being a well-built building with the same parameters that we would need to approve in a PUD district with various specific language for advertising and signage.

Mrs. Gayheart said I notice that the Light Industrial district is close to Yellow Springs-Fairfield which would be close to Rona Hills so it is kind of close to a neighborhood, you have Chapelgate and there are gas stations, but I don't know if there will be any communication with the residents in those neighborhoods; this is just a concern.

Ms. McCauley stated I have a comment about the 60% approval; I think it is very misleading because only 10% of our citizens voted during that election and of that 10%, 60% voted in favor of so by saying the city is 60% in favor of this I think is misleading. She asked if dispensaries are their own distinctive category, so trying and comparing it to other types of business might be misleading. Ms. Riggs agreed and said it is a separate use. She asked what are the basic differences between the state requirements and what we are doing here? Mrs. McNamee stated the State specifically authorizes the local jurisdictions to either prohibit or put restrictions on them in accordance with what the city believes is consistent with the health, safety and welfare of its citizens; we have a lot of discretion and there is not a lot of case law, we could prohibit it completely if we wanted to but we have decided to allow one facility. She said because there is very little guidance from the State as they say each municipality can do what it thinks is appropriate to regulate this use and so we have looked at other cities throughout the state and what they have done and that is how we designed this Ordinance.

Mr. Knepp asked if you could name some of the other cities, we are basing this on. Mrs. McNamee stated those communities are Brook Park Ohio, Lakewood Ohio, Canton Ohio, Cleveland Ohio, Euclid, Akron, Parma Hights, Mentor-on-the-Lake, Columbus, Dublin and Westerville and most of these have a 1000 foot buffer and most have places their dispensaries in an Industrial area for several reasons which we have discussed today but mainly because there are fewer sensitive area around it. Dr. Cox asked what percentage of those listed use Light Industrial? Mrs. McNamee said about half; some have put them in commercial districts and some have put them industrial districts, it's really what each municipality feels is best for them and it differs depending on the configuration of how the zoning is set up.

Mrs. McCauley asked if dispensaries are identified as recreational or medical and Ms. Riggs stated it would be both; Mrs. McCauley said just to clarify there are no drive throughs allowed, and Ms. Riggs agreed. Ms. McCauley said and those permits would need to be renewed each year and Ms. Riggs agreed. Ms. McCauley said I noticed on the map the Light Industrial is located across from the youth sport field, and I am wondering if that falls within any of the categories. Ms. Riggs said I believe that would be considered a park and there would be that 1000-foot buffer so any dispensary that wanted to locate would have to be located further than 1000 feet of that park and that would fall under the categories we are suggesting with restrictions.

Mrs. Gayheart said I did a quick search and there is a Trulieve in Beavercreek about 4-5 miles from here, there is a Zenleaf in Dayton 7-8 miles, Guaranteed dispensary in Dayton 9-10 miles so I don't know if those are in commercial districts or light industrial.

Public Hearing
A motion was made by Mr. Knepp, seconded by Mrs. Gayheart and carried to open the Public Hearing at 4:35 pm.

Dr. Cox	Yes	Mr. Knepp	Yes
Mrs. Gayheart	Yes	Ms. McCauley	Yes

Proponents
None

Opponents
None

A motion was made by Mrs. Gayheart, seconded by Mr. Knepp and carried to close the public hearing at 4:36 pm.

Dr. Cox	Yes	Mr. Knepp	Yes
Mrs. Gayheart	Yes	Ms. McCauley	Yes

Board Action
A motion was made by Mr. Knepp, seconded by Mrs. Gayheart, and carried to approve Case 2025-19.

Dr. Cox	Yes	Mr. Knepp	Yes
Mrs. Gayheart	Yes	Ms. McCauley	Yes

OTHER BUSINESS
None

ADJOURNMENT
A motion was made by Mrs. Gayheart, seconded by Mr. Knepp, and carried to adjourn the meeting.

Dr. Cox	Yes	Mr. Knepp	Yes
Mrs. Gayheart	Yes	Ms. McCauley	Yes

The meeting was adjourned at 4:39 p.m.