City of BROOKVILLE

PLANNING COMMISSION MEETING

Thursday, May 16, 2024, 7:30 PM

CITY HALL

301 SYCAMORE STREET, BROOKVILLE, OHIO 45309

www.brookvilleohio.com

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 March 12, 2024 Regular Meeting Minutes

IV. Special Use Application 24-07 Deborah Brumback - Mobile Produce Vendor

V. Special Use Application 24-08 El Diablo Grill - Mobile Food Vendor

VI. Accessory Use Application - Storage Unit - 523 Sterling Meadow Drive

VII. Final Subdivision Application - Evergreen Trace Subdivision

VIII. Final Recommendation - Ordinance 2024-07 An Ordinance Establishing the Zoning Classification of Lots 2798, 2799, and 2800 in the City of Brookville

IX. Reports

a. Law Director

X. Old Business

XI. New Business

XII. Adjournment

Chairperson Ryan Henderson • Mayor Chuck Letner
Members: • Ken Claggett • Tony Ezerski • Damian Kristof • Curt Schreier • Jeff Wright

Brookville Planning Commission
Regular Meeting
March 21, 2024

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on March 21, 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, Schreier and Wright; Law Director Stephan, Manager Kuntz and Clerk Duncan were present.

Roll call by Clerk Duncan.

Chairperson Henderson called for a motion to approve the agenda with the addition of a Special Use Permit for CaliOH Eats and the addition of Citizen Comments.

Motion by Claggett, second by Ezerski to adopt the Agenda with the additions. All yeas, motion carried.

Motion by Kristof, second by Ezerski to approve the minutes of the February 15, 2024 Planning Commission Meeting. Ezerski yea, Claggett yea, Letner yea, Wright yea, Kristof yea, Schreier abstained, Henderson yea. Motion carried with six yeas and one abstention.

Law Director Stephan advised Derrick Sturgill has filed a Special Use Application for East Mesa Barbeque. The location of this mobile food vendor would be the municipal parking lot on Arlington Road adjacent to the bikeway. Mobile Food Vendors are a special use permitted in this location under 1163.03(b)(26). Law Director Stephan requested that Planning Commission approve the Special Use Application for East Mesa Barbeque.

President Henderson announced the Sturgills are present to answer any questions.

Mayor Letner inquired how often they will set up in Brookville?

Mr. Sturgill replied they will probably set up two or three weekends per month.

Member Wright asked if they have set up in Brookville before?

Mr. Sturgill replied they have set up in Eaton, New Lebanon and Greenville.

Member Claggett asked what they sell?

Mr. Sturgill replied they sell BBQ ribs, brisket and pulled pork.

Member Wright commented he has had their food in the past and it was good.

Motion by Claggett, second by Wright to approve the Special Use Application for East Mesa Barbeque as presented. All yeas, motion carried.

Law Director Stephan reported Joshua O'Brien has filed a Special Use Application for O'Brien Burgers and Hot Dogs. The location of this mobile food vendor would be the municipal parking lot on Arlington Road, 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. Law Director Stephan requested that Planning Commission approve the Special Use Application for O'Brien Burgers and Hot Dogs.

Member Schreier inquired if there is a limit on the number of Special Use Applications that can be issued each year?

Law Director Stephan replied that Planning Commission has discussed this is the past but it was not added to the code. Mobile food vendors provide other options for residents. Last year, the vendors worked a schedule out between themselves for using the municipal lot.

Motion by Kristof, second by Claggett to approve the Special Use Application for O'Brien Burgers and Hot Dogs as presented. All yeas, motion carried.

Law Director Stephan reported CaliOH Eats has filed a Special Use Application to operate a mobile food truck on the municipal parking lot on Arlington Road, adjacent to the bikeway. Mobile Food Vendors are a special use permitted in this location under 1163.03(b)(26). CaliOh Eats operated at this site in 2023. Law Director Stephan requested that Planning Commission approve this Special Use Application for CaliOH Eats.

Motion by Kristof, second by Schreier to approve the Special Use Application for CaliOH Eats as presented. All yeas, motion carried.

Law Director Stephan reported 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. 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. 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-l(B) Urban Residential District, upon recommendation by Planning Commission and approval by City Council. With respect to the 85.611 acres, the same division line of GB and R-l(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-l(B) single family housing. At the northern end of this 85.611-acre annexation, there are 15.47 acres that is adjacent to the 1-70 interstate highway and an existing R-3 multifamily area. This area could be zoned R-lB, 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.

Member Wright asked if the owner has a request on what the property will be zoned?

Law Director Stephan replied the request is to have General Business in the front and residential zoning in the back. Law Director Stephan stated he advised the owners that the residential zoning would likely be R-1B, as it is adjacent to existing R-1B zoning.

Member Wright stated he struggles to approve this as the property could sit vacant for a long time. Then it becomes a permitted use and there is no recourse. He wonders what the community really wants here and how much residential development we can handle. Member Wright stated he is transparently uncomfortable with it.

Manager Kuntz advised we have to assign a zoning district.

Member Wright stated he spoke to local residents in this area, which is mostly agricultural. Member Wright asked if the lot requirements for R-1A are larger?

Law Director Stephan replied R-1A requires 100-foot lots, and R-1B requires 85-foot lots. We have some R-1A in Wolf Run and in Arlington Woods.

Member Wright asked what agricultural zoning districts are?

Law Director Stephan replied we have a Conservation District, which is usually requested if someone is farming the ground. This zoning has also been applied to park ground.

Member Wright inquired whether it would make more sense to have this vote in concert with what the planned use of that land is?

Law Director Stephan replied a realtor is marketing the land and has a potential project. Planning Commission could potentially weigh that project and then assign a zoning category if they are satisfied with the project. The issue for the property owner, realtor and anyone who wanted to develop the land is that there is uncertainty with that and it is hard to market property that does not have a zoning category. Law Director Stephan noted that if we go to a planned development zoning, there is greater control over a project and greater ability to reject a project.

Member Claggett commented that he is in favor of General Business zoning in the front of those lots as we are locked in for other business growth within the city.

Mayor Letner commented we do have some opportunities near the highway, but it is spotty. Mayor Letner stated he cannot see changing this compared to the property that we zoned in 2022, which is right next to it.

President Henderson agreed that would make sense.

Member Wright inquired what the hesitancy is for R-1A zoning, versus R-1B?

Mayor Letner commented people may not want to build that type of home by the highway.

President Henderson stated R-1A provides a little more openness. That is what we have on Timberwolf Way.

Law Director Stephan stated staff would like to have a zoning recommendation tonight so that the process can get started. This would not be a final decision, as we would have to go through the whole process, which includes a Public Hearing. The property owners would like to have a zoning category established so that they can market the property.

Member Claggett commented if Planning Commission recommends General Business for the front of this property, it would make sense to continue this classification all the way down the road.

Law Director Stephan commented there is a property that is farmland between this property and Golden Gate Estates is still in the township.

Member Schreier asked if Planned Development Overlay District can be applied whether we zone the property R-1A or R-1B?

Law Director Stephan replied that is correct.

Member Claggett inquired whether Planning Commission can add Planned Development to a zoning district that has already been established?

Law Director Stephan replied that would create a legal issue unless the owner requested it.

Member Wright stated there seems to be two themes. General Business is going to bring in more money and we are effectively running out of space to bring in more business. Member Wright stated his feedback from the community is that there is also a need for R-1A zoning.

Member Kristof asked if R-1B with Planned Development Overlay gives us more flexibility? We could then expand it to R-1A requirements even though it is R-1B.

Member Schreier stated if it is zoned R-1B, we cannot change it to R-1A requirements,

Motion by Claggett, second by Wright to zone the front half of Lot 2799 as General Business to align with the adjacent General Business zoning and zone the back half of Lot 2799 and all of Lot 2800 as R-1A with Planned Development Overlay District. All yeas, motion carried.

Law Director Stephan inquired whether Planning Commission wanted the Planned Development Overlay on both the GB and the R-1B?

Member Schreier stated the motion included Planned Development Overlay on the R-1A only. The motion will have to be revised if Planning Commission wants Planned Development Overlay on both the GB and R-1A.

Law Director Stephan advised this can be revisited after we hold a Public Hearing.

There was no Old Business.

Member Wright stated he has been receiving letters about the proposed annexation of the Myer property off of Johnsville Brookville Road.

Law Director Stephan replied the city received a request to annex approximately 70 acres in that area. There were some issues with the annexation upon filing so Montgomery County requested we withdraw the petition and refile. There are an additional 70 acres that may be annexed after this annexation is complete. Law Director Stephan stated staff has had discussions with the owners, who would like to see single-family housing on large lots. Staff has been looking at a zoning text amendment that would create this category. The City has received a lot of citizen comments from surrounding citizens who would like to see this property remain farmland. Staff has not made a decision whether the annexation will be refiled. It would take multiple years for this property to go through the annexation process.

Member Wright asked for more information on the larger lot size.

Law Director Stephan replied staff has had discussions regarding developing another code section with one to two-acre lots, similar to township lots, but smaller, and placing upscale housing on these lots. This is a project that would be many years down the road. Law Director Stephan stated the owners have not indicated whether they want to refile for annexation. They may choose not to file for annexation and do a different project in the township.

Steve Denlinger, of 9215 Access Road, stated he wanted to ask if Planning Commission could give him a copy of the study done on Brookville Schools, but according to what he is hearing, there is no study. Mr. Denlinger stated he is on a fixed income, and his son and his family who live in Brookville cannot afford any more payments if you load another 28-year bond issue. With all of the building going on, he is worried about down the road because if this development continues, we are going to be building a new school. The city cannot even pass a levy to fix the roads.

General discussion followed about school capacity, general growth and infrastructure. Comments were made by other members of the audience, who signed the attendance sheet as Ed & Gayle Durst and Derrick & Tina Sturgill.

Mark Haworth, 10352 Upper Lewisburg Salem Road, asked for clarification on how much sewage our wastewater treatment plant can process per day and expressed concerns about whether the treatment plant can handle the housing developments and the DMax expansion currently underway.

Mayor Letner replied our wastewater treatment plant processes 730,000 -750,000 gallons per day. It is capable of processing up to 1.2 million gallons per day.

Manager Kuntz advised the City has hired an engineering firm to determine the necessary upgrades to our wastewater treatment plant and will seek financial assistance from the State.

Mr. Haworth asked what type of stores and businesses would be in the proposed General Business zoning district of the newly annexed territory on Upper Lewisburg Salem Road? Mr. Haworth stated he would like to see the area around the firehouse as residential only.

Law Director Stephan stated his vision is that the area would hold a restaurant, a small office district and small retail stores, not big box stores. The surrounding residents groups around there would then be able to walk there for shopping and dining. The City can control the type of businesses through Planned Development zoning.

General discussion followed about controlling the types of businesses allowed in the area through Planned Development and listening to community input.

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

_____ _____

Kimberly Duncan, Clerk Ryan Henderson, Chairperson

MEMORANDUM:
DATE: MAY 9, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: SPECIAL USE APPLICATION 24-07

Deborah Brumback has filed a special use application for a permit to operate as mobile produce vendor at the municipal parking lot off Arlington Road. A copy of the application is attached. She will be selling flowers and vegetables. Mobile Produce Vendors are a special use under 1163.03(b)(26) that may be approved by Planning Commission. It is requested that Planning Commission would approve the special use application 24-07 for this mobile produce vendor.

City of Brookville

"A Proud and Progressive Community"

Application #SU 24-07

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 Deborah K Brumback

2. Applicant address 14302 OLD Dayton Rd New Lebanon Ohio 45345-9178

3. Phone (Hm) 937-477-~~404~~ 4043 (Bus) _____ Interest in property _____

4. Location or address of property to be affected municipal bike way or park

5. Legal description _____

6. Present Zoning classification _____ Existing _____

7. Proposed Special Use Flower & Vegetable Emporium Annual - Perinnea\ ang Veg-plants (cert-org-produce)

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.

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? _____

5-2-2024
Application Date

Deborah K Brunduck
Signature of Applicant

OFFICE USE ONLY BELOW LINE

Reviewed by _____ Date _____

Appr/Denied Planning Commission _____ Date _____

Fee _____ Receipt Number _____ Date _____
(NON REFUNDABLE)

MEMORANDUM:
DATE: MAY 10, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: SPECIAL USE APPLICATION 24-08 EL DIABLO GRILL

Jessica Serrano, of El Diablo Grill, has filed a special use application to operate as a mobile food vendor at the municipal parking lot adjacent to Arlington Rd. Mobile food vendors are a special use under Section 1163.03(b)(26). This vendor has operated at the municipal parking lot for several years, and there have not been any issues with this vendor.

It is requested that Planning Commission approve the special use application for El Diablo Grill.

City of Brookville

"A Proud and Progressive Community"

Application #SU 24-08

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 Jessica Serrano for S & K Operations LLC dba El Diablo Grill

2. Applicant address 304 Warm Springs Dr Fairborn OH 45324

3. Phone (Hm)_____ (Bus)937-219-3249 Interest in property Food Vendor/truck

4. Location or address of property to be affected City of Brookville PARKING LOT-Arlington Rd.

5. Legal description El Diablo Grill is a full service mobile food truck

6. Present Zoning classification _____ Existing _____

7. Proposed Special Use _____

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.

El Diablo Grill is a mobil food truck that provides fresh food licensed with Montgomery County. The truck operates on a gas generator.

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? 2023 Results? approved

5/9/24
Application Date

Signature of Applicant

OFFICE USE ONLY BELOW LINE

Reviewed by _____ Date _____

Appr/Denied Planning Commission _____ Date _____

Fee 75.00 Receipt Number Credit Date 5/9/24
(NON REFUNDABLE)

MEMORANDUM:
DATE: MAY 9, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: STORAGE UNIT-523 STERLING MEADOWS DR.

On April 15, 2024, Mark J. Mancuso of 523 Sterling Meadows Dr. received a zoning permit to have a storage unit on his property while his house is restored from water damage to the structure. The permit was issued for 30 days. Under Section 1157.09, portable on-demand storage units can be permitted for thirty days by the Zoning Enforcement Officer, and then Planning Commission can extend the time for location of the storage unit on the property. The property owner is requesting additional time for the storage unit because the restoration of the property is taking longer than expected. It is requested that Planning Commission would approve an additional 60 days on that permit for the portable storage unit at 523 Sterling Meadows Dr.

Application
№ 4632

CITY OF BROOKVILLE

301 Sycamore St., P.O. Box 10, Brookville, Ohio 45309-0010 ● Phone (937) 833-2135

APPLICATION FOR A ZONING COMPLIANCE PERMIT

The undersigned applies for a Zoning Compliance Permit for the following use; said 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. An application will be denied if all required information is not provided within three (3) months from the date of the application. (Permit shall expire if work has not begun within six (6) months, and completed within eighteen (18) months.)

A. Single family X B. Multi-family _____ C. Business _____ D. Industrial _____ E. Sign _____

F. Accessory use X G. Temp. use X H. Certificate of Occupancy _____ I. Other _____

1. Name of applicant Mark J. Mancuso

Address of applicant 523 Sterling Meadows Pl, Brookville, OH 45309

Home phone 937-286-0934 Business phone _____ Interest in property _____

2. Location, address, or legal description of property to be affected 523 Sterling Meadows Pl, Brookville, OH, 45309

3. Present zoning classification _____ Existing use Private home

4. *Proposed use request (If proposed use is a business or industry, describe nature of use).*

Temporary storage Container 7.75'x16' to store basement contents due to flooding. Clean water from refrigerator water leaks.

5. In order to be processed for all new construction, the applicant must provide two (2) copies of a plot plan showing all of the following which apply, and would be helpful in arriving at a decision on this application. Provide one (1) copy of a plot plan for all accessory uses.

a. The exact dimensions and shape of lot.
b. The exact location and dimensions of existing buildings.
c. The exact location and dimensions of all proposed buildings. (APPROVED GRADING PLANS MUST BE FOLLOWED.)
d. The exact location and dimensions of all proposed accessory structures.
(ALL FENCES REQUIRE THAT POSTS ARE RETAINED INSIDE THE PERIMETER OF THE FENCE.)
e. The location and width of all proposed points of ingress and egress.
f. The location, number, and dimensions of all proposed off-street parking and loading spaces.
g. The location and type of lighting which will be used to illuminate areas of proposed parking, loading, and traffic circulation.
h. The location and types of landscaping proposed.
i. The location and dimensions of all proposed outdoor storage facilities for fuel, raw materials, and/or waste products.
j. The location and dimensions of all proposed signs.
k. The location and identification of all proposed or existing easements.
l. The exact location and dimensions of proposed swimming pool and/or fences.

6. Has application been filed on above before? N/A When? _____ Results? _____

Signature of applicant [signature] Application date 14 April 2024

DO NOT WRITE BELOW THIS LINE ● FOR OFFICE USE ONLY

Building permit # _____ Water tap permit # _____ Sewer tap permit # _____

Approved/Denied [signature] Approval/Denial date April 15, 2024

Fee $35.00 (Non-refundable) Receipt number 77894 Date 4/15/24

REV. 8/00 Approved for 30 DAYS.

MEMORANDUM:
DATE: MAY 10, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: EVERGREEN TRACE SUBDIVISION

Evergreen Trace, LLC has filed a final subdivision application for the Evergreen Trace Subdivision. A copy of the application and subdivision plans are attached to this memorandum.

The property is located on Wolf Creek Street across from the City of Brookville Sanitary Sewer Plant. The property is zoned R-2. Single family housing is a permitted use in this zoning district. The minimum lot frontage is 70 feet and the minimum floor area in this zoning district is 1300 sq. ft.

The proposed subdivision will establish 32 lots for single family housing. The subdivision meets all of the requirements for this zoning district. The subdivision will have an HOA for maintenance of common areas, and covenants and restrictions will be filed with the subdivision and applicable to each lot within the subdivision.

It is requested that Planning Commission approve the Evergreen Trace Subdivision.

Municipality of Brookville

"A Proud and Progressive Community"

Application #FS_____

ZONING APPLICATION FOR A *MAJOR (FINAL) SUBDIVISION PERMIT*

The undersigned hereby applies for a ***MAJOR (FINAL) SUBDIVISION 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.

1. Applicant Evergreen Trace LLC
2. Applicant address 8534 Yankee Street Dayton, Ohio 45458
3. Phone (Hm) _____ (Bus) (937) 438-3667 Interest in property Owner/developer
4. Location or address of property to be affected _____
5. Legal description Lot 1576, City of Brookville, Mont. Co., Ohio
6. Present Zoning classification R-2 Existing use Unimproved

7. To be processed for a ***MAJOR (FINAL) SUBDIVISION PERMIT***, the Subdivider shall prepare and submit the following: (a) Fifteen (15) copies of the final plat of the proposed subdivision. (b) Three (3) copies of construction drawings related to the improvements to be constructed in the proposed subdivision. (c) Three (3) copies of an itemized engineer's estimate with quantities for all proposed improvements including the estimate of cost for each item. (d) Three (3) copies of the storm sewer and storm detention calculations and other applicable calculations for design. (e) Completed final checklist with remarks, and (f) Final construction plan checklist with remarks (See Design Criteria for list).

8. All final plats, construction drawings and supporting documents shall meet all Design Criteria and Construction Standards and Drawings established by the Municipality of Brookville, the Zoning Code of the Municipality, or requirements established by other Governmental organizations having jurisdiction over the improvements. The most restrictive requirements shall apply.

9. The final plat shall be considered officially filed on the day it is received and properly noted and shall be so dated. However, the final plat shall not be considered properly submitted until all applicable fees are paid by the developer (see Schedule of Fees - Section 1185.04) and until all plans, supporting documents, and materials are provided to the Municipal Manager.

10. Final Plat Form
(a) The final plat shall be clearly legibly drawn on reproducible mylar. The size of the drawing shall be 11" x 17". The plat of a subdivision containing five (5) acres or less, shall be drawn to a scale of 1" = 50'. All other subdivisions shall be drawn to a scale of 1" = 100'. The minimum lettering height shall be 3/32" and all lot dimensions shall be 1/8" or larger. Lot number lettering shall be 1/4" or larger and underlined or circled. (b) If the final plat is drawn in two (2) or more sections, each section shall be accompanied by a key map showing the location of the sections. All final plat sections shall either totally include or totally exclude intersections and all lots fronting such intersections. (c) The survey shall conform to the minimum standards as per Section 4733-37-01 through 07 of the Ohio Revised Code, and further, shall meet the Minimum Standards for Filing Land Surveys within the Municipality of Brookville, Ohio. (d) Construction Drawings shall be submitted in the form stated in the Municipality of Brookville Design Criteria. The plans shall consist of the required improvements stated in the Regulations.

11. The final plat shall contain the following information:
(a) Name of the subdivision (which shall not duplicate or closely resemble the name of any other subdivision in the County), location by section, town, range and township, or by other survey number, date, North arrow and basis of bearing, acreage to thousandths of an acre (total lot acreage and total street acreage) and deed book and page reference. (b) Name and address of the subdividers, the professional engineer, and registered surveyor who prepared the plat and appropriate registration numbers and seals.
(c) The total area being platted shall include all perimeter courses and be outlined by a heavy-line border. Courses are to be listed in a clockwise direction. All dimensions, both lineal and angular, shall be determined by an accurate control survey in the field. The error of closure shall conform to the Ohio Administrative Code. (d) Bearings and distances to the nearest centerline of intersecting roads or the intersection of right-of-way lines; lot corners of recorded plat with plat reference; or Section Corner or Quarter Section

Corner. (e) Names, exact location, dimensions and right-of-way width of all streets and railroads within and adjoining the plat and building set back lines. Street names shall be approved by the Planning Commission. (f) Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, chord length bearing of all applicable streets within the plat area shall be illustrated on the plat.
(g) The exact locations, dimensions and uses of all private and public utility easements shall be illustrated on the plat.
(h) All lots accurately dimensioned in feet and hundredths with lot numbers and acreage. The lot numbers shall be consecutive for each platted section and shall be placed in the center of the lot with acreage under the lot number. Replatted lots shall illustrate existing lot numbers, lot lines dashed, and utility easements on the plat. (I) Accurate location and a description of all monuments as to type, size, and whether the monument was found or set. If a monument has been omitted or offset, a notation shall appear on the plat indicating the reason for the omission; or if it has been offset, its true location in relation to the property corner or lot corner shall be noted. (J) Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
(k) Any restrictions and covenants shall be shown or referenced on the final plat. (L) Certification shall contain the following:
(1) The total acres being subdivided; (2) Current ownership; (3) Deed reference; and (4) Zoning.
(m) Acknowledgment dedication statement of the owner or owners to the plat and restrictions, including dedications to public use of all public streets, alleys, parks or other open spaces shown thereon and the granting of the required easements, as shall be indicated by the following statement on the plat tracing: "Easements shown on this plat are for the construction, operation, maintenance, repair, replacement or removal of water, gas, sewer, electric, telephone, or other utilities or services, and for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and for providing of ingress and egress to the property for said purposes, and to be maintained as such indefinitely". A statement of intention and request for the vacation of lot lines and easements on previously platted properties, and the signature of authorized representatives of local utility companies (electric, telephone, cable television, etc.) acknowledging the abandonment of easements. (n) The names of record of all abutting parcels with deed reference, acreage and survey record reference, if applicable. Platted land shall show the name of the subdivision, lot numbers, plat book and page reference. (o) Any section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names lettered thereon. (p) Location of permanent facilities and easements for same used for drainage control such as detention ponds, retention ponds, infiltration beds, etc., and the statement of the provisions for the maintenance of these facilities. (q) Approval signature and date lines shall be provided for Municipal Manager, Mayor, Clerk of Council, Planning Commission Chairperson, and County Engineer.

12. The following information shall be supplied in addition to the above requirements:
(a) If a zoning change is involved, approval shall be required and in effect prior to submittal. (b) Prior to approval of the final plat, a Surety shall be furnished assuring installation and initial maintenance of the required improvements (c) In flood prone areas the subdivider shall provide information detailing how the structures will be protected from flood hazard. (d) The Planning Commission may require the applicant to submit additional topographic information, detailed plans for proposed uses, and other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flood flows, and the adequacy of proposed flood protection measures. The Planning Commission may consult with expert persons or agencies for technical assistance and advice.
(e) These construction plans shall be submitted to the OEPA and the City of Dayton Water Department for approvals as required. Certification of OEPA approval shall be provided on the plans where applicable. Construction shall not commence until such approvals are granted. (f) The Municipal Manager's signature shall be provided on approved construction plans to verify compliance with the applicable specifications and the requirements of the Regulations.

13. After the final plat has been approved by the Planning Commission, dedications accepted by the Council and the necessary approval endorsed in writing thereon, the subdivider shall record the plat in the office of the County Recorder. The final plat shall be recorded in the office of the County Recorder as required by law within 90 days after the date of final approval. If such record is not made within 90 days, the approval will become void and reapplication must be made. The subdivider shall furnish the Municipality with a copy of the recorded plat.

4/29/2024
Application Date

Signature of Applicant

OFFICE USE ONLY BELOW LINE

Appr/Denied Planning Commission _____ Date _____

Appr/Denied Brookville Council _____ Date _____

Fee 300.00 Receipt number 77939 Date 4/30/2024
(NON REFUNDABLE)

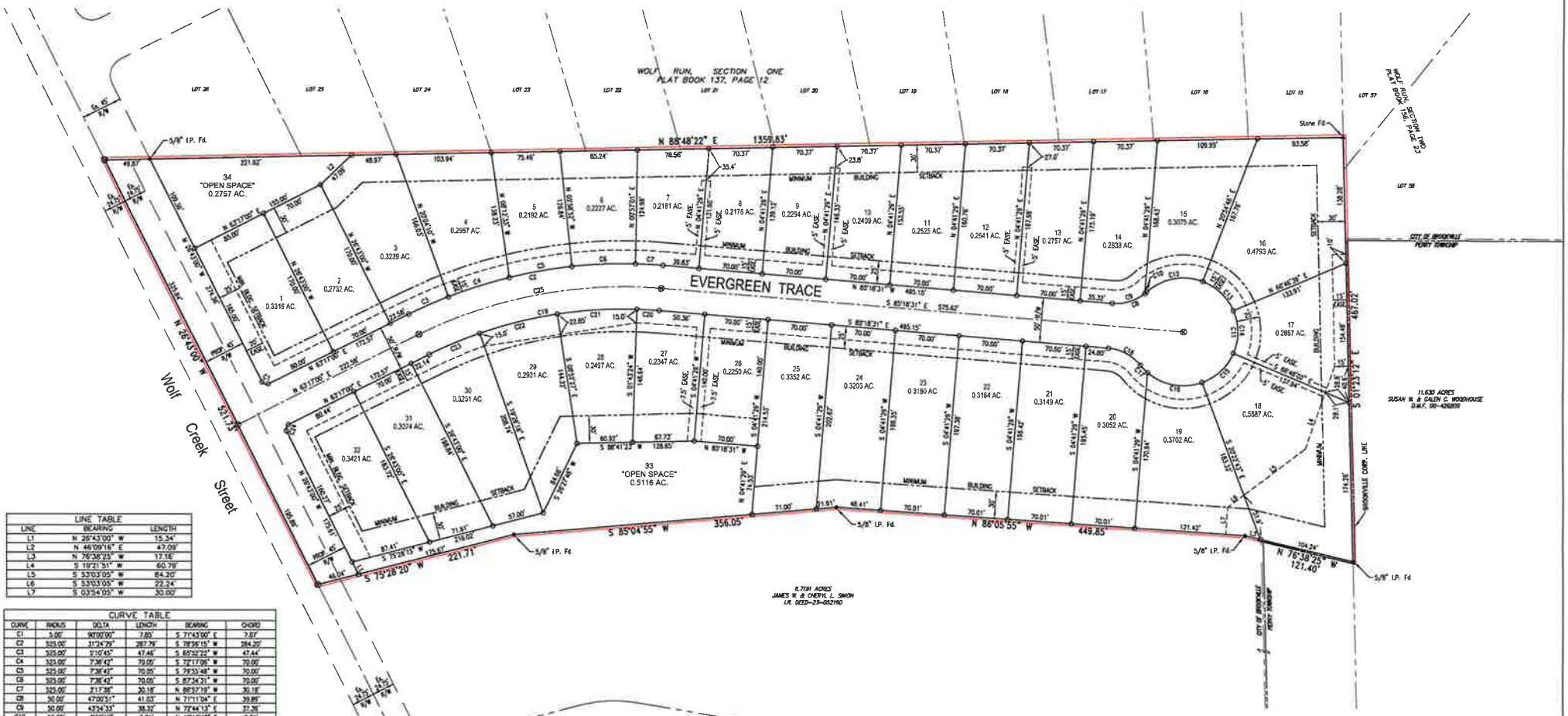
REV 8/00

EVERGREEN TRACE

BEING A REPLAT OF LOT 1576
CITY OF BROOKVILLE
SECTION 3, TOWN 5, RANGE 4E
MONTGOMERY COUNTY, OHIO
CONTAINING: 12.2435 AC.
APRIL, 2024

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 26°43'00" W	15.34'
L2	N 46°09'16" E	47.09'
L3	N 76°38'23" W	17.16'
L4	S 19°21'31" W	60.79'
L5	S 53°03'05" W	64.20'
L6	S 53°03'05" W	22.24'
L7	S 03°54'05" W	30.00'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	5.00'	90°00'00"	7.85'	S 71°43'00" E	7.07'
C2	525.00'	31°24'29"	287.79'	S 79°39'15" W	284.20'
C3	525.00'	5°10'45"	47.46'	S 85°32'22" W	47.44'
C4	523.00'	7°38'42"	70.05'	S 72°17'06" W	70.00'
C5	525.00'	7°38'42"	70.05'	S 79°55'48" W	70.00'
C6	523.00'	7°38'42"	70.05'	S 87°34'31" W	70.00'
C7	525.00'	3°17'38"	30.18'	N 88°57'19" W	30.18'
C8	50.00'	47°00'51"	41.03'	N 71°11'04" E	39.89'
C9	50.00'	43°34'33"	38.32'	N 77°44'13" E	37.39'
C10	50.00'	3°06'18"	2.71'	N 49°13'47" E	2.71'
C11	60.00'	274°01'42"	286.95'	N 04°41'29" E	81.82'
C12	60.00'	62°14'07"	66.42'	S 79°17'43" W	63.61'
C13	60.00'	45°31'33"	48.03'	N 46°09'18" W	46.78'
C14	60.00'	46°25'19"	48.61'	N 00°00'42" W	47.29'
C15	60.00'	46°25'19"	48.61'	N 46°24'37" E	47.29'
C16	60.00'	61°03'56"	63.95'	S 79°50'45" E	60.94'
C17	60.00'	11°01'07"	11.54'	S 43°46'14" E	11.52'
C18	50.00'	47°00'51"	41.03'	N 61°48'05" W	39.89'
C19	475.00'	31°24'29"	260.36'	S 79°39'15" W	257.14'
C20	475.00'	2°58'05"	24.61'	N 86°47'33" W	24.60'
C21	475.00'	10°35'31"	87.86'	S 66°25'29" W	87.73'
C22	475.00'	10°35'31"	87.86'	S 75°49'30" W	87.73'
C23	475.00'	7°14'47"	60.06'	S 66°34'21" W	60.02'
C24	5.00'	90°00'00"	7.85'	S 18°17'00" W	7.07'
C25	500.00'	31°24'29"	274.09'	S 79°39'15" W	270.67'

MINIMUM BUILDING SETBACKS

FRONT YARD = 25 FT.
REAR YARD = 30 FT.
SIDE YARD = 10 FT.

ACREAGE TABULATION

RESIDENTIAL LOTS #1 - #32	=	9.5472 AC.
RESERVE LOTS #33 - #34	=	0.7873 AC.
STREET R/W	=	1.9090 AC.
TOTAL	=	12.2435 AC.

— MONUMENT LEGEND —

- 5/8" Iron Pin Found (#5 Rebar)
- 5/8" Iron Pin Set with yellow plastic cap stamped: "Reinke L.S. #6207"
- Iron Pipe Found
- R/W Monument Found
- Stone Found
- Stone Set
- P.K. Nail Set
- P.K. Nail Found
- Concrete Monument Found
- Concrete Monument Set

SHEET 2 OF 2
PREPARED BY:

REINKE GROUP
Engineering / Surveying / Land Planning
Landscape Architecture / GPS Surveying
83 Knoll Center Dr.
Centerville, OH 45459
(937) 434-4810 ph
www.ReinkeGroup.com

FILE: C:\REINKE FILES\SURVEYING WORK GROUP\FILES\SHAPE FILES\PLANS\PLANS\PLAT.DWG
PLOT DATE: 4/26/2024 12:15 PM

EVERGREEN TRACE

BEING A REPLAT OF LOT 1576
CITY OF BROOKVILLE
SECTION 3, TOWN 5, RANGE 4E
MONTGOMERY COUNTY, OHIO
CONTAINING: 12.2435 AC.
APRIL, 2024

DEDICATION

WE THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN SHOWN, DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THIS INSTRUMENT TO BE OUR VOLUNTARY ACT AND DEED, AND DO HEREBY DEDICATE THE STREET RIGHT OF WAYS SHOWN TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN ARE RESERVED FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER MAINS AND SERVICES, SANITARY SEWERS, STORM SEWERS, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, OR OTHER UTILITY LINES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY OR ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR PROVIDING INGRESS TO AND EGRESS FROM THE PREMISES FOR SAID PURPOSES AND ARE TO BE MAINTAINED AS SUCH FOREVER.

" OWNER "
EVERGREEN TRACE LLC.

BY: _____
ITS:

COUNTY OF _____
STATE OF OHIO

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2024, BEFORE ME, UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME EVERGREEN TRACE LLC., BY _____, ITS _____, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR STATE OF OHIO
MY COMMISSION EXPIRES: _____

DATE: _____, 2021
STATE OF OHIO

EVERGREEN TRACE LLC., SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE, INTERESTED IN THIS PLAT EITHER AS OWNERS OR AS LEINHOLDERS, HAVE UNITED IN ITS EXECUTION.

EVERGREEN TRACE LLC.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR STATE OF OHIO
MY COMMISSION EXPIRES: _____

CERTIFICATION/DESCRIPTION

THE WITHIN PLAT IS A SUBDIVISION CONTAINING 12.2435 AC. BEING ALL OF LOT LOT 1576 OF THE CONSECUTIVE LOTS OF THE PLAT OF THE CITY OF BROOKVILLE, OHIO, AS CONVEYED TO EVERGREEN TRACE LLC., BY I.R. DEED #23-053466 IN THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO.

I HEREBY CERTIFY THAT THIS PLAT/SUBDIVISION WAS PREPARED IN ACCORDANCE WITH O.A.C. CHAPTER 4733.37 STANDARDS FOR PLAT OF SURVEY AND ALSO CONFORMS TO THE O.R.C. CHAPTER 711 STANDARDS FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION, BASED ON FIELDWORK IN JULY, 2021. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE TO BE SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC. IRON PINS TO BE SET AT ALL LOT CORNERS.

THE REINKE GROUP, INC.

BY: _____
GEORGE E. REINKE
OHIO SURVEYOR NO. 6207

STATE OF OHIO
GEORGE E. REINKE
6207
REGISTERED
PROFESSIONAL SURVEYOR

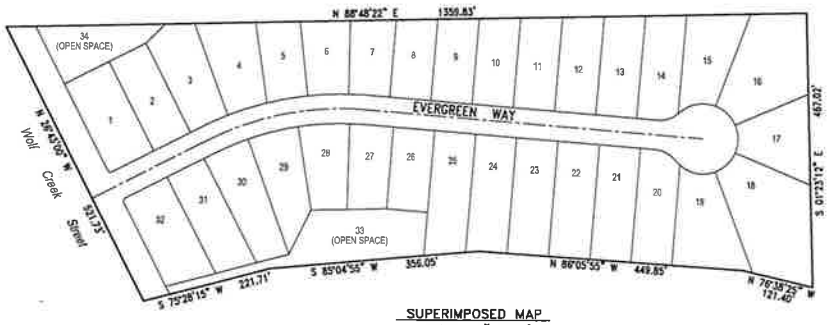
COVENANTS, CONDITIONS AND RESTRICTIONS

ASSESSMENTS AND ARTICLES OF INCORPORATION OR BY-LAWS OF THE SADDLE CREEK COMMUNITY ASSOCIATION, ALL OF WHICH ARE RECORDED IN THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO IN I.R. #_____ .

VICINITY MAP
NO SCALE

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

Basis of Bearing:
South line of Wolf Run, Section One
P.B. 137, Pg. 12 (N 88°46'22" E 1359.83')



SUPERIMPOSED MAP
SCALE: 1"=100'

APPROVALS

THE WITHIN SUBDIVISION PLAN WAS APPROVED THE _____ DAY OF _____, 2024, BY THE PLANNING COMMISSION OF THE CITY OF BROOKVILLE, OHIO.

CHAIRPERSON: _____

THE WITHIN SUBDIVISION PLAN WAS APPROVED THE _____ DAY OF _____, 2024, BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO.

MAYOR: _____

CLERK: _____

APPROVED FOR DESCRIPTION AND OWNERSHIP:

MONTGOMERY COUNTY ENGINEER _____ DATE _____

CHECKED BY: _____ DATE _____

JOB # _____

SHEET 1 OF 2
PREPARED BY:

REINKE GROUP
Engineering / Surveying / Land Planning
Landscape Architecture / GPS Surveying
83 Ricketts Center Dr.
Centerville, OH 45458
(937) 434-4810 ph
www.ReinkeGroup.com

FILE: EVERGREEN TRACE FINAL PLAT.DWG
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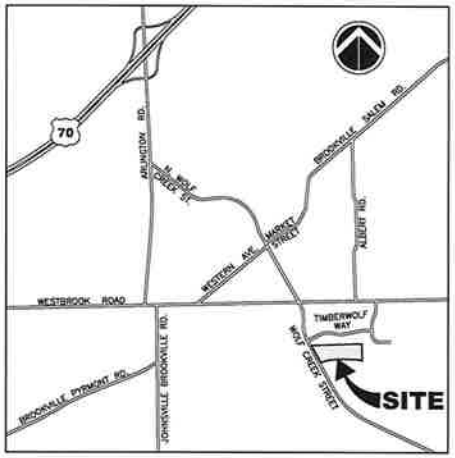
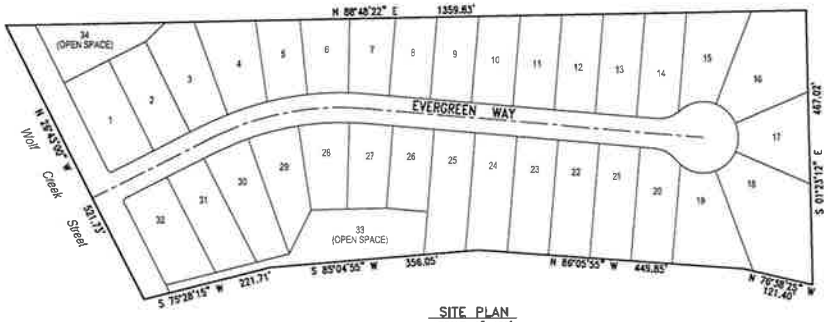


VICINITY MAP

SHEET INDEX

COVER SHEET	1
SITE PLAN	2
PLAN/PROFILE: EVERGREEN WAY	3-4
PLAN/PROFILE: WOLF CREEK STREET	5-6
GRADING PLANS	7-11
STORM SEWER PROFILES	12-13
INTERSECTION DETAILS	14
DETAILS	15-17



SITE PLAN
SCALE: 1"=100'

DEVELOPER
DAVIES TREE DEVELOPMENT
8534 YANKEE STREET
DAYTON, OH 45458
(937) 438-3667

ENGINEER
REINKE GROUP
63 RHOADS CENTER DRIVE
CENTERVILLE, OHIO 45456
(937) 434-4810
STEVE M. LISLE P.E.

OWNER
CITY OF BROOKVILLE
301 S. SYCAMORE STREET
BROOKVILLE, OHIO 45309

SWP3 CONTACT
ADAM SWEENEY
(937) 438-3667

UTILITY CONTACTS:

ELECTRIC
AES OHIO
1900 DRYDEN ROAD
DAYTON, OH 45439
(937) 331-4682

STREET, STORM WATER, SANITARY SEWER & WATER
CITY OF BROOKVILLE
301 SYCAMORE STREET
P.O. BOX 10
BROOKVILLE, OHIO 45309
(937) 233-1423

CABLE
SPECTRUM CABLE
275 LEO STREET
DAYTON, OHIO 45459
(937) 425-8883

TELEPHONE
FRONTIER
7460 BRANDT PIKE
DAYTON, OHIO 45424
(937) 576-9043

GAS
CONTERPOINT ENERGY
4285 NORTH JAMES McGEE BLVD.
DAYTON, OHIO 45427
(937) 440-1957

REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
63 Rhoads Center Drive
Centerville, Ohio 45458
937.434.4810
www.ReinkeGroup.com

SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APVD.	DATE

SITE PLAN

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
REGISTERED PROFESSIONAL E.E.
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 1 of 17

F:\2023\2023-04-009\DRAWINGS\PRELIMINARY\PLAN\EVERGREEN TRACE SHEETS.DWG
PLOT DATE: 4/26/2024 3:48 PM

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

Timberwolf Way

WOLF RUN, SECTION ONE
PLAT BOOK 137, PAGE 12

LOT 26 LOT 25 LOT 24 LOT 23 LOT 22 LOT 21 LOT 20 LOT 19 LOT 18 LOT 17 LOT 16 LOT 15 LOT 57

WOLF RUN, SECTION TWO
PLAT BOOK 138, PAGE 23

LOT 56

CITY OF BROOKVILLE

PERRY TOWNSHIP

EVERGREEN TRACE

Wolf Creek Street

34

33

11.630 ACRES
SUSAN M. & GALEN C. BROOKHOUSE
D.M.F. 00-426805

6.7191 ACRES
JAMES M. & CHERYL L. SIMON
I.R. DEED-23-052160

EX. GRAVEL DRIVE

EX. GRAVEL DRIVE

CITY OF BROOKVILLE

PERRY TOWNSHIP

INDICATES 50'x70'
BUILDING PAD

ZONING

R-2, URBAN RESIDENTIAL
8,400 SF (0.1928 Ac.) MIN. LOT AREA
70' MIN. LOT FRONTAGE
25' MIN. FRONT YARD SETBACK
30' MIN. REAR YARD SETBACK
10' MIN. SIDE YARD SETBACK

REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
8 Hoover Drive, Dayton
Dayton, Ohio 45431
937.254.8115
www.ReinkeGroup.com

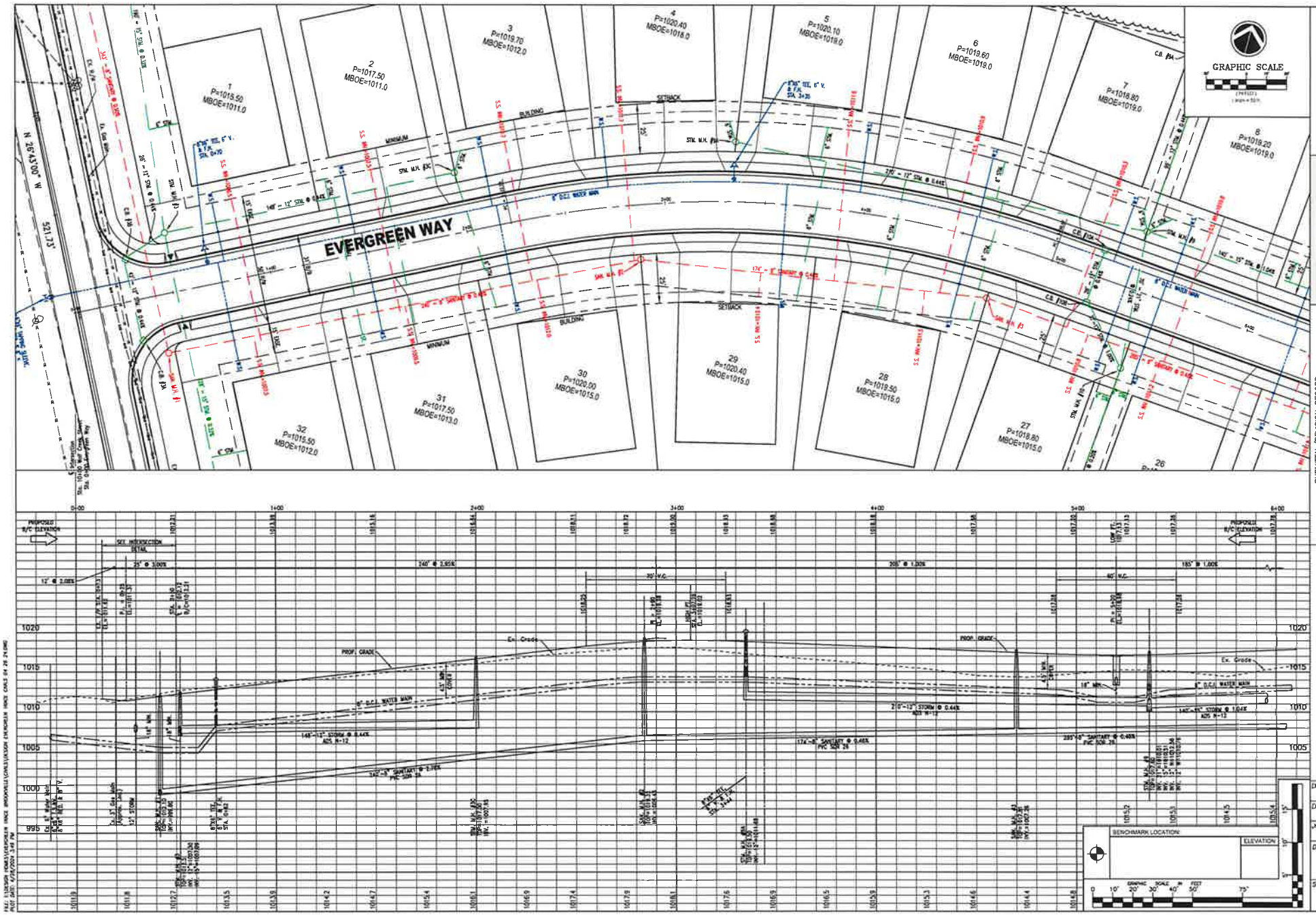
SUBMITTAL/REVISION RECORD

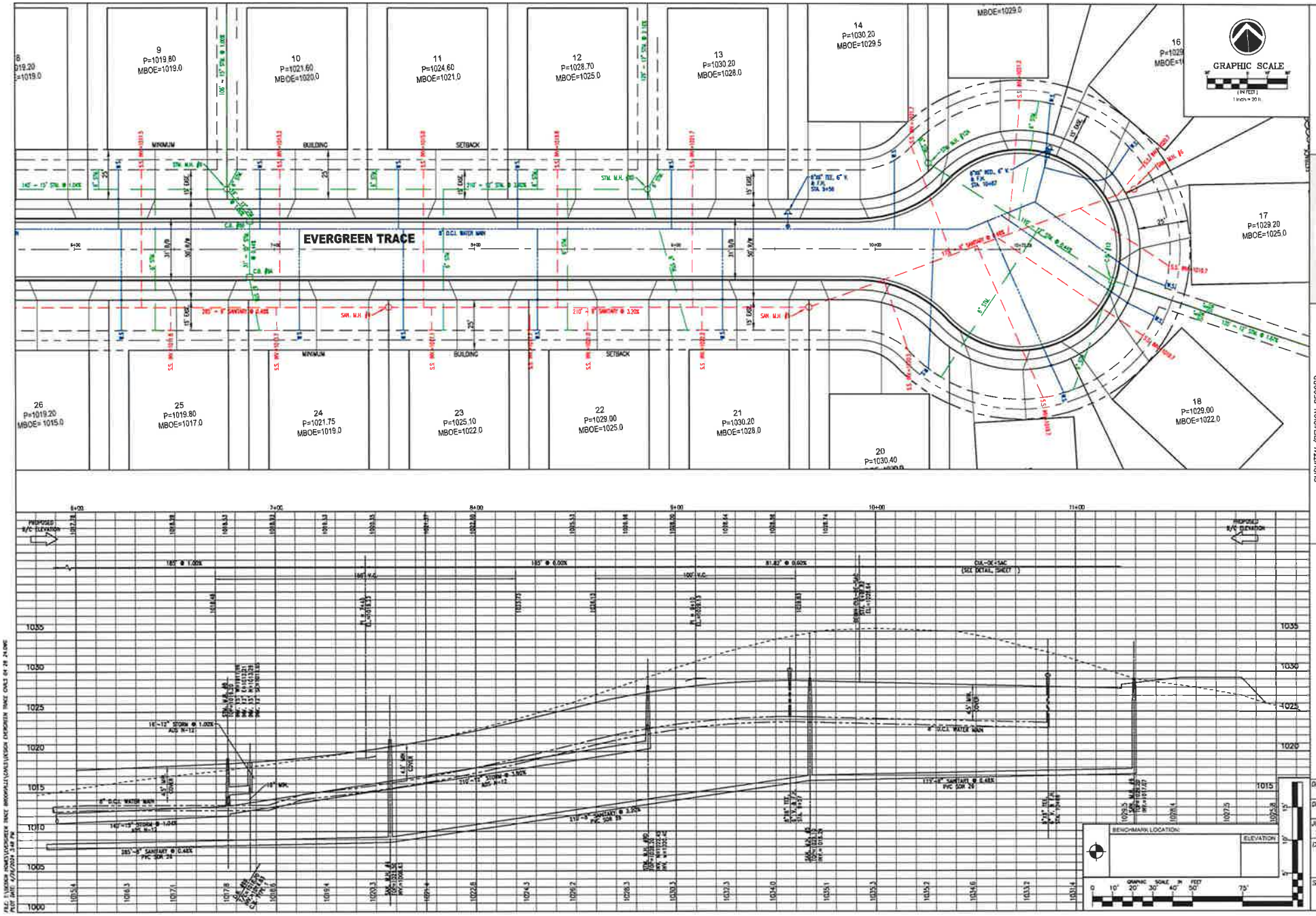
No.	DATE	DESCRIPTION	APPVD.	DATE

SITE PLAN

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 17, TOWN 2, RANGE 4-E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 2 of 17


EVERGREEN WAY
GRAPHIC SCALE
REINKE
GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
SUBMITTAL/REVISION RECORD
DESCRIPTION
DATE
APPD.
EVERGREEN WAY PLAN/PROFILE
EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 3, TOWN 5, RANGE 4 E
MONTGOMERY COUNTY, OHIO
DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 3 of 17
BENCHMARK LOCATION
ELEVATION



REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
8 Rhode Island Drive
Cassville, Mo. 65625
(417) 847-4646
www.ReinkeGroup.com

SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPR'D	DATE

EVERGREEN WAY PLAN/PROFILE

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 3, TOWN 16, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 4 of 17

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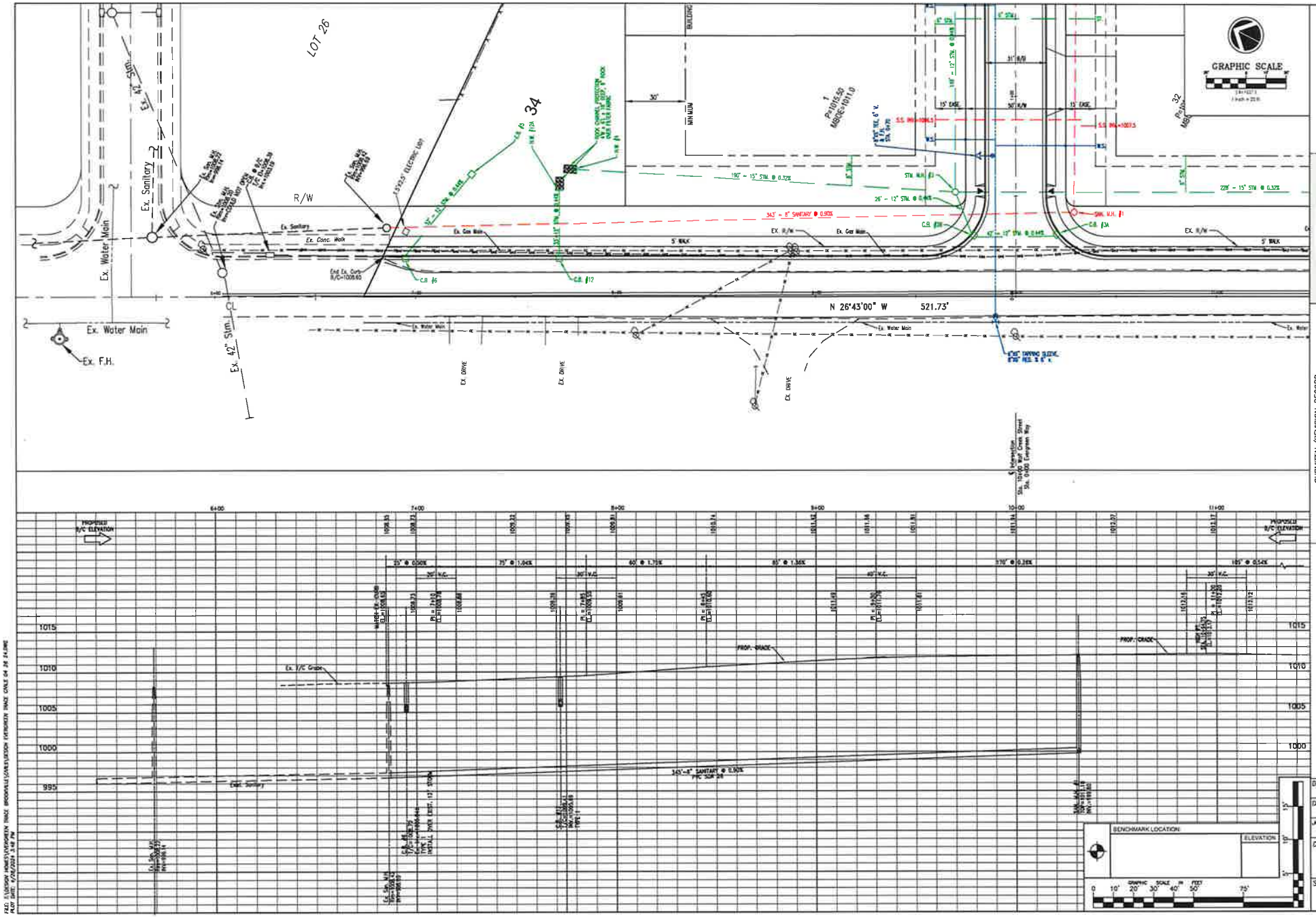

REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
6 Triangle Drive Suite
Columbus, Ohio 43026
(614) 888-4567
www.ReinkeGroup.com

SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPVD	DATE

WOLF CREEK STREET PLAN/PROFILE

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 2, TOWN 5, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 5 of 17

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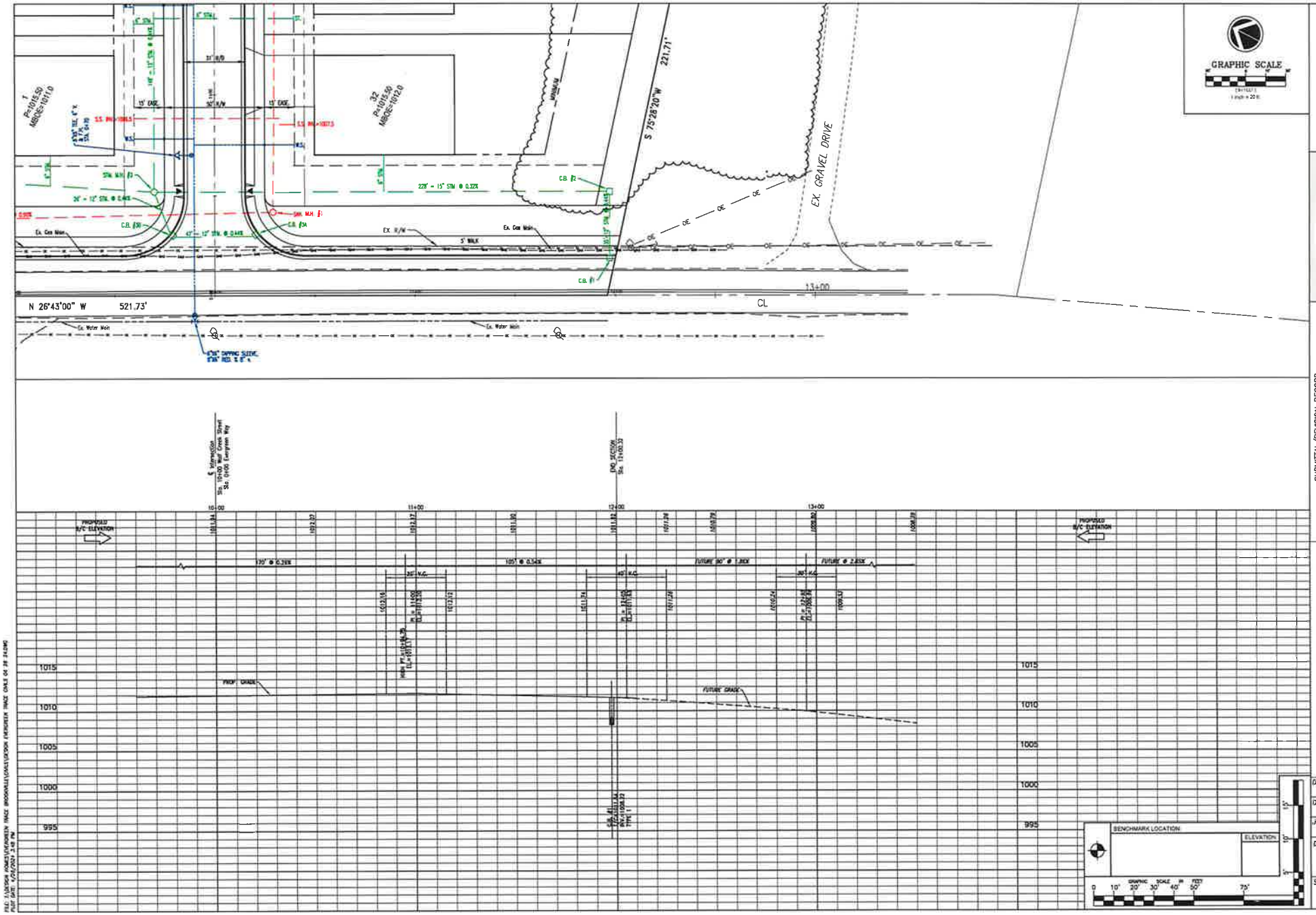

REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
8375 Beech Daly Drive
Cincinnati, Ohio 45255
(513) 231-8090
www.ReinkeGroup.com

SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPVD	DATE

WOLF CREEK STREET PLAN/PROFILE

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 3, TOWN 4, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 6 of 17

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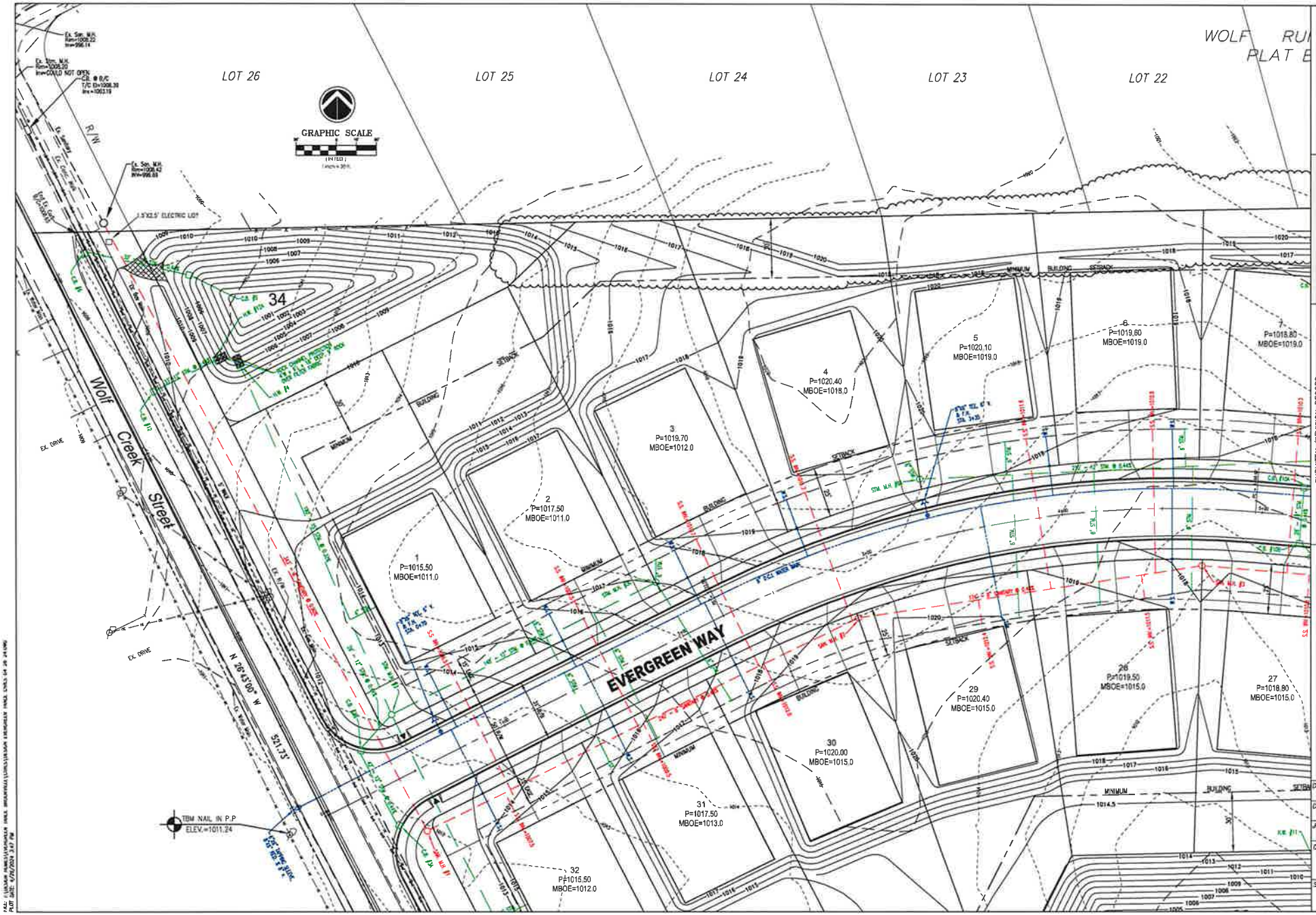

REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
8375 Snider Road
Mason, Ohio 45040
937.754.4010
www.reinkegroup.com

No.	DATE	SUBMITTAL/REVISION RECORD DESCRIPTION	APPR.	DATE

GRADING PLAN

EVERGREEN TRACE
WOLF CREEK STREET

CITY OF BROOKVILLE
SECTION 3, TOWN 2, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTI.
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 7 of 17

WOLF RUN, SECTION ONE
PLAT BOOK 137, PAGE 12

LOT 21 | LOT 20 | LOT 19 | LOT 18 | LOT 17 | LOT 16

N 88°48'22" E 1359.83'

EVERGREEN TRACE

7 P=1018.90 MBOE=1019.0
8 P=1019.20 MBOE=1019.0
9 P=1019.80 MBOE=1019.0
10 P=1021.60 MBOE=1020.0
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12 P=1028.70 MBOE=1025.0
13 P=1030.20 MBOE=1028.0
14 P=1030.20 MBOE=1029.5
15 P=1029.70 MBOE=1029.0
19 P=1029.50 MBOE=1027.0
20 P=1030.40 MBOE=1029.0
21 P=1030.20 MBOE=1028.0
22 P=1029.00 MBOE=1025.0
23 P=1025.10 MBOE=1022.0
24 P=1021.75 MBOE=1019.0
25 P=1019.80 MBOE=1017.0
26 P=1019.20 MBOE=1015.0
27 P=1018.80 MBOE=1015.0

GRAPHIC SCALE
(IN FEET)

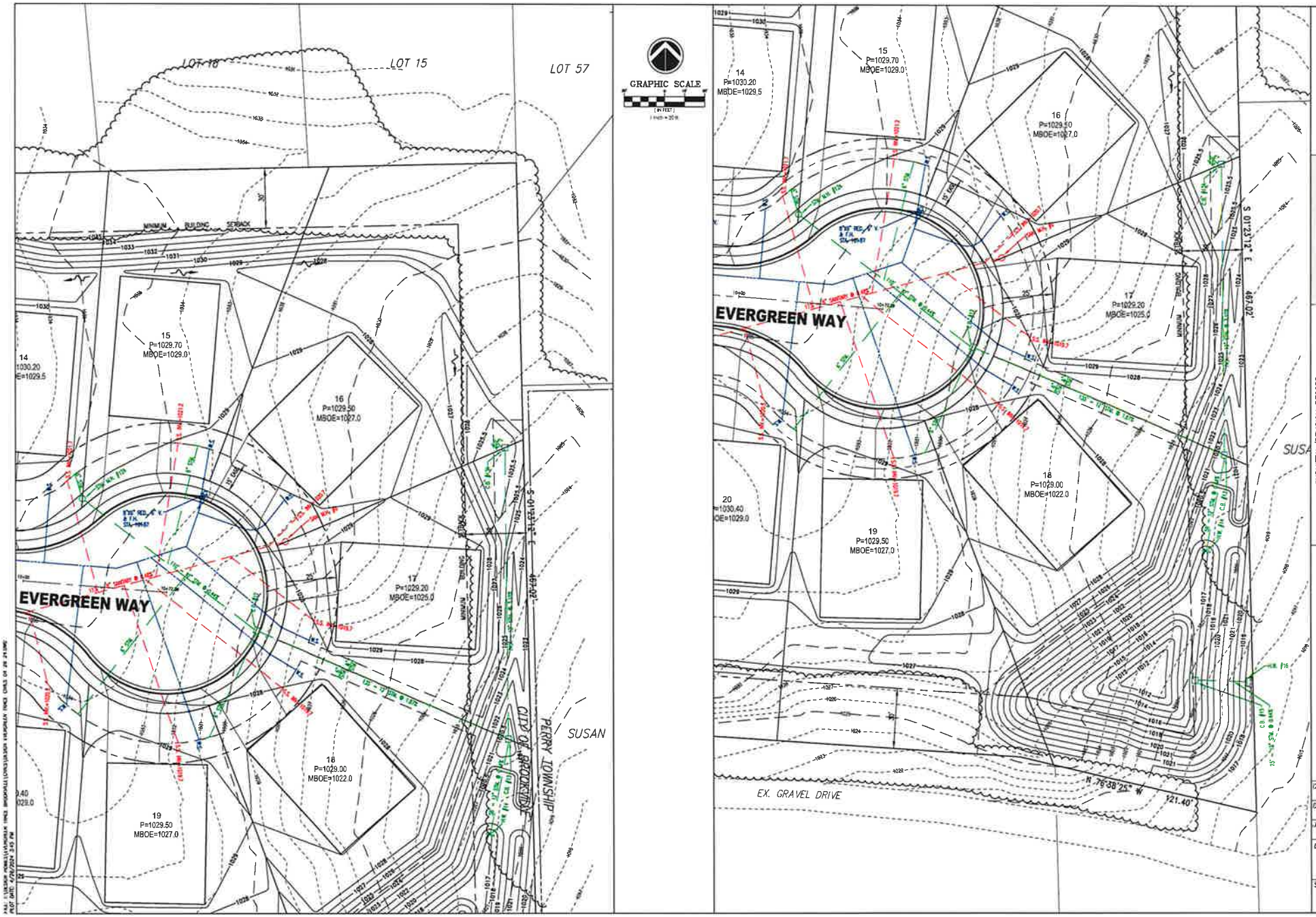
REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
8 Broads Corner Drive
Gahanna, Ohio 43230
www.ReinkeGroup.com

No.	DATE	SUBMITTAL/REVISION RECORD DESCRIPTION	APPVD.	DATE

GRADING PLAN

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 3, TOWN 3, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 8 of 17



REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
5 Boulder Drive, Suite 200
Dayton, Ohio 45430
(937) 426-8115
www.reinkegroup.com

No.	DATE	DESCRIPTION	APPD.	DATE

SUBMITTAL/REVISION RECORD

GRADING PLAN

EVERGREEN TRACE
WOLF CREEK STREET

CITY OF BROOKVILLE
SECTION 1, TOWN 2, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: T.T.L.
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 9 of 17

REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS
5400 Bellaire Blvd.
Bellaire, Texas 77401
www.reinkegroup.com

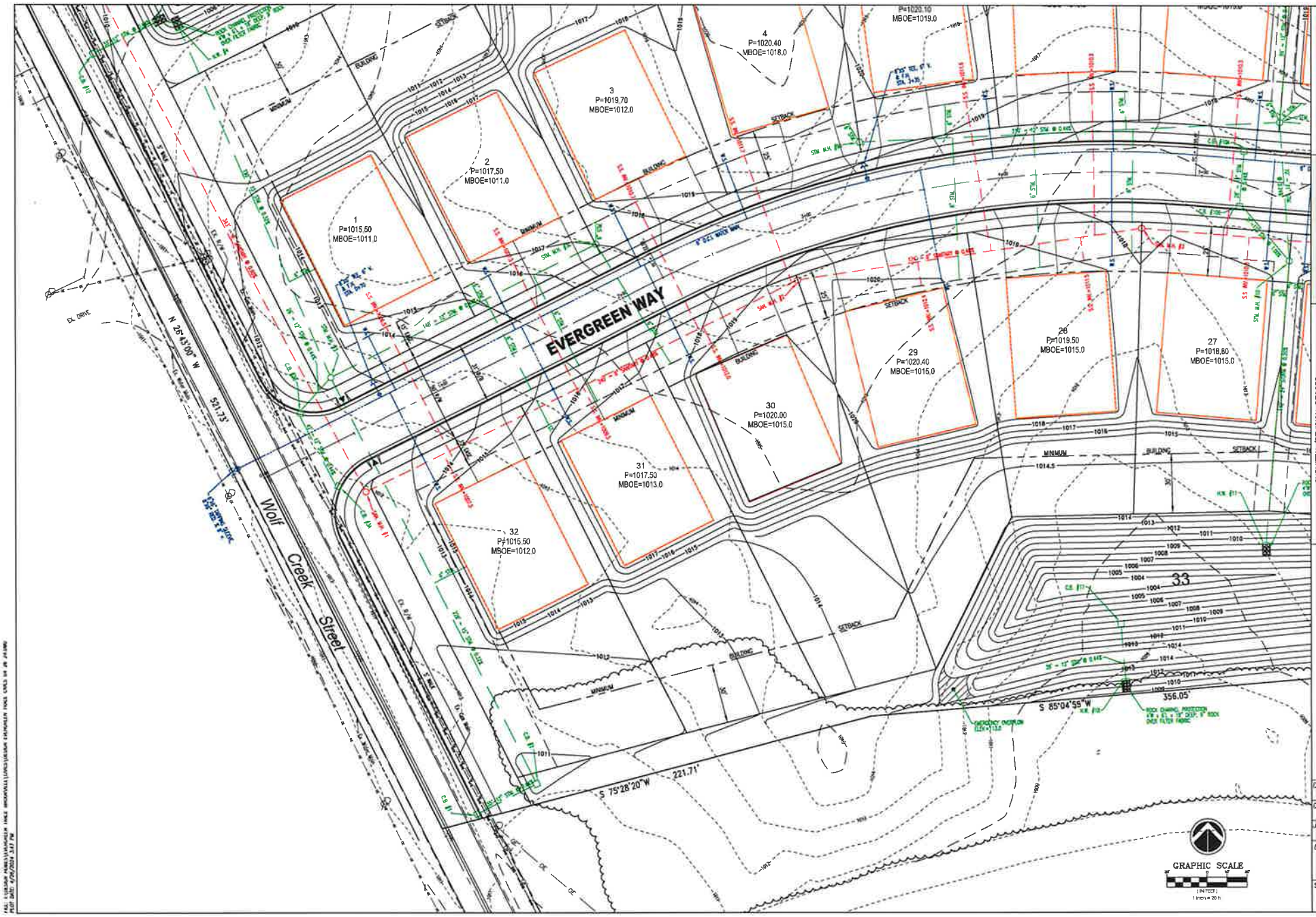
SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPVD.	DATE

GRADING PLAN

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKSHIRE
SECTION 2, TOWN 5 RANGE 4 E
MONTGOMERY COUNTY, OKC

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 10 of 17



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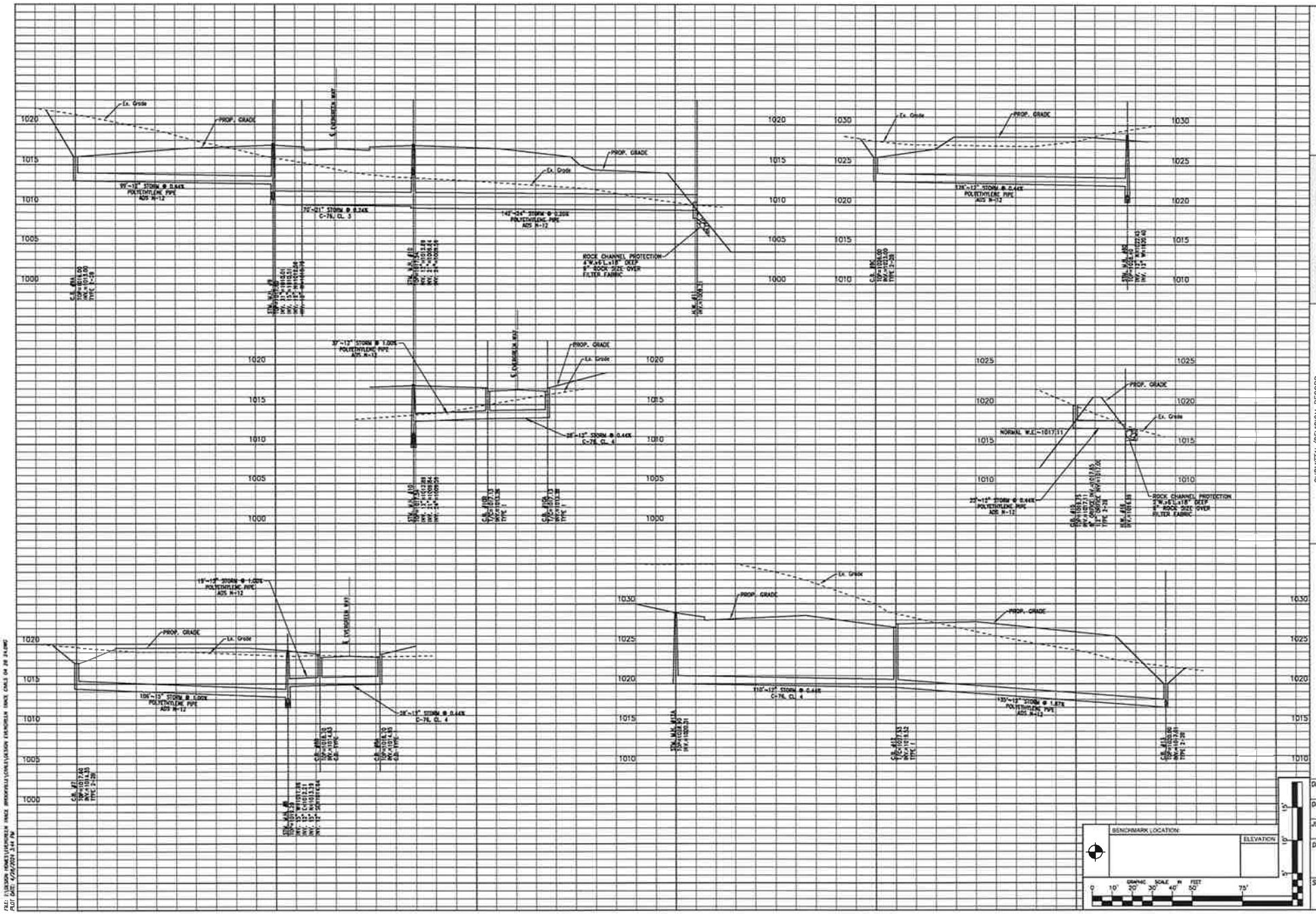
SUBMITTAL/REVISION RECORD				
No.	DATE	DESCRIPTION	APPVD	DATE

GRADING PLAN

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 2, TOWN 1, R.5 E.G.R.S.
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 11 of 17



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SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPVD	DATE

STORM SEWER PROFILES

EVERGREEN TRACE

WOLF CREEK STREET

CITY OF BROOKVILLE
SECTIONS 17, 18, 19, 20 & 21
MONTGOMERY COUNTY, OHIO

BENCHMARK LOCATION:

ELEVATION

GRAPHIC SCALE IN FEET
0 10' 20' 30' 40' 50' 75'

DESIGNED BY: G.P.
DRAWN BY: T.T.L.
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 12 of 17

FILE: J:\JOBS\2023\2023-04-009\DWG\PLAN\EVERGREEN TRACE - BROOKVILLE\CONTRACT\EVERGREEN TRACE - STORM SEWER PROFILES.DWG
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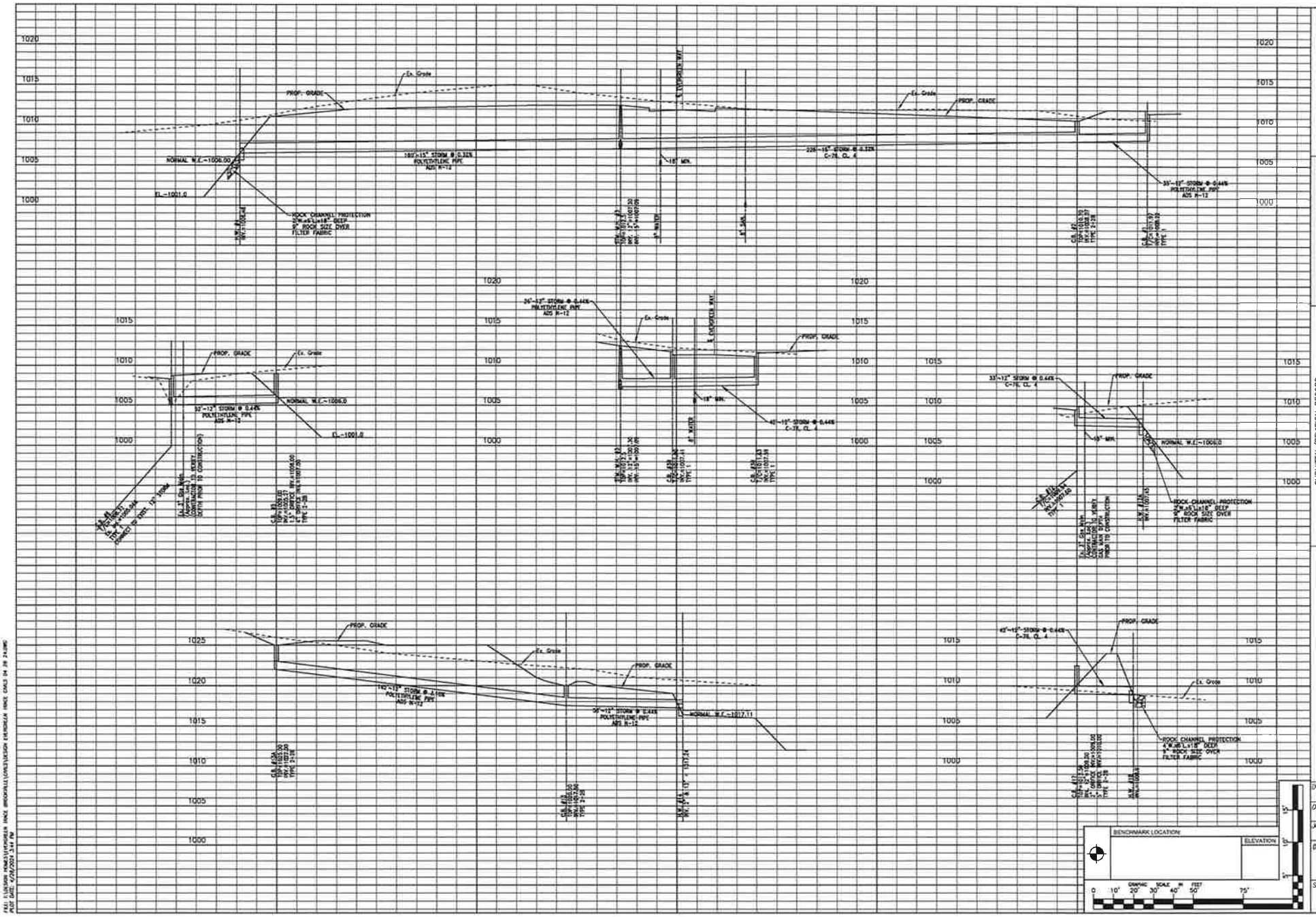

BENCHMARK LOCATION:

ELEVATION

GRAPHIC SCALE IN FEET
0 10' 20' 30' 40' 50' 75'

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Springboro, Ohio 45066
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No.	DATE	DESCRIPTION	APPVD.	DATE

SUBMITTAL/REVISION RECORD

STORM SEWER PROFILES

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 13, TOWN 2, TIPP CITY, R 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 13 of 17

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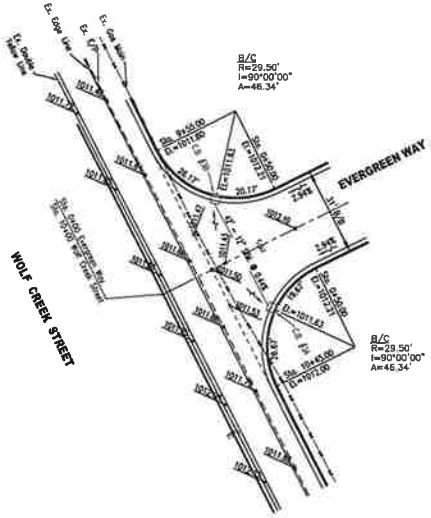
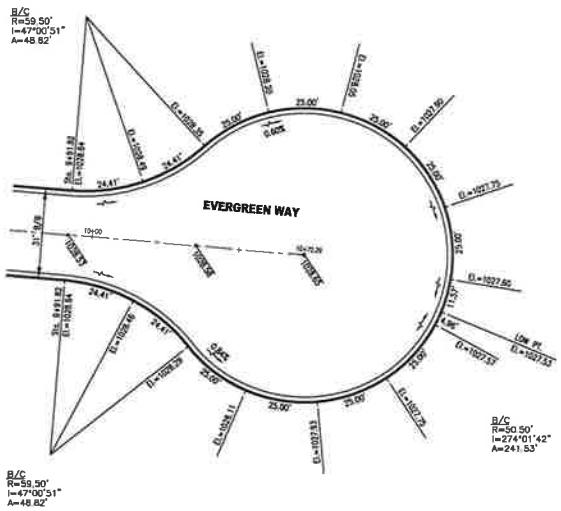
PLOT DATE: 6/26/2024 3:44 PM





GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft

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SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPRD	DATE

INTERSECTION/CUL-DE-SAC DETAILS

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 10, T1N, R5W, M.R.E.
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 14 of 17

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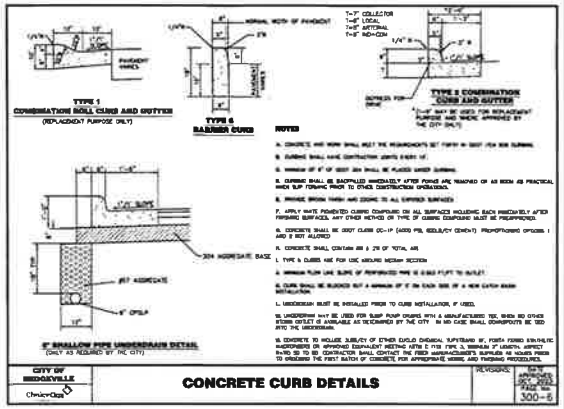

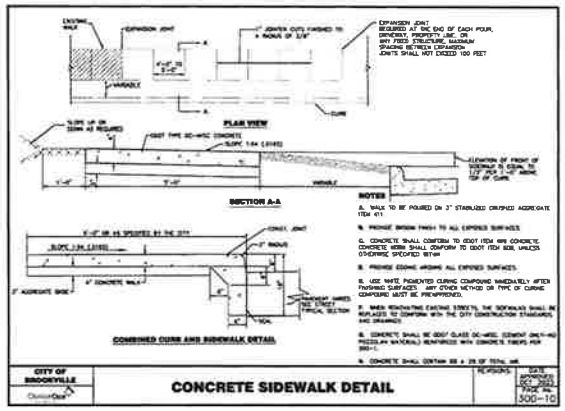

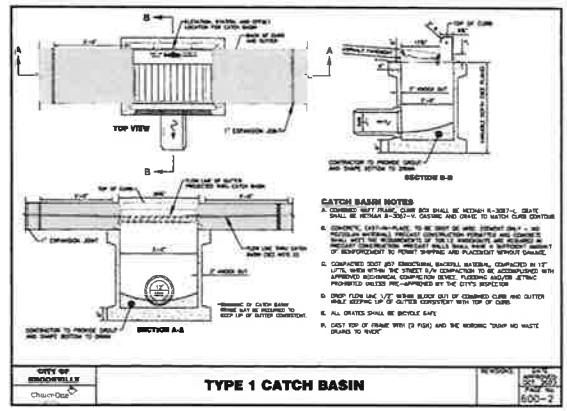

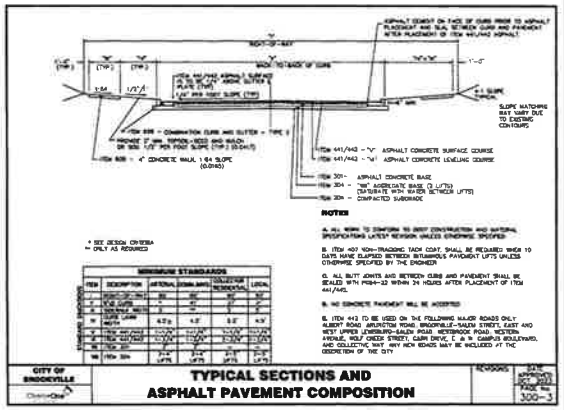

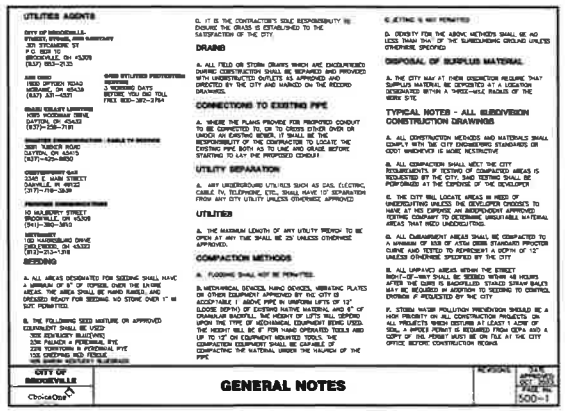

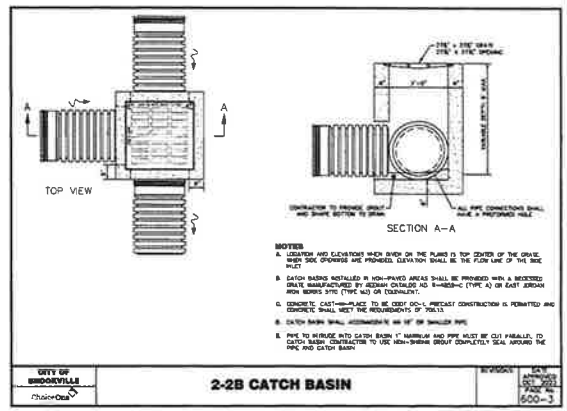

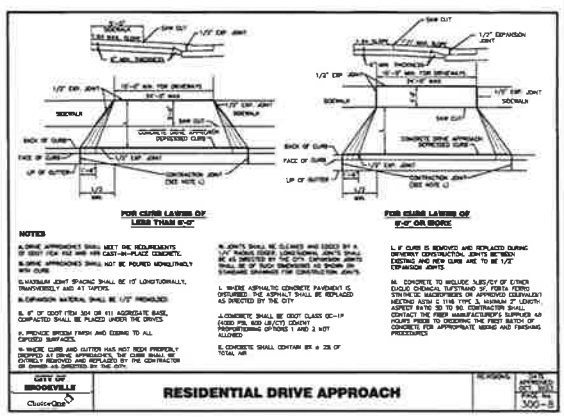

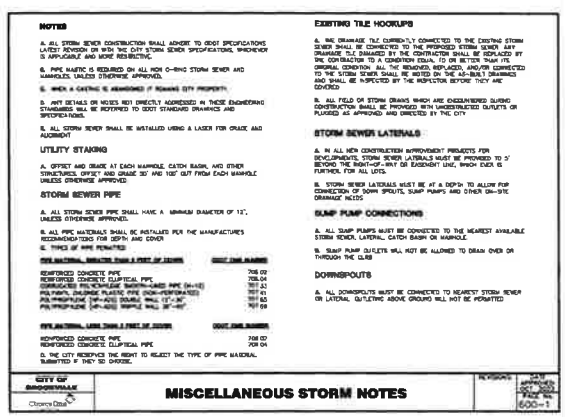

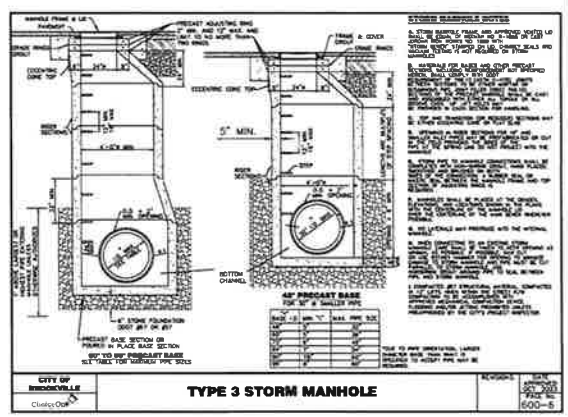

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No.	DATE	DESCRIPTION	APPVD.	DATE
		SUBMITTAL/REVISION RECORD		

DETAILS

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 1, TOWN 7, R.E.
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 15 of 17

MEMORANDUM:
DATE: MAY 10, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: ORDINANCE 2024-07

Planning Commission is requested to make a final recommendation pursuant to 4.11 of the Charter on Ordinance 2024-07, establishing the zoning classification of lots 2798,2799, and 2800 of the City of Brookville. A copy of Ordinance 2024-07 is attached. A public hearing was held at the City Council meeting on May 7, 2024 on this proposed zoning ordinance.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-6094 FORM NO. 30043

Ordinance No. 2024-07 *Passed*_____, 20____

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2798, 2799, AND 2800 OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the City of Brookville City Council accepted the annexation of 85.611 acres located in Clay Township to the City of Brookville on October 17, 2023,

WHEREAS, the annexed territory of 85.611 acres is described in the annexation map attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, City of Brookville Lot Numbers 2798, 2799, and 2800 were assigned to parcels within the annexation territory; and

WHEREAS, Section 1117.04 (c) of the Code of Ordinances provides that within three months after the effective date of an annexation shall recommend the appropriate permanent zoning districts for the annexed land; and

WHEREAS, after public hearing on the establishment of a zoning classification of the annexed property as required by Section 4.11 of the Charter, and upon recommendation of Planning Commission, Council of the City of Brookville hereby adopts this Ordinance to establish the zoning classification for the annexed land.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO:

SECTION I: The zoning classification of Lots 2798 and part of Lot 2799, being approximately 30.00 acres within Lot 2799, is hereby assigned the zoning classification of (GB) General Business District. The remainder of Lot 2799, being approximately 39.849 acres, and all of Lot 2780, is hereby assigned the zoning classification of (R-1A) (PD) Suburban Residential Planned Development Overlay District. The zoning classifications for Lots 2798, 2799, and 2780 are set forth and described in the zoning map attached hereto as Exhibit "B".

SECTION II: As required by Ohio Revised Code Section 709.023, Council has determined that the owner of the annexed territory shall provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. The term "buffer" in Ohio Revised Code Section 709.023 includes open space, landscaping, fences, walls, and other structured elements, streets and street right-of-way, and bicycle and pedestrian paths and sidewalks.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-6094 FORM NO. 30043

*Ordinance No.*_____ *Passed*_____, *20*_____

PASSED THIS _____ day of _____, 2024.

ATTEST:

_____ _____

Kimberly Duncan, Clerk Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-07, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2024.

_____

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

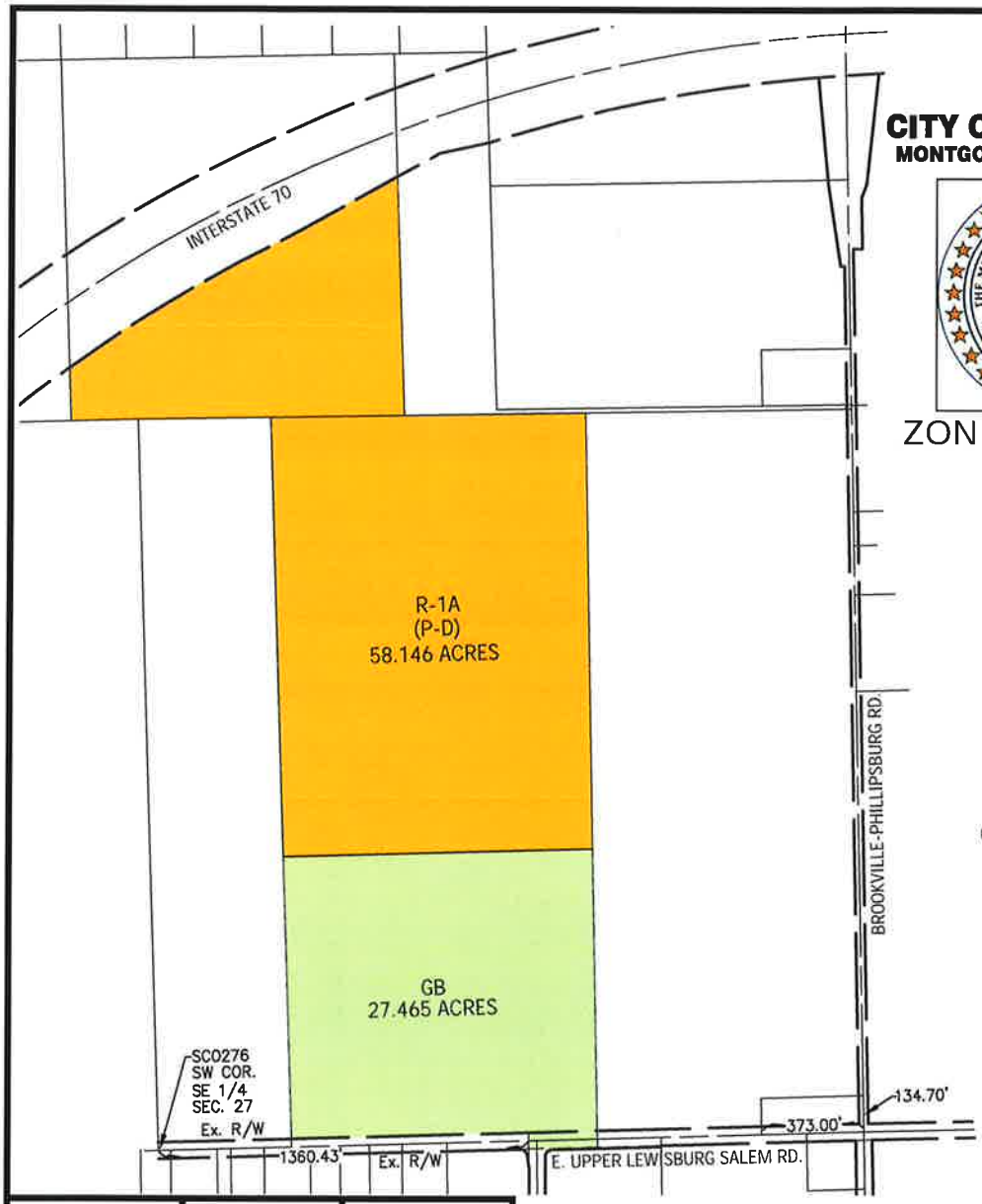
The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No, 2024-07 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____day of _____, 2024 to the _____day of _____, 2024, both days inclusive.

_____

Kimberly Duncan, Clerk

CITY OF BROOKVILLE
MONTGOMERY COUNTY, OHIO

ZONING EXHIBIT



SCALE: 1"=700'

0 350 700

JOB #	DRAWN BY:	DATE
MOTBRO2400	RMF	04-16-2024

Choice One Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554

www.CHOICEONEENGINEERING.com

~ LEGEND ~

	R-1A SUBURBAN RESIDENTIAL
	GB GENERAL BUSINESS
(P-D)	PLAN DEVELOPMENT

MEMORANDUM:
DATE: MAY 10, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: MEDICAL MARIJUANA AND ADULT USE CANNABIS

In 2017, City Council adopted Ordinance 2017-05 which prohibited medical marijuana cultivators, processors and retail dispensaries. In 2023, a an initiative passed in the State of Ohio permitting adult use cannabis. In December, the City Council passed a moratorium on issuance any zoning permits related to adult use cannabis businesses. The moratorium is expiring June 5, 2024.

Attached is a copy of Ordinance 2024-09 which received a first reading from City Council at its meeting on May 7, 2024. Ordinance 2024-09 will permit marijuana cultivation, processing and laboratory testing for both adult use cannabis and medical marijuana in the I-2 General Industrial District. Retail dispensaries for both medical and adult use cannabis would be prohibited in the City of Brookville.

A public hearing on this Ordinance will be held on June 4, 2024, and Planning Commission will be making a recommendation on this Ordinance after the public hearing.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-323-6094 FORM NO. 30043

Ordinance No. 2024-09 *Passed*_____, 20____

AN ORDINANCE AMENDING CHAPTER 1170 MEDICAL MARIJUANA AND CHAPTER 1145 I-2 GENERAL INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Section 1170.01 of the Code of Ordinances currently prohibits medical marijuana cultivators, processors and retail dispensaries from operating in the City of Brookville; and

WHEREAS, the Code of Ordinances does not currently address the cultivation, processing, testing and retail dispensaries for adult use cannabis which have recently been authorized in Ohio; and

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to permit marijuana cultivators, processers and laboratory testing facilities for medical marijuana and adult use cannabis to locate in the I-2 General Industrial District in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to retain the current prohibition of medical marijuana retail dispensaries in the City of Brookville and to also prohibit adult use retail dispensaries in the City of Brookville; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: Chapter 1170 Medical Marijuana of the Code of Ordinances is hereby repealed and replaced with in its entirety with Chapter 1170, Medical Marijuana, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II: Section 1145.02(a) Permitted Uses is hereby amended to add 1145.02(a) (10) as set forth below and to renumber the current Section 1145.02(a) (10) to 1145.02(a) (11):

1145.02(a)(10) Medical Marijuana and Adult Use Cannabis Cultivation, Processing and Laboratory Testing

1145.02(a)(11) Accessory buildings and uses incidental to the principal use.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ *Passed* _____, *20* _____

SECTION IV: This Ordinance shall take effect thirty (30) days after passage by the Council of the
City of Brookville as provided by the Charter of the City of Brookville.

PASSED this _____day of _____, 2024.

ATTEST:

_____ _____

Kimberly Duncan, Clerk Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-09, passed by the Council of the City of Brookville, Ohio, on the _____day of _____, 2024.

_____

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2024-09 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____day of _____, 2024, to the _____day of _____, 2024, both days inclusive.

_____

Kimberly Duncan, Clerk

EXHIBIT "A"

CHAPTER 1170
MEDICAL MARIJUANA AND ADULT USE CANNABIS

Section 1170.01 MEDICAL MARIJUANA

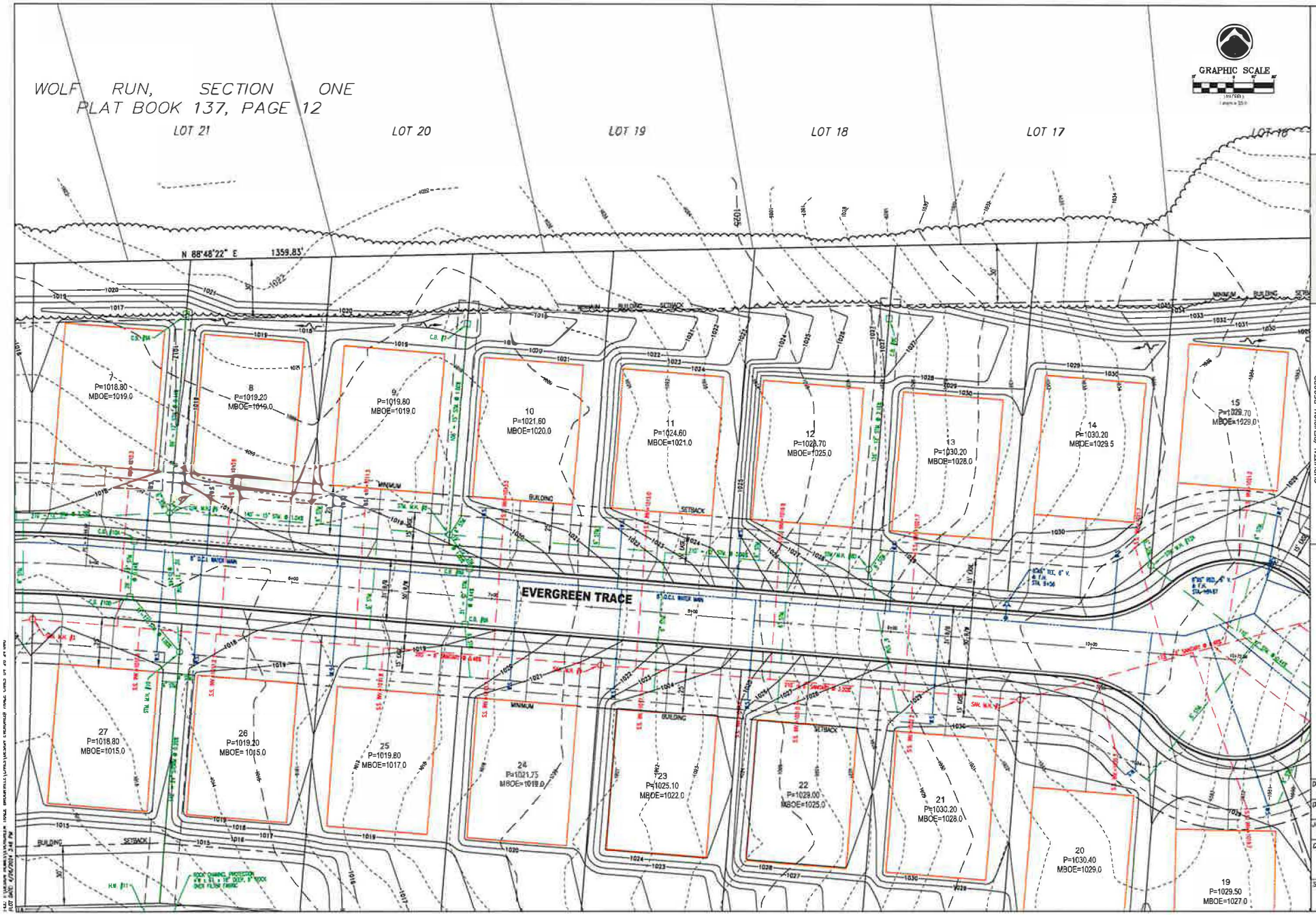
(a) The cultivation, processing and laboratory testing of medical marijuana shall be a permitted use in the I-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio Revised Code Section 3796.09 shall be required to operate a cultivation, processing or laboratory testing facility for medical marijuana in the City of Brookville.

(b) The operation of a retail medical marijuana dispensary as described in Ohio Revised Code Section 3796.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail medical marijuana dispensary.

Section 1170.02 ADULT USE CANNABIS

(a) The cultivation, processing and laboratory testing of adult use cannabis shall be a permitted use in the I-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio Revised Code Section 3780.10 shall be required to operate a cultivation, processing or laboratory testing facility for adult use cannabis in the City of Brookville.

(b) The operation of a retail adult use cannabis dispensary as described in Ohio Revised Code Section 3780.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail adult use cannabis dispensary.



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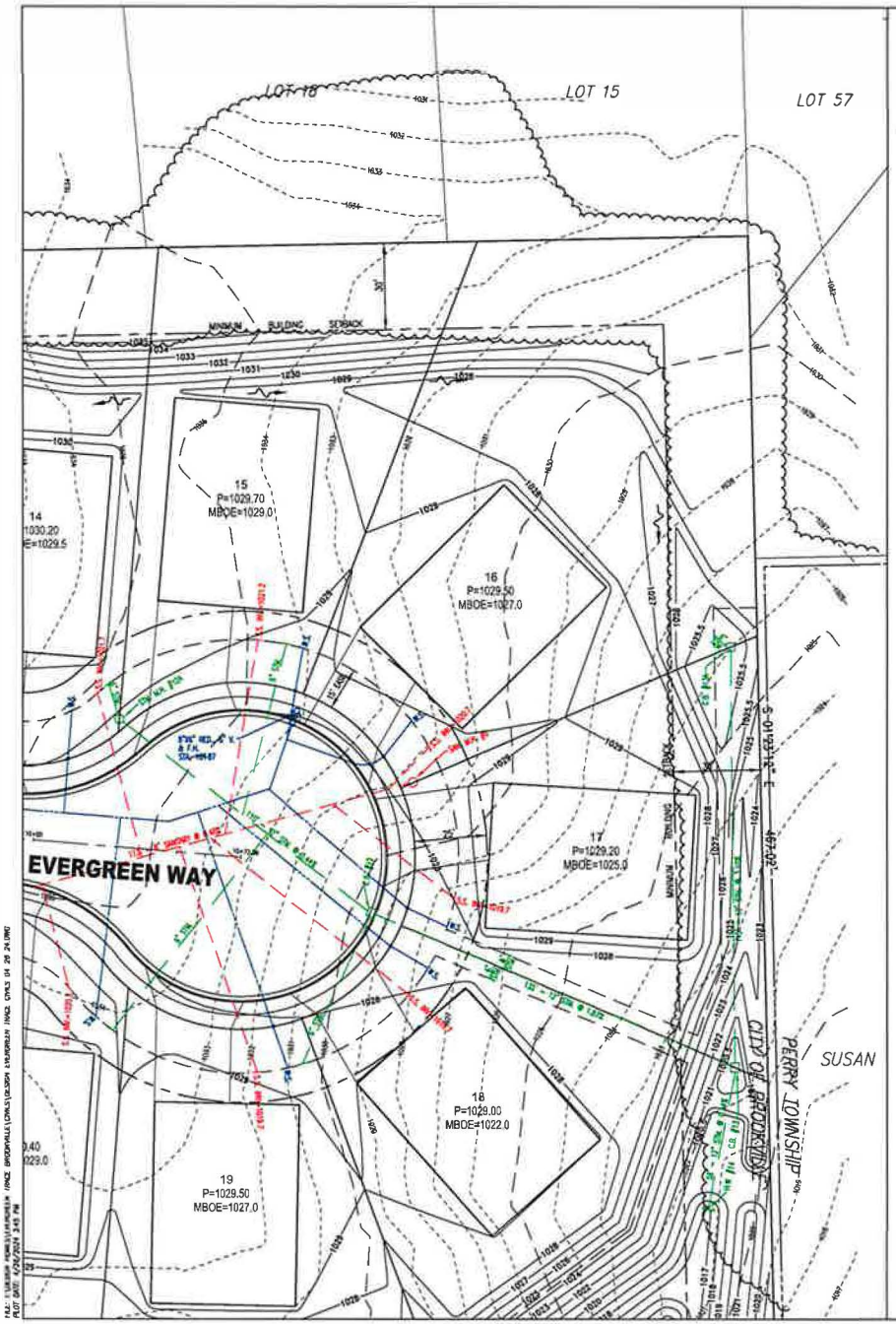
SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APVD.	DATE

GRADING PLAN

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 3, TOWN 5 RANGE 4 E
MONTGOMERY COUNTY, OHIO

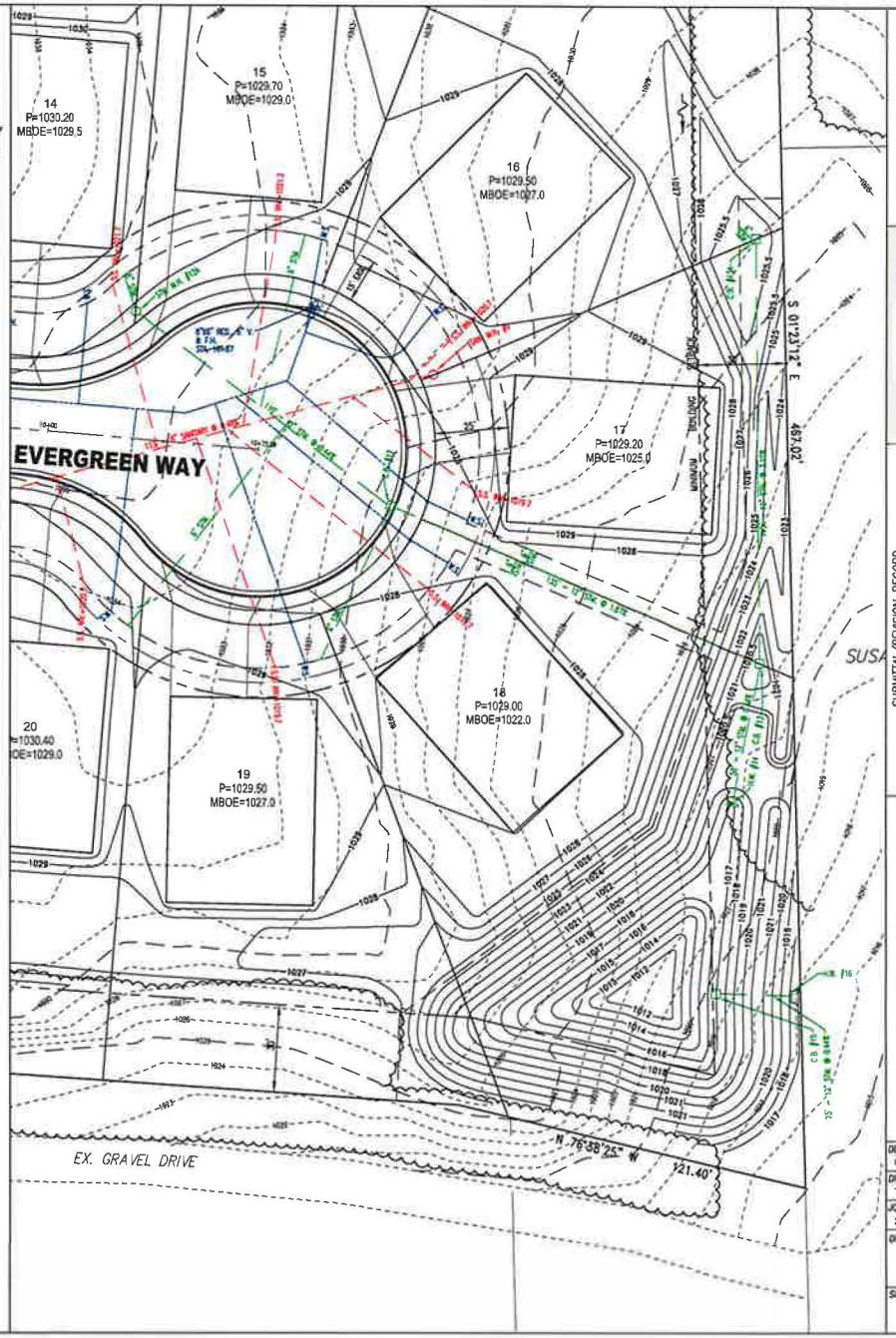
DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 8 of 17



GRAPHIC SCALE

IN FEET

1 inch = 20 ft.



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SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPD.	DATE

GRADING PLAN

EVERGREEN TRACE

WOLF CREEK STREET

CITY OF BROOKVILLE
SECTION 3, TOWN 2, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.

DRAWN BY: TTL

JOB #: 2023-04-009

DRAWING DATE: April 26, 2024

SHEET NO. 9 of 17

FILE: \\REINKE-POWER\SERVER\W: \PROJ BROOKVILLE\CIVIL\DESIGN 2\EVERGREEN TRACE CIVIL 04 29 24.DWG
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REINKE GROUP, INC.

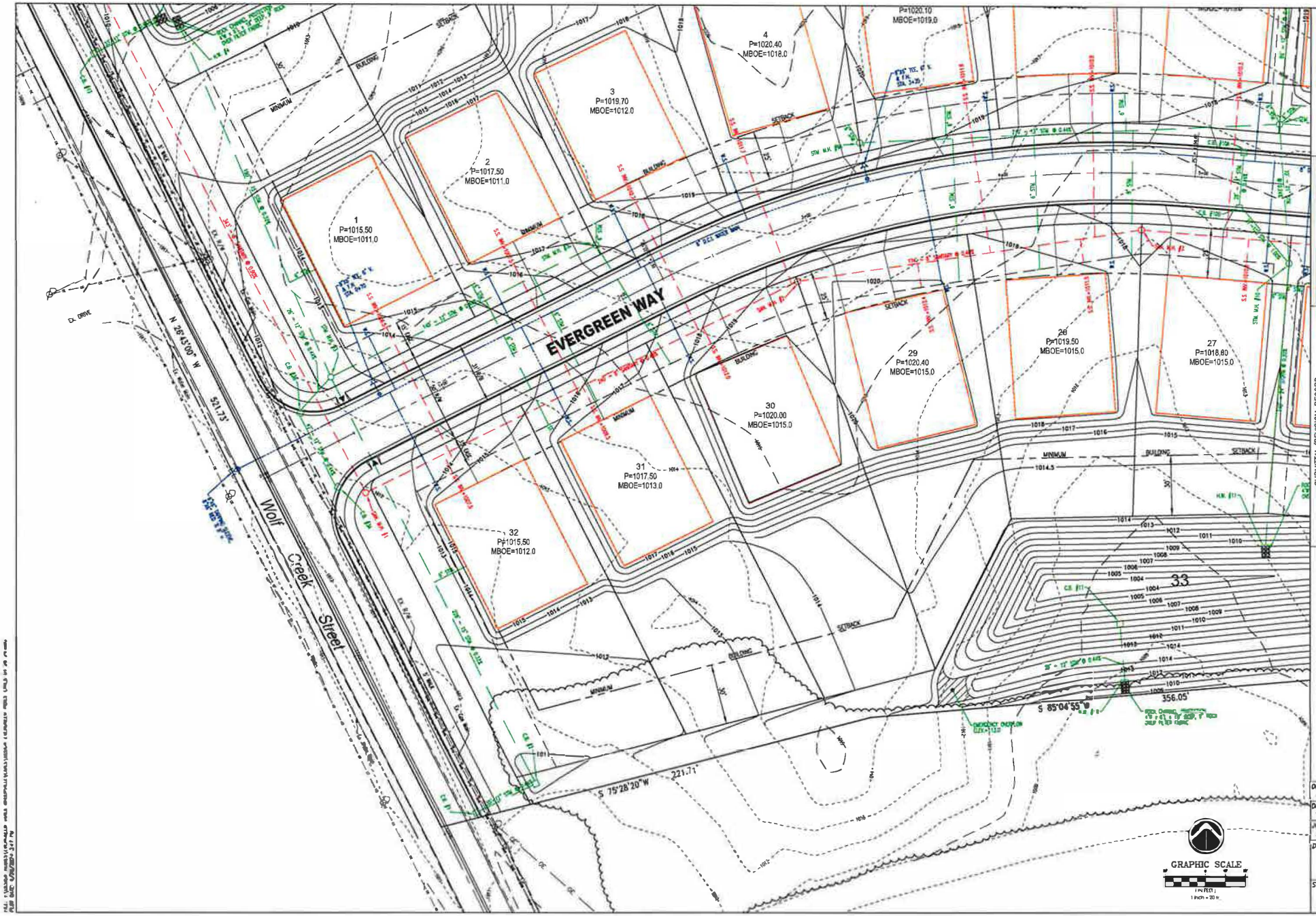
SUBMITTAL/REVISION RECORD

NO.	DATE	DESCRIPTION	APPVD.	DATE

GRADING PLAN

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BRIDGEVILLE
SECTION 2, TOWNSHIP 1, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
SURVEY DATE: April 26, 2024
SHEET NO. 10 of 17



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SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPR.	DATE

GRADING PLAN

EVERGREEN TRACE

WOLF CREEK STREET

CITY OF BROOKVILLE

SECTIONS 2 & 3, T-5, R-5, M.V.M.R.E.

MONTGOMERY COUNTY, OHIO

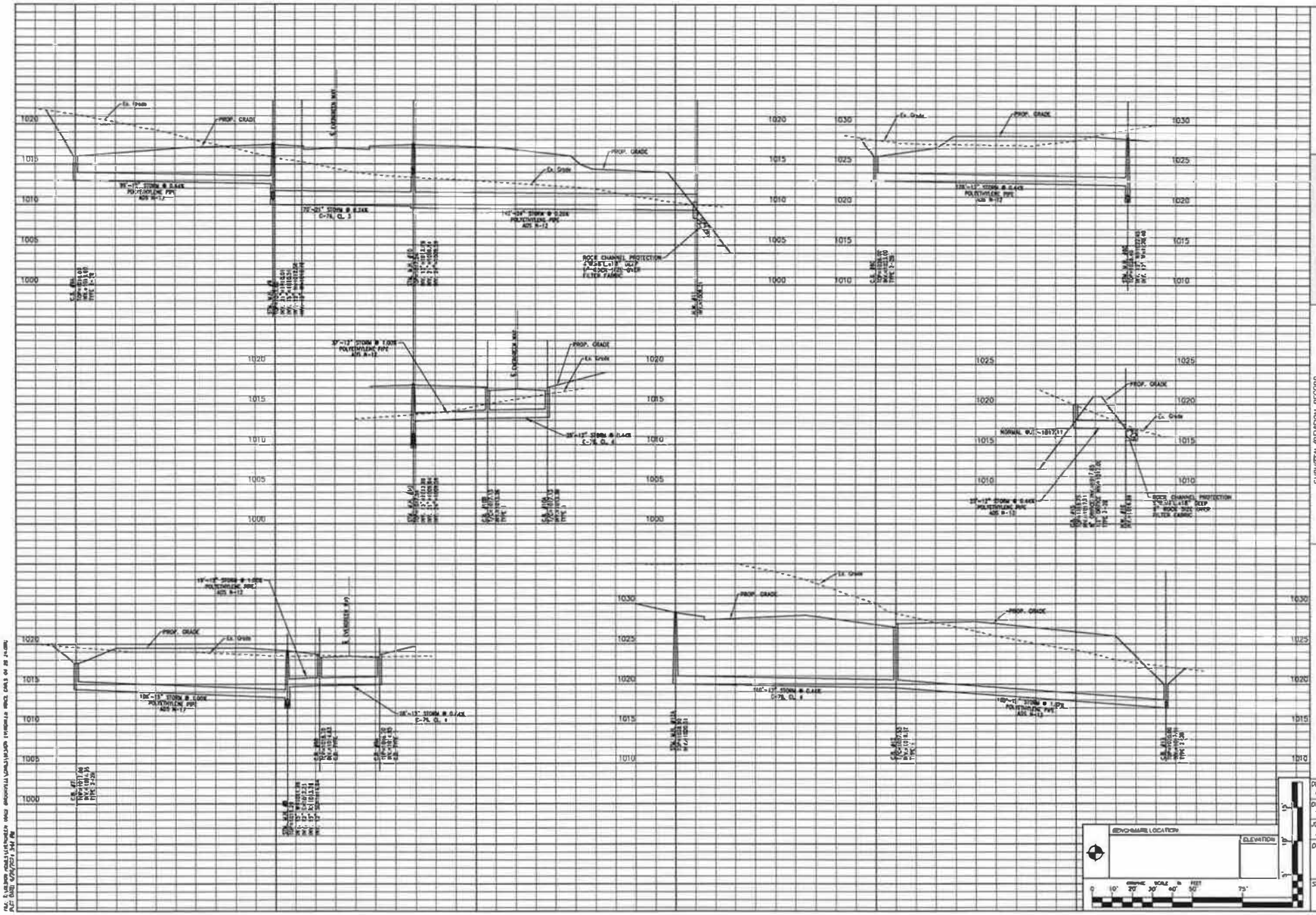
DESIGNED BY: G.P.

DRAWN BY: TTL

JOB #: 2023-04-009

DRAWING DATE: April 26, 2024

SHEET NO. 11 of 17



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SUBMITTAL/REVISION RECORD

No.	DATE	DESCRIPTION	APPR'D	DATE

STORM SEWER PROFILES

EVERGREEN TRACE
WOLF CREEK STREET

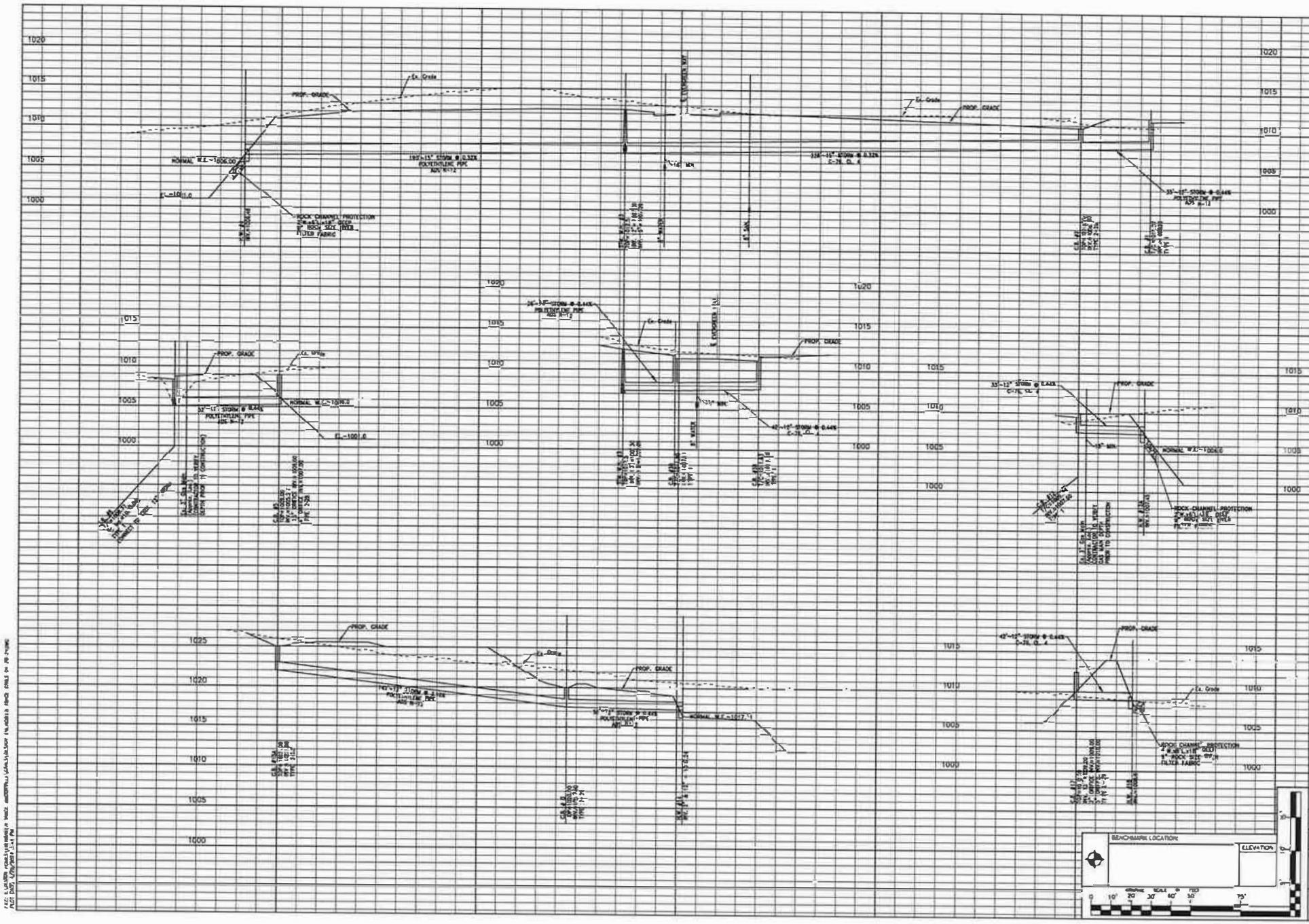
CITY OF BROOKVILLE
SECTIONS 1 & 2, TOWN 2, RANGE 4 E
MONTGOMERY COUNTY, OHIO

ENGINEER LOCATION

ELEVATION

GRAPHIC SCALE IN FEET
0 10' 20' 30' 40' 50' 75'

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 12 of 17



REINKE GROUP, INC.
ENGINEERS • LAND PLANNERS • SURVEYORS

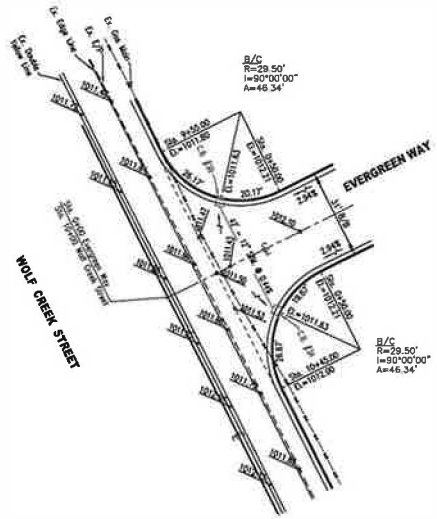
NO.	DATE	DESCRIPTION	APPROV.	DATE

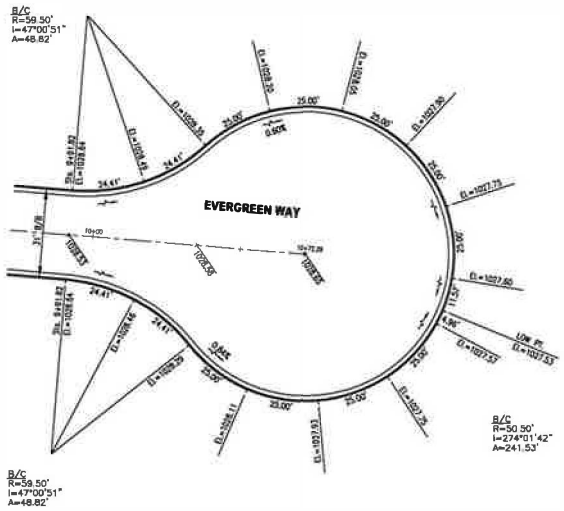
SUBMITTAL/REVISION RECORD

STORM SEWER PROFILES

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
SECTION 2, TOWN 2, RANGE 4 E
MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 13 of 17





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SUBMITTAL/REVISION RECORD

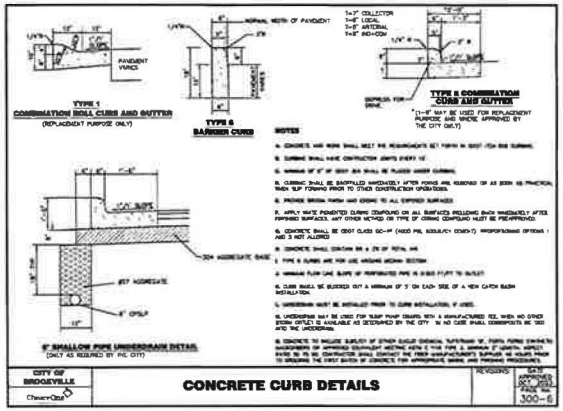
No.	DATE	DESCRIPTION	APPVD.	DATE

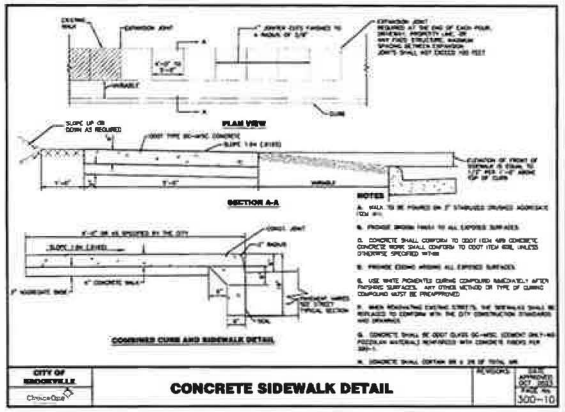
INTERSECTION/CUL-DE-SAC DETAILS

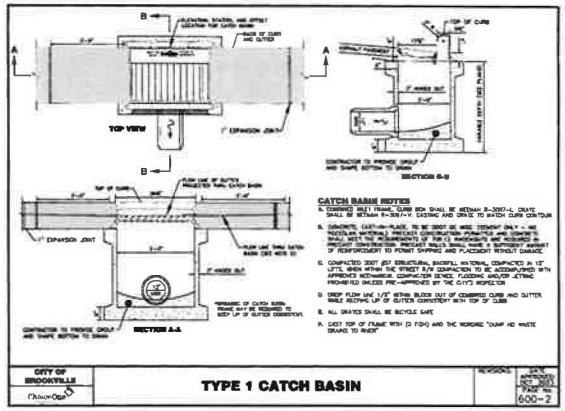
EVERGREEN TRACE
WOLF CREEK STREET

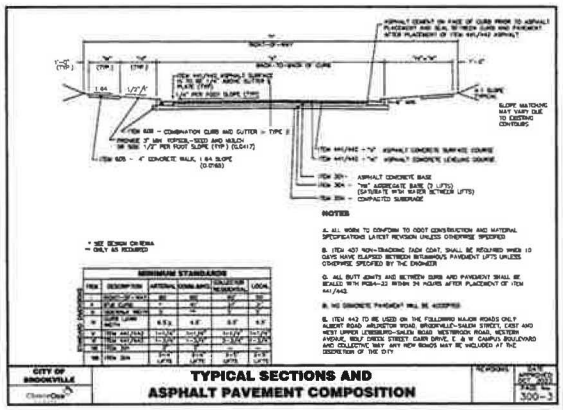
CITY OF BROOKVILLE
SECTION 17, T2N, R4E
MONTGOMERY COUNTY, OHIO

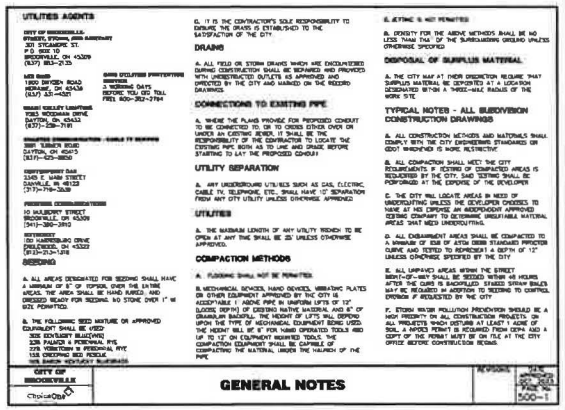
DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 14 of 17

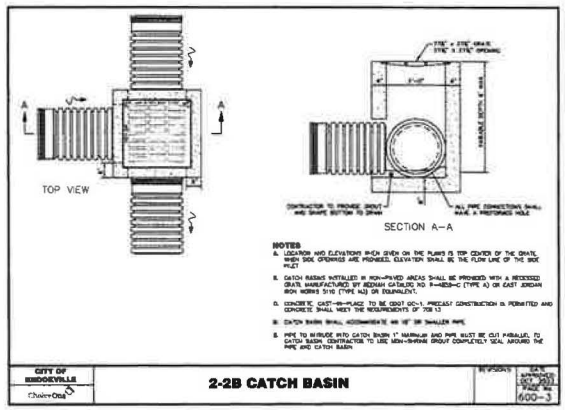


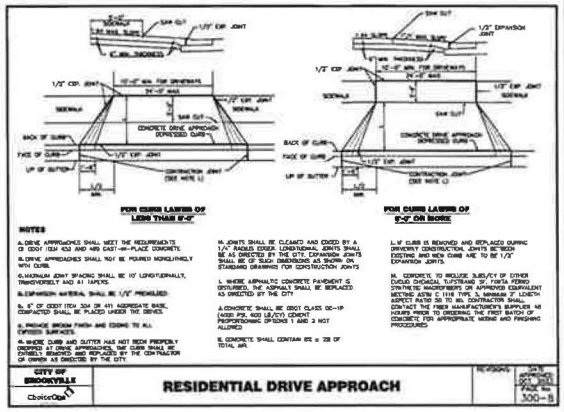


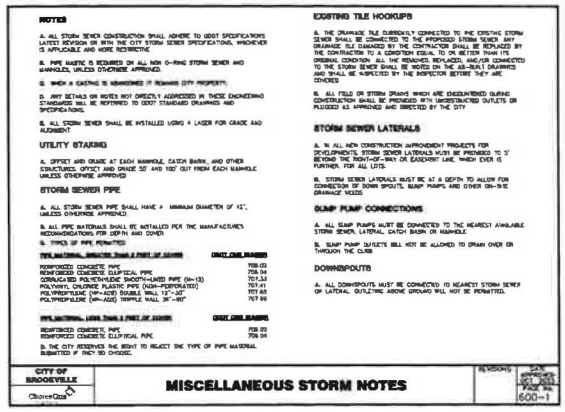


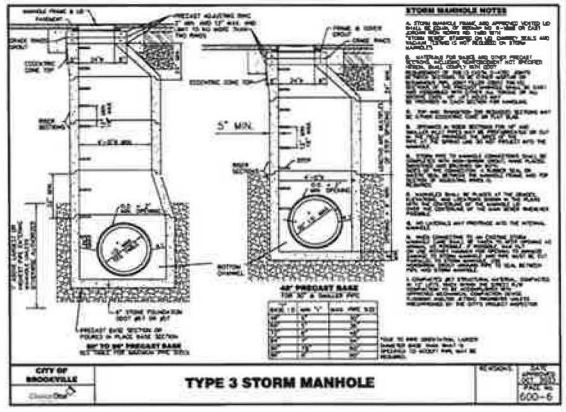












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(937) 435-8110
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SUBMITTAL/REVISION RECORD

REV.	DATE	DESCRIPTION	APPR'D	DATE

DETAILS

EVERGREEN TRACE
WOLF CREEK STREET
CITY OF BROOKVILLE
MONTGOMERY COUNTY, OHIO
SECTIONS 4 & 8
BROOKVILLE-VANDALIA ROAD

DESIGNED BY: G.P.
DRAWN BY: TTL
JOB #: 2023-04-009
DRAWING DATE: April 26, 2024
SHEET NO. 15 of 17

MEMORANDUM:
DATE: MAY 10, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: ORDINANCE 2024-07

Planning Commission is requested to make a final recommendation pursuant to 4.11 of the Charter on Ordinance 2024-07, establishing the zoning classification of lots 2798,2799, and 2800 of the City of Brookville. A copy of Ordinance 2024-07 is attached. A public hearing was held at the City Council meeting on May 7, 2024 on this proposed zoning ordinance.

RECORD OF ORDINANCES

DEAR GRAPHICS 800-323-6094 FORM NO. 30043

Ordinance No. 2024-07 *Passed*_____, 20____

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2798, 2799, AND 2800 OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the City of Brookville City Council accepted the annexation of 85.611 acres located in Clay Township to the City of Brookville on October 17, 2023,

WHEREAS, the annexed territory of 85.611 acres is described in the annexation map attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, City of Brookville Lot Numbers 2798, 2799, and 2800 were assigned to parcels within the annexation territory; and

WHEREAS, Section 1117.04 (c) of the Code of Ordinances provides that within three months after the effective date of an annexation shall recommend the appropriate permanent zoning districts for the annexed land; and

WHEREAS, after public hearing on the establishment of a zoning classification of the annexed property as required by Section 4.11 of the Charter, and upon recommendation of Planning Commission, Council of the City of Brookville hereby adopts this Ordinance to establish the zoning classification for the annexed land.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO:

SECTION I: The zoning classification of Lots 2798 and part of Lot 2799, being approximately 30.00 acres within Lot 2799, is hereby assigned the zoning classification of (GB) General Business District. The remainder of Lot 2799, being approximately 39.849 acres, and all of Lot 2780, is hereby assigned the zoning classification of (R-1A) (PD) Suburban Residential Planned Development Overlay District. The zoning classifications for Lots 2798, 2799, and 2780 are set forth and described in the zoning map attached hereto as Exhibit "B".

SECTION II: As required by Ohio Revised Code Section 709.023, Council has determined that the owner of the annexed territory shall provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. The term "buffer" in Ohio Revised Code Section 709.023 includes open space, landscaping, fences, walls, and other structured elements, streets and street right-of-way, and bicycle and pedestrian paths and sidewalks.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ *Passed* _____, *20*_____

PASSED THIS _____ day of _____, 2024.

ATTEST:

_____ _____

Kimberly Duncan, Clerk Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-07, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2024.

_____

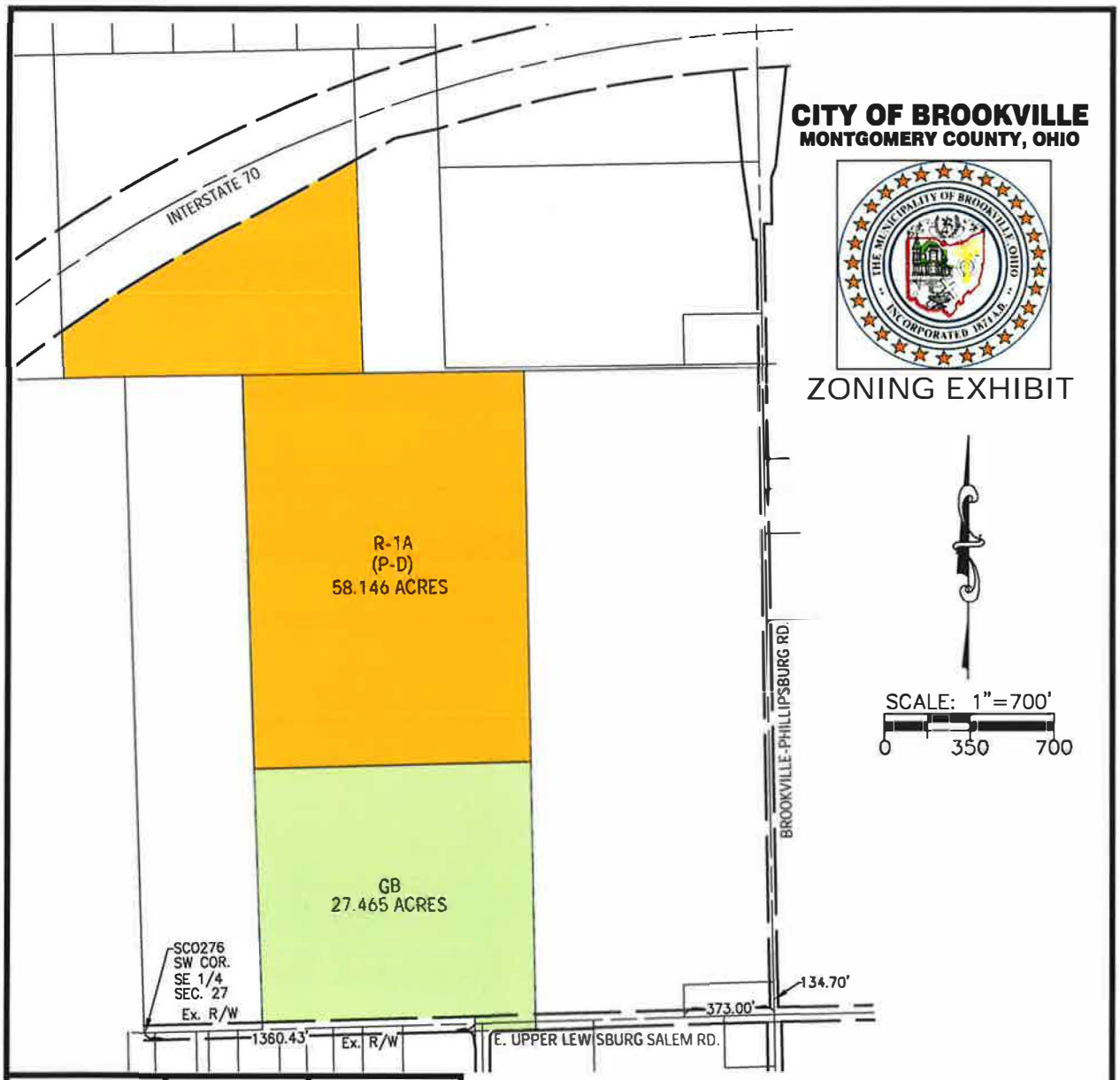
Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No, 2024-07 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____day of _____, 2024 to the _____day of _____, 2024, both days inclusive.

_____

Kimberly Duncan, Clerk



CITY OF BROOKVILLE
MONTGOMERY COUNTY, OHIO

ZONING EXHIBIT

SCALE: 1"=700'

0 350 700

JOB #	DRAWN BY:	DATE
MOTBRO2400	RMF	04-16-2024

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~ LEGEND ~

- R-1A SUBURBAN RESIDENTIAL
- GB GENERAL BUSINESS
- (P-D) PLAN DEVELOPMENT

MEMORANDUM:
DATE: MAY 10, 2024
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: MEDICAL MARIJUANA AND ADULT USE CANNABIS

In 2017, City Council adopted Ordinance 2017-05 which prohibited medical marijuana cultivators, processors and retail dispensaries. In 2023, a an initiative passed in the State of Ohio permitting adult use cannabis. In December, the City Council passed a moratorium on issuance any zoning permits related to adult use cannabis businesses. The moratorium is expiring June 5, 2024.

Attached is a copy of Ordinance 2024-09 which received a first reading from City Council at its meeting on May 7, 2024. Ordinance 2024-09 will permit marijuana cultivation, processing and laboratory testing for both adult use cannabis and medical marijuana in the I-2 General Industrial District. Retail dispensaries for both medical and adult use cannabis would be prohibited in the City of Brookville.

A public hearing on this Ordinance will be held on June 4, 2024, and Planning Commission will be making a recommendation on this Ordinance after the public hearing.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-337-8094 FORM NO. 30043

Ordinance No. 2024-09 *Passed*_____, 20____

AN ORDINANCE AMENDING CHAPTER 1170 MEDICAL MARIJUANA AND CHAPTER 1145 I-2 GENERAL INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Section 1170.01 of the Code of Ordinances currently prohibits medical marijuana cultivators, processors and retail dispensaries from operating in the City of Brookville; and

WHEREAS, the Code of Ordinances does not currently address the cultivation, processing, testing and retail dispensaries for adult use cannabis which have recently been authorized in Ohio; and

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to permit marijuana cultivators, processers and laboratory testing facilities for medical marijuana and adult use cannabis to locate in the I-2 General Industrial District in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to retain the current prohibition of medical marijuana retail dispensaries in the City of Brookville and to also prohibit adult use retail dispensaries in the City of Brookville; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: Chapter 1170 Medical Marijuana of the Code of Ordinances is hereby repealed and replaced with in its entirety with Chapter 1170, Medical Marijuana, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II: Section 1145.02(a) Permitted Uses is hereby amended to add 1145.02(a) (10) as set forth below and to renumber the current Section 1145.02(a) (10) to 1145.02(a) (11):

1145.02(a)(10) Medical Marijuana and Adult Use Cannabis Cultivation, Processing and Laboratory Testing

1145.02(a)(11) Accessory buildings and uses incidental to the principal use.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8594 FORM NO. 30043

Ordinance No. _____ *Passed* _____, *20* _____

SECTION IV: This Ordinance shall take effect thirty (30) days after passage by the Council of the
City of Brookville as provided by the Charter of the City of Brookville.

PASSED this _____day of _____, 2024.

ATTEST:

_____ _____

Kimberly Duncan, Clerk Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-09, passed by the Council of the City of Brookville, Ohio, on the _____day of _____, 2024.

_____

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2024-09 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____day of _____, 2024, to the _____day of _____, 2024, both days inclusive.

_____

Kimberly Duncan, Clerk

EXHIBIT "A"

CHAPTER 1170
MEDICAL MARIJUANA AND ADULT USE CANNABIS

Section 1170.01 MEDICAL MARIJUANA

(a) The cultivation, processing and laboratory testing of medical marijuana shall be a permitted use in the I-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio Revised Code Section 3796.09 shall be required to operate a cultivation, processing or laboratory testing facility for medical marijuana in the City of Brookville.

(b) The operation of a retail medical marijuana dispensary as described in Ohio Revised Code Section 3796.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail medical marijuana dispensary.

Section 1170.02 ADULT USE CANNABIS

(a) The cultivation, processing and laboratory testing of adult use cannabis shall be a permitted use in the I-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio Revised Code Section 3780.10 shall be required to operate a cultivation, processing or laboratory testing facility for adult use cannabis in the City of Brookville.

(b) The operation of a retail adult use cannabis dispensary as described in Ohio Revised Code Section 3780.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail adult use cannabis dispensary.