



PLANNING COMMISSION MEETING

Thursday, March 21, 2024, 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 February 15, 2024 Meeting Minutes

IV. Special Use Application - Mobile Food Truck - East Mesa Barbeque

V. Special Use Application - Mobile Food Vendor - O'Brien Burgers & Hot Dogs

VI. Reports

- a. Law Director
 - 1. Zoning of newly annexed territory - 85.611 acres - Clay Township

VII. Old Business

VIII. New Business

IX. Adjournment

Chairperson Ryan Henderson • Mayor Chuck Letner

Members: • Ken Claggett • Tony Ezerski • Damian Kristof • Curt Schreier • Jeff Wright

Brookville Planning Commission
Regular Meeting
February 15, 2024

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on February 15, 2024. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner, Members Claggett, Ezerski, Kristof, and Wright; Law Director Stephan, Manager Kuntz and Clerk Duncan were present. Member Schreier was absent.

Roll call by Clerk Duncan.

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

Motion by Letner, second by Ezerski to approve the minutes of the January 18, 2024 Planning Commission Meeting. Ezerski yea, Claggett yea, Letner yea, Wright yea, Kristof abstained, Henderson yea. Motion carried with five yeas and one abstention.

Law Director Stephan reported B & B Rentals, LTD has submitted a Final Subdivision Application for Meadow Glen Subdivision-B Record Plan and Meadow Glen Subdivision-C Record Plan. Both Subdivision Record Plans are consistent with the Preliminary Subdivision Plan approved by Planning Commission at the January 2024 meeting. The Meadow Glen Subdivision-B Plan will establish new public street right of way for Fledgling Way and Bruns Drive. Bruns Drive is currently a private street without public sidewalks. The Meadow Glen Subdivision-C will replat the existing Bruns Drive to establish it as a public street. This will allow public sidewalks to be installed along Bruns Drive and Fledgling Way. The developer will be required to submit a performance bond for the estimated costs of the public improvements for this project to insure completion of the public improvements. It is requested the Planning Commission approve Meadow Glen Subdivision-B Record Plan and Meadow Glen Subdivision-C Record Plan subject to final approval of the construction plans for the subdivision by the City Manager and City Engineer, and deposit of a performance bond to insure completion of the public improvements.

Member Wright inquired whether there is a difference between what was discussed in the last meeting and this meeting?

Law Director Stephan stated this is completely consistent with what was discussed at the last meeting. We have a process in our subdivision approvals where an applicant can come in and ask for a Preliminary Plat approval and then come in for a Final Subdivision Plat approval, which would then be filed with Montgomery County. The Final Subdivision Plat approval creates new lots and plats the new streets.

Member Wright commented that the public sidewalks were specifically referred to in the Law Director Stephan's report.

Law Director Stephan noted that sidewalks are an important part of this project because currently there are no sidewalks. Staff asked the developer to install sidewalks, which is why Bruns Drive is being replatted as a public street.

Mayor Letner asked what the buildout timeline is for this project?

Law Director Stephan replied the street should be completed this year, along with possibly one of the buildings. It will be multiple years before the project is completed.

Motion by Claggett, second by Kristof to approve Meadow Glen Subdivision-B Record Plan and Meadow Glen Subdivision C Record Plan, subject to final approval of the construction plans for the subdivision and deposit of performance bond to ensure completion of the public improvements. Claggett yea, Letner yea, Wright abstained, Kristof yea, Ezerski nay, Henderson yea. Motion carried with four yeas, one nay and one abstention.

Law Director Stephan reported John Ritter has submitted a Special Use Application for an Old German Baptist Brethren church meeting center to be known as "The Homestead Gathering Place". This project will be located at 201 Heckathorn Road and is part of the 113.562 acres annexed from Perry Township to the City of Brookville in 2023. The property is zoned R-1A. Churches and other buildings for the purpose of religious worship are a special use set forth in Section 1121.02 (b)(3) of the R-1A zoning district. A copy of the Special Use Application and Site Plan are attached. The Site Plan includes an 18,327 square foot building that will include meeting rooms and a recreation area. The project will be located on 5.96 acres to be subdivided from the 113.562-acre tract annexed to the City of Brookville. A Final Subdivision Record Plan, entitled the JLR Leasing Plat, is submitted to Planning Commission for final approval. The plat will establish a new lot for the church meeting center to be located. Law Director Stephan requested that Planning Commission approve the Special Use Application and Site Plan for "The Homestead Gathering Place." It is also requested that Planning Commission approve the Final Subdivision Record Plan entitled JLR Leasing Plat for this project.

Member Wright asked when this property was annexed?

Law Director Stephan replied the property was annexed in the fall of 2023.

Mayor Letner asked what the timeline will be for this project?

Daryl Deaton, of 1691 Antioch Road, Eaton, Ohio replied they hope to start construction this spring and finish in 2025.

Mayor Letner stated he has no issues with this project. The Ritters have been a great asset to our community. His only concern is the impact on our neighbors in the Meadows of Brookville and to the north. He would like to keep this impact to a minimum.

Member Claggett asked if this project will be similar to the building on Wolf Creek Pike at Heckathorn Road?

Mr. Deaton replied that building is a church. This building is a gathering center for their youth and members of their congregation.

Chairperson Henderson asked about the size of the building and how many people it will hold?

Mr., Deaton replied he does not have those figures readily available.

Law Director Stephan commented the plans show 115 parking spaces, with five ADA spaces.

Chairperson Henderson inquired whether the Fire Chief has approved these plans?

Law Director Stephan replied the Fire Chief has reviewed the plans and requested a fire hydrant be placed in the vicinity of the building. City water and sewer will be run under the bikeway to this project.

Motion by Kristof, second by Wright to approve the Special Use Application and Site Plan for the Homestead Gathering Place, and the Final Subdivision Record Plan for JLR Leasing as presented. All yeas, motion carried.

Law Director Stephan reported Louisiana Grill has submitted a Special Use Application to locate their mobile food truck in the parking lot at McMakens. A letter of support authorizing this location for Louisiana Grill has been received from McMakens. Mobile Food Vendors are a special use authorized in Section 1163.03(b)(26) that Planning Commission may approve in the General Business Zoning District in which McMakens is located. Louisiana Grill has previously been approved by Planning Commission to locate at McMakens, and there have been no issues with the operation of this mobile food vendor at McMakens. This special use approval is for a period of one year. It is requested that the Special Use Application of Louisiana Grill be approved by Planning Commission. Law Director Stephan commented that McMakens sells Louisiana Grill barbeque sauce in their store, so there is a dual marketing between the two entities.

Member Wright asked if this is a one-year permit and if the Louisiana Grill has been in this same location in the past?

Law Director Stephan replied a Special Use Permit for a mobile food vendor is issued for one year. Louisiana Grill has been located in the McMakens lot for three or four years in a row and sets up about four times per year.

Motion by Claggett, second by Ezerski to approve the Special Use Application for a mobile food truck in the parking of McMakens IGA at 1 Country Lane. All yeas, motion carried.

Law Director Stephan reported Brooke Hemmerich has filed a Special Use Application to operate her mobile boutique in the City of Brookville. She would like to operate from two locations. One location is the municipal parking lot on Arlington Road adjacent to the bikeway where we have located other mobile vendors. The other proposed location is in the municipal parking lot on the corner of Market Street and Walnut Street. This mobile vendor use is similar to the mobile food vendor special use in 1163.03(b){26}. The proposed locations for operation are in business districts

which permit mobile food and mobile produce vendors as a special use. The general standards for approval of a special use set forth in 1163 .03(a) should be considered by Planning Commission in determining whether to approve a Special Use approval for this type of mobile vendor. Law Director Stephan stated Planning Commission is looking at potentially approving the Arlington Road site. Law Director Stephan advised he and Manager Kuntz are still reviewing the Market and Walnut Street site.

Member Wright inquired whether the vendors who set up at the Arlington Road site are charged rent.

Law Director Stephen replied they are not charged rent, just the Special Use Application fee.

Chairperson Henderson inquired how this schedule compares to the other vendors who have set up at the Arlington Road site in the past?

Law Director Stephan stated this is probably more weekends than some of the other vendors have set up. The burger vendor was there nearly every day last summer and the Mexican food vendor was there a few times per week.

Member Kristof asked if all of the merchandise would be contained in the truck or would it be outside the truck on racks as well?

Member Wright commented Blue Finery sells similar merchandise, and another similar merchant is opening a store front on Market Street. Member Wright asked if these businesses have been considered?

Law Director Stephan stated this is something that Planning Commission needs to consider, as this vendor would be competing against those businesses. Planning Commission could consider whether approving the mobile boutique at the Arlington Road site would limit the direct competition with the other boutiques on Market Street. There are two sides to mobile vendors, they compete with businesses that are in a building, yet they do offer our residents multiple choices.

Member Claggett inquired what the size is of the mobile boutique?

Law Director Stephan replied his understanding is the mobile boutique is similar to the mobile food vendor trucks.

Chairperson Henderson inquired whether there will be a tent set up in addition to the trailer?

Mayor Letner suggested this vendor appear before Planning Commission at the next meeting so these questions can be answered. Planning Members can then get a first-hand look at what their business approach is going to be.

Member Wright commented he has much less of an issue with the mobile boutique at the Arlington Road location versus the Market Street location. He is confident we are going to start

filling some of the store fronts on Market Street soon and he does not want to take up any of those parking spots.

Motion by Letner, second by Wright to approve the Special Use Application for Small Town Tique to operate from the municipal lot on Arlington Road, with the Market Street location pending further review. All yeas, motion carried.

Law Director Stephan had no report.

Mayor Letner commented that Tik Tacos, El Bronco and Mulberry & Main have all received their liquor permits. Mayor Letner stated at some point we will be looking at a DORA area in downtown Brookville.

Mayor Letner also reported that a tobacco company has made a cash offer to purchase Hatmaker's Auto on Market Street Mayor Letner reminded everyone that Council passed a 180-day moratorium in November regarding medicinal and recreational marijuana. If the tobacco company purchases the Hatmaker property, it would be for tobacco and vape sales only.

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

Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

MEMORANDUM:

MARCH 12, 2024

TO: CITY OF BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

**RE: SPECIAL USE APPLICATION-EAST MESA BARBEQUE-MOBILE FOOD
VENDOR**

Derrick Sturgill has filed a special use application for the East Mesa Barbeque. A copy of the special use application is attached. The location of this mobile food vendor would be the municipal parking lot on Arlington Rd. adjacent to the bikeway. Mobile Food Vendors are a special use permitted in this location under 1163.03(b)(26). It is requested that Planning Commission approve this special use application for East Mesa Barbeque.

City of Brookville

"A Proud and Progressive Community"

Application #SU 24-04

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 East Mesa Barbeque (Derrick Sturbill)
2. Applicant address 2604 E. Lexington Rd
3. Phone (Hm) _____ (Bus) 937 607 9187 Interest in property _____
4. Location or address of property to be affected 7 Bike path parking lot
5. Legal description BBQ concession trailer
6. Present Zoning classification I-1 Existing Municipal parking lot
7. Proposed Special Use MOBILE FOOD VENDOR

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.

Shouldn't create any noise w/ the exception of a generator,
or glare, fumes, vibrations or odor except for food odor.

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.

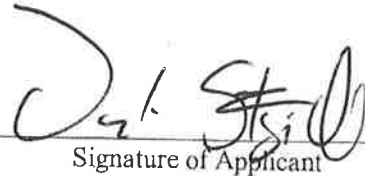
10. Wherever no specific area, frontage and setback requirements are specified in provision for specific special uses, then the area, frontage and setback requirements in the applicable zone shall apply; provided, that the Planning Commission shall be authorized to waive or modify certain requirements 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? No

12. When? _____ Results? _____

2-22-24

Application Date


Signature of Applicant

OFFICE USE ONLY BELOW LINE

Reviewed by _____ Date _____

Appr/Denied Planning Commission _____ Date _____

Fee \$75.00 Receipt Number 77769 Date 2/22/24
(NON REFUNDABLE)

**EAST MESA
BBQ**

**FOOD TRUCK AND
CATERING**

937-607-9187



MEMORANDUM:

MARCH 12, 2024

TO: CITY OF BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

**RE: SPECIAL USE APPLICATION-O'BRIEN BURGERS AND HOT DOGS-
MOBILE FOOD VENDOR**

Joshua O'Brien has filed a special use application for the O'Brien Burgers and Hot Dogs. A copy of the special use application is attached. The location of this mobile food vendor would be the municipal parking lot on Arlington Rd. adjacent to the bikeway. Mobile Food Vendors are a special use permitted in this location under 1163.03(b)(26). Joshua O'Brien operated his mobile food truck at this site in 2023. It is requested that Planning Commission approve this special use application for O'Brien Burgers and Hot Dogs.

City of Brookville

"A Proud and Progressive Community"

Application #SU 24-05

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 Joshua O'Brien
2. Applicant address 18 Grand Ave
3. Phone (Hm) 937-250-9379 (Bus) _____ Interest in property _____
4. Location or address of property to be affected City of Brookville parking lot,
Arlington Rd.
5. Legal description _____

6. Present Zoning classification I-1 Existing Municipal Parking Lot
7. Proposed Special Use O'Brien Burgers and Hot Dogs

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.

Previously operated this mobile trailer
in 2023 At this location.

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.

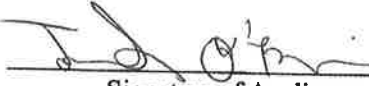
10. Wherever no specific area, frontage and setback requirements are specified in provision for specific special uses, then the area, frontage and setback requirements in the applicable zone shall apply; provided, that the Planning Commission shall be authorized to waive or modify certain requirements 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?** _____

12. When? _____ Results? _____

3-5-24

Application Date


Signature of Applicant

OFFICE USE ONLY BELOW LINE

Reviewed by _____ Date _____

Appr/Denied Planning Commission _____ Date _____

Fee 75.00 (NON REFUNDABLE) Receipt Number 367343(cc) Date 3/5/2024

ZONING PERMITS 2023

ZONING PERMITS JANUARY 2024											
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
1/2/2024	457 Harper Creek	SFR 2336 Sq. Ft. slab	Arbor Homes	4602			A-01-05-24				
1/2/2024	413 Harper Creek Dr.	SFR 1687 Sq. Ft. slab	Arbor Homes	4603			A-01-05-24				
1/2/2024	427 Harper Creek Dr.	SFR 2463 Sq. Ft. slab	Arbor Homes	4604			A-01-05-24				
1/25/2024	218 Woodfield Dr.	Garage	Persinger	4605			A-01-26-24				
ZONING PERMITS FEBRUARY 2024											
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
2/8/2024	307 Sunrise Ave.	Fence Permit	Friedlander	4606			A02-12-24				
2/14/2024	809 Kimmel Trail	SFR 1866 Sq. Ft. basement storage shed	Landis	4607			A-02-14-24				
2/8/2024	132 Church St.	Fence Permit	Tolson	4608			A-02-15-24				
2/12/2024	840 Hunters Run	Fence Permit	Friedlander	4609			A-02-20-24				
2/23/2024	468 Harper Creek Dr.	SFR 1613 sq. ft. slab	Arbor Homes	4610			A-02-26-24				
2/23/2024	164 Autumn Maple Lane	SFR 2296 Sq. Ft. slab	Arbor Homes	4611			A-02-26-24				

MEMORANDUM:

DATE: MARCH 13, 2024

TO: CITY OF BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN-LAW DIRECTOR

RE: ZONING OF NEWLY ANNEXED TERRITORY-85.611 ACRES-CLAY TOWNSHIP

A petition for annexation of 85.611 acres in Clay Township was approved by the Montgomery County Board of County Commissioners on October 31, 2023. City Council accepted the annexation of the 85.611 acres at its January 16, 2024 meeting. A map of the 85.611 acre area that was annexed is attached to this Memorandum. A copy of the current zoning map of Brookville is also attached.

It is necessary for a zoning district to be assigned to this annexed territory. As a part of that process, it is requested that Planning Commission review and make an initial recommendation to City Council for the proposed zoning of the annexed territory. City Council will then commence the zoning process by passing a first reading of an ordinance to establish a zoning district for the property, and after a public hearing on the zoning ordinance, Planning Commission will make a final recommendation to City Council on the proposed zoning ordinance.

The property is adjacent to 59.401 acres that was annexed to the City of Brookville in 2022. This 59.401 acre property was divided into two zoning classifications-General Business and R-1(B) Urban Residential District upon recommendation by Planning Commission and approval by City Council. A copy of the zoning map for that property is attached.

With respect to the 85.611 acres, the same division line of GB and R-1(B) from the 59.401 Acres can be extended across the 85.611 acres. The result will be to establish a larger area for both the general business use and the R-1(B) single family housing.

At the northern end of this 85.611 acre annexation, there is 15.47 acres that is adjacent to the I-70 interstate highway and an existing R-3 multifamily area. This area could be zoned R-1B, or it possibly could be assigned a denser residential zoning classification such as R-2 or R-3 as it is adjacent to the existing R-3 area.

[illegible]

- R-7A SUBURBAN RESIDENTIAL
- R-8 URBAN RESIDENTIAL
- M-1C URBAN INDUSTRIAL
- B-2B MEDIUM DENSITY RESIDENTIAL
- R-2A MULTI-FAMILY RESIDENTIAL
- O-OFFICE COMMERCIAL
- C-OFFICE SERVICE
- CB CONVENIENCE BUSINESS
- GB GENERAL BUSINESS
- H-HIGHWAY SERVICE
- C-COMMUNITY CENTER
- I-1 LIGHT INDUSTRIAL
- M-1B MEDIUM DENSITY INDUSTRIAL
- PB PLANNED RESIDENTIAL
- PMR PLANNED MEDICAL HOME RESIDENCE
- PC PLANNED COMMERCE
- PI PLANNED INDUSTRIAL
- C-CONSERVATION
- PD PLANNED PLAN
- PL PLAN DEVELOPMENT
- ZONING DISTRICT INDUSTRIES



A vertical scale bar labeled "SCALE IN FEET" with markings at 0, 500, and 1,000 feet.

[illegible][illegible]

ONE

