Brookville Planning Commission
Regular Meeting
April 23, 2020

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on April 23, 2020. The meeting was held virtually using the Cisco WebEx application. The Pledge of Allegiance was recited. Mayor Letner; Members Boose, Claggett, Cordes, Schreier and Sievers; City Manager Keaton, Zoning Officer Snedeker, Law Director Stephan and Clerk Duncan were present.

Roll call by Clerk Duncan.

Motion by Claggett, second by Sievers to approve the Agenda as presented. All yeas, motion carried.

Motion by Letner, second by Schreier to approve the meeting minutes of the February 20, 2020 Regular Planning Commission Meeting. Letner yea, Sievers yea, Claggett yea, Schreier yea, Boose abstained, Cordes yea, Henderson yea. Motion carried with six yeas and one abstention.

Zoning Officer Snedeker reported John Ritter, owner and operator of Ritter Plumbing, located at 354 Carr Drive, was issued a Special Use Permit on September 12, 2018 for a topsoil refinery plant. When the tornado occurred last year, Mr. Ritter helped so much with the cleanup of tree debris he was thrown into the mulch business. Mr. Ritter is requesting to construct a 54' x 120' hoop style structure on his property located at 10402 Westbrook Road. The structure will help keep his inventory dry in the rainy season and enable him to operate his topsoil business year-round. Mr. Ritter has also added a 10' x 12' shed where people will fill out purchase paperwork.

Member Claggett inquired if the proposed building will be the same design as the hoop building located at the City Service Department?

Zoning Officer Snedeker replied that is correct.

Member Boose inquired if the proposed location is the only place Mr. Ritter is considering to place the structure on the lot?

Zoning Officer Snedeker replied that is correct. It will be constructed on top of the old go cart track.

Member Boose asked how tall the proposed building is and whether it will be visible over the dirt mounds?

Zoning Office Snedeker replied the building will be 15 feet high so it will be visible.

Member Boose asked the other members how they feel about the aesthetic standpoint of the hoop building as people will see it as they enter Brookville. Member Boose wondered how pleasing will this be as you drive into town.

Member Claggett replied he does not think it will look too bad.

Chairperson Henderson stated he shares a similar concern. The dirt mounds on Mr. Ritter's lot were supposed to be seeded but that has not happened. Chairperson Henderson said while it is nice to have a facility like Mr. Ritter's, he is concerned it could become a potential eyesore at the back-door entrance to the City of Brookville.

Member Letner advised Mr. Ritter has put his own topsoil on the dirt mounds and is seeding this spring. Member Letner stated the City of Brookville's hoop building has been very durable and held up well over time. It has been a big improvement over what was there before.

Chairperson Henderson agreed.

Zoning Officer Snedeker stated the dirt mounds would already be grass covered if we had not had a tornado.

Member Claggett observed the September 18, 2018 meeting minutes stipulate there would be no retail sales under the Special Use Permit that was issued to Mr. Ritter. Member Claggett stated he saw a half page add in the Brookville Star where Ritter is advertising topsoil for sale. Member Claggett said he has no objection to retail sales, but Planning Commission did stipulate no retail sales two years ago.

Chairperson Henderson stated he doesn't know if we need to amend the Special Use Permit to allow retail sales but if that was a stipulation, Member Claggett has a good point.

Member Boose asked Law Director Stephan if there is any issue since no retail sales were previously stipulated?

Law Director Stephan stated his recollection is that Planning Commission stipulated no retail sales because at that time Mr. Ritter indicated the topsoil would be used at other locations by his business. Law Director Stephan recommended that Planning Commission amend the Special Use Permit since Mr. Ritter is now going to have retail sales for the mulch and the topsoil.

Member Schreier stated he has no issue with Mr. Ritter having retail sales but wants to be sure we have the correct language on record and any necessary amendments going forward.

Chairperson Henderson asked about the signage Mr. Ritter has in place?

Member Cordes stated he has no problem with the proposed building or with retail sales. Member Cordes stated as he drives by, he sees a commercial operation. Member Cordes stated if you want to be offended by something, you might be offended by the junkyard.

Zoning Officer Snedeker stated the hoop building could hide the junkyard.

Member Schreier stated the hoop building could help hide it a little bit. Member Schreier asked if there is any maintenance to the hoop buildings?

Chairperson Henderson replied the buildings are maintenance free unless the fabric rips.

Member Boose asked if there is a need for Mr. Ritter to submit a Special Use Permit for retail sales?

Law Director Stephan replied Planning Commission can either amend the existing Special Use Permit tonight to permit retail sales or approve the hoop building tonight and require Mr. Ritter to come back to the next Planning Commission meeting to remove the retail sales restriction.

Member Schreier recommended amending the existing Special Use permit tonight so that Mr. Ritter can move forward with sales during the prime season for mulch.

Member Claggett inquired whether Planning Commission needs to address parking or the entrance and exit of trucks.

Law Director Stephan stated we would outline the parking for any other retail business.

Member Boose inquired about the flow of traffic?

Zoning Officer Snedeker advised customers will use the existing egress off Westbrook Road, which has one way in and one way out. The area to the west will be used for equipment parking.

Law Director Stephan stated there is a significant amount of space for parking and for cars pulling in and out. If we compare to similar businesses, there is sufficient space as there should not be a lot of customers at the same time.

Member Schreier stated he knows Mr. Ritter has done a lot of things for the City, but Planning Commission needs to be consistent in the way we apply the rules to businesses, regardless of whether they are small or large.

Member Boose stated similar soil and mulch businesses require you to pay at the office and drive to the pick-up site to be loaded. Member Boose advised it is not outside the realm to ask Mr. Ritter what he foresees as far as the traffic flow. Member Boose stated Law Director Stephan has a valid point that there will not be a lot of customers there at the same time, however, there should be signage directing people where to go.

Member Letner advised he has been on the site to purchase mulch. There is a storage shed set up as an office. Member Letner stated as far as the flow of traffic, there was a tremendous amount of traffic at the site after the tornado and it was not an issue then.

Zoning Officer Snedeker stated as far as he knows the current egress will remain the same.

Member Claggett stated his opinion is both the hoop building and the retail sales should be approved tonight and asked other members if they feel the same?

Member Schreier agreed, stating he does not want to hold Mr. Ritter's current sales operation up.

Motion by Claggett, second by Cordes to amend Special Use Permit #18-01 to allow retail sales and to approve adding Zoning Permit Application #4128 to allow the installation of a temporary hoop style structure at 10402 Westbrook Road. All yeas, motion carried.

Chairperson Henderson asked Zoning Officer Snedeker to follow up with Mr. Ritter to ensure he has adequate parking and control of the traffic flow.

Member Boose also asked Zoning Officer Snedeker to relay that retail sales were not part of Mr. Ritter's original Special Use Permit application.

Zoning Officer Snedeker stated Mr. Ritter asked him to represent him tonight so his response to that is that mulch was not a part of the operation when he first applied.

Member Boose agreed but said selling topsoil was not part of it either. Mr. Ritter said the topsoil was for use at other job sites.

Zoning Officer Snedeker stated mulch was mixed into the topsoil to make it finer and more useable. Mr. Ritter did not intend to sell the topsoil, but customers were asking to purchase topsoil when they purchased mulch, so he just started selling it.

Zoning Officer Snedeker reported he is conducting business as usual at the city office. Permitting is a little slower than normal as everything must be done by email. Zoning Officer Snedeker reported he has issued ten zoning permits since April 3, 2020. DMAX is moving along as usual. The old library has been demolished. Zoning Officer Snedeker advised he has not received a building permit application from Freedom First yet.

Law Director Stephan had no report.

Member Claggett asked if GM is still moving forward full steam?

Zoning Office Snedeker advised the County building department requested they have thermometers on site to take employee temperatures. The concrete floors have been poured and machinery is being delivered. They are scheduled to open in November.

Member Claggett asked if anyone is working in the old Payless building?

Zoning Officer Snedeker replied electricians are working in the building now due to the removal of the mezzanine.

Chairperson Henderson said it looks like drain tile was recently installed in the empty lot by Jack's Car Wash.

Zoning Officer Snedeker replied Choice One Engineering oversaw the project to tie into the drain tile, which will allow more parking on the lot. Matt Balsbaugh, the lot owner, is also trying to buy a small piece of land from Jack McMaken to square up the lot. Mr. Balsbaugh may have an end user, but he has not shared that information.

Member Claggett commented he heard a rumor that it will be another auto parts store.

Member Schreier observed the drainage tile made the esthetics of the lot more functional.

Member Schreier inquired about the triangular park signs that we had applied for grant monies to purchase?

Manager Keaton stated she has not received any information on the grant yet. Most grant funding has been taken away for this year, so it does not look promising.

There was no New Business.

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

Kimberly Duncan, Clerk

Ryan Henderson, Chairperson