

Brookville Planning Commission
Regular Meeting
September 19, 2024

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on September 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 Ezerski, second by Kristof to correct the attendance on the July 18, 2024 Planning Commission Meeting minutes. All yeas, motion carried.

Motion by Kristof, second by Schreier to approve the minutes of the August 15, 2024 Planning Commission Meeting. All yeas, motion carried.

Law Director Stephan reported Terra Nova Development Group Inc. has filed a preliminary plat application for Arlington Woods II Subdivision Sections One, Two and Three. This subdivision is located on Westbrook Road west of the Arlington Woods subdivision. The proposed subdivision is 23.952 acres and includes County Auditor Parcel Numbers COS 00314 0057 and COS 00314 0063. The property is zoned R-1B Urban Residential District. The property is part of 78.11 acres that was annexed into the City of Brookville on September 3, 1991. The property was zoned R-1B on December 3, 1991. The preliminary plat provides for 64 residential lots to be developed in three sections. The lots meet all the site development regulations for R-1B lots. The preliminary plat provides for the extension of Meadow Glen Avenue to Westbrook Road. Meadow Glen Avenue currently ends at the north boundary of this property, and it was designed to connect to Westbrook Road when it was constructed as a part of the Sterling Meadows Subdivision. Law Director Stephan requested Planning Commission approval of the preliminary plat for Arlington Woods II Subdivision. Law Director Stephan advised the engineer and developers are present this evening to answer any questions.

Mike Oxner, of Professional Associates, advised the preliminary plan is identical to the plan submitted and approved by Planning Commission in 2003. This project will be built in three phases. The first phase will be 25 lots from Meadow Glen Avenue south to Westbrook Road. Mr. Oxner stated all of the existing utilities will run from the north to the south, with a tie-in to the existing 12" watermain on Westbrook Road. Stormwater will be mitigated by the creation of one additional retention basin and using the existing basin that was created as part of Sterling Meadows, Section 7.

Chairperson Henderson inquired if the new storm retention will outlet into the existing and then off and out, or is there a new outlet?

Mr. Oxner replied it is routed around it although they are tied together hydraulically.

Member Ezerski asked what size sanitary main they are tying into?

Mr. Oxner replied it is a 10-inch extension dropping down into an 8-inch.

Member Ezerski asked if a traffic analysis has been done?

Law Director Stephan replied a traffic analysis has not been done but this design is consistent with the plan to have Meadow Glen extend down to Westbrook Road. City staff believes it will actually lower the number of cars on Arlington Road because it will provide a new route to connect all of the Meadow Glen subdivisions to Westbrook Road and also up to Upper Lewisburg Salem Road.

Member Ezerski observed traffic will increase on Westbrook Road.

Law Director Stephan stated staff does not believe there are any issues with the entrance on Westbrook Road.

Member Wright asked for clarification on whether this subdivision is 25 acres of 75 acres total?

Law Director Stephan stated this project is 23.952 acres of 71 acres that were initially annexed into Brookville. Part of those 71 acres have already been developed as part of Arlington Woods.

Member Wright asked if there is any land remaining of the original 75 acres that is not part of this development or an existing development?

Law Director Stephan replied there is a large farmhouse with five to six acres that has not been developed, which is zoned R-1B.

Member Ezerski inquired whether city staff is confident in being able to uphold other services-such as water, sanitary, police, fire and school?

Law Director Stephan replied staff feels confident that the city can provide all the available services. Our engineer is reviewing the plan and making final comments.

Member Ezerski inquired how many new residences, including this development, have been added to Brookville in the last 18 months?

Law Director Stephan replied he recently completed an analysis of the last three years. The number of new home permits were 32, 34, and 45 respectively, year to date.

Member Ezerski asked about the number of new apartments?

Law Director Stephan replied when they are completely built out there will be 80 units in the apartments.

Member Ezerski asked if the Service Department has requested additional personnel to account for this growth?

Manager Kuntz replied the Service Department has not requested additional personnel. Manager Kuntz reminded Planning Commission that this project was approved in 2003. Planning Commission is considering the subdivision at tonight's meeting.

Member Ezerski replied he is trying to look at it holistically.

Manager Kuntz asked Member Ezerski to clarify.

Member Ezerski stated he is trying to understand the totality of the impact, stating 64 houses does not really increase traffic that much but 64 houses plus 81 apartments will.

Member Wright questioned the relevance of the 2003 plan because other things have changed in the community. Member Wright stated he understands this has already been annexed and approved but maybe under New Business, Planning Commission should consider incorporating a statute of limitations on zoning because the passage of time makes things much less relevant.

Law Director Stephan agreed that the fact that this was previously approved does not mean you have to vote a particular way. The point is that this exact same design was previously approved by Planning Commission in 2003. It is consistent with what the Comprehensive Land Use Plan has been for the last 20 years and the extension of Meadow Glen to Westbrook Road is a part of the Comprehensive Land Use Plan. Law Director Stephan stated a previous Planning Commission has looked at this and found it to be appropriate.

Manager Kuntz stated we are trying to provide legal context on what Planning Commission is able to consider and not able to consider from a staff perspective. If this was a rezoning application, or a new project in terms of getting a new zoning classification, then many of those things can be considered. This is a project that was previously approved under the current zoning and meets all the zoning requirements.

Member Wright replied that is why he suggested discussing a statute of limitations under New Business.

Law Director Stephan commented that permitted uses typically do not have a statute of limitations. When an individual purchases property with a particular zoning category on it, they are purchasing it based on the idea that that use is going to be permitted in the future. When an individual buys a lot in Brookville to build a house and that lender is processing a loan, they will call the city and ask what the zoning is and if they can build this house there. When someone buys property, whether it is a year ago or ten years ago, if there is a particular zoning on it, they expect to be able to carry out certain permitted uses.

Member Wright agreed with that concept but countered when looking at R-1A or R-1B zoning classification for a large amount of land, thirty years makes a significant impact on the community, particularly when you are looking at putting in 75 houses.

Law Director Stephan replied that is why we are updating the Comprehensive Land Use Plan. There may be some revisions to the zoning categories after the plan is updated.

Member Wright stated he was shocked to see this subdivision when he thinks about the community's voice. Member Wright wondered what other blind spots there are that the Planning Commission is not aware of.

Manager Kuntz commented that is one of the reasons staff has arranged a training session for Planning Commission with outside legal counsel. There are some limitations on what we can do as a community and as a Planning Commission and certain property rights that property owners are afforded. There are also certain practices such as updating the Land Use Plan and after that updating the zoning code. Manager Kuntz stated over the course of thirty years, things change in industry and communities change, and those are all things that should be evaluated up every so often. However, there are processes that we need to take in order to successfully accomplish any changes and legal processes we have to take to make sure that any changes are legally binding.

Member Wright asked if there is a map of the acreage that shows zoning?

Manager Kuntz replied we have a zoning map which shows all of our zoning classifications.

Member Claggett commented that in his opinion, Arlington Woods is one of the most beautiful subdivisions in Brookville. Member Claggett inquired about the quality of houses that will be built in this subdivision and whether they would be brick.

Tim Shellabarger, of Arcon Homes, presented some renderings, stating they will be bringing in a new farmhouse contemporary design. Brick is not necessarily the most expensive, the value of a property is based on the house built on it. The potential value of these homes will be \$400,000 to \$800,000. They hope to start construction in November and be ready for asphalt in March. They would like to compliment the current Arlington Woods homes.

Member Wright asked if there will be an HOA?

Jeff Warner, of Arcon Homes, replied they will have an HOA which will maintain the entrance and the ponds. They would like to add a sidewalk back to the ponds, with amenities like benches and possibly a gazebo.

Member Wright asked if their company competes more with Landis Builders or Fischer Homes?

Mr. Warner replied they are a custom home builder similar to Landis Homes.

Member Wright inquired about putting the Planned Overlay Development on this subdivision?

Law Director Stephan stated the same covenants and restrictions apply to this final plat that are currently on Arlington Woods. An HOA is mandated by the city where there is storm detention.

General discussion followed regarding basements, comps, building materials and light pollution.

Motion by Kristof, second by Schreier to approve the Arlington Woods II Subdivision Preliminary Plat as presented. Letner yea, Schreier yea, Wright abstain, Ezerski abstain, Kristof yea, Claggett yea, Henderson yea. Motion carried with five yeas and two abstentions.

Law Director Stephan requested that Planning Commission also approve the Final Subdivision Record Plan for the first phase of Arlington Woods II Subdivision. The Arlington Woods II Section One Final Subdivision Plan contains 25 lots for single family housing that will be built in the first phase of this project. The Arlington Woods II Section One Final Subdivision Plan also provides for the completion of the extension of Meadow Glen Ave. to Westbrook Road. The record plan is consistent with the preliminary plat for this subdivision that Planning Commission approved earlier in this meeting.

Chairperson Henderson inquired if guardrail will be installed at either end of the dead end?

Mr. Oxner replied both of the dead ends will feature Montgomery County end of road signs with reflectors.

Law Director Stephan confirmed for Member Schreier that the total number of homes to be built is 64.

Motion by Schreier, second by Kristof to approve the Arlington Woods II Section One Final Subdivision Record Plan as presented. Schreier yea, Wright abstain, Ezerski abstain, Kristof yea, Claggett yea, Letner yea, Henderson yea. Motion carried with five yeas and two abstentions.

Law Director Stephan advised he will ensure Planning Commission gets a copy of the current zoning map for the City of Brookville.

Law Director Stephan reported that City Council tabled the ordinance on the large lot zoning based on meeting discussion that the Comprehensive Land Use Plan Update should be completed before any new zoning districts are established.

Member Ezerski asked if Council is required to take action on the proposed zoning district or can they table it indefinitely?

Law Director Stephan replied that City Council has the legal ability to table the proposed zoning district ordinance. While Planning Commission can make recommendations for text amendments, City Council must pass an ordinance to adopt any text amendments.

Member Ezerski asked if it would be worth it for him to submit another proposed zoning classification with a slightly smaller lot size? Member Ezerski expressed concern that if the referendum on the ballot regarding the property zoning across from the firehouse is approved, Planning Commission will be left with the exact same zoning classifications, which is not listening to the citizens.

Chairperson Henderson replied he does not think City Council will change their opinion to wait on the updated Comprehensive Land Use Plan before establishing any zoning text amendments.

Member Wright commented he does not see what is wrong with adding another tool to the tool kit.

Chairperson Henderson agreed, stating Planning Commission was trying to be proactive and plan so they have the tools ready to deploy when the Comprehensive Land Use Plan is updated. His opinion is that Council will not act on another proposed text amendment with smaller lots until the Comprehensive Land Use Plan is updated.

Member Schreier commented the updated Comprehensive Land Use Plan will make recommendations if new zoning use classifications are warranted based on our demographics. If the referendum is passed that property can be zoned R-1A.

Member Ezerski stated his concern is that we are exposed before the Comprehensive Land Use Plan is put in place and that we are not listening the citizens of Brookville.

Member Wright commented if there is a moratorium on annexation, which is a direct response to too much housing, there should be a moratorium on the changing of zoning codes throughout this same period of time. Member Wright stated if the referendum is approved, perhaps the land should remain a rural classification, which is vastly larger than what was proposed.

Manager Kuntz reminded everyone of the Planning Commission training on September 25 at 6:00 p.m. in the City Council Chambers.

Member Wright asked if he could attend the training virtually as he will be out of town.

Manager Kuntz advised the training session will be recorded for later viewing.

Member Schreier suggested Member Wright submit a list of any questions he has prior to the training session.

Member Claggett asked if Planning Members are not allowed to vote virtually?

Manager Kuntz advised the State of Ohio allowed virtual participation for public meetings during Covid. That legislation expired two years ago so we have discontinued virtual participation.

Member Wright asked if virtual participation could be allowed at a municipal level?

Manager Kuntz replied there were technological reasons for discontinuing it as well. We were the only jurisdiction to continue virtual participation, so we made the decision to discontinue it.

Member Wright stated it is the same whether he is here in person or on a screen.

Manager Kuntz replied government and private entities are totally different.

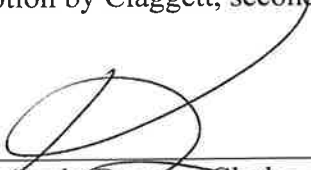
Member Ezerski commented that is not true. He works for the military and the federal government, and they allow virtual meeting participation.

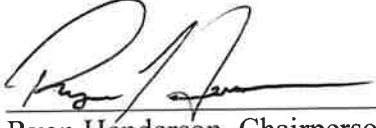
Manager Kuntz replied military and federal government compared to local government are also totally different things.

Manager Kuntz reported the Steering Committee for the Comprehensive Land Use Plan Update interviewed four companies and will be moving forward with a recommendation at the next City Council meeting.

General discussion followed regarding the Comprehensive Land Use Plan Update process.

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



Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

