

Brookville Planning Commission  
Regular Meeting  
August 12, 2021

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on August 12, 2021. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner; Members, Claggett, Cordes, Schreier and Sievers; City Manager Keaton, Clerk Duncan, Zoning Officer Snedeker, and Law Director Stephan were present.

Chairperson Henderson reminded everyone the meeting is being recorded.

Roll call by Clerk Duncan.

Chairperson Henderson stated the Agenda needs to be modified to remove the Montgomery County Cattlemen's Association for a Special Use Permit. Chairperson Henderson stated he would also like to add Citizens Comments to the Agenda following New Business.

Motion by Claggett, second by Sievers to approve the Agenda with modifications as requested. All yeas, motion carried.

Motion by Cordes, second by Claggett to approve the Regular Meeting Minutes of the July 15, 2021 Planning Commission Meeting. All yeas, motion carried.

Zoning Officer Snedeker advised Frank Harlow, of Harlow Homes, is present to request approval of the Final Subdivision Plan of Hunters Run, Section 2. This section has been reviewed and meets the site development requirements under R-1B Urban Residential. This project was presented to Planning Commission as a three-phase project in 2005 by Don Myers. Mr. Myers did not finish the project and sold part of the property to Mark Haworth and part of the property to Mr. Harlow. This will change the original plat plan. The initial project was 131 homes. There are currently 44 homes there and this proposal is for an additional 47 homes.

Law Director Stephan requested a motion to amend the 2005 Preliminary Plat for Hunters Run as modified by the new Hunters Run, Section 2 Record Plan. Staff has met with the developer regarding the 7.09-acre park lot that is shown on the subdivision and their recommendation is that the parcel be divided into two lots. One lot would contain the storm water detention area maintained by the Homeowner's Association (HOA). The covenants and restrictions on the Record Plan shall state that the stormwater detention area will be maintained by the HOA. In the event that the HOA fails to maintain the stormwater detention area, the City may enter onto the property to maintain the stormwater detention area and assess the owners of the lots in Phase 2 for the maintenance of the stormwater detention area. The developer shall provide HOA documents to the City Staff for review and approval to be filed with the Record Plan. The second lot to be established in this 7.09-acre park area would be owned by the City of Brookville and maintained as green space. This lot may be potentially developed in the future for a walking path or other recreational use. Law Director Stephan advised the developer would be constructing a sidewalk on Lot 2633, which is around the north end of the detention pond owned by the City of Brookville

on Market Street. The developer would be creating a walking pathway from this subdivision around our retention area to Market Street. The final motion for approval should include that all the proper permits would be completed and that a Performance Surety or Escrow Agreement will be provided to the City under the Subdivision Regulations of the City of Brookville.

Member Schreier asked if this section will be added under the existing covenants and restrictions?

Mr. Harlow, of Harlow Builders and Keystone Land Development, 701 N. Market Street, Troy Ohio, stated this section will have its own HOA because he was not the developer of the first section.

Mayor Letner asked if we are changing anything from the initial 2005 proposal?

Law Director Stephan stated the 2005 Preliminary Plat Plan is being revised, in part because part of the plat was sold, and because we are reducing the number of lots and the number of streets.

Zoning Officer Snedeker stated the original number of lots was 131 and now there are 93 lots.

Law Director Stephan advised Planning Commission should pass a motion to amend the Preliminary Plat and then approve the Final Record Plan for Hunters Run, Section 2, with the items discussed.

Member Schreier asked if the changes meet our current zoning requirements?

Law Director Stephan replied there are no variances with respect to our zoning requirements. The covenants require a minimum of 1,600 square feet for single story homes and 1,800 square foot minimum for two-story homes. This project meets all the zoning requirements for R-1B.

Chairperson Henderson stated he is excited about this project. Mr. Harlow did a nice job of laying this out given the land restraints.

Member Schreier commented this will be a good-looking development.

Motion by Schreier, second by Claggett to amend the 2005 Hunters Run Preliminary Plat, Section 2, Record Plan as presented. All yeas, motion carried.

Motion by Claggett, second by Sievers to approve the Hunters Run, Section 2 Final Plat with the requirement to split the 7.09 acre park lot into two lots, with one parcel to remain with the HOA and one parcel to be donated to the City of Brookville for future recreational use; and that all proper permits are completed, the Construction Plans are approved by Manager Keaton and Engineer, and a Performance Surety or Escrow Agreement be provided to the City per the City of Brookville Subdivision Regulations. All yeas, motion carried.

Zoning Officer Snedeker reported El Monte, LLC has applied for a building permit for the old K's Restaurant location.

Zoning Officer Snedeker reported Freedom First Credit Union is still waiting on furniture before they can open.

Zoning Officer Snedeker reported Fischer Homes has sold the last of the lots along E. Westbrook Road and have received deposits on five lots in Section 7.

Zoning Officer Snedeker reported Pak-Rite Industries is in the process of moving into 1 Collective Way. They held a job fair this week and received 70 applications. Pak-Rite is a packaging and warehouse plant for automotive industries.

Law Director Stephan had no report.

There was no Old Business.

There was no New Business.

Mark Haworth, of 10352 Upper Lewisburg Salem Road, stated all he has been hearing in Planning Commission meetings and City Council Meetings is growth and development. Mr. Haworth stated you are approving these housing developments recklessly, with no regard to what our precious city is and how you are destroying the heart of Brookville, Ohio. To give you an example, you people recently approved 59 homes next to our new fire station on 18 acres of land. These homes start out at 1,300 square foot, 15 foot apart. Mr. Haworth asked if anybody has seen what 15 feet looks like?

Member Schreier and several others replied yes.

Mr. Haworth asked if they used a tape measure?

Member Schreier replied he walked it off.

Mr. Haworth stated you might want to be a little more precise. This is what 15 foot looks like. Mr. Haworth asked an audience member to stand at the end of a measuring tape laid out on the floor and demonstrated what 15 feet looks like, stating that is the edge of your home and this is the edge of my home. Mr. Haworth asked what do you think about that? Not much room, is there? Is this Brookville?

Several Planning Commission Members and Staff attempted to respond.

Mr. Haworth continued, asking if this is the new Brookville? Mr. Haworth stated we are developing. We are not talking about old stuff. This is our chance and you guys are ruining our chance. You are ripping the heart out of Brookville. Mr. Haworth stated let's say I am not from Brookville, I am from out of town, looking for a new city to raise my family. We drove to Brookville to look at new homes. We come in off the highway and drive down Salem Street into town. We turn right on Market Street. We are lost, we never been to this town. We call the City of Brookville to get directions to the new development. We are on Market Street, we just turned off Salem Street and we are lost. We are getting directions from the City. The City says, where are

you now? Mr. Haworth stated to keep in mind I have never been there before. Where are you now? Mr. Haworth held up a picture and said well, I am sitting across from a dilapidated carwash with vinyl hanging down, concrete all chalked up. Mr. Haworth stated here is another pic.

Zoning Officer Snedeker stated if I may, I can answer.

Mr. Haworth replied hang on, this is my 5 minutes.

Manager Keaton advised Mr. Haworth he has one minute left.

Mr. Haworth replied that is what we are looking at here and asked what kind of impression does this give people coming into our town buying new homes? We are sitting next to this. What kind of leadership do we have? We have been looking at this for many, many years and you all know that. Mr. Haworth continued it is everybody's responsibility to address that. Mr. Haworth said I do not want to hear any excuses.

Zoning Officer Snedeker attempted to reply.

Mr. Haworth stated I do not want to hear any excuses; this my 5 minutes and I am almost done.

Manager Keaton asked Mr. Haworth to keep his voice down.

Mr. Haworth stated he has a question for everybody. When did the Planning Commission meet with School Council and see if they can accommodate all the children from all these new developments? When did this happen? Can someone give him an answer?

Zoning Officer Snedeker asked if he was allowed to speak?

Mr. Haworth replied he is asking Planning Commission if they met with the Board?

Member Sievers replied they met with the Transportation Director, who was on the Planning Commission at that time.

Mr. Haworth inquired did you talk to the School Board? Did you talk with the Superintendent? Did you talk with the whole panel? Did you hold a meeting to say we are putting all these developments in Brookville; will our school handle all these new homes and students? You are lumping almost 140 homes together and asked how many kids could that potentially have? We could have three hundred kids added to our school. Mr. Haworth asked how that makes any sense. Mr. Haworth asked did you talk with the School Board and work this out? Mr. Haworth stated he thinks his five minutes is up.

Chairperson Henderson thanked Mr. Haworth for his comments and inquired whether anyone else would like to speak?

Robert Freeland, of 359 Baker Street, stated when they built the firehouse, because of the drainage system, they did not look forward to see where it went, and it cost him \$50,000. Mr. Freeland

stated you are building all this other stuff and you say these retaining things will keep it better but when he had a retaining thing it did not help at all. They never had a flood like that in 100 years until they put that drainage system in, because the drainage systems are 48 inches coming down and when they get down to his property, they get to 22 inches. A 48-inch sewer line is going to back right up to his property and might cost him another \$50,000. Mr. Freeland stated nobody is looking at where it goes. All of them drain straight down into my property. Mr. Freeland asked if anyone has evaluated this and thought about putting a bigger culvert in by his house and one by the trail? That would eliminate the whole problem. Mr. Freeland stated he spoke with the EPA and the only thing they did was change it from drainage to a flood zone, instead of fixing anything.

Zoning Officer Snedeker stated he has the stormwater detention calculations for the Hunters Run development.

Mr. Freeland asked if he had stormwater calculations for new firehouse when it was built?

Zoning Officer Snedeker replied we did have stormwater calculations when the new firehouse was built.

Mr. Freeland stated those calculations did not work at all.

Zoning Officer Snedeker stated if he remembers right, those calculations were done before Mr. Freeland bought his home.

Mr. Freeland replied that is correct, but he did not know it had been designed so that his property would flood. The previous property owner told him the water went above the stream once in 35 years. Mr. Freeland stated he has had water go all the way up to his house, which is eight feet higher than that. Mr. Freeland asked if the water was going to go into the stream?

Zoning Officer Snedeker replied no.

Mr. Freeland stated then he does not have a problem with it, but it would be nice to get the information out.

Zoning Officer Snedeker replied to call him anytime.

Harriet Freeland, of 359 Baker Street, asked Mr. Harlow where the retention pond will be, where that water is going to go, and how he is handling the creek.

Mr. Harlow replied they are relocating the drainage that is going through the woods to the south side.

Zoning Officer Snedeker showed the Freelands where the detention area will be on the map.

Mr. Freeland showed them on the map where the drainage flows.

Zoning Officer Snedeker showed the Freelands on the map the area that will be park.

Mr. Freeland stated that will be really nice.

Joe Vichich, of 820 Hunters Run, asked how many homes will be built in the new section of Hunters Run and what is the acreage per lot?

Chairperson Henderson responded there will be 47 new homes. The sizes vary. There are some .5 acre and some .25 acre lots.

Mr. Vichich stated Frank Harlow is a great builder with a reputation for building a great home. Fischer Homes is not the best builder. Mr. Vichich stated he does not feel the homes being constructed on Westbrook Road are nice homes. Hunters Run is one of the nicer plats, along with Golden Gate Estates and Arlington Woods. He understands the City is trying to do multiple housing developments and he is all for developing Brookville, but he feels like the number of homes the City is trying to populate is kind of obscene. Mr. Vichich stated 47 homes is a lot of homes and asked if Planning Commission has thought about everything that comes with it? There will probably be two cars per home. Mr. Vichich asked if traffic and the school district has been considered.

Member Schreier replied all these things have been considered.

Mr. Vichich asked with 59 new homes in one plat and 47 homes in the other can the school district handle that?

Mayor Letner stated the school was designed to handle that. Graduating classes fluctuate between 110-150 students and the school is more than accommodating. Mayor Letner stated he will not speak for the school, he will let the Superintendent do that, but he has been in communication with him in the past and the school can more that handle that.

Mr. Vichich stated there are a lot of things that will impact just that little area.

Mayor Letner stated he grew up in Brookville and has lived here for 62 years. Growing up there was never a Brookside Plaza, there was not a Boose Chevrolet, there was nothing by the highway but a Marathon Station and a Gulf Station. Mayor Letner stated our motto is a "Proud and Progressive Community." We cannot sit on our hands. We are at the prime, opportune time to develop the city in a proper way, where it is very controlled. Mayor Letner stated if you go to Huntington Bank or Dollar General, which was never there before, it is tough to turn out of there, especially if you want to turn left.

Mr. Vichich stated it will get worse.

Mayor Letner stated we are on Upper Lewisburg now so that is a different scenario.

Mr. Vichich stated you will have 200 cars in a small, dense area. Brookville is not Englewood, there are different sizes. This is also not Kettering.

Mayor Letner replied nor do we want to be. This is a plan that was approved in 2005.

Chairperson Henderson stated the 2005 plan, with the traffic plans and patterns was for 131 homes. Now it is only going to be 93 homes.

Mayor Letner stated the engineering tells us that it is doable.

Mrs. Freeland asked how many acres total Mr. Harlow owns? There is quite a bit of acreage.

Mr. Vichich stated he will be the first person to say he was under the impression it was only 10.3 acres, and 47 homes on 10 acres is absurd.

Law Director Stephan advised there are 26.7 acres.

Member Claggett commented there will be a large percentage of kids who go to CTC and will not go to Brookville.

Mr. Vichich inquired are you are saying this is already allocated as he has a 15-month-old child and that is a big concern of his?

Member Sievers stated she has kids in the Brookville School system and Planning Commission is concerned. However, they have had these conversations with the school Staff, and they feel that this is not an issue.

Mr. Vichich stated he graduated from a class of 660 kids. He is not downgrading Fischer as a builder, but they are not the same builder as Frank Harlow.

Member Schreier stated Mr. Harlow built his home, but Fischer has a great reputation and builds a quality house that can be customizable. There are not as many builders as there used to be so there are fewer choices.

Mr. Vichich stated you cannot compare Frank Harlow and Fischer Homes. You are talking apples and oranges.

Mayor Letner stated the bottom line is there are folks that want to live in Brookville, and we are going to give them that opportunity.

Mr. Vichich stated he thinks it would be obscene to not give them the opportunity. He thinks there is a different way to go about it but at the end of the day you will vote on it, and we will deal with it from there.

Member Schreier stated he has lived in Brookville since 1974, and he does not take any of this lightly. He evaluates everything and looks at all the documentation and weighs the pros and cons. He also looks at the opportunity for other people to come to this town. Member Schreier stated he lived two houses down from where Mr. Haworth lives right now when he was growing up. He is

proud of this town and would not do anything that he would feel is harmful to the city, but he does want people to have a chance to live here and be a part of this community.  
Mr. Haworth asked if he could answer the question he was asked about the schools?

Mayor Letner replied go ahead.

Mr. Haworth asked how many new homes are being built in Hunters Run?

Mayor Letner replied 47 homes.

Mr. Haworth stated he has talked to a lot of Brookville residents recently, and they all say our schools are already almost at full capacity, especially the elementary.

Mayor Letner asked if he spoke with the school Staff?

Mr. Haworth stated he has spoken with school Staff, and he feels it is not a rumor. Mr. Haworth asked if any children have been interviewed to see how tight the classrooms are? Mr. Haworth asked if the City has had discussions with the School Board in a sit-down meeting, with all the members, before planning this development to see if our schools are going to accommodate all these kids comfortably and that we can keep a great grade with Brookville Schools.

Mayor Letner replied we have talked with Staff but have not sat down in a formal discussion.

Mr. Haworth stated it should be a formal discussion with the School Board to calculate how many kids these developments are going to bring in. This never happened and we are going to have a big problem on our hands if this goes through.

Chairperson Henderson thanked Mr. Haworth for his comments and stated he agrees we need to have those conversations as part of the planning process.

Mr. Haworth stated he is not against growth by any means but let's do it the right way and do not pack everything in.

Chairperson Henderson stated in fairness, they are finishing the existing developments in Brookville.

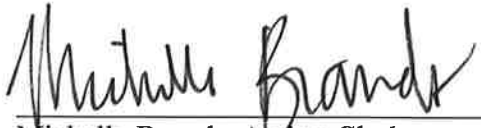
Mr. Haworth replied you started that one next to the firehouse and that is going to be a total nightmare. That is houses on top of houses. Can you imagine if everybody bought two story houses 15 feet apart what it is going to look like?

Manager Keaton stated it is a Planned Development. The density of this area is laid out in our Comprehensive Land Use Plan that was adopted in 2004.

Chairperson Henderson stated he understands it does not appeal to Mr. Haworth, but it does appeal to a lot of people.

Mr. Haworth replied that is not what he is hearing, and he thinks we will soon find that out.

Motion by Sievers, second by Claggett to adjourn. All yeas, motion carried.

  
Michelle Brandt, Acting Clerk

  
Ryan Henderson, Chairperson

