



PLANNING COMMISSION MEETING

Thursday, August 17, 2023, 7:30 PM

CITY HALL

301 SYCAMORE STREET, BROOKVILLE, OHIO 45309

www.brookvilleohio.com

Join

Online: <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 July 20, 2023 Regular Meeting Minutes

IV. RECORD PLAN

- a. Hay Avenue and Sycamore Street Plat

V. Reports

- a. Law Director

VI. Old Business

VII. New Business

VIII. Adjournment

Chairperson Ryan Henderson • Mayor Chuck Letner

Members: • Ken Claggett • Ronda Dittrick • Tony Ezerski • Curt Schreier

Brookville Planning Commission
Regular Meeting
July 20, 2023

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on July 20, 2023. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner, Members Claggett, Dittrick, Ezerski and Schreier; Law Director Stephan, Manager Keaton and Clerk Duncan were present.

Roll call by Chairperson Henderson.

Law Director Stephan requested an addition to the Agenda for a Special Use Application for a mobile food truck.

Motion by Dittrick, second by Ezerski to adopt the Agenda with an addition. All yeas, motion carried.

Motion by Claggett, second by Dittrick to approve the minutes of the June 15, 2023 Planning Commission Meeting. All yeas, motion carried.

Law Director Stephan reported a Site Development Plan Application has been filed by Oscar W. Larson Co. to install Electric Vehicle Charging Stations (EVgo) at McDonalds located at 40 Triggs Road. The application proposes to amend the current site plan of McDonalds to add Electric Vehicle Charging Stations in the rear of the McDonalds parking lot. The plan will use 4 existing parking spaces and provides for the installation of Electric Vehicle Charging Stations for those four parking spaces. Planning Commission has a copy of the Site Development Application for review. Law Director Stephan requested that Planning Commission approve this Site Development Application to permit the installation of the Electric Vehicle Charging Stations at McDonalds. Law Director Stephan advised a representative from Oscar W. Larson Co. is present to answer any questions regarding the project.

Steve Read, of 6225 N. SR 3, Hartford City, Indiana 47348, advised he is representing Oscar W. Larson Co., who will be installing two 350 kilowatt chargers at McDonalds. The chargers can each charge two vehicles at a time. Mr. Read advised it will take twenty to thirty minutes to get a vehicle charged to 80 percent capacity. All of the equipment, except for the chargers, will be screened.

Mayor Letner asked if the power for the charging stations will come from McDonalds?

Mr. Read replied a new transformer will be installed for the chargers, with its own meter.

Member Claggett inquired if McDonald's profits from the charging stations?

Mr. Read replied McDonalds will receive a portion of the revenue, and the rest will go to EVgo.

Member Ezerski inquired if the transformer can support adding an additional charging station in the future as shown on the Site Development Plan?

Mr. Read replied the transformer will support an additional charging station.

Mayor Letner inquired if it will be dedicated parking?

Mr. Read replied the parking will be clearly marked as dedicated parking for charging and there will be a parking time limit.

Motion by Claggett, second by Schreier to recommend approval of the Site Development Plan Application to install EVgo Electric Vehicle Charging Stations at McDonalds at 40 Triggs Road as presented. All yeas, motion carried.

Law Director Stephan reported Zach Music has filed a Special Use Application to operate an Automobile Service Station at 501 W. Westbrook Road. Planning Commission has a copy of the application and a county auditor map for the property. The property is located in the Convenience Business District. Under Section 1135.02(b)(1), Automobile Service Stations are listed as a special use that may be approved by Planning Commission in Convenience Business Districts. The statement of the applicant indicates that the business would focus on oil changes and routine maintenance. This property has previously been used as an automotive service station, and the parking lot for the business will provide off-street parking for the customers. Law Director Stephan requested that Planning Commission approve this Special Use Application.

Zach Music, of 15722 School House Road, Brookville, Ohio 45309, submitted a letter from the property owner at 501 W. Westbrook Road, approving the use of the property as an Automobile Service Station.

Mayor Letner asked if there is an automobile lift in the building?

Mr. Music replied there is not a lift, but the power and infrastructure is there for a lift, which he plans to install. The drive-on lift that he plans to install is an alignment lift, so he plans to offer alignment services at this location as well.

Member Schreier commented that the type of services proposed at this location will not require vehicles to be parked overnight.

Mr. Music replied that is correct.

Mayor Letner observed in the past, there were vehicles for sale parked on this property. Planning Commission does not want to see that happen again.

Mr. Music stated he does not plan to have vehicles parked on the property overnight or any vehicles for sale on the property.

Member Claggett asked if there are any plans to expand the building?

Mr. Music replied he is leasing the building and has no plans for expansion or remodeling, other than possibly making it a drive-thru building at some point.

Mayor Letner inquired about signage?

Mr. Music replied all the signage would be on the building.

Motion by Dittrick, second by Ezerski to approve a Special Use Application for Zach Music to operate an Automobile Service Station at 501 W. Westbrook Road. All yeas, motion carried.

Law Director Stephan reported that GPO Group has filed a Special Use Application as the agent for AT&T Mobility to construct a wireless telecommunication facility at 245 Sycamore Street (Parcel CO5 00114 0011). The property is owned by the City of Brookville, and the City would be leasing the tower area to AT&T Mobility. The property is located in an I-1 Light Industrial District. Wireless Telecommunication Facilities are a special use in the I-1 Light Industrial District, Section 1143.02(b)(10). Chapter 1169 of the Code of Ordinances sets forth the standards for Wireless Telecommunication Facilities. Chapter 1169 was enacted in 2014. Section 1169.04 (I) provides certain construction standards for the towers in industrial districts. 1169.04(1)(1) provides that the tower height will not exceed 200 feet. The proposed tower would be 285 feet in height. Planning Commission is authorized under 1105.03(c) to modify frontage, setback and building size requirements. As a part of the Special Use approval, Planning Commission would need to specifically approve the tower height of 285 feet. The existing tower at 301 Sycamore St. is 225 feet in height. In addition, Chapter 1169.04(1)(3) provides that the tower shall not be located such that the distance from the tower to a residentially zoned property or residential use is less than 500 feet. The zoning setback plan, Sheet C-1.2 sets forth a 500-foot radius from the tower. The setbacks from the residential properties on Sycamore Street., Cusick Avenue, McKinley Street, Oak Street would be less than 500 feet as set forth on the zoning setback plan, and Planning Commission would need to specifically approve this zoning setback plan with a distance of less than 500 feet from the residential properties. AT&T has included within their application a letter dated July 12, 2023 outlining the reasons why they need to build a new wireless facility in Brookville. In addition, AT&T has also provided a letter dated July 14, 2023 providing that co-location of at least one additional wireless telecommunication facility owned by another carrier can be located on this tower as required by Section 1169.05(a). Law Director Stephan advised Planning Commission also has a statement prepared by Manager Keaton about the discussions that staff had with AT&T regarding the project and the reasons it is proposed at this address.

Brad Laucher, of 1801 Watermark Drive, Suite 310, Columbus, Ohio 43215, representing GPD Group, advised AT&T has provided the reasons they have to get off the FM tower they are currently located on. There was no room at the height they needed to get on the existing tower owned by the City. Mr. Laucher stated AT&T looked at several properties that the City owns, and this made the most sense aesthetically as people are already looking at a tower. Mr. Laucher stated the proposed tower would be 285 feet high. It would be lit with a 4-foot lightening rod on top of the tower.

Member Claggett asked how tall the FM tower is and if AT&T owns it?

Mr. Laucher replied he believes the FM tower is over 350 feet tall. AT&T does not own it.

Member Schreier asked if the proposed tower is self-supporting?

Mr. Laucher replied that is correct. There will be no guy wires. It will be fenced and locked with barbed wire at the top.

President Henderson asked if there will be generators located at the base of the tower?

Mr. Laucher replied there will be generators.

Member Claggett asked if this tower will strictly be for AT&T?

Mr. Laucher replied it can accommodate other carriers in the future.

Mayor Letner inquired if there will be any interference with our existing tower?

Mr. Laucher replied he does not foresee any interference with the existing tower.

Mr. Laucher stated the tower will be painted the standard gray. AT&T will file and comply with the FAA and the FCC.

Member Schreier commented that this is one of those projects that you may not fully embrace, but everyone relies on their cell phones, making it necessary.

Chairperson Henderson commented this will be a good replacement for our current tower which will not last forever.

Motion by Claggett, second by Schreier to approve the Special Use Application for AT&T Mobility to construct a wireless telecommunication facility at 245 Sycamore Street (Parcel CO5 00114 0011), with the variance to allow the tower height of 285 feet, and a variance to approve the zoning setback plan, with a distance of less than 500 feet from the residential properties. Dittrick yea, Ezerski nay, Claggett yea, Letner yea, Schreier yea, Henderson yea. Motion carried with five yeas and one nay.

Law Director Stephan reported Joshua O'Brien has applied for a Special Use Application to operate O'Brien Burgers mobile food truck in the municipal parking lot off of Arlington Road, where we have previously approved mobile food trucks. The owner is eager to get started. He has a current food service operation license.

Member Schreier commented that the last few food trucks we have approved do not really compete with our other restaurants, but this one would be serving burgers which would compete with our fast-food restaurants and with Brookville Grille. When El Diablo was approved, we did not have

a potential Mexican restaurant in town. Member Schreier stated he is concerned about how many of these food trucks we are going to approve and how it conflicts with our established businesses.

Mayor Letner asked how often Mr. O'Brien wants to set up his food truck?

Law Director Stephan stated Mr. O'Brien plans to set up several times a week. He has agreed to work with the owner of the El Diablo food truck regarding the placement of his food truck in proximity to El Diablo. Law Director Stephan noted that food trucks are a summertime thing, so we are only looking at a few months of the year.

Motion by Ezerski, second by Dittrick to approve the Special Use Application for O'Brien Burgers to operate a mobile food truck in the municipal parking lot off of Arlington Road. Ezerski yea, Claggett yea, Letner yea, Schreier nay, Dittrick yea, Henderson yea. Motion carried with five yeas and one nay.

Law Director Stephan commented Planning Commission has a copy of the Zoning Permits Report for the month of June. Law Director Stephan advised there is a strong demand for homes in Brookville. Arbor Homes has begun construction at Albert and Upper Lewisburg Salem Road and construction continues in Hunters Run. Several new homes are being constructed on lots that have been available for a long time.

There was no Old Business.

There was no New Business.

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

Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

MEMORANDUM:

DATE: AUGUST 14, 2023

TO: CITY OF BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: HAY AVENUE AND SYCAMORE STREET PLAT

As part of the Hay Ave. reconstruction project, the City is proposing to widen the right of way along Hay Ave. and Sycamore St. The Record Plan for the Hay Avenue and Sycamore Street Plat will establish new right of way along Hay Avenue and Sycamore St. A copy of the record plan is attached to this Memorandum. It is requested that Planning Commission approve the Record Plan for the Hay Avenue & Sycamore Street Plat.

RECORD PLAN HAY AVENUE & SYCAMORE STREET PLAT

BEING PART OF A TRACT OF LAND OWNED BY
RICHARD C. JACOBS TRUSTEE
LOCATED IN SOUTHEAST 1/4 SECTION 34, T 6, R 4 E,
CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO

CONTAINING 0.390 ACRES TOTAL

AUGUST, 2023

APPROVED FOR DESCRIPTION ONLY

FILE # 20XX-KXXXXX

MONTGOMERY COUNTY ENGINEER

DATE

CHECKED BY

DATE

APPROVALS

APPROVED THIS ____ DAY OF ____, 20__ BY THE
PLANNING COMMISSION OF THE CITY OF BROOKVILLE, OHIO

CHAIRMAN

APPROVED AND ACCEPTED THIS ____ DAY OF ____,
20__ BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO

MAYOR

CLERK

PLAT AUTHORIZATION AND DEDICATION

WE, THE UNDERSIGNED, BEING ALL THE OWNERS OF THE LAND INCLUDED
WITHIN THIS PLAT, DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF
THIS PLAT TO BE OUR VOLUNTARY ACT AND DEED AND DEDICATE THE ROAD
RIGHT-OF-WAY AS SHOWN WITHIN THE PLAT TO THE PUBLIC USE FOREVER.

RICHARD C. JACOBS, TRUSTEE

STATE OF OHIO
COUNTY OF

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS ____ DAY OF ____, 20__
BY ____, AS TRUSTEE OF THE IRREVOCABLE
AGREEMENT OF TRUST OF JOYCE Y. JACOBS DATED APRIL 18, 2001 AND
ACKNOWLEDGED THE SIGNING OF THIS INSTRUMENT TO BE HIS VOLUNTARY
ACT AND DEED OF SAID OWNER.

NOTARY PUBLIC

ACREAGE SUMMARY

LOT # 2807 - 0.365 ACRES
DEDICATED R/W - 0.025 ACRES
TOTAL ACREAGE - 0.365 ACRES

DESCRIPTION

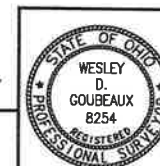
BEING 0.365 ACRES SITUATE IN THE SOUTHEAST 1/4 SECTION 34, TOWN 6,
RANGE 4 E, CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, OWNED BY
RICHARD C. JACOBS, TRUSTEE OF THE IRREVOCABLE AGREEMENT OF TRUST OF
JOYCE Y. JACOBS DATED APRIL 18, 2001 AS CONVEYED IN IR DEED 18-073984
OF THE MONTGOMERY COUNTY DEED RECORDS.

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH
O.A.C. 4733-37 STANDARDS FOR SURVEYS AND ALSO CONFORMS TO THE OHIO
REVISED CODE CHAPTER 711 FOR RECORD PLANS AND WAS CONDUCTED UNDER
MY SUPERVISION BASED ON FIELD WORK IN FEBRUARY 2023. ALL
MEASUREMENTS ARE CORRECT AND MONUMENTATION ARE TO BE SET AS SHOWN.

WESLEY D. GOUBEUX, P.S. #8254

DATE



PREPARED BY:

ChoiceOne
Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.231.8934

www.CHOICEONEENGINEERING.com

DATE:
08/09/2023

DRAWN BY:
MBK

JOB NUMBER:
MOTBRO2107

SHEET NUMBER

1 OF 1

SUPERIMPOSED AREA NOTE:

ALL OF THE LANDS OF THE DEDICATOR
ARE CONTAINED WITHIN SURVEY.

CURVE DATA

CURVE	RADIUS	Δ	LENGTH	CHORD	
				LENGTH	BEARING
C1	147.50'	27°35'12"	71.02'	70.33'	S47°32'31"W

VICINITY MAP



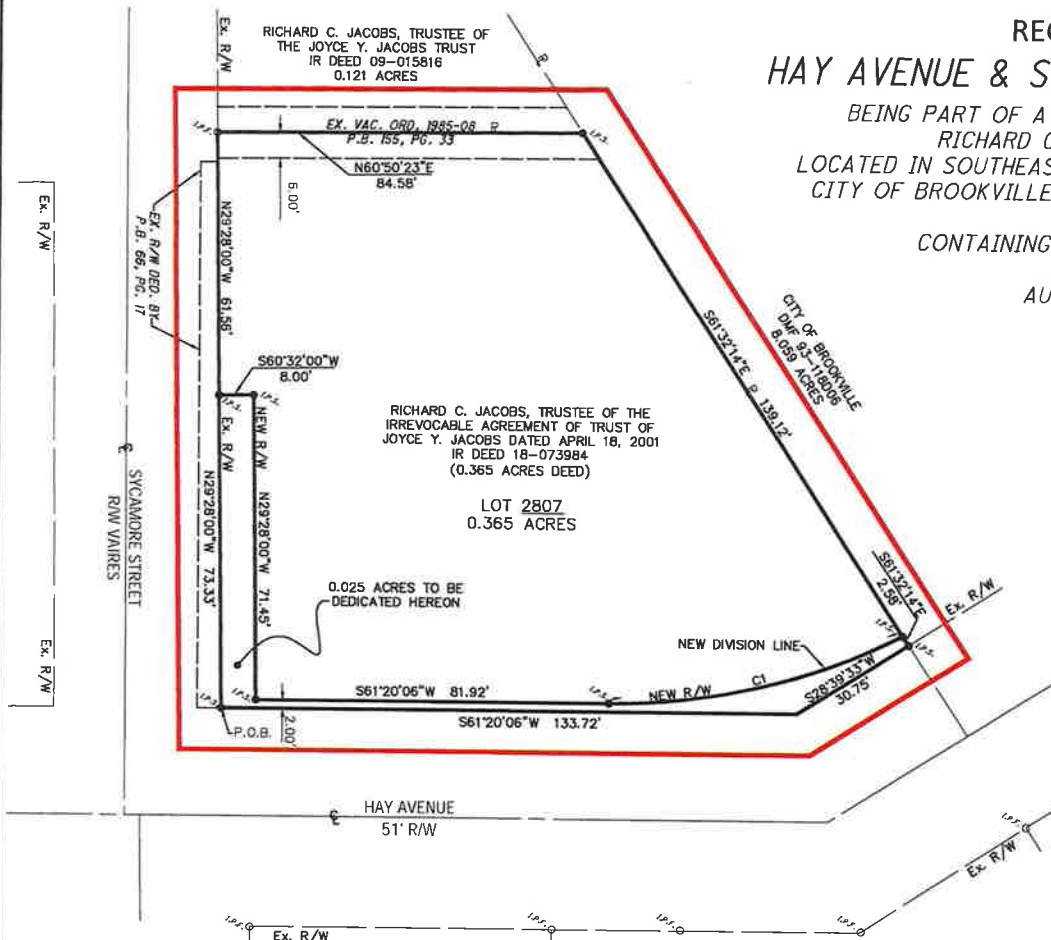
PERTINENT INFORMATION

PLAT BOOK 155, PAGE 33
PLAT BOOK 231, PAGE 26
MF 93-118006
IR DEED 09-015816
IR DEED 18-073984
LAND SURVEY 2002-0639
LAND SURVEY 2003-0018
LAND SURVEY 2004-0551
LAND SURVEY 2014-0212
LAND SURVEY 2017-0001
LAND SURVEY 2018-0035

OCCUPATION STATEMENT

Lines of Occupation (Where Existing) in
General Agree with Property Lines.

PROPERTY LINES CALCULATED FROM EXISTING
MONUMENTATION AND SURVEYS OF RECORD.



ZONING PERMITS 2023

ZONING PERMITS JULY 2023

Date	Address	Application	Name	Zoning Permit #	Special Use	Subdivision Major/Minor	Zoning Approved/ Denied	Building # Residential Commercial	Building Completion Date	C/O	Misc. Permit Information
7/6/2023	207 Litten Ct.	Driveway expansion and patio	CJB Concrete	4540			A-07-06-23				
7/7/2023	573 Arlington Rd.	Detached Garage	Jones	4541			A-07-10-23				
7/7/2023	777 Hunters Run	SFR 2796 sq. ft. basement	Fischer Homes	4542			A-07-10-23				
7/12/2023	431 Albert Rd.	storage shed	Jordan	4543			A-07-12-23				
7/14/2023	169 Brookmoor	Fence Permit	Friedlander	4544			A-07-17-23				
7/17/2023	169 W. Westbrook Rd	Fence Permit	Polston	4545			A-07-17-23				
7/17/2023	745 Albert Rd	Fence Permit	Cole	4546			A-07-17-23				
7/17/2023	175 Brooke Parke Ave.	Pool and Fence permit	McNew	4547			A-08-09-23				
7/18/2023	133 Brooke Parke Ave.	driveway expansion	Kidd	4548			A-07-18-23				
7/20/2023	783 Hunters Run Dr.	Fence	Friedlander	4549			A-07-20-23				
7/24/2023	24 Villa Dr.	Fence	Johnson	4550			A-07-24-23				
7/25/2023	222 Charlie Ct.	Storage Shed	Rhodes	4551			A-07-25-23				
7/26/2023	452 Western Ave	Fence Permit	Minke	4552			A-07-26-23				
7/27/2023	133 N. Wolf Creek St.	SFR 1552 Sq. Ft. Slab	Landis Builders	4553			A-07-27-23				
8/1/2023	186 Brooke Parke Ave.	Pool and Fence permit	Solmon	4554			A-08-01-23				
7/28/2023	549 Callie Dr.	Fence Permit	Eagle Fence	4555			A-08-02-23				