

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 in 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-1(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-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 are 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.

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.

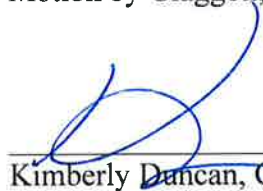
Manager Kuntz advised the City has hired an engineering firm to determine the necessary upgrades to our wastewater treatment plant and will seek financial assistance from the State.

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