

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

