

Brookville Planning Commission
Virtual Regular Meeting
March 18, 2021

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on March 18, 2021. The meeting was held virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner; Members, Claggett, Cordes, Requarth, Schreier and Sievers; City Manager Keaton, Zoning Officer Snedeker and Law Director Stephan were present. Clerk Duncan was absent.

Chairperson Henderson reminded everyone the meeting is being recorded.

Roll call by Manager Keaton.

Chairperson Henderson requested the Agenda be amended to include Citizen's Comments.

Motion by Schreier, second by Sievers to approve the Agenda with an addition. All yeas, motion carried.

Motion by Requarth, second by Cordes to approve the Regular Meeting Minutes of the February 18, 2021 Planning Commission Meeting. All yeas, motion carried.

DDC Management presented a proposal for 69 homes to be developed on the 18 acres along East Upper Lewisburg Salem Road and Albert Road next to the Brookville Fire Station. DDC Management first presented this to Planning Commission on February 20, 2020 but the project was put on hold due to the pandemic.

Ryan Reed, of DDC Management, stated they are excited to be before Planning Commission this evening to discuss bringing this great community to the City. Mr. Reed reported the plan is still for 69 lots on 18.3 acres. Mr. Reed stated they have been working with City on sanitary connections and a TIFF. Not much else has changed since they were last before Planning Commission, they have just done a little more engineering. Mr. Reed stated a representative from Arbor Homes is also present, who will be the builder in this community.

Member Schreier stated the original plans showed the homes at 1,150 square feet and the information from Arbor Homes shows 1,300 square foot detached. Member Schreier asked is this is correct?

Mr. Reed clarified that Arbor Homes pulled 1,300 building permits in 2020. Arbor Homes home plans for this development are in the 1,200 to 3,300 square foot range. Buyers can choose from products in this square foot range which can be built in the same footprint.

Austin Schile, with Arbor Homes, commented the square foot on the slide refers to single family, not square footage.

Member Claggett stated he would like to clarify they can fit up to a 3,300 square foot house on lots this small.

Mr. Schile stated buyers can choose from floor plans that include basements, which could increase the square footage up to 3,300 square feet.

Member Claggett objected to the parking on one side of the street only which is really not fair to the homeowners where people park in front of their house. Member Claggett stated with the exception of Maple Street, he is not aware of any other streets in Brookville with parking on one side only.

Mr. Reed stated they have designed this to City specifications regarding street width. Mr. Reed stated with the two car garages and the ability to park in the driveway, that parking on one side of the street should be more than sufficient for the homeowners and their guests.

Member Claggett inquired if they plan to install sidewalks and curbs on the Albert Road side and the Upper Lewisburg Salem side of the development?

Mr. Reed stated there will be sidewalks along Albert Road going into the community as well as the street coming out on Upper Lewisburg Salem Road. Mr. Reed stated they would be open to discussing the installation of more sidewalks with the City.

Member Claggett stated he thought it was a goal for the City to install sidewalks all the way down Upper Lewisburg Salem so it connects with the park sidewalks?

Law Director Stephan stated it is a goal for the City to have sidewalks between various subdivisions and we have always required sidewalks to be constructed in our subdivisions. The long-term goal would be to have sidewalks all the way down Upper Lewisburg Salem Road. The County thoroughfare plan for Upper Lewisburg is to eventually make it three lanes. Law Director Stephan stated we are a long way from that but eventually we would be looking at sidewalk along this street.

Mr. Reed inquired whether the Fire Station has sidewalk along Upper Lewisburg Salem Road?

Law Director Stephan replied there is not.

Mayor Letner stated there is no designated sidewalk but there is poured concrete for access to the Firehouse.

Member Claggett stated the people who drive on Albert Road will see the backs of all of these houses, which could consist of old swing sets and broken-down swimming pools. Could we require a barrier be installed to block this view?

Mr. Reed stated he does not think this will be an issue as there will be an HOA in this community. Typically, those types of things are not allowed in the rear yards under an HOA. There will be

covenants under the HOA to ensure that the rear and front of these yards are conforming and are kept up so that they do not become an eyesore.

Member Claggett asked if they have determined whether it will be a lifestyle community or single-family homes?

Mr. Reed replied this will be a single-family home community.

Member Requarth stated he does not see a problem with parking on one side of the street only. People will know that before they commit to building in this development. Member Requarth stated he actually sees this as a plus because the snow can be plowed on one side of the street.

Member Claggett commented the proposed plan is a whole different story with two-car garages rather than one-car garages.

Member Schreier stated if there are no sidewalks down Albert Road, there will be no connection from the sidewalks on Salem Street to the new development. Member Schreier stated he knows this would be an additional cost but feels it is necessary.

Member Requarth agreed, adding that there should be sidewalks to connect the Firehouse to Market Street.

Mr. Reed replied they do want to provide that inter-connectivity and can explore these options with the City. They do not want to put in sidewalks that do not connect to anything for ten years. If there are plans to widen Upper Lewisburg Salem Road, they would not want to put in a sidewalk that will just get torn out at a later date. As long as it makes sense, they are willing to work with the City in order to provide connectivity.

Member Cordes referred back to the minutes from the original presentation last year, which state there may be an empty lot or two which would provide green space. Member Cordes stated he thinks there should be planned green space.

Mr. Reed asked if there is a requirement for open space in PD-1 Zoning?

Law Director Stephan stated Section 1151.10 (j) in our Planned Development District requirements states a minimum of twenty-five percent (25%) of the land in any planned residential development shall be reserved for permanent common open space and recreational facilities for the residents or users of the area being developed. Only areas having minimum dimensions of 50 feet by 100 feet shall qualify for computation as usable open spaces. Law Director Stephan stated Planned Residential District is the proposed re-zoning and while 25% of open space may be unrealistic, that is the goal.

Mr. Reed replied that will be a challenge. Typically, they try to make the proposed pond area a bit of a place holder. They can look at making that an active space with a gazebo or walking path in that area.

Chairperson Henderson stated as you enter from Upper Lewisburg Salem Road onto proposed Street C, there are two homes that will sit backward to their neighbor. That may be a good spot for some green space.

Mr. Reed replied that is something they can take a look at.

Member Claggett asked if the Fire Department has approved the proposed street width and distance between the houses.

Law Director Stephan in the initial proposal, the developer was meeting all the subdivision code requirements for minimum street width and he believes that is still correct. The Fire Chief and City Staff will review the plans as they move forward with the actual application.

Mr. Reed replied that is correct.

Member Claggett inquired if there will be any problems with water pressure?

Mayor Letner replied water pressure will not be an issue with the close proximity to the water tower near Golden Gate Park. Mayor Letner stated the sanitary sewer will not be an issue either.

Member Schreier asked if the side yard setbacks would happen to change, is there a potential that these homes will be even closer than the proposed 5' side yard setback?

Law Director Stephan stated we are considering changing our setbacks to measure from the foundation rather than the part of the structure that is furthest out from the house. Law Director Stephan stated Member Schreier is saying if we make this change, will the side yard setback still stay at 5 feet?

Mr. Reed replied the 5-foot setback is anticipating measuring from the foundation to the property line, so there would be 10 total feet from foundation to foundation.

Member Requarth stated the proposed homes would be about as close together as you can get without making them townhouses or condos. There are a lot of people that do not want a lot of property to maintain. Buyers will know this going in, so he does not foresee this as being an issue.

Member Requarth asked what the right of way is on Upper Lewisburg Salem Road?

Law Director Stephan stated he believes it is currently 60 feet. We will have our engineer and staff review this and if we need any additional right-of-way as part of this subdivision plan, we will address it then.

Mr. Reed thanked Planning Commission for their time.

Chairperson Henderson stated Planning Commission appreciates their continued interest in Brookville and looks forward to working with them.

Zoning Officer Snedeker reported on May 18, 2017, Darrell Flory was granted a Special Use Permit by Planning Commission for storage units and special events such as farmers markets or craft shows located at 201 Sycamore Street. Tom McCoy has purchased the property and would like to expand on the storage units by adding 8 more units. The property is currently zoned OR-PUD. Zoning Officer Snedeker stated he is seeking direction from Planning Commission on whether they would like to add to the Special Use Permit or change the Zoning that would allow this type of operation.

Member Schreier asked if there is any advantage to the City to change the zoning district?

Zoning Officer Snedeker advised the storage units are currently zoned OR (PD) zoning. When Mr. Flory came in to Planning Commission he was granted a Special Use and took the concrete and turned it into storage units.

Chairperson Henderson stated he does not think it makes sense to continue the Special Use permit. The zoning should be changed to allow this type of operation. Chairperson Henderson stated his understanding is that this will start out with one 8-unit structure.

Mr. McCoy replied that is correct. He will start by constructing one 8-unit structure and move forward from there once those are rented out.

Member Schreier stated given that there will multiple types of construction this will definitely be a Planned Use so the zoning should be changed.

Mayor Letner inquired about the existing utility poles in the area?

Mr. McCoy replied those will likely have to be moved in order to proceed with construction. He will contact the appropriate utility companies to arrange moving the poles.

Member Requarth asked if we will have to hold a Public Hearing to change the zoning?

Zoning Officer Snedeker replied that is correct.

Law Director Stephan stated this change would make that whole side of the street I-1 Planned Development. This would make our zoning consistent, and we would maintain control over the project.

Motion by Schreier, second by Claggett to recommend City Council amend the zoning of the property located at 201 Sycamore Street from OR (PD) to the new classification of I-1 (PD) Light Industrial Planned Development Overlay District. All yeas, motion carried.

Chairperson Henderson announced Planning Commission will now take Public Comments.

Mark Haworth, of 10352 Upper Lewisburg Salem Road, stated he feels our City is a true gem that we need to protect. The concept presented tonight by DDC Management is pretty much insane. Mr. Haworth stated he deals with realtors all the time in his profession and all of them agree how

great Brookville is. Mr. Haworth stated we need to protect this and not jeopardize it. Mr. Haworth stated sixty-nine homes on an 18-acre lot is not Brookville. His heart is in Brookville and we do not need this in our city. HOAs go by the wayside and then you will have different types of fences and trampolines in back yards. This will be next to our beautiful firehouse that we put so much money in. Mr. Haworth stated we do not need this. He stated he is not opposed to new homes but the number should be cut in half. Mr. Haworth stated there is no room for green space, who are they trying to fool? Shoving all the snow to one side of the street affects the houses on that side of the street. The roads are not going to be wide. Mr. Haworth stated this is going to be a micro-community, which is not Brookville by any means. As a community and as a city, we deserve much better than this. Mr. Haworth stated realtors tell him Brookville is hot and people want to move here. If we add a development similar to Hunter's Run, which is affordable for families, it will sell like hotcakes as there is nothing to buy in Brookville right now. Mr. Haworth thanked Planning Commission for their time.

Tom Hemmerich, of 10368 Upper Lewisburg Salem Road, stated he has lived in his home for 14 years, and has great neighbors. They all keep their houses well-kept. Prior to that he lived on Maple Street in Brookville. Mr. Hemmerich stated if it were up to him, he would not want any new homes at the proposed development site. If we are going to build homes, he wants it to be successful for Brookville. Mr. Hemmerich stated he thinks the houses are not going to last very long and are not going to be kept up with the fees for that type of house and community. Sixty-nine houses are not going to be good for the city. With all the nice houses on Upper Lewisburg Salem and all the nice houses on Albert, these new homes are going to be crammed in a compacted area. A Hunters Run type concept would be more successful for the City and would match the beautiful Firehouse. Mr. Hemmerich stated he has spoken with people from Canada and Alabama and many truck drivers who love our firehouse. His company, Green Tokai, loves our new firehouse. We want to keep that success going. This proposed project should be cut from sixty-nine homes in half, so we can still draw the crowds for employment and keep our community proud. Mr. Hemmerich stated he has lived here since 1994 and is extremely proud of what has been built. This will be a downfall for the Brookville housing market because there will be too many people in that development. Mr. Hemmerich asked Planning Commission to please keep in mind you are making a decision for people that plan to be here 15, 20 and 30 years down the road. That far down the road those sixty-nine homes compacted like a pancake is not going to be beneficial for Brookville's success.

Beth Reed, of 899 Upper Lewisburg Salem Road, stated the proposed development would really impact their family. Mr. Haworth did a good job expressing their concerns. Mrs. Reed stated they have lived in their home since 2008 and have worked very hard to make their home look as beautiful as the homes down the road. She really hopes that there is good consideration for Brookville as a whole. Mrs. Reed stated they are not originally from Brookville. Since moving here, they have seen what a close-knit community it is and we love living here. The thought of all of these homes being crammed right here she just does not understand how that fits into how Brookville has always been. Mrs. Reed asked who would be the contact to help them understand how this will impact her lot where it is located?

Chairperson Henderson advised Zoning Officer Snedeker would be her contact for these details. He stated this is just a concept and preliminary plan, which is still going through engineering changes.

Chairperson Henderson thanked the citizens for their comments.

Zoning Officer Snedeker reported Planning Commission should have the information he provided on determining setbacks and setback requirements from other municipalities. Each of these measure to the foundation when putting a house on a lot. Zoning Officer Snedeker stated he spoke with a City of Dayton representative who commented he is not aware of any communities in the area that measure to the overhang. There is a section in the Ohio Revised Code that states the overhang will not protrude more than two feet.

Chairperson Henderson thanked Zoning Officer Snedeker for his research and stated the setback does need to be changed to measure from the foundation.

Zoning Officer Snedeker stated he also provided information from the City of Fairborn regarding solar panels in the setback and the maximum height of ground mounted solar panels.

Member Requarth stated we need to address this sooner rather than later.

Zoning Officer Snedeker reported we have issued six building permits to Fisher Homes for the Meadows of Brookville. The smallest model was the Preston, which is 1,637 square feet.

Law Director Stephan commented if everyone is in agreement, he would like to move forward with changing the setbacks to measure from the foundation, rather than continuing to issue variances.

Chairperson Henderson asked if anyone has any comments regarding where setbacks are measured from?

Member Requarth stated to be consistent with other jurisdictions and the building industry, we should change to measure from the foundation.

Mayor Letner agreed we need to be consistent with everyone else.

Motion by Requarth, second by Sievers to recommend to City Council that our zoning code be amended to measure the setback from the foundation. All yeas, motion carried.

Chairperson Henderson requested members input on what they would like to change in our zoning code regarding solar panels.

Member Cordes stated he is in favor of solar panels but would like to see them on the roof.

Chairperson Henderson stated that ten feet is high for solar panels.

Mayor Letner stated he has no problem with solar panels. He would rather see them on the roof. Our zoning code requirements for ground mounted panels, with the requirement to conceal with bushes or other vegetation, will take away from the ability to get solar power, depending on the

time of day. Mayor Letner stated it does not make sense to allow eight-foot-high solar panels with our maximum fence height of six feet. Mayor Letner asked if the panels can go any closer to the ground and still be efficient?

Chairperson Henderson asked if we want to require a Special Use every time someone wants to install ground mounted solar panels? Chairperson Henderson asked how many applications there have been for solar panels.

Zoning Officer Snedeker stated he has received only one application for solar panels. To his knowledge there are not any homes with solar panels in Brookville.

Member Sievers agreed with Chairperson Henderson that we should not totally limit it in case something changes ten years down the road.

Law Director Stephan stated if the solar panels are not on the roof, we wanted them in the rear yard. This is an accessory use and we do allow other accessory uses such as sheds in the rear yard setback. Here we are not allowing it at all in the rear yard setback and unless you have a big yard it will be difficult to locate it there without a variance. Law Director Stephan stated he thinks it would be a good idea to make it a Special Use so that Planning Commission can approve any applications for ground mounted panels. If we are leaving the rear yard setback requirement the way it is now, you are forcing a lot of people to request a variance. Law Director Stephan advised either we have a different rule with request to the rear yard setback, or you will have to address a lot of variances because there are a lot of subdivisions where it will not work. If you look at the rear yard setback and change it from 40 feet to a smaller number, this would work without having so many variances.

Member Schreier stated our code currently approves solar panels for roof mount, correct?

Zoning Officer Snedeker replied that is correct.

Chairperson Henderson stated he likes how Fairborn's solar panel regulations will not allow you to put it on the roof facing the street. He is ok with roof panels but not on the street side.

Member Requarth stated he still has concerns with the height, which would be dictated by the angle.

Chairperson Henderson stated there would be some cases where we may not care about a 10-foot height because you cannot see it.

Law Director Stephan stated he will draft some proposed language for the next meeting, and they can start the process to change the zoning code.

Chairperson Henderson inquired whether the Fire Chief approved the permit for Peggy's Pools?

Zoning Officer Snedeker replied the Fire Chief approved it with the requirement of a sign on the garage.

Zoning Officer Snedeker stated he did receive one call from a concerned citizen regarding the pool chemical business. He advised her if she had a complaint to please put it in writing.

Member Requarth asked when Planning Commission can resume meeting in person?

Manager Keaton replied hopefully next month, or the following month depending on how many are on the agenda.

Member Schreier asked if Old Hickory Restaurant is permanently closed or still in limbo?

Manager Keaton advised Old Hickory called the City office to request a final bill.

Member Claggett inquired whether the Mexican restaurant is still in engineering phase?

Zoning Officer Snedeker stated that is correct.

There was no New Business.

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


Sonja M. Keaton, City Manager


Ryan Henderson, Chairperson

