



PLANNING COMMISSION MEETING

Thursday, January 16, 2025, 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. Appoint Chairperson & Vice Chairperson**
- IV. Approval of Minutes**
 - a. Approval of December 19, 2024 Meeting Minutes
- V. Reports**
 - a. Law Director
- VI. Old Business**
 - a. Text amendments in the Community Center District
 - b. Propose zoning for annexed territory of 85.61 acres- Lots 2798, 2799 and 2800
- VII. New Business**
- VIII. Adjournment**

Chairperson Ryan Henderson • Mayor Chuck Letner

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

Brookville Planning Commission
Regular Meeting
December 19, 2024

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on December 19, 2024. The meeting was held in the City Council Chambers. The Pledge of Allegiance was recited. Mayor Letner, Members Claggett, Ezerski, Kristof, Schreier and Wright; Manager Kuntz, Law Director Stephan and Clerk Duncan were present.

Roll call by Clerk Duncan.

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

Motion by Kristof, second by Schreier to approve the minutes of the October 17, 2024 Planning Commission Meeting as presented. All yeas, motion carried.

Law Director Stephan reported the Community Center Zoning District includes the area of Market Street from Wolf Creek Street to the municipal bikeway. Concerns have been raised regarding certain types of retail uses locating in the Community Center District, including smoke and vape shops, pawn shops, and check cashing businesses. To address these concerns, the following text amendments should be considered by Planning Commission and City Council. In Section 1141.02 (a) (2), the text could be amended to delete pawn shops and tobacco shops from the list of permitted retail stores. In addition, Section 1141.02 (a) (14) authorizes "Other uses, which in the opinion of the Planning Commission are similar to the above uses indicated as being permitted." Law Director Stephan stated it could be specified in this section that Planning Commission is not authorized to approve pawn shops, smoke or vape shops, and check cashing facilities in this district. Law Director Stephan advised he will be reviewing these text amendments with Planning Commission and City Council with the goal of starting the process of approving these text amendments in January. Law Director Stephan stated he will recommend that City Council pass a motion to provide for a moratorium on these uses in the Community Center District until June 1, 2025 to permit the text amendment process to be completed.

Discussion followed regarding whether to include specific businesses such as pawn shops, smoke and vape shops, check cashing facilities and others in the list of excluded uses. Planning Commission members considered adding a general statement providing that any other uses not specifically outlined in permitted uses are subject to Planning Commission discretion and approval. Law Director Stephan was directed to draft an ordinance to update the language of Sections 1141.02 and 1141.14 to exclude certain businesses and to update the special uses section.

Member Wright advised he will be abstaining from the vote on this issue due to owning a business in the Community Center District.

Motion by Schreier, second by Kristof to direct staff to prepare an ordinance which updates the language of Sections 1141.02 and 1141.14 to exclude certain businesses and to update the special uses section in the Community Center Zoning District. Claggett yea, Letner yea, Schreier yea, Wright abstained, Ezerski yea, Kristof yea, Henderson yea. Motion carried with six yeas and one abstention.

Law Director Stephan advised Planning Commission needs to discuss options for zoning the recently annexed 85.611 acres on Upper Lewisburg Salem Road that was subject to referendum in November of 2024. The property was zoned General Business with Planned Development Overlay on 27.465 acres and R-1A Planned Development on 58.146 acres. The code of ordinances requires Planning Commission to make a zoning recommendation to City Council for any annexed property within the City of Brookville. Law Director Stephan stated that Planning Commission could place one of our existing residential zoning districts, such as R-1A or R-1B on the entire property, with Planned Development Overlay. Another option would be to use planned residential development zoning on the property with requirements for larger lots. A third option would be for Planning Commission to temporarily place conservation zoning on the property until the Comprehensive Land Use Plan is completed. Law Director Stephan advised the property owner has expressed a preference for a zoning that would allow them to market the property immediately. Permanent zoning districts should be assigned by the city within three months of annexing the property.

Discussion followed, focusing on pure residential zoning for the area, with no commercial development. Planned Residential development was explored as it would allow for control over size, materials and green space. Members discussed finding a middle ground between current R-1A zoning and the previously proposed acre and a half lot size. There was some interest in exploring the possibility of including some general business areas in the zoning, which would match the previously zoned GB areas. The updated Comprehensive Land Use Plan could provide some economic analysis to determine the impact of housing developments and small businesses on tax revenue. Members discussed the importance of public input, which will be considered during the zoning process in the form of a public hearing. Planning Commission directed staff to draft a Planned Residential zoning district and to include possibilities for General Business in the development for discussion at the next meeting.

Member Claggett asked for an update on the VIP Vape Shop on Market Street.

Manager Kuntz replied he has no update at this time, only hearsay.

Member Schreier asked if there has been any action on the new hotel project?

Law Director Stephan replied there is no action on the new hotel project at this time.

Law Director Stephan reported the medical building expansion on Mosier Parkway should begin in 2025.

Mayor Letner commented he appreciated the opportunity to attend the Planning and Zoning Workshop at Sinclair. It was an excellent workshop which featured a lot of good training and information.

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

Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

MEMORANDUM:

DATE: JANUARY 10, 2025

TO: CITY OF BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: COMMUNITY CENTER DISTRICT TEXT AMENDMENT

A text amendment for the Community Center District has been prepared and is attached to this memorandum as Exhibit "A" for Planning Commission to review. The text amendment removes from 1141.02(a)(2) pawn shops and tobacco shops as a permitted use. The text amendment also amends 1141.02(a)(14) to specify that while Planning Commission has authority to approve other uses that are similar to the listed permitted uses, the following uses would be expressly prohibited in the Community Center District: Tobacco, smoke and vape shops, check cashing stores, and pawn shops.

I have also attached the existing zoning text for Chapter 1141. I am requesting that Planning Commission would review the text amendment and provide an initial recommendation regarding the text amendment.

EXHIBIT "A"

1141.02 USES.

(a) Permitted Uses.

(1) Department Stores

(2) Establishments engaged in the retail trade of drugs, art, book and stationary shops, bicycle stores including rental and repair, apparel stores including speciality shops, florist shops, antique shops, sporting goods stores, coin and stamp stores, jewelry stores, gift shops, food stores, grocery stores, meat market, bakery goods sales, candy and ice cream shops and delicatessens; hobby shops, interior decorating shops, leather goods and luggage stores, second hand stores, shoe stores and repair shops, variety stores, optical goods, furniture, home furnishings and appliance stores.

(3) Eating and drinking-restaurants or other places serving food and/or beverage except drive-ins.

(4) Hardware and related stores such as paint, wallpaper, and similar uses.

(5) Establishments engaged primarily in the field of finance, insurance, and real estate; banks, excluding drive-in type; credit agencies other than banks; investment companies, real estate, insurance companies.

(6) Establishments engaged in providing a variety of personal services to individuals, such as: barber and beauty shops, and shoe repair.

(7) Medical and other health services.

(8) Employment agencies, miscellaneous business services such as advertising, accounting, auditing and bookkeeping services.

(9) Engineering and architectural services.

(10) Non-profit professional, charitable, service and labor organizations.

(11) Schools-music, dance and business, clothing and costume rental stores, photographer's or artists studio.

(12) Radio and television broadcasting studios.

(13) Travel bureaus and ticket offices.

(14) Other uses, which in the opinion of the Planning Commission are similar to the above uses indicated as being permitted, provided, however, that the following uses are expressly prohibited in the Community Center District: Tobacco, smoke and vape shops, check cashing stores, and pawn shops.

(15) Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1157.

CHAPTER 1141

CC Community Center District

1141.01 Purpose.

1141.02 Uses.

1141.03 Site development regulations.

CROSS REFERENCES

Visibility at intersections - see 1153.03

Special provisions for commercial uses - see P. & Z. 1155.01

Accessory uses - see P. & Z. 1157.021

Signs - see P. & Z. Ch. 1161

1141.01 PURPOSE.

This district is designed to provide for a somewhat restricted variety of retail stores and business and consumer service establishments which function most efficiently from a central place in the community, and which serve the comparison shopping and service needs of Brookville and its environs. Activities are encouraged which will not result in vehicular-pedestrian conflicts nor produce "dead spaces" within this more intensive commercial activity area.

1141.02 USES.

(a) Permitted Uses.

(1) Department stores.

(2) Establishments engaged in the retail trade of drugs, art, book and stationery stores, bicycle stores including rental and repair; apparel stores including specialty shops, florist shops, antique shops, sporting goods stores, coin and stamp stores, jewelry stores, gift shops; food stores, grocery stores, meat market, bakery goods sales, candy and ice cream shops and delicatessens; hobby shops, interior decorating shops, leather goods and luggage stores, pawn shops, second hand stores, shoe stores and repair shops; tobacco shops, variety stores, optical goods, furniture, home furnishing and appliance stores.

(3) Eating and drinking - restaurants or other places serving food and/or beverage except drive-ins.

(4) Hardware and related stores such as paint, wallpaper, and similar uses.

(5) Establishments engaged primarily in the field of finance, insurance, and real estate: banks, excluding drive-in type; credit agencies other than banks; investment companies, real estate, insurance companies.

(6) Establishments engaged in providing a variety of personal services to individuals, such as: barber and beauty shops, and shoe repair.

(7) Medical and other health services.

(8) Employment agencies, miscellaneous business services such as advertising, accounting, auditing, and bookkeeping services.

(9) Engineering and architectural services.

(10) Non-profit professional, charitable, service and labor organizations.

(11) Schools - music, dance and business, clothing and costume rental stores, photographer's or artist's studios.

(12) Radio and television broadcasting studios.

(13) Travel bureaus and ticket offices.

(14) Other uses, which in the opinion of the Planning Commission are similar to the above uses indicated as being permitted.

(15) Accessory buildings incidental to the principal use.²⁹

²⁹Regulations governing accessory facilities and uses are specified in Chapter 1157.

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1163.

(1) Libraries and museums.

(2) Residential dwellings.

(3) Commercial parking lots.

(4) Banks with drive-in facilities.

(5) Shops producing merchandise to be sold at retail providing that no more than five (5) persons are employed on the premises in such production.

(Ord. 1987-05. Passed 8-4-87.)

(6) Mobile food vendors. (Ord. 2010-06. Passed 8-3-10.)

1141.03 SITE DEVELOPMENT REGULATIONS^{30,31}

³⁰See Chapter 1155 for additional provisions for commercial facilities.

³¹Townhouse and zero lot line dwellings shall be guided by respective provisions within the special use section. No specific yard requirements are specified for other types of dwellings with the exception of a minimum lot area of 1500' per unit for multi-family dwellings, with single conventional family detached units prohibited.

(a) Lot Requirements.

(1) Minimum lot area. Sufficient to meet all other yard, parking and loading requirements.

(2) Minimum lot frontage.

(b) Yard Requirements.

(1) None, except as required to meet the provisions for loading and parking, and the following:

If fire resistive construction, building may be:

A. Set to the side property line, or

B. Set not less than four (4) feet back from side property line. If non-fire resistive construction, building must be set back eight (8) feet from side property line.

(2) Where lot line abuts residentially zoned area without street separation, the minimum side or rear transitional setback distance shall be 25 feet in depth and provided with a landscape screen or wall as defined in Section 1155.01.

(c) Structural Requirements.

Maximum building height: There shall be no specific height limitation in the Community Center District; however, prior to the issuance of a building permit for any structure which is planned to exceed forty-five (45) feet in height, the Planning Commission shall make a finding that any such excessive height will not be detrimental to the public safety, to the light, air or privacy of any other structure or use currently existing or approved for construction.

(d) Parking and Loading Requirements. See Chapter 1159 for off-street parking and loading space requirements.

(e) Signs. See Chapter 1161 for size and location of permitted signs.

MEMORANDUM:

DATE: JANUARY 9, 2025

TO: CITY OF BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: ZONING FOR ANNEXED LAND-85.611 ACRES-UPPER LEWISBURG-SALEM RD.

As requested by Planning Commission, attached is a draft of a proposed ordinance that would establish a planned residential district for the 85.611 acres that was annexed to the City of Brookville. The proposed residential district would be designed for single-family homes to be built on lots that would be a minimum of one-half acre (21780 sq. ft.). The proposed standards for this zoning district are attached to the proposed ordinance in Exhibit B. Any proposed project would have to be approved by Planning Commission and City Council as a planned development subject to the standards set forth in this ordinance.

The ordinance features lots that are substantially larger than any other lots in our zoning ordinance. The largest lots currently in our zoning are R-1A lots which require a minimum of 12,500 sq. ft. In addition, the minimum floor area of 2000 sq. ft. would exceed the R-1A minimum of 1800 square feet. The ordinance also addresses building materials and open space in the development.

I have also attached a zoning exhibit. The exhibit depicts the proposed Planned Residential Development Zoning for the property. The exhibit depicts 75.164 acres for this planned residential zoning with the large lots for single family housing. It also depicts a 10.477 acre General Business with Planned Development Overlay. I have included this GB option on the map at the request of Planning Commission. This GB area is adjacent to the existing General Business Area on the property immediately to the east of this area. With respect to this 10.477 acre GB area, if Market Street were extended

through this GB area, it is estimated that there would be 4.797 acres on the west side of Market Street, and 5.65 acres on the east side of Market Street.

If Planning Commission chooses to eliminate all General Business zoning in the area, Planning Commission could apply the Planned Residential District to the entire 85.611 acres.

The zoning for this annexed property is before Planning Commission as a result of the referendum in November that rejected the previous proposed zoning of 27.465 acres of General Business with Planned Development Overlay and 58.146 acres of R-1A with Planned Development Overlay.

I am requesting that Planning Commission would review this proposed ordinance and make an initial recommendation regarding the proposed zoning. The ordinance would then start through the process set forth in Section 4.11 of the Charter and a public hearing would be held to consider public comment on the proposed zoning prior to the final recommendation of Planning Commission to City Council.

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 legal description and map attached hereto as Exhibits "A" and "B" 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 the annexed land, being City of Brookville Lots 2798, 2799, and 2800, as set forth and described in the annexation legal description in Exhibit "A" and the annexation map attached hereto as Exhibit B, shall be designated a Planned Residential District, with specific standards for this Planned Residential District being approved and adopted in this Ordinance, as set forth in Exhibit C.

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.

PASSED THIS _____ day of _____, 2025.

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. 2025-03, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2025.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No, 2025-03 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 _____, 2025 to the _____ day of _____, 2025, both days inclusive.

Kimberly Duncan, Clerk

EXHIBIT "C"
PLANNED RESIDENTIAL DISTRICT
LOTS 2798, 2799, 2800
85.611 ACRES

The intent of this planned residential district is to provide single family residential housing on large city lots that will be compatible with existing residential properties in adjacent areas of Clay Township and the City of Brookville.

The following standards shall apply in this Planned Residential District:

(a) Permitted Uses in the Planned Residential District:

- (1) Single Family Dwellings
- (2) Accessory buildings and uses incidental to the principal use which do not include any activity conducted as a business.

(b) Special Uses. The following special uses are subject to review and regulation in accordance with Chapter 1163:

- (1) Governmentally owned and/or operated parks or recreation facilities.

(c) Site Development Regulations for Permitted Uses:

Lot Requirements:

- (1) Minimum Lot Area: One-half acre (21780 sq. ft.)
- (2) Minimum Lot Frontage: 120 feet

Yard Requirements:

- (1) Minimum Front Yard Setback: 40 feet
- (2) Minimum Rear Yard Setback: 40 feet
- (3) Minimum Side Yard Setback: 15 feet on each side

Structural Requirements:

- (1) Maximum Building Height: 35 feet
- (2) Minimum floor area: 2000 sq. ft.
(excludes enclosed patios and garages)

(d) Required Building Materials:

- (1) The exterior of the Single-Family Dwellings shall be covered by at least Fifty Percent Masonry or Stone.

(e) Required Common Open Space: A minimum of twenty-five percent (25%) of the land in the planned residential development shall be reserved for permanent common open space and recreational facilities for the residents of the area being developed. Only areas having minimum dimensions of 50 feet by 100 feet shall qualify for computation of usable open spaces.

(f) Setback and screening: A setback of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods or be suitably landscaped with grass and/or ground cover, shrubs, and trees.

Any proposed planned development for this area shall submit a development plan that shall be subject to review and approval by Planning Commission and City Council as set forth in Chapter 1151 of the Code of Ordinances.

