

Brookville Planning Commission
Regular Meeting
March 17, 2022

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on March 17, 2022. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner; Members Claggett, Cordes, Dittrick, Schreier and Sievers; Law Director/Development Specialist Stephan, Manager Keaton and Clerk Duncan were present

Chairperson Henderson reminded everyone the meeting is being recorded.

Roll call by Clerk Duncan.

Motion by Cordes, second by Sievers to adopt the Agenda as presented. All yeas, motion carried.

Motion by Schreier, second by Claggett to approve the minutes of the February 17, 2022 Planning Commission Meeting. All yeas, motion carried.

Clerk Duncan advised this Public Hearing is to consider a Preliminary Planned Development Plan for a proposed R-1B(PD) single family residential housing development on Part Lot 1743 (County Auditor Parcel C05 00109 0020) located at 10400 Upper Lewisburg-Salem Rd. in the City of Brookville. A Legal Notice was published on the City of Brookville website and in the March 2 and March 9 editions of the Brookville Star advising of the Public Hearing. Letters were mailed out to all property owners within 200 feet of the applicant address of 10400 Upper Lewisburg Salem Road, advising of the Public Hearing. The Clerk received one email inquiry regarding the Public Hearing content. Clerk Duncan inquired whether any Planning Commission Member needs to abstain from participating in this Public Hearing?

No members indicated they need to abstain.

Law Director/Development Specialist Stephan reported this is an R-1B single-family housing project that proposes 43 lots on the property at 10400 Upper Lewisburg Salem Road. Staff has reviewed the plans and finds that the proposed use is a permitted use within this zoning district. The planned development plan complies with all of the R-1B site development regulations. The planned development plan complies with the requirements for approval set forth in 1153.03 and 1151.16(f) of the Code of Ordinances. The plan addresses landscaping and maintenance of common areas. The plan provides covenants and restrictions and an anti-monotony rule to provide diversity of building structures. The Staff finds that the plan meets all of the applicable zoning and subdivision requirements of the city. The plan provides a schedule for the development. The plan provides commitments for landscaping the perimeter of the project and the construction of sidewalk on the perimeter of the project. Law Director/Development Specialist Stephan advised this is a brief summary of the plan, and we can move forward with testimony.

Clerk Duncan administered the Oath of Witness to Ryan Reed, of DDC Management, 3601 Rigby Road, Miamisburg, Ohio.

Ryan Reed thanked everyone for allowing him to present the Preliminary Plan for Harper Creek on behalf of Arbor Homes. Ryan Reed advised they will meet all the requirements of R-1B zoning. This community will be 43 lots on 18 acres with a density of 2.38 units to the acre. The current open space is at 1.32 acres, which includes the pond. Without the pond, the open space is .94 acres. Ryan Reed noted that this is a Preliminary Plan, and the pond has not been sized per the engineering calculations.

Ryan Reed stated he will go through the requirements of the R1-B zoning and how they are meeting the requirements. The permitted use is for a single-family detached residential which this plan meets. The zoning states a minimum of 10,000 square feet is required for these lots and all of these lots meet that. The minimum frontage of 85 feet per the zoning code has been met. They have met the front setback depth of 25 feet, rear depth of 35 feet, side yards at 10 feet for a total of 20 feet between buildings. They have met the structural requirements, with a maximum height of 35 feet. They are meeting the minimum square footage of 1,600 square feet. The proposed elevations provided are at minimum of 1,600 square feet. The parking requirements have been met and they will meet the city standards for any signage. Arbor Homes is committed to the non-monotony element so there will not be the same house right next to each other or across the street from one another. There is a plan to put screening and landscaping in along Albert and Upper Lewisburg Salem Road and sidewalk on the parts of the property that pertain to this development.

Chairperson Henderson opened the floor for questions from Planning Commission Members.

Member Claggett inquired if the Fire Chief has reviewed the entry and exit points on the Preliminary Plan?

Law Director/Development Specialist Stephan replied the Fire Chief typically reviews the final subdivision drawings to make sure we have adequate radius turns. If you look at the street width, there is no question that we are meeting our basic subdivision requirements for this type of single-family housing.

Chairperson Henderson opened the floor for public comment.

Clerk Duncan administered the Oath of Witness to Kevin Reed, of 899 Upper Lewisburg Salem Road, Brookville, Ohio.

Kevin Reed inquired whether a stick survey will be done? He currently has property lines on his property and he is planting trees and fence line and he does not want to have to move it.

Ryan Reed replied the survey that has been done was a basic survey. There is the potential that additional surveying will be needed.

Kevin Reed inquired if that is a contracted service?

Ryan Reed indicated it is a contracted service.

Kevin Reed stated the last time someone was out surveying they went through his yard instead of the field and ran over a bush. He filed a police report regarding the damaged bush that has been there since 1957, but nothing came of it. He stated he was a little upset about that and would appreciate any future surveyors staying off of his property. Kevin Reed stated he saw the Statement of Commitment from Arbor Homes regarding the fact that he and his wife will not be responsible for sidewalks. Kevin Reed stated the Statement mentions a donation from the developer and asked if this commitment would be confirmed at a later date?

Law Director/Development Specialist Stephan replied these commitments are part of the approval process tonight and will be incorporated in the Final Development Plan. The plan is for the developer and the City to address the cost of the sidewalks on the Reed property.

Kevin Reed stated he appreciates that and asked if he could get that in writing?

Law Director/Development Specialist Stephan stated he will email Kevin Reed so he has it in writing that the City will not assess his property for the cost of the sidewalks.

Kevin Reed wondered why the City is using a home builder from Indianapolis rather than someone local. He lived in Indianapolis for thirteen years and moved to Brookville because he wanted the small-town feel. There seems to be a master plan between building the firehouse and the growth around his property. Kevin Reed stated he does not care, however, he does not want his kids in trailers in the back parking lot of the high school because there is not enough room. If the goal is to be like Huber, Springfield, Beavercreek or Xenia, why not move there and be on the City Council there? There is no reason to destroy what Brookville is and the reason that people want to live here. Kevin Reed asked Planning Commission to take that into account, just because we can do something that does not mean we should do something. Kevin Reed thanked everyone for their time.

Clerk Duncan administered the Oath of Witness to Mark Haworth, of 10352 Upper Lewisburg Salem Road, Brookville, Ohio.

Mr. Haworth asked Ryan Reed if there will be a Homeowners Association (HOA) in this development with strict rules such as no above ground swimming pools or trampolines, and that fencing will all match one another. Mr. Haworth stated the last thing they want in Brookville is a clustered mess.

Ryan Reed replied there will be an HOA and a draft copy has been provided to the City for review.

Mr. Haworth inquired if the HOA will be responsible for the streets?

Ryan Reed replied some HOAs maintain streets if they are private streets, but these will be public streets, dedicated to the city.

Mr. Haworth stated if everything is approved by Planning Commission and City Council how soon will the developers begin laying infrastructure?

Ryan Reed replied it could be as early as this fall.

Mr. Haworth stated with the current events of the world, the Feds are proposing six interest rate hikes soon. We know what that does to home prices and them being able to lend to potential buyers. Mr. Haworth stated he was curious to how soon this will move. Obviously, the real estate market is booming right now but with a hike of six interest rates and a war going on. We all know what happened in 2008, when no one was building anything and a lot of builders went belly up. We don't want a mud pit there of unfinished development. Also, on top of this is the competition you guys have at Hunters Run, with how many homes going in?

Manager Keaton replied 47 homes.

Mr. Haworth added with the development off Westbrook Road, you do have some competition so he is looking in the future of what potentially could happen.

Member Schreier replied there is a master schedule laid out and the build out is projected to be spring of 2024, which is a fairly aggressive timeline. With the way the Meadows of Brookville is moving, this is a reasonable time frame. Member Schreier stated you cannot predict everything but that is the schedule.

Mr. Haworth commented with the current events we are kind of on a fine thread as to what is going to happen. Mr. Haworth stated he appreciated Planning Commission's time.

Clerk Duncan administered the Oath of Witness to Ken Davis, of 837 Salem Street, Brookville, Ohio.

Mr. Davis asked to see the Preliminary Plan and pointed out 400 feet of property that he owns adjacent to the proposed development. Mr. Davis stated if they are going to jack this land up, he is going to get flooded out. There needs to be some kind of a fence because he does not want a bunch of people running through his yard.

Clayton Sears, of DDC Development, replied it has not been engineered yet, so he does not know the elevations at this point.

Mr. Davis said how about fencing?

Mr. Sears stated fencing would be on the homeowners, if they wanted to install a fence.

Mr. Davis stated he is talking about the fact that he does not want people running through his yard.

Mayor Letner asked Mr. Davis to indicate where his property is.

Mr. Davis indicated his property is the 400 feet where it is zoned R-2. He was wondering if they are going to elevate it because he does not want to be flooded out and he does not want a bunch of kids running through his yard all the time. He thinks they ought to put a fence up or put the whole thing in some kind of a fence.

Mayor Letner asked Ryan Reed if it would drain to the retention basin.

Ryan Reed responded if anything, from the way the water is currently draining, it will only be improved and it will all drain into this pond and outlet.

Mr. Davis stated when they built the apartments above him on the corner, they jacked it up two or three feet above his property line and he gets all of that water. He does not want that to happen again.

Clerk Duncan administered the Oath of Witness to Mike Hughes, of 278 Johnsville Brookville Road, Brookville, Ohio.

Mr. Hughes asked why the City would wait until they have a Final Plan to have the Fire Chief review the road curves and road widths to be sure that we can provide adequate fire, police and EMS protection to this community?

Law Director/Development Specialist Stephan replied we normally have the subdivision plan presented at the end of this process and all of our Staff reviews the plan at that time. These road widths meet all of our requirements. We do not perceive any issue with respect to fire safety. Law Director Stephan stated we can have the Fire Chief look at the Preliminary Plan tomorrow if you think it is going to be an issue.

Mr. Hughes replied he would like the Fire Chief to approve it before you get to a Final Plan because a Final Plan is too late.

Chairperson Henderson stated we are in Preliminary Plans right now so we are seeing it and reviewing it.

Mr. Hughes stated he has seen many developers go belly up and you are left with a mess. Is there any kind of retainer being put in place by this developer that the City will retain until the property is finished?

Law Director/Development Specialist Stephan replied there will be a Performance Bond for all of the public infrastructure that will be retained until the end of the process. If the developer defaults on any of the public infrastructure, we will use the bonds to complete the public infrastructure. This is done on every subdivision, and it includes everything in the engineer's estimate.

Mr. Hughes stated he still thinks the lot sizes are too small. He would like to see lots of not less than one quarter of an acre. He stated he thinks you are still dumping too many homes and

creating a high-density situation. Mr. Hughes stated Mr. Davis does not want people running through his yard. There will be 43 homes at 1.97 children per home, which will be 80 kids in this 18 acres. Those kids are going to play somewhere and its going to be wherever they want. With Hunters Run being 47 homes, you are basically taxing the school system with possibly another 160 children. Mr. Hughes asked if there is a report from the superintendent that says our school system can handle another 160 children?

Chairperson Henderson replied he does not know if there is a report but there has been verbal conversations with the school.

Mr. Hughes commented verbal doesn't get it. If it is not written down, it didn't happen.

Member Schreier commented next year's kindergarten class is the smallest we have had in twelve years. It is hard to predict the ebbs and flows of the number of students that are going to be in each class.

Mr. Hughes stated 1.97 children per family multiplied by 43 and 47. Can our school handle it without putting trailers behind the school to hold our kids.

Mayor Letner commented that would be something the School Board will have to answer.

Mr. Hughes stated there needs to be a report on file.

Mayor Letner commented the School Board has a meeting on Monday night if you would like to speak with them. That is totally separate from what we are doing here.

Mr. Hughes replied it very much involves what you are doing here.

Mayor Letner stated again the School Board has a meeting Monday night.

Mr. Hughes stated he will be out of town on Monday. Mr. Hughes stated if your plan does not include adding 160 more kids to our school system, he is asking everyone to vote no.

Mr. Hughes stated he has been begging the City to help him with the drainage on his property for almost three years. He has water coming off all the properties on Brookville Pymont and off the frontage of Johnsville Brookville, flooding him out every time it rains. He has ducks living in his backyard right now. He has 6 to 8 inches of water. He can't go anywhere with it. There's nowhere to go. Mr. Hughes stated he is a citizen, and his property is in the city limits. He is the largest property owner in the City of Brookville. The City is not helping him with his problem, but we're going to create some more with a retention pond that we don't know how big it's going to be because it hasn't been developed. And if this retention pond ends up being double the size, they're not going to reduce the number of these houses. They're going to reduce the sizes of the lots.

Member Schreier commented every lot is at least .26 of an acre. He just wanted to clarify that because Mr. Hughes said each lot should at be at least one quarter of an acre. Member Schreier stated he cannot speak to the water issue.

Law Director/Development Specialist Stephan stated under this zoning the developer would not be permitted to reduce the size of the lots. They are going to stay 85 feet. If the stormwater detention area has to be bigger, they will have fewer lots.

Mr. Hughes inquired whether the homes will be brick, stone or vinyl sided?

Law Director/Development Specialist Stephan replied the front elevations were provided in the Planning Commission packets. They are available online, or we can give you a copy of them.

Mr. Hughes stated you need to think long and hard before you vote yes for this and make sure we have everything in place that we need first. Because once you vote, yes, you can't take it back. He asked would you want this in your backyard?

Chairperson Henderson advised Mr. Hughes that he has appreciated his comments and he does think there is an opportunity to improve his stormwater system. Chairperson Henderson stated if you are where I think you are with this basin, it is something that our engineering team can look at as they go through final development of this development.

Mr. Hughes replied he lives on Johnsville Brookville Road. He stated he is not near this development, he has concerns that we are not handling water already in the city, and we are going to create a bigger mess. Mr. Hughes thanked Planning Commission for their time.

Chairperson Henderson inquired whether anyone online wanted to speak?

No one indicated they wanted to speak.

Mr. Haworth inquired whether this will be brick fronted structures at the minimum?

Ryan Reed replied he thinks it is a buyer selection, but he will let Austin Schile speak to that.

Clerk Duncan administered the Oath of Witness to Austin Schile, of 9225 Harrison Park Court, Indianapolis, Indiana.

Mr. Schile stated each one of these homes is constructed using a portion of masonry and vinyl siding. The development is a buyer selection model, so it is up to the buyer to determine which materials they use and what proportion of those materials they use on their facades.

Mr. Haworth inquired whether the Planning Commission will make sure that at the minimum it is a brick front?

Chairperson Henderson stated it is going to be an owner's choice.

Mr. Haworth stated so what if people say I just want the cheapest possible, I just want all vinyl with pink shutters on it? Mr. Haworth asked if we are going to have some requirements to make sure this is going to be attractive to our community.

Mayor Letner stated there will be an HOA and said if buyers are going to put out that kind of money are they going to go cheap?

Mr. Haworth stated he has been in neighborhoods where he has seen pink shutters on homes. He has been in some nice developments where people don't take care of their place and it looks horrible. Brick is maintenance free. Moss grows on vinyl homes and some people do not care.

Member Dittrick stated that will be part of the HOA. They will regulate the home colors. There will be no pink shutters. They will regulate what percentage of brick and vinyl the facades can be. It depends on how they structure the HOA.

Mr. Haworth stated we just need to assure the citizens that this is going to be done right. Mr. Haworth asked if this development is going to be like the one currently under construction in Union? There are some Arbor Homes under construction in that development.

Mr. Schile replied Arbor Homes is not the developer of Union Springs. They did acquire some finished lots there and are constructing some homes in that community.

Mr. Hughes asked if there is any way to put the HOA restriction on now to not allow vinyl siding, maybe a hardie board restriction at minimum?

Law Director/Development Specialist Stephan stated the developer presented a set of proposed covenants and restrictions and as part of this plan development. We are going to be approving the Final Development Plan with a final set of covenants and restrictions. Law Director/Development Specialist Stephan asked Mr. Schile if he is in agreement that all of the Arbor Homes models in this development will have some brick front as shown in the elevations submitted to Planning Commission?

Mr. Schile replied he can make a commitment tonight that there will be some component of masonry on the front façade of each home.

Law Director/Development Specialist Stephan stated this is what has been presented to Planning Commission in this meeting packet. We would be locking in these elevations and the covenants and restrictions in the Final Development Agreement.

Chairperson Henderson stated if there are no further comments, he will need a motion for approval of the subdivision.

Discussion followed on what should be included in the motion.

Mr. Hughes inquired if the motion would include having a report from the superintendent regarding the effects the development will have on the school.

Chairperson Henderson replied he strongly encourages that, however, he does not think it can be a stipulation on this development.

Motion by Cordes, second by Schreier to recommend approval of the Preliminary Development Plan of Arbor Homes for R-1B (PD) single-family housing on Part Lot 1743 (County Auditor Parcel C05 00109 0020, and making the specific findings of fact required for approval as set forth in 1151.03 and 1151.16 (f) of the Code of Ordinances, with the stipulations that the elevations will have some form of masonry façade, the City of Brookville and Arbor Homes will pay for the cost of the sidewalks installed around the Reed property, and approval of the ingress and egress for fire equipment by the Fire Chief. All yeas, motion carried.

Motion by Claggett, second by Sievers to end the Public Hearing. All yeas, motion carried.

Motion by Schreier, second by Sievers to go back into Regular Session. All yeas, motion carried.

Law Director/Development Specialist Stephan stated Brookville Stor-n-Lock operates a storage unit facility at 570 Albert Road. They are proposing to purchase 1.5 acres from Green Tokai Co., LTD to expand their existing storage facility. Planning Commission has been provided a copy of the Special Use application, the County Auditor map depicting the existing Stor-n-Lock property at 570 Albert Road, a map of the proposed 1.5 acre lot they would be purchasing from Green Tokai, a letter from Terrance Klemm, GTC Chief Executive Officer, stating that the Board of Directors has approved the sale of the 1.5 acres and a copy of Brookville Industrial Park Section Two Record Plan which describes Lot 2631(12.047 acres), from which this 1.5 acre parcel would be subdivided. The requested Special Use approval to construct additional storage units in the 1.5-acre lot is consistent with the existing storage unit use at 570 Albert Road. If this Special Use application is approved, a Final Subdivision Record Plan will be presented to Planning Commission to subdivide the 1.5 acres from the existing lot for transfer from Green Tokai Co, LTD to Brookville Stor-n-Lock. Law Director/Development Specialist Stephan requested Planning Commission approve the Special Use application of Brookville Stor-n-Lock to construct storage units on 1.5 acres to be subdivided from Lot 2631.

Bruce Baker, owner of Brookville Stor-n-Lock, stated they originally had a plan to develop his existing property to add more storage units. The existing units have been full for about three years, and he gets calls all the time requesting storage. This plan will go back from his property about 300 feet. He will construct one storage building at a time. The frontage of the property will remain the same.

Chairperson Henderson stated he had the opportunity to view the proposed land with Mr. Baker and did not see any issues with the proposal.

Mr. Baker stated he will submit engineering plans to Planning Commission once the Special Use is approved.

Motion by Claggett, second by Dittrick to approve Special Use Application #2022-02 for Brookville Stor-n-Lock, 510 Albert Road, to construct additional storage units at 570 Albert Road. All yeas, motion carried.

Mr. Baker commented that Rod Stephan and Green Tokai have both been great to work with.

Chairperson Henderson stated community partners and businesses helping each other is exactly what we want in this community.

Law Director/Development Specialist Stephan reported Louisiana Grill, Home of Bourbon Chicken has submitted a Special Use application to operate their mobile food truck at McMakens, One McMaken Lane. This application is a renewal of their Special Use application previously approved by Planning Commission. Section 1163.03(b)(26) of our Code of Ordinances sets forth the conditions for approval for a mobile food vendor. Law Director/Development Specialist Stephan stated he did receive an email from McMakens advising they had authorized this and requested Planning Commission approve this Special Use application for this mobile food vendor, Louisiana Grill, Home of Bourbon Chicken, to be located at McMakens, One McMaken Lane, for a period of one year.

Law Director/Development Specialist Stephan stated there were no issues with this Special Use permit last year, although a few businesses raised concerns regarding whether we should allow food trucks at all. This would be something Planning Commission would have to revisit in the future.

Member Schreier commented this is the only mobile food truck request this year. Last year we also had El Diablo. Member Schreier commented Planning Commission should probably limit the number of permits so there is not too much competition for local brick and mortar businesses.

Motion by Sievers, second by Claggett to approve Special Use Application #2022-01 for Louisiana Grill, Home of Bourbon Chicken to operate a mobile food truck at one McMaken Lane. All yeas, motion carried.

Law Director Stephan reported Planning Commission has a copy of permits issued in January and February. We continue to see a lot of activity in our zoning permits. There is also a lot of activity in the Meadows of Brookville.

Chairperson Henderson inquired whether construction is going well and if the City has received any complaints from neighboring citizens.

Law Director/Development Specialist Stephan replied we received a few complaints about nails out in the street and that was addressed by Fischer Homes. We have gotten into a rhythm with Fischer, in terms of them submitting their permits. They are usually complete and accurate and then we are getting them turned around quickly.

Member Cordes inquired about the status of the Mexican Restaurant?

Law Director/Development Specialist Stephan replied he is reaching out to them. The issue raised in the community is the liquor permit and he is working on trying to address that.

Member Schreier inquired about the new Hunters Run section under development?

Law Director/Development Specialist Stephan stated they are installing infrastructure right now. He has had discussions with Fischer Homes regarding signage and he believes they are planning to add a model soon. Construction will probably start next year.

Member Claggett asked if Brookville will be eligible for any of the infrastructure funds approved by the Feds?

Manager Keaton replied they are still working on putting it together. The funds have not been handed down to the States yet, but we are keeping an eye on it.

Member Claggett stated his son lives on the north side of Columbus and there are million-dollar houses going up around him using hardie board, not brick. Member Claggett inquired whether Planning Commission has the authority to say no vinyl can be used, only hardie board?

Discussion followed regarding the new and different types of construction materials.

Law Director/Development Specialist Stephan stated to answer Member Claggett's question, in a Planned Development context that could potentially be a requirement. In a normal based zoning, it is not a specific requirement in our code. We would have to put new provisions in our zoning code to mandate that.

Mayor Letner commented he was emailed the other day regarding a tiny home. Mayor Letner stated he does not think we have a need for it in Brookville. Most of our lots in town would not be conducive to a tiny home but he thought he would mention it.

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



Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

