City of BROOKVILLE

PLANNING COMMISSION MEETING

Thursday, February 20, 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. Special Use Applications

a. Louisiana Grill

b. CaliOH Eats

VI. Reports

a. Law Director

VII. 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

VIII. New Business

IX. Adjournment

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

Brookville Planning Commission
Regular Meeting
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: FEBRUARY 12, 2025
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: SPECIAL USE APPLICATION OF LOUISIANA GRILL

Louisiana Grill, Home of Bourbon Chicken, has filed a special use application to operate as mobile food vendor in the City of Brookville. They will be locating in the parking lot of McMakens, One McMaken Way. A copy of the application is attached to this memorandum.

Under 1163.03 (b)(26) of the Code of Ordinances, mobile food vendors may be approved as a special use for a period of one year. Louisiana Grill has previously been approved by Planning Commission to operate in the McMakens parking lot, and there have been no issues with the operation of this mobile food vendor.

McMakens has submitted a letter in support of this application authorizing Louisiana Grill to locate in their parking lot.

It is requested that Planning Commission approve the special use application of Louisiana Grill.

City of Brookville

"A Proud and Progressive Community"

Application #SU 24-02

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 Louisiana Grill, Home of Bourbon Chicken James R. Kelly

2. Applicant address 10809 Yankee Street Dayton, OH 45458

3. Phone (Hm)_____ (Bus) 937-602-9272 Interest in property_____

4. Location or address of property to be affected McMaken IGA, One McMaken Way

5. Legal description Mobile Food Service & Manufacture of Sauces & Other Food Products

6. Present Zoning classification _____ Existing _____

7. Proposed Special Use Food concession to support retail sales of vendor's product

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.

Outdoor cooking using propane gas; grilling vapors from cooking chicken, pinto beans, and rice.

Assist store management with sales promotion of food products by invitation.

301 Sycamore St. • PO Box 10 • Brookville, Ohio 45309-0010 • PH. (937) 833-2135 FAX (937) 833-3347

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

FEB 5, 2024
Application Date

James R Kelly
Signature of Applicant

OFFICE USE ONLY BELOW LINE

Reviewed by Rodney S Stephen Date 2/15/2024

Appr/Denied Planning Commission [signature] Date 2/15/2024

Fee $75.00 Receipt Number 7747 Date 2/12/2024
(NON REFUNDABLE)

February 6, 2024

McMaken IGA
One McMaken Way
Brookville, OH 45309

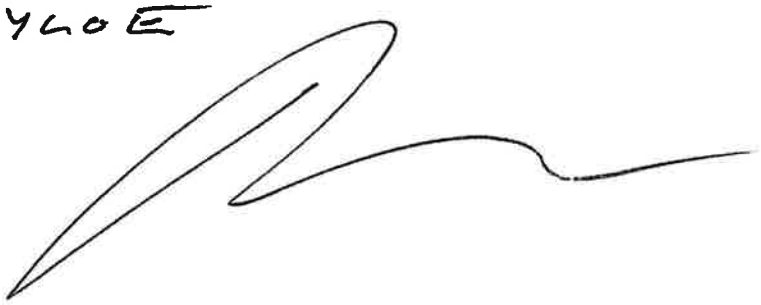
Mr Rod Stephan
Law Director
City of Brookville
301 Sycamore Street
Brookville, OH 45309

RE: Mr Jim Kelly
Louisiana Grill, Home of Bourbon Chicken

The above name vendor is granted to permission to come and setup their food concession on the side of our parking lot in order to promote and sell their bourbon chicken sauce , which is carried in our grocery store.

Thank you,

Mark [redacted] TAYLOR
General Manager
Tel 937-833-2118



MEMORANDUM:
DATE: FEBRUARY 12, 2025
TO: CITY OF BROOKVILLE PLANNING COMMISSION
FROM: RODNEY L. STEPHAN, LAW DIRECTOR
RE: SPECIAL USE APPLICATION OF CALIOH EATS

CALIOH EATS has filed a special use application to operate as a mobile food vendor in the City of Brookville. They will be locating in the municipal parking lot on Arlington Road, adjacent to the bikeway. A copy of the application is attached.

Under 1163.03(b) (26) of the Code of Ordinances, mobile food vendors may be approved as a special use for a period of one year. CALIOH EATS has previously been approved by Planning Commission to operate at the municipal parking lot on Arlington Rd, and there have been no issues with the operation of this mobile food vendor.

It is requested that Planning Commission approve the special use application of CALIOH EATS.

City of Brookville

"A Proud and Progressive Community"

Application #SU _____

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 CaliCH Eats

2. Applicant address 15659 Schaathaise Rd, Brookville, OH 45309

3. Phone (Hm)_____ (Bus)937-542-1655 Interest in property_____

4. Location or address of property to be affected Arlington Parking lot by bike path

5. Legal description Pizza trailer

6. Present Zoning classification _____ Existing _____

7. Proposed Special Use Occasional pop up to serve food

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.

Inverter generator powers pizza trailer. Will sell whole pizzas, breadsticks and chicken bites made to order. Will not cause disturbances to nearby businesses or cause any road blockage.

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 - 2024 Results? Approved

2/3/25
Application Date

Signature of Applicant

OFFICE USE ONLY BELOW LINE

Reviewed by _____ Date _____

Appr/Denied Planning Commission _____ Date _____

Fee _____ Receipt Number _____ Date _____
(NON REFUNDABLE)

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 engages 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 accessor 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]

[29]Regulations 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]

[30]See Chapter 1155 for additional provisions for commercial facilities.

[31]Townhouse 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: FEBRUARY 12, 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.

Attached is a copy of a proposed Ordinance to establish zoning for the 85.611 acres on Upper Lewisburg-Salem Rd. that was annexed to the City of Brookville in 2024. In Ordinance 2024-07, City Council had approved zoning 27.465 acres GB(PD) and 58.146 acres (R-1A) (PD). This zoning was rejected by the voters of the City of Brookville in the November 2024 election.

In the proposed ordinance, a Planned Residential District would be established for the 85.611 acres. Exhibit "C" of the ordinance sets forth development standards that would apply to this Planned Residential District.

I provided a copy of this proposed ordinance to representatives of Keep It Rural and asked for their initial input on this matter. Attached is a copy of their comments on the Exhibit "C" standards.

It is requested that Planning Commission would make an initial recommendation to City Council on the proposed zoning for this property.

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 "A"

LEGAL DESCRIPTION

ANNEXATION OF 85.611 ACRES TO THE CITY OF BROOKVILLE, OHIO

SITUATE IN THE NORTHEAST, NORTHWEST AND SOUTHEAST QUARTERS OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 34, TOWN 6, RANGE 4 E, CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

Commencing for reference at a monument box with iron pin found at the southwest corner of the southeast corner of Section 27 and being on the centerline of East Upper Lewisburg Salem Road;

thence, North 89°36'11" East, 485.56 feet, along the south line of said Section 27 and centerline of East Upper Lewisburg Salem Road to a Mag nail set at the southeast corner of a 30.00-acre tract of land owned by Beverly J. Shank and David L. Shank as described in D.M.F 94-0139C05;

thence, North 00°38'31" West, 30.00 feet, along the east line of said Shank tract to an iron pin found on the north right-of-way line of East Upper Lewisburg Salem Road and being the principal place of beginning of the tract herein conveyed;

thence, North 00°38'31" West, 2658.74 feet, along the east line of said Shank tract to an iron pin found;

thence, North 89°42'56" West, 485.36 feet, along the north line of said Shank tract to an iron pin with cap set at the northeast corner of Lot 1899 as shown on Record Plat Book 159, Page 43 and being owned by HJW Holdings I, LLC as described in IR Deed 20-031085;

thence, South 89°41'29" West, 248.63 feet, along the north line of said Lot 1899 to an iron pin with cap set at the southeast corner of a 0.75-acre tract of land owned by HJW Holdings I, LLC as described in IR Deed 21-088908;

thence, North 00°40'43" West, 196.34 feet, along the east line of said 0.75-acre HJW Holdings tract to an iron pin with cap set on the south limited access right-of-way line of Interstate 70;

thence, along a curve to the right, with a radius of 5529.58 feet, a curve length of 884.50 feet, a delta angle of 09°09'54" and a chord bearing North 60°03'07" East, 883.56 feet, along the south limited access right-of-way line of Interstate 70 to an iron pin with cap set;

thence, North 62°23'22" East, 513.56 feet, along the south limited access right-of-way line of Interstate 70 to an iron pin with cap set at the northwest corner of a tract of land owned by Alexander J. Clericus and Jennifer M. Clericus as described in IR Deed 19-036540;

thence, South 00°40'40" East, 879.02 feet, along the west line of said Clericus tract to an iron pin with cap set;

thence, South 89°42'56" East, 666.37 feet, along the south line of said Clericus tract to an iron pin found at the northwest corner of Lot 2749 as shown on Plat Book 240, Page 4 and being owned by WLW, LLC as described in IR Deed 09-038959;

thence, South 00°04'26" West, 2705.00 feet, along the west line of said WLW tract to an iron pin found;

thence, South 89°36'11" West, 252.92 feet, to a Mag nail set;

thence, North 00°28'32" East, 60.01 feet, to an iron pin with cap set on the north right-of-way line of East Upper Lewisburg Salem Road;

thence, South 89°36'11" West, 875.45 feet, along the north right-of-way line of East Upper Lewisburg Salem Road to the principal place of beginning.

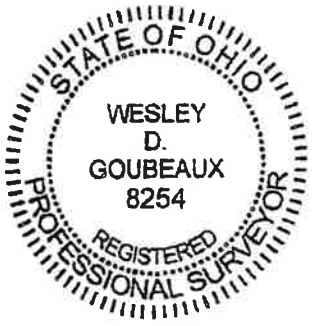
Containing 85.611 acres more or less and all being subject to any legal highways and easements of record. With 85.434 acres being within Section 27 and 0.174 acres being within Section 34.

The bearing of North 89°-36'-11" East along the centerline of East Upper Lewisburg Salem Road was based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated March 29, 2023.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."

Wesley D. Goubeaux, PS #8254

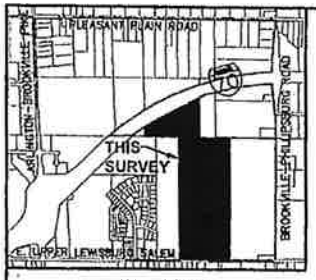


03/29/2023
Date

PROPOSED ANNEXATION TO THE CITY OF BROOKVILLE

SECTION 27, TOWN 6, RANGE 4 E
SECTION 34, TOWN 6, RANGE 4 E
CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO

85.611 ACRES TOTAL



VICINITY MAP

THE BEARING OF N 89°36'11" E ALONG THE CENTERLINE OF EAST UPPER LEWISBURG SALEM ROAD WAS BASED ON NAD 83 CORS 96 ADJUSTMENT, OHIO SOUTH ZONE, ODOT VRS CORS NETWORK

SCALE: 1"=200'
0 200 400

ANNEXATION PLAT TO THE CITY OF BROOKVILLE REC. P.B. 159, PG. 43

H&W HOLDINGS I, LLC IR DEED 21-058908 0.75 ACRES

LOT 1899 H&W HOLDINGS I, LLC IR DEED 20-031085

CITY OF BROOKVILLE / CLAY TOWNSHIP

SC0278 SW COR. SE 1/4 SEC. 27

BEVERLY J. SHANK & DAVID L. SHANK D.M.F. 04-013805 30.00 ACRES DEED

N00°38'31"W 2655.74'

P.O.B.

W. MEYER FARMS, LLC. IR DEED 20-077995 15.47 ACRES

CURVE DATA
R=5529.58'
Δ=09°09'34"
AL=884.50'
CL=883.56'
CB=N60°03'07"E

N55°27'20"E 514.55'

Ex. U.A R/W

ORIENTAL RD.

LOT 2800 15.588 ACRES

S00°40'40"E 878.03'

ALEXANDER J. CLERICUS & JENNIFER M. CLERICUS IR DEED 19-036540

LOT 2799 69.849 ACRES

85.611 ACRES TOTAL TO BE ANNEXED

LOT 1738 MARK HAWORTH IR DEED 18-046521

W. MEYER FARMS, LLC. IR DEED 20-077995 0.603 ACRES REMAINING IN CLAY TOWNSHIP

S89°36'11"W 875.45'

LOT 2799 0.174 ACRES

LOT 2614 CITY OF BROOKVILLE IR DEED 08-009391

LOT 2750 CITY OF BROOKVILLE IR DEED 08-009391

MONTGOMERY TWP. T.R. 24/18

S00°04'28"W 2705.00

LOT 2748 W.L.W. LLC. IR DEED 09-038959 58.847 AC. DEED

ANNEXATION PLAT TO THE CITY OF BROOKVILLE REC. P.B. 240, PG. 4

LINE CHART		
LINE	BEARING	DIST.
L1	N00°38'31"W	30.00'
L2	S89°36'11"W	252.92'
L3	N00°28'32"E	60.01'

ADJOINING OWNERS INDEX & TAX MAILING ADDRESS

W. MEYER FARMS, LLC.
11150 BALTIMORE-PHILLIPSBURG PIKE
BROOKVILLE, OH 45309
IR DEED 20-077995
C04-006-03-0008

ALEXANDER J. CLERICUS & JENNIFER M. CLERICUS
7405 BROOKVILLE PHILLIPSBURG RD.
BROOKVILLE, OH 45309
IR DEED 19-036540
C04-006-03-0021

CITY OF BROOKVILLE
301 SYCAMORE ST.
BROOKVILLE, OH 45309
IR DEED 08-009391
(2.735 AC. DEED)
C05-001-09-0032

MARK HAWORTH
10352 UPPER LEWISBURG SALEM RD.
BROOKVILLE, OH 45309
IR DEED 18-046521
C05-001-09-0015

BEVERLY J. SHANK & DAVID L. SHANK
10427 UPPER LEWISBURG SALEM RD.
BROOKVILLE, OH 45309
D.D. 2276, PG. 487
C04-06-03-0010

(A) JAY S. KINSLEY & MONICA R. KINSLEY
10316 UPPER LEWISBURG SALEM RD.
BROOKVILLE, OH 45309
D.M.F. 92-082603
C04-006-10-0010

(B) MARK HAWORTH
10352 UPPER LEWISBURG SALEM RD.
BROOKVILLE, OH 45309
IR DEED 08-025130
C04-006-10-0018

(C) THOMAS R. HEMMERICK & TONJA R. HEMMERICK
10388 UPPER LEWISBURG SALEM RD.
BROOKVILLE, OH 45309
IR DEED 05-037417
C04-006-10-0021

(D) JENA R. EAGLE & COREY B. EAGLE
10394 UPPER LEWISBURG SALEM RD.
BROOKVILLE, OH 45309
IR DEED 03-101461
C04-006-10-0028

(E) JAMES L. FEDSLEY & KATHLEEN P. FEDSLEY
10449 UPPER LEWISBURG SALEM RD.
BROOKVILLE, OH 45309
D.M.F. 97-0407611
C04-06-10-0012

H&W HOLDINGS I, LLC.
8043 GEORGETOWN-VERONA RD.
LEWISBURG, OH 45338
IR DEED 20-031085 &
IR DEED 21-058908
C05-[redacted]
C04-006-03-0070

W.L.W. LLC.
8043 GEORGETOWN-VERONA RD.
LEWISBURG, OH 45338
IR DEED 09-038959
C04-006-03-0007

ANNEXATION OWNERS INDEX

1. CITY OF BROOKVILLE
301 SYCAMORE ST.
BROOKVILLE, OH 45309
IR DEED 08-009391
(2.735 AC. DEED)
C05-001-09-0032

2. W. MEYER FARMS, LLC.
11150 BALTIMORE-PHILLIPSBURG PIKE
BROOKVILLE, OH 45309
IR DEED 20-077995
C04-006-03-0008

3. W. MEYER FARMS, LLC.
11150 BALTIMORE-PHILLIPSBURG PIKE
BROOKVILLE, OH 45309
IR DEED 20-077995
C04-006-03-0004

ANNEXATION NOTE:

PERIMETER OF ANNEXATION AREA=10425.83 FT.
CONTIGUOUS BOUNDARY WITH CITY=3206.68 FT.

LEGEND

- ●5/8" X 30" REBAR W/CAP SET
- ○5/8" IRON PIN FOUND
- ●MAG NAIL SET
- ○MAG NAIL FOUND
- ⊡ MONUMENT BOX W/IP PLACED
- EXISTING CORP. LIMITS

PERTINENT INFORMATION

PLAT BOOK 214, PAGE 16A
PLAT BOOK 240, PAGE 4
LAND SURVEY 2003-0657
LAND SURVEY 2006-0570
LAND SURVEY 2007-0363
LAND SURVEY 2011-0204
LAND SURVEY 2021-0138

CERTIFICATION

I HEREBY CERTIFY THIS PLAT WAS PREPARED IN ACCORDANCE WITH O.A.C. CHAPTER 4733.37 STANDARDS OF PLAT OF SURVEYS AND ALSO CONFORMS TO THE O.R.C. CHAPTER 711 FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND BASED ON ACTUAL FIELDWORK PERFORMED IN NOVEMBER, 2022. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE SET OR TO BE SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC.

WESLEY D. GOUBEAUX, P.S. #8254 — 3/29/2023 DATE

STATE OF OHIO — WESLEY D. GOUBEAUX 8254 — REGISTERED PROFESSIONAL SURVEYOR

PREPARED BY:
Choice One Engineering
SIDNEY, OHIO 937.497.0330
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com

DATE: 03-29-2023
DRAWN BY: RMF
JOB NUMBER: MOT-BRO-2215
SHEET NUMBER 1 OF 1

EXHIBIT "B"

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.

Brookville Citizen's for Keep it Rural

Requested Inputs for Proposed Zoning of Lots 2798, 2799, 2800

Unless otherwise noted, the group concurs with the proposal in Exhibit C

1. No general business, no business of any kind
2. 1 acre lot sizes
3. 70% brick or stone, 30% Hardy board, no vinyl siding
4. Lot frontage 125 ft
5. Side yard setback 20 ft
6. 50 ft setback on entire perimeter
    a. Question: how does this work into lot sizes?
7. 60 ft minimum front yard setback from the center of the street
8. Sidewalk, curbs (curbs stepped, not rolled), gutters paid for by the developer
9. Developer pays for the extension of utilities to the property and in the property