



PLANNING COMMISSION MEETING

Thursday, February 16, 2023, 7:30 PM

CITY HALL

301 SYCAMORE STREET, BROOKVILLE, OHIO 45309

www.brookvilleohio.com

<https://brookvilleoh.webex.com/brookvilleoh/j.php?MTID=m267826e67fa9628afbe28914fc94e612>

Meeting number: 2633 029 3681 Password: 2rRbNJRPd53

Join by phone: +1-415-655-0001 US Toll Access code: 263 302 93681

Agenda

I. Opening

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

II. Adoption of Agenda

III. Approval of Minutes

- a. Approval of January 19, 2023 Regular Meeting Minutes

IV. Special Use Permit - Louisiana Grill

V. Reports

- a. Law Director

VI. Old Business

VII. New Business

VIII. Adjournment

Chairperson Ryan Henderson • Mayor Chuck Letner

Members: • Ken Claggett • Don Cordes • Ronda Dittrick • Damian Kristof • Curt Schreier

Brookville Planning Commission
Regular Meeting
January 19, 2023

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on January 19, 2023. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner, Claggett, Kristof and Schreier; Law Director Stephan and Clerk Duncan were present. Member Cordes and Dittrick; Manager Keaton were absent.

Roll call by Clerk Duncan.

Motion by Claggett, second by Kristof to adopt the Agenda as presented. All yeas, motion carried.

Member Schreier stated the page numbers are incorrect on the minutes.

Motion by Schreier, second by Kristof to approve the minutes of the December 15, 2022 Planning Commission Meeting with a correction. All yeas, motion carried.

Law Director Stephan reported the City of Brookville recently annexed 59.401 acres on the corner of Upper Lewisburg-Salem Road and Brookville-Phillipsburg Road. A map of the territory that was annexed has been provided to Planning Commission. Under Section 1117.04(c) of the Code of Ordinances, within three months after the effective date of annexation, the Planning Commission shall recommend the appropriate permanent zoning districts for such area to the Municipal Council, and the zoning map shall be amended according to the prescribed procedure set forth in Charter Section 4.11. Under Section 4.11 of the Charter, a public hearing will be held on the proposed zoning for the area, and then the Planning Commission will make a final recommendation to City Council regarding the proposed zoning. City staff has held discussions with the property owner regarding the proposed zoning, and several options have been reviewed for zoning in this area including residential, business, and industrial zoning classifications. The proposed zoning classification is shown on the map as presented: 23.94 acres within the annexed territory would be General Business. The remainder of the parcel would be zoned R-1B for single family housing. The General Business area would be an extension of the Market Street General Business area, and the recent amendment to the GB zoning code would allow for mixed residential and business uses to be approved as a Special Use. There would be a landscape buffer established between this area and any adjoining township property with a zoning classification or current use that is inconsistent with this proposed zoning classification. The remainder of the property would be zoned R-1B which would be consistent with the residential property to the north of this property. The Comprehensive Land Use Plan update approved in 2004 does reference this property for future development of housing. Law Director Stephan requested Planning Commission make an initial recommendation to commence the process to establish the zoning classification for the property.

Member Claggett asked how Law Director Stephan arrived at 23.94 acres for General Business?

Law Director Stephan replied there is not a magic number, city staff was trying to create enough area for a General Business Development. The 30 acres would be enough for a major R-1B subdivision. The size can be adjusted if Planning Commission has other recommendations.

Member Schreier observed Planning Commission does have a responsibility to be good stewards and consider the impact on the existing house on the corner.

Law Director Stephan replied the proposed zoning ordinance would provide a buffer for this property.

Chairperson Henderson inquired if any consideration was made to extend the residential all the way along Albert, rather than extending the General Business around that property. This would put the residential zoning next to the existing residential property. However, it would limit the property to one ingress and egress.

Law Director Stephan replied the thought with the proposed zoning map was that there would be two major ingresses for the General Business area.

Discussion followed regarding extending the residential zoning along Albert Road, as suggested by Chairperson Henderson.

Law Director Stephan stated Planning Commission can make a recommendation to change the proposed zoning plan after the Public Hearing.

Chairperson Henderson stated he is ok with recommending the proposed zoning plan as presented, and making changes later, if necessary, based upon feedback from the Public Hearing.

Motion by Claggett, second by Schreier to recommend that Law Director Stephan prepare an Ordinance for City Council to start the zoning process of the 59.401 acres on the corner of Upper Lewisburg Salem with approximately 23 acres zoned General Business and the remainder zoned R-1B, based on the map as presented. All yeas, motion carried.

There was no Old Business.

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

Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

MEMORANDUM:

DATE: FEBRUARY 10, 2023

TO: BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: SPECIAL USE APPLICATION-LOUISIANA GRILL-HOME OF BOURBON CHICKEN

Louisiana Grill-Home of Bourbon Chicken, has applied for a special use permit to operate as a mobile food vendor at One McMaken Way. Mobile Food Vendors are a special use under Section 1163.03(b)(26) that Planning Commission may approved. This application is a renewal of the special use permit that was approved last year by Planning Commission. There have not been any issues with this mobile food vendor, and they are attracting many patrons to the McMaken's site. It is requested that Planning Commission approve this special use permit.

City of Brookville

"A Proud and Progressive Community"

Application #SU 23-01

ZONING APPLICATION FOR A SPECIAL USE PERMIT

The undersigned hereby applies for a **SPECIAL USE PERMIT**, to be issued solely on the basis of information contained herein, and with the knowledge that the falsification of any fact or statement submitted with, or within, this application shall render this application null and void. **(PERMIT SHALL EXPIRE IF USE HAS NOT BEGUN WITHIN SIX (6) MONTHS, OR IF DISCONTINUED FOR MORE THAN TWO (2) YEARS.)**

1. Applicant Louisiana Grill, Home of Bourbon Chicken James R. Kelly
2. Applicant address 10809 Yankee Street Dayton, OH 45458
3. Phone (Hm) _____ (Bus) 937-602-9272 Interest in property _____
4. Location or address of property to be affected McMaken IGA, One McMaken Way
5. Legal description Mobile Food Service & Manufacture of Sauces & Other Food Products

6. Present Zoning classification G B Existing _____

7. Proposed Special Use Food concession to support retail sales of vendor's product

8. In order for a **SPECIAL USE PERMIT** to be processed, applicant must provide a narrative statement evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; and discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Zoning District Map.

Outdoor cooking using propane gas; grilling vapors from cooking chicken, pinto beans,
and rice.

Assist store management with sales promotion of food products by invitation.

9. The Planning Commission shall establish beyond reasonable doubt that both the general standards and the specific requirements pertinent to each special use indicated herein shall be satisfied by the establishment and operation of the proposed special use.

10. Wherever no specific area, frontage and setback requirements are specified in provision for specific special uses, then the area, frontage and setback requirements in the applicable zone shall apply; provided, that the Planning Commission shall be authorized to waive or modify certain requirements as necessary to achieve compatible development with adjacent land areas as well as in the interest of the community in general. The Planning Commission may also impose such additional conditions, guarantees, and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed.

11. Has previous application been filed for a **SPECIAL USE PERMIT**? Yes

12. When? 2022 Results? Approved

February 7, 2023

Application Date

James R Kelly

Signature of Applicant

OFFICE USE ONLY BELOW LINE

Reviewed by _____ Date _____

Appr/Denied Planning Commission _____ Date _____

Fee _____ Receipt Number _____ Date _____
(NON REFUNDABLE)

ZONING PERMITS-2023

ZONING PERMITS JANUARY 2023											
Date	Address	Application	Name	Zoning Permit #	Special Use	Subdivision Major/Minor	Zoning Approved/Denied	Building # Residential Commercial	Building Completion Date	G/O	Misc. Permit Information
1/16/2023	784 Hunters Run Dr.	SFR 2504 sq. ft. Slab Cumberland	Fischer Homes	4476			A-01-19-23				
1/19/2023	601 Meadow Glen	Above Ground Pool	Helton	4477			A-01-23-23				
1/27/2023	802 Hunters Run	SFR 2504 sq. ft. Slab Cumberland	Fischer Homes	4478			A-01-30-23				