

Brookville Planning Commission
Regular Meeting
May 20, 2021

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on May 20, 2021. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner; Members, Claggett, Cordes, Requarth, Schreier and Sievers; City Manager Keaton, Clerk Duncan, Zoning Officer Snedeker and Law Director Stephan were present.

Chairperson Henderson reminded everyone the meeting is being recorded.

Roll call by Clerk Duncan.

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

Motion by Cordes, second by Schreier to approve the Regular Meeting Minutes of the April 15, 2021 Planning Commission Meeting. All yeas, motion carried.

Chairperson Henderson announced the opening of the Public Hearing for the Preliminary Plan for a proposed Planned Development by DDC Management.

Clerk Duncan stated this Public Hearing is to consider a Preliminary Planned Development Plan for a proposed Planned Residential Development on part lot 1743 (County Auditor Parcel No. C05 00109 0020) located at 10400 Upper Lewisburg Salem Road in the City of Brookville.

Clerk Duncan stated a Legal Notice was published in the May 12 and May 19 editions of the Brookville Star advising of the Public Hearing. Letters were mailed out to all property owners within 200 feet of the applicant address of 10400 Upper Lewisburg Salem Road, advising of the Public Hearing.

Clerk Duncan reported she received an inquiry from a resident who came into the office stating he refused his Certified Letter. He was given a copy of the letter. Clerk Duncan reported a second letter was returned by the Post Office after no one signed for it. The Clerk emailed the letter to this resident and then contacted them by phone to confirm receipt of the letter. Clerk Duncan stated she also received two email inquiries regarding the Public Hearing content.

Clerk Duncan inquired whether any Planning Member needs to abstain from participating in this Public Hearing? No one indicated they need to abstain.

Zoning Officer Snedeker reported DDC Management, LLC, is re-submitting a Preliminary Plan for the development along Albert Road and Upper-Lewisburg Salem Road. Zoning Officer Snedeker advised changes that were made from the last proposal are as follows: 67 lots instead of 69 lots, lot size of 55 feet versus 51 feet, side yard setbacks of 7.5 feet or the sum of 15 feet and

the open space was increased from 11.9% to 16.3%. The developer maintained the 30-foot buffer and removed one knuckle along with shifting the entrance.

Zoning Officer Snedeker provided a zoning map of the proposed site, which is surrounded by GB, I-1, OR and PC-PD and R-2 zoning districts.

Clerk Duncan administered the Oath of Witness to proponents Ryan Reed, John Bills, and Clayton Sears, of DDC Management.

Ryan Reed, of DDC Management, 3601 Rigby Road, Miamisburg, Ohio stated he has been sworn in. Mr. Reed stated DDC Management took into consideration the concerns that Planning Commission expressed at their last meeting and made the changes which were well summarized by Zoning Officer Snedeker. They went down in lots and up in open space. They increased side-yard setbacks to 7.5 for each lot or 15 feet between buildings. Mr. Reed stated they are under the density requirement for this particular zoning at 3.6 units to the acre. They have tried their best to make the best of Planning Commission comments and still believe this will be a great addition to the City of Brookville. They are excited about this project and are looking for recommendation for approval this evening.

Member Schreier commented the backs of the houses facing the street were previously of concern. While the backs of the houses are no longer facing Upper Lewisburg Salem, have they considered moving the first row on Albert Road and the row beside it back-to-back? The front of the houses would then be on Market Street.

Mr. Reed replied that has not been looked at as a possibility. It would be challenging. Albert Road is a busy road and that would make people turn off of Albert Road. From a safety standpoint, they like to keep the community self-contained.

Member Cordes inquired what the requirements are for the amount of greenspace?

Law Director Stephan stated in section 1151.10(j) of our zoning code states a minimum of 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 the minimum dimension of 50 x 100 shall qualify for computation as usable open space. Law Director Stephan stated the applicant is asking for a variance on that issue.

Member Cordes stated in the last meeting they were using the area from the back of houses on Albert Road to the street itself in the calculation of open space. That is open space because there is nothing built there, but it is not usable for anyone for recreation.

Mr. Reed confirmed they are asking for a variance of the 25% open space requirement. The area Member Cordes referred to is open space where they will have entry signage. It will be common open space that they will maintain in order to give the community a good appearance from the street. This will be the same off of Upper Lewisburg Salem Road, where there will be entry signage and open space that they will maintain. There will potentially be sidewalks in front of that area which is up for residents use, but it is not a park.

Member Cordes stated the retention pond area will end up with no fishing, no swimming and no trespassing, which will be followed quickly by fences around it. This area will really not be much in the way of open space for recreation. This concerns him a great deal.

Mr. Reed replied they would not intend to put a fence up around the pond. It is open space that will be maintained and mowed and is required based on the engineering. There could be the potential for a gazebo, bench or some amenity. As far as fishing is concerned, that is at the discretion of the HOA.

Member Cordes replied he lives in Arlington Woods and there are signs up around their pond that say no fishing and no trespassing. There was some discussion at the last meeting about putting up a wall or a fence so the backs of the homes facing Albert Road would not be visible. His concern is what people put in the back of their homes. He does not see this as being attractive at all.

Mr. Reed replied there will be an HOA that will control what is allowed in the rear yards and what types of fences are allowed. On Albert Road there is a 50-foot buffer between the back of the lots and the roadway.

Member Henderson inquired whether there is a proposed landscape plan in place at this time.

Mr. Reed replied they do not have one, but that is something they would consider.

Member Requarth asked what the average square footage will be of these homes? Most of the lots are between 6,000 and 8,000 square feet. By the time you put a house on there, a driveway and a walk, that does not leave much grass area.

Mr. Reed stated the average width of the house is 40 feet and based on square footage, the depth can vary. Mr. Reed asked Austin Schile of Arbor Homes to reply.

Clerk Duncan administered the Oath of Witness to Mr. Schile.

Austin Schile, Director of Market Research, Arbor Homes, 9225 Harrison Park Court, Indianapolis, Indiana 46216, stated he has been sworn in. Mr. Schile stated the square footage is between 2,400 and 2,600.

Member Requarth stated his question was about the footprint square footage.

Mr. Schile replied their maximum building pad size is 40' by 60'. That is for the basic frame of the home. On corner lots or larger lots, they can go wider or deeper, based on buyer choice.

Member Schreier stated he took a drive through the Lexington Place development in Huber Heights. Member Schreier observed those streets have parking on both sides of the street and asked how wide those lots are.

Mr. Reed replied they are 51' to 55' if he remembers correctly.

Member Requarth stated the green space was not addressed.

Member Henderson stated it was improved from the first proposal.

Member Requarth inquired about the sidewalk connection to Market Street?

Mr. Reed replied they are extending the sidewalk to Market Street and the entire community will have walks on both sides and will also connect to Albert Road.

Member Schreier commented the walkway also connects to Salem Street.

Mr. Reed commented the plans show a proposed sidewalk from the Albert Road entrance to Upper Lewisburg Salem Road. They do not want a sidewalk to nowhere. If the city puts in a sidewalk or requires the homeowner to do so, they will connect to it.

Chairperson Henderson inquired whether anyone would like to make a public comment?

Clerk Duncan administered the Oath of Witness to Kevin and Beth Reed.

Beth Reed, of 899 Upper Lewisburg Salem Street, stated she has been sworn in. Mrs. Reed stated from what she is hearing, she may have to be required to add a sidewalk so she will have to figure that out. Mrs. Reed stated she has some valid concerns being expressed about this development at past meetings by the Planning Commission. She asked that Planning keeps those in mind during these considerations. She stated she has heard concerns about not having enough green space; streets are not wide enough and the density of houses in these 18 acres is too much. Mrs. Reed stated she is not going to hit these concerns too hard tonight because they have already been discussed. She asked Planning to keep them in mind as decisions are made. Mrs. Reed stated after seeing the new layout, the kids in this development will need space to play and from what she is hearing the yards are going to be very, very small. The streets are not wide enough to allow for two cars to pass. Regarding keeping the streets cleared of snow, she saw that the City is talking about possibly implementing a policy that if there is a certain amount of snow approaching, cars would have to be moved off the streets. She asked why we would build a development knowing the residents will not have room for their cars to begin with. Mrs. Reed stated she and her husband did not grow up here in Brookville. They moved here and bought this house in 2008, after they were married and had started their family. They looked at houses in different towns of this region of Ohio, and after four months of house hunting and doing their homework, they decided that Brookville was where they could see themselves building and growing their family. They checked out all aspects of the community, especially the school system here in Brookville. Brookville was and still is known as one of the top school districts around. She and her husband have two daughters, one in the 7th grade, and one in 4th grade, so they are involved in the school system here. Mrs. Reed stated after discussing this development with some local Brookville community members, two different mothers from two different conversations mentioned our school system could not handle the capacity of potentially adding bodies to our almost maxed out school buildings. Mrs. Reed stated she does not work in the school system, but she does know that our school system has a higher rate of bodies compared to the classroom rates and the class sizes are

large. Mrs. Reed stated she worries that her kids may have to be taught in trailers that need to be hauled onto the school grounds because their buildings are so cramped. This is a good problem to have, people wanting to move to Brookville. I just hope that we understand the future ramifications that could be impacted by the decision to put 69 homes in this 18-acre lot and how it affects all aspects of this community. When the City was looking into the process of building the new library, she attended a meeting at the old library where the public was invited to attend. When the City was deciding how the new library should look- the style, and how it should flow, they took into consideration the current style of the school buildings since they were building that new library in that same area. They did this so it would be visually appealing to driving by and have a flow to the structures of the buildings which had an impact on that entire area and the value of that area. Mrs. Reed asked Planning Commission to please consider the style of homes you would like to see built out here that will have an aesthetic appealing flow with the new firehouse. Mrs. Reed stated she is not trying to sound vain, but it is all about the looks. Mrs. Reed stated she knows she is preaching to the choir, but this does impact the value of the area that surrounds this land. When they bought their first house, which was an Arbor Home in Indianapolis, the first rule of thumb that they learned from their realtor in Indianapolis area was buy a smaller house in an area where there is a wide range of house sizes and types of different homes. The realtor was teaching them that the value of a smaller home will be more because of the different types of homes around it, so it is important to pay attention to that. Mrs. Reed stated their house right now is no mansion, but they have increased the value of their home by paying for some major improvements, both improvements that you can see when you drive by as well as improvements that you can't see when you drive by. Mrs. Reed stated your house should generally be your largest investment, and you want that investment to grow over time. The houses around your house can depreciate your home and she asked Planning Commission to take this into consideration. The housing market is hot right now, and people are looking to buy here in Brookville. Houses are not lasting longer than 24 hours on the market after they go up for sale. No disrespect to this developer and the builder, but it is clear that from previous statements, they have made that this is about making a profit and she gets it. We all have to make a living. Mrs. Reed quoted the developer as saying adding more open area is not economically feasible. He also stated it would be somewhere in the realm of losing 12 to 15 lots from this community in order to meet that 25% green space requirement or get close to it. He also said, unfortunately for us, the economic part of that just would not work for us. Mrs. Reed implored Planning Commission to take that same approach and respond with something like that. This proposal just would not work for us or the City of Brookville either. Mrs. Reed stated Brookville had so much to offer back in 2008 when they bought this house. Her hope is that the reputation will continue on. Mrs. Reed stated this housing development and the effects it will not only have on us now, but in the future will have an impact on her kids and also their kids. It affects the overall type of community Brookville is and will become down the road. Mrs. Reed stated her hope is that you are considering not only how this development will affect us as a community now but also in the future, when she is at Brookhaven or are no longer around. Mrs. Reed thanked Planning Commission for their time.

Kevin Reed, of 899 Upper Lewisburg Salem Street, stated he has been sworn in. Mr. Reed stated their first home was an Arbor Home in Indianapolis, called Southern Dunes. It was a nice ranch starter home, approximately 1,400 square feet. There was a park for kids. There were sidewalks for walking and a nice sized back yard for our dog. It sat on a quarter of an acre with a large pond in the back where they could fish. There were larger homes as well as smaller homes around them.

Mr. Reed stated there were larger homes to the left and to the right with larger properties. It was a nice place to live. His hope is that Planning Commission votes against the proposed development and that with any future proposal, they ensure that larger lots are available wider street are available with a variety home sizes and adequate green space for children. Mr. Reed thanked Planning Commission.

Clerk Duncan administered the Oath of Witness to Mike Oxner.

Mike Oxner, of 516 Patricia Faye Court, Brookville, Ohio stated he has been sworn in. Mr. Oxner stated he is looking at the Preliminary Plan and he has a couple questions for the developer. Mr. Oxner stated it is not shown what the right of way width is and whether or not there are sidewalks on both sides of the streets. Mr. Oxner asked if the developer intends on doing curb and gutter and widening out Albert Road and Upper Lewisburg Salem Road? Mr. Oxner asked what the minimum rear yard setback is that they are proposing?

Mr. Reed replied the right of way width is 50 feet. There will be sidewalks on both sides of the streets inside the community. Mr. Reed stated regarding the road widening, they have completed a traffic study and it does not show any required improvements. Mr. Reed stated the minimum rear yard setback is 25 feet.

Mr. Oxner observed this community looks like it is designed for starter homes. The 25-foot rear yard is a little tight for a community where there will likely be small children. His personal preference would be to have a setback not less than 30 feet.

Clerk Duncan administered the Oath of Witness to Mark Haworth.

Mr. Haworth, of 10352 Upper Lewisburg Salem Road, stated he has been sworn in. Mr. Haworth thanked everyone for their time. Mr. Haworth stated his take on this so far is the developer really has not committed to sidewalks there at Albert Road and does not have a real answer for traffic looking at the back of people's small backyards and small houses. There has been a big issue here in the past few meetings with this 18-acre plot of 69 homes. The developer was asked if they would maybe take away a few homes and they took away two homes. Mr. Haworth stated there are two homes off the table now and in his opinion, that is not too generous. This development needs a fairly large green space for the kids. There will be approximately 134 kids living in this development. These kids need a playground and what they are going to do is take a short five-minute walk down Market Street and make our city streets their playground. Mr. Haworth stated he certainly does not feel that it is going to go over too well with our citizens. Another thing he wanted to touch base on is the beauty of the internet. Before you shop for a contractor, now you can find out what type of quality of work this contractor can do simply by getting on the Better Business Bureau. When you have your house built and have issues with it, you contact the contractor to resolve those issues. The last resort is to go to the Better Business Bureau to get your issues resolved. The builder should take care of everything without you having to go to the Better Business Bureau and file a complaint. Mr. Haworth stated in the past 36 months, there have been 63 complaints on Arbor Homes. Mr. Haworth stated he would like to read a small list of them. A gentleman said poor quality of work. A lady rated her experience as a zero. A third lady said Arbor Homes left her yard a mess with big holes by her house and left numerous messages and nobody

responded. Another lady said horrible service all the way around and she would not recommend Arbor homes to anyone. Another gentleman said you might want to think twice about doing business with a company that blatantly lies to these customers. Another lady stated Arbor Homes advertises quality standards, but when it comes time to own up and fix their mistakes all you hear are excuses. Another gentleman said buyer beware of this builder once you sign your contract, it is virtually impossible to get someone to respond to you. Another gentleman said his experience with Arbor Homes was absolutely horrendous from day one. Another gentleman said if you are looking to build a home and have the work done cheap and sloppy, this is the place for you. Lastly, another gentleman said, as my first home, I did not know what to expect. If I had known how this company handles issues, I would have never looked twice at them. Mr. Haworth stated this is despicable. This development and this developer are not Brookville, and it is certainly not welcome here. Mr. Haworth thanked Planning Commission.

Clerk Duncan administered the Oath of Witness to Karen Braund.

Karen Braund, of 15 Heckathorn Road, stated she has been sworn in. Mrs. Braund stated she caught the last online meeting where this was discussed and was a little surprised. It looks like Mark and Beth Reed addressed some of the things that were her concerns. Mrs. Braund stated there is an ordinance in Brookville that specifically addresses that the purpose of a variance is not based exclusively on a desire for financial gain. One of the things that struck her at that last meeting was that the developer said they cannot possibly develop it if they have to put in the 25% green space. Mrs. Braund stated they have had a very lively discussion with their development and what Council and Planning Commission heard from everybody here was that it is a very hot market and people are looking for a larger homes, not something that quite frankly, in a few years, could become a ghetto. Mrs. Braund stated Centerville has their challenges with Chevy Chase and she would hate for this to turn into that down the road. The points that were made in her scenario hold valid for this proposed development. Mrs. Braund said quantity versus quality. You can put in a quality product. It does not have to be double the number of units. Mrs. Braund stated they are all very happy the construction has begun behind them and are very happy to see that that is coming along. All the residents here wanted not doubles, not squeezing it in, like shoehorned, but something that matched and complimented the existing development. Mrs. Braund stated she is on the other side of Brookville but in discussing this development with her neighbors, if you are five feet from the lot line, there is ten feet between the homes. If this is being presented as a family development, the green space issue is still below the minimum requirements. Mrs. Braund asked why would you not want to shine in a new development? They have that coming in behind them and she would hope that Planning Commission looks at it this way and keeps the standards of Brookville what they have been. Mrs. Braund stated these are some of the concerns from residents from the other corner of the City. The market is super-hot right now. Mrs. Braund stated her neighbor was a tornado victim and when she bought the house next door there were seven or eight offers on that house when she purchased. Mrs. Braund stated the in development behind her along Westbrook Road, eight lots sold in record time. The market is out there for a better quality, something that would compliment the rest of the City, not little shoe boxes that are ten feet from foundation to foundation. Mrs. Braund asked Clerk Duncan to provide the count in the last election as there are some interested people who want this information for a potential appeal.

Clerk Duncan responded she will email this information to Mrs. Braund.

Clerk Duncan administered the Oath of Witness to Tom Hemmerich.

Tom Hemmerich, of 10368 Upper Lewisburg Salem Road, stated he had been sworn in. Mr. Hemmerich thanked everyone for attending. Mr. Hemmerich stated he would like to make his objections to the development. Mr. Hemmerich stated the revenue at 30 houses or less will be more valuable to the City. The revenue that the City is looking to gain at 69 houses will in the long-term result in more police calls, more ambulances and more issues that the City will have to attend to. Mr. Hemmerich implored that Planning Commission and Council let Arbor Homes know that 30 houses would be recommended. The revenue that you are going to have for 30 house upscaled houses will be about the same. Mr. Hemmerich stated he wants to trust that Council will make a great decision for the City of Brookville to have houses where you can say those are nice looking houses, instead of driving by 69 houses in a sardine can. Mr. Hemmerich stated choose the sardine can or choose the 30 beautiful houses that would be so much better for Brookville. Houses that you would drive by and say that's incredible. Mr. Hemmerich stated he knows that you will make the right choice between 30 houses with the wow factor versus 69 houses in the sardine can. Mr. Hemmerich stated he is with you on the 30 homes, but not the 69 in the sardine cans.

Clerk Duncan read an emailed statement from Jessica Wells at 21 Heckathorn Road as follows. Good evening, Planning Commission members, neighbors, and guests. I regret that I cannot be in attendance tonight, but with two children playing ball in two different locations and a Girl Scout Daisy meeting to lead, I simply cannot be in four places at once. Regarding tonight's agenda item IV. Public Hearing on Planned Development part c. Preliminary Plan Recommendation, Part Lot 1743 (County Auditor Parcel No. C05 00109 0020) located at 10400 Upper Lewisburg Salem Road, I have some concerns I would like to read into record. I have spent time reviewing the Planning Commission meeting minutes from both February 20, 2020 and March 18, 2021. I am not aware whether it was further discussed on April 15, 2021 as those minutes are not available for review until after you have approved them tonight. I have also spent time reviewing Brookville City code for Planned Residential District as well as R-1A, R-1B, R-1C, and R-2. The first concern I would like to bring to light is that in all of that City code, minimum living area is 1300 square feet (R-1C). From March 18, 2021, "Member Schreier stated the original plans showed the homes at 1,150 square feet and the information from Arbor Homes shows 1,300 square feet detached. Member Schreier asked is this correct." Mr. Reed stated, "Arbor Homes home plans for this development are in the 1,200 to 3,330 square foot range." 1200 square feet clearly does not meet the Code minimum of 1300 square feet for the smallest lots within Brookville city limits. I would request that Planning Commission eliminate any proposed floor plans that do not meet Brookville Code requirements. Secondly, Brookville Code states that the minimum distance between homes is a 10-foot side yard width, or a 20-foot sum of both (R-1C). Apparently, the only way to squeeze 69 homes in this space is a variance request to reduce the side yard width by half, or 5 feet, or a sum of 10 feet between both homes. If two members of Planning Commission would please put up their arms and touch fingertips, you would also each be touching a house. Look at that space. It is exceedingly small; houses would be very close together. Next, as Member Claggett pointed out on March 18, 2021, houses along Albert Road face inwards, leaving residents and visitors to Brookville driving on Albert Road to view the homes' rears and backyards. Chairperson Henderson states on February 20, 2020 that, "as you enter from Upper Lewisburg Salem Road onto Proposed Street C, there are two homes that will sit backwards to their neighbor." Why are

the backs of homes so prevalent in this proposed neighborhood? Lastly, on March 18, 2021, "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." Law Director Stephan replied, "Section 1151.10 (j) in our Planned Development Districts 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." Where is the 25% required open space and recreational facilities in this plan? I guess the part I struggle with the most is that if I, an individual resident, were to purchase a lot in which to build a single-family home, I would be held to these City codes and ordinances. However, developers and builders can come in, buy a few acres, and try to jam in as many houses as possible by requesting variance after variance. As the Code is written, these lots are too small, some of these houses are too small, all of the houses are too close together, and there is no green space. When I am driving through this city that I love and have invested in, I do not want to see backyards. I am in favor of growth and progress, but I much prefer quality, as required by Code, over quantity. Thank you for your time.

Clerk Duncan read a statement from Frank and Phyllis Johnson, of 821 Salem Street as follows:

Dear City of Brookville Planning Commission, First of all, we question the use of a virtual meeting verses the process of a public hearing as to whether it is legal and in the best interest of the community for the Brookville City Council and Brookville Planning Commission to present consideration of the proposed Ordinance No. 2021- 04 to rezone a parcel of land by amending the zoning classification on Part Lot 1743 located at 10400 Upper Lewisburg-Salem Road in the City of Brookville from its present classification of R-1B (PD) Urban Residential Planned Development to the new classification of (PR) Planned Residential District. Since most of the neighborhood consists of mature and seasoned individuals, we would surmise that those folks do not use today's modern technology. Using a computer screen or the telephone does not provide the same interaction as would a public hearing. Therefore, it is our opinion and concern whether a true consensus of opinion can be achieved from those living in the community through a virtual meeting.

Mr. Johnson had the following questions which Planning Commission addressed one at a time. Mr. Johnson asked if (PR) Planned Residential District the same as (PRD) Planned Residential Development which provides greater flexibility in the building site, lot size, setbacks, mixture of housing types, usable open space which is otherwise not allowed or required in the underlying zone?

Law Director Stephan stated this is a re-zoning of Planned Residential District and it is a form of Planned Development. Planned Development is designed to allow Planning Commission and City Council to adopt specific agreements and regulations with respect to the project and essentially develop a unique development and a unique set of development standards for that specific project.

Member Requarth clarified that what this allows you to do is recognize that this is not a one size

fits all, and that every development is going to have its own uniqueness and challenges.

Law Director Stephan replied that is correct. Law Director Stephan stated for example, the density requirements in 1151.10 show six dwelling units per acre of single-family residential development. This project is below that number for density. If you have other types of multi-family projects within the Planned Residential Development, you have a much higher density than is permitted. Law Director Stephan stated what we are trying to do is develop a specific plan for a specific property under Planned Development.

Mr. Johnson's next question was does the acronym DDC Management represent a business or company name and how is RyanReed associated with is DDC Management?

Mr. Reed replied DDC Management is an Ohio limited liability company and he is an employee of that business.

Mr. Johnson asked is this proposal for subsidized or public housing for low-income families?

Mr. Reed replied it is not.

Mr. Johnson asked if this proposal allows for the use of manufactured homes?

Mr. Reed replied it does not.

Mr. Johnson asked what stipulation, if any, would be a part of this plan, i.e. Senior Living?

John Bills, President of DDC Management, 140 Wells Drive, Springboro, Ohio stated he has been sworn in. Mr. Bills stated this development is open to anyone. They do not discriminate and it is open to anyone who chooses to buy.

Mr. Johnson asked if the City of Brookville is responsible for the proposed 4 feet sidewalks on Albert and UpperLewisburg-Salem Roads?

Mr. Reed replied they would be installing those sidewalks.

Mr. Johnson asked regarding the proposed water retention pond, how many gallons is the pond designed to hold?

Mr. Reed replied that will be determined in final engineering according to the City's engineering requirements.

Mr. Johnson asked what is the plan for the overflow of the water in the pond?

Mr. Reed replied that will also be determined during final engineering designs.

Mr. Johnson asked if the City of Brookville is responsible for the maintenance of the land surrounding the pond, i.e. grass cutting and insect/bug control?

Mr. Reed replied that will be the responsibility of the Homeowners Association.

Mr. Johnson asked if the retention pond is to be used by the McGregor Subdivision which is west of the proposed building site?

Mr. Reed replied this is a self-contained pond, specifically for this development.

Mr. Johnson asked if the proposed easement is on the City of Brookville's property?

Mr. Reed replied that is an easement to be obtained from a private citizen.

Mr. Johnson asked if the easement property is designated commercial or residential real estate?

Law Director Stephan replied the proposed easement is located on property zoned General Business.

Mr. Johnson asked who is responsible for covering the cost of the easement? Will the subdivision cover the cost?

Law Director Stephan replied the developer will be reimbursing the City for any costs expended by the City.

Clerk Duncan read the remainder of Mr. Johnson's statement as follows: Looking at the plans, it is disheartening to see and to realize what this project would do to change our community character and affect our lifestyles. First of all, constructing 67 houses on an 18-acre lot is not rational or an orderly relationship to human life. The proposal indicates that each lot would be 50 feet wide by 150 feet long which is 20% of an acre. The plan shows that the streets would be 50 feet wide with 8 feet on each side for curbs and sidewalks which is a total of a remaining 34 feet for the roadway. Since most family members work and have two cars, it would necessitate many vehicles being parked on the street. If vehicles are parked on both sides of the street that would account for another 10 feet on each side of the road. Therefore, approximately 14-15 feet would be accessible for vehicles to travel up and down the road. That could present a real challenge for firetrucks and trash maintenance vehicles. Plus, forget about snow removal. Considering these estimated measurements, it apparently would not be an option. With the additional cars and drivers on the roads, there would be increased traffic volume in our city. Additional school buses would be needed for transporting children to and from school. All these concerns would affect our public services and demand more police due to higher call volume and crime rate, as well as the need for more firemen, and refuse collection. Also, we have major concerns regarding the proposed water retention pond, as well as, the proposed easement as part of the plan. We are not in favor of an easement being granted. As a result, we believe that this proposal would negatively affect our community and lifestyle, as well as impact our home values and lower our resale values. We adamantly oppose this proposal and trust that the City Council and the Planning Board Commission will take into consideration our many concerns before making a decision. We look forward to your reply to our questions.

Chairperson Henderson thanked the citizens for their comments and asked Planning Commission if they have further questions or comments?

Member Requarth asked what the width of the driveways are?

Mr. Reed replied the driveways are 16 feet wide.

Member Requarth stated each drive takes away 16 feet of street to park on because you cannot park in front of a driveway.

Motion by Sievers, second by Claggett to close the Public Hearing. All yeas, motion carried.

Law Director Stephan stated after the Public Hearing on a Preliminary Planned Development Plan, Planning Commission should make a recommendation to Council which would indicate approval, approval with specific reservations, or disapproval with reasons. This would be scheduled for a second Public Hearing with City Council on June 1, 2021.

Mayor Letner stated although the number of homes was reduced from 69 to 67, he still has an issue with the green space. Mayor Letner asked if reducing to 55 homes is an option?

Mr. Reed replied that would be a challenge. Meeting the 25% open space with this new layout would be a loss of another eight to nine lots and that really is a breaking point for this community.

Member Schreier stated density is still the biggest concern. Member Schreier stated he did drive through Lexington Place, and the aesthetics of the Arbor Homes from the street looked like nice homes. There were a lot of two-stories, and the spacing between homes appeared to be more than 15 feet.

Mr. Bills replied the setback there is 6 feet between homes.

Member Schreier observed the streets in Lexington Place were two sided versus one. Member Schreier stated he has concerns about the one-sided street parking, ingress and egress and overall density. Member Schreier stated he does not know what the break-even point is, but he would like to see the number of homes reduced to 58-60 homes. Member Schreier commented there is only 16% green space and 40,000 square feet of that is the pond. He would still like to see less density and area for kids to play.

Mr. Reed stated they are at just over half of the six units per acre, with 3.6 units per acre. They have added an additional 2.5 feet on each side yard. Although there may not be a designated open space, the homeowner is getting more space for their particular residence, which will add a more open feeling for this community. Mr. Reed stated it would be a challenge, but they could try to create a designated area for play. Mr. Reed said they would not be able to make it work if they reduced it to 55 homes.

Member Schreier stated he did look at the data that was published in the attachments when the other developments are tending to go to smaller lots and recouping development costs is probably the main reason for that. People try to put the biggest home they can on the smallest yard. Homes have open floor plans, so they feel bigger with the same square footage. Member Schreier stated this development does meet some of the trends but there is nothing like it in Brookville and whether it fits us he does not know. Member Schreier stated he is still struggling with the overall concept.

Member Requarth stated he wants to confirm the street, gutter to gutter, is 31 feet.

Mr. Reed replied their street width is Brookville standard, they are not proposing any variance for the street.

Mr. Bills replied that the streets in Lexington Place and in the development he lives in are not any wider than what they are proposing here. You can park on both sides of the street. If another car is coming you may have to let them get by a parked car. However, it is not an issue to drive through the community.

Mayor Letner stated his concern is snow and where to put it? When you plow, it will be in someone's driveway or in front of a fire hydrant.

Mr. Bills stated it gets thrown off the back of the curb and the homeowner has to deal with it the same as every other spot.

Member Requarth commented everyone gets uptight about plowing snow and asked how many instances do we have in 365 days? If you plow snow down any street in Brookville, the snow has to go somewhere.

Mayor Letner replied it definitely does, but when you have an accumulation of that magnitude where does it go in these bubbles.

Member Schreier stated snow would be minor on his list. Most developments do not have a place to put snow.

Chairperson Henderson complimented DDC Management for addressing some of Planning Commission's feedback from the last meeting. Chairperson Henderson stated you took some frontage off of Upper Lewisburg Salem Road and flipped the houses around so they did not hit the neighbor up in the corner. You tried to give us more green space and pulled the houses apart. Thank you for trying to make an attempt to listen to us. That is the type of partnering we are looking for in these developments. Chairperson Henderson stated the density is still very high which was a major concern of all the community members who spoke. Chairperson Henderson stated he does not know the best way to address this, but suggested taking lots 21, 22 and 23 out of the equation and making that a park area. It would be right in the center of the development and would free up a central park area that could be used for the community.

Member Cordes stated he does not like the backs of the houses facing Upper Lewisburg Salem and Albert Roads. He does not like the density and feels it is very important to have adequate green

space for kids and adults to play. The size and quality of the houses is fine, but he feels there are far too many homes in that area.

Chairperson Henderson inquired if Member Cordes' screening concern could be addressed by landscaping along Albert Road?

Member Cordes stated if you put a screen in or a fence, that would eliminate the chance for kids in those homes to utilize the open space because they could not get there without climbing a wall or a fence. You would have to put in a gate behind every house. Member Cordes stated he just does not see this development as a part of Brookville.

Member Sievers stated her concern with the screening or fencing is that would isolate the people living in this development. They would already be off by themselves in a mix of zoning districts. Member Sievers stated she still has a problem with the density. She does not know what the number of homes should be, but as it is, there are too many. Member Sievers stressed she does not want the residents of the community to be isolated.

Member Sievers commented the safety of Albert Road has been brought up with the driveways and asked if the speed limit is 25 or 35 miles per hour there?

Chairperson Henderson stated it is 35 miles per hour.

Chairperson Henderson commented he likes the two entrances as it is safer than putting the driveways out on Albert.

Motion by Requarth, second by Cordes to disapprove the Preliminary Planned Development Plan based on the density of the homes and the lack of common open space. All yeas, motion carried.

Chairperson Henderson asked Zoning Officer Snedeker to report on the variance request for Power Home Solar.

Zoning Officer Snedeker advised Power Home Solar is present tonight for a Variance to construct ground mounted solar panels in the rear yard setback of 561 Golden Maple Avenue in Golden Gate Estates. A Public Hearing was held for the same variance request at the Planning Commission Meeting on February 18, 2021. Nothing has changed on this application; the applicant was not present to represent the project properly.

Clerk Duncan stated this Public Hearing is to consider a zoning variance for Variance Application 21-01 from Power Home Solar/Bryan Law to install 16 ground mounted solar modules, grid ties, 5.12 kW in the rear yard setback at 561 Golden Maple Avenue, Brookville, Ohio, which violates Section 1157.10 (e) Ground mounted solar energy equipment shall not be permitted in the front yard or side yard of a residential property. Ground mounted solar energy equipment may be located in the rear yard of a residential property but shall not be located within the rear yard setback. The ground mounted solar energy equipment shall not exceed thirty-five (35%) of the total area of the rear yard. The ground mounted solar energy equipment located in the rear yard shall be adequately

screened by vegetation of a fence and shall be installed in compliance with the applicable building code.

Clerk Duncan stated letters were mailed out to all property owners within 200 feet of the applicant address of 561 Golden Maple, advising of the Public Hearing and she did not receive any inquiries regarding this Public Hearing.

Clerk Duncan asked if any Planning Commission Member need to abstain from participating in this Public Hearing?

Member Schreier indicated he needs to abstain as the applicant lives two doors down from his residence.

Clerk Duncan stated the floor is open for discussion. Anyone wishing to speak should indicate so at this time. State your name and address for the record and confirm that you have been sworn in at the start of your testimony.

Clerk Duncan administered the Oath of Witness to Ahmad Lamin-Bangura.

Mr. Lamin-Bangura, of 2427 Hannaway Lane, Columbus, Ohio 43229, stated he has been sworn in. Mr. Lamin-Bangura stated he is an energy consultant representing Power Home Solar. Mr. Lamin-Bangura stated his company installs solar panels. They met with Mr. Williams in July of last year and Mr. Williams has been looking to go solar since he purchased his home. It's a good fit. Mr. Williams is trying to invest in solar and own his power, rather than rent his power. Due to the federal government, giving a lot of incentives, Mr. Williams felt like why rent my power when he can get clean energy. Mr. Williams wants to help do his part in the environment. He wants to go solar, and they are getting some setbacks because the homeowners association will not let him put it on the roof. Mr. Lamin-Bangura stated he is trying to do a ground mount for him. Mr. Williams backyard is not fully spacious, so they are asking if they get a pardon on this because based on the code, there is not enough space. Solar panels are not going to be any harmful to the environment. Mr. Lamin-Bangura stated he thinks Mr. Williams has enough space to put the panels. If you look at the drawing, the design from the engineers still can fit in the backyard and still give enough space. Mr. Williams does not mind the solar panels being in his backyard. It will not be any problem or any distraction to anybody. Mr. Lamin-Bangura stated they are asking for a pardon based on the code. This is something Mr. Williams has been looking forward to. It is going to be at the back of his property.

Mayor Letner inquired if the proposed panels are still eight feet in height?

Mr. Lamin-Bangura replied that is correct. They are 5' x 3' panels that will be ground mounted.

Mayor Letner inquired if they can be lowered from eight feet to five or six feet and accomplish the same thing.

Mr. Lamin-Bangura stated there is not enough space in the back yard to lower them without the building shading the panels.

Member Requarth stated we are back to the fact that our fence ordinance is a six-foot maximum height.

Member Cordes stated there are two problems. There is not enough space to put it and it is higher than our fence ordinance.

Member Claggett commented if we give a variance due to the building shading it what is to stop someone in a two story from wanting to put up a 40' panel because their house is shading it.

Mayor Letner inquired if Power Home Solar has asked the Homeowners Association (HOA) to give them a variance so they can place the solar panels on the roof?

Mr. Lamin-Bangura stated they tried but the HOA does not want the panels on the front of the house. Mr. Ahmed stated he does not understand because he does not drive around looking at roofs.

Clerk Duncan administered the Oath of Witness to Mike Oxner.

Mike Oxner, of 516 Patricia Faye Court, Brookville, Ohio stated he has been sworn in. Mr. Oxner reminded Planning Commission that the area in behind this home is currently zoned residential. In all likelihood, there will be lots backing up to this home at some point in the future. If Planning Commission gives variance to the rear yard, that's pushing the panels back towards that property line and eventually it will probably be objectionable to any of the lots that would be built that back up to that. Mr. Oxner stated he has not seen anything on the screening for these units. Mr. Oxner stated if it does go forward, he thinks the screenings should be able to totally block off these panels from sides and the rear. Mr. Oxner stated from the HOA point of view, they do not want it and do not permit any solar panels on the front of any of the buildings.

Clerk Duncan administered the Oath of Witness to Howard Williams.

Howard Williams, Jr., of 561 Golden Maple, Brookville, Ohio stated he has been sworn in. Mr. Williams stated he does not object to the solar panels in back of his house. He and his wife would like to save money by going solar. Some neighbors object to it but some do not mind him putting solar panels in the back.

Chairperson Henderson called for a motion to close the Public Hearing.

Motion by Requarth, second by Cordes to close the Public Hearing. All yeas, motion carried.

Member Requarth stated nothing has changed since the last appeal.

Mayor Letner stated the applicant should re-address the HOA to see if he can place the panels on the roof.

Member Sievers stated there is no way to legally construct a barrier around it.

Member Cordes stated he supports solar panels and their use but until they make them smaller and easier to place it is not useful in our area.

Chairperson Henderson agreed, he is an advocate for solar energy and loves the idea of sustainable power. Chairperson Henderson applauded the homeowner for wanting to do this, however it is the height and the eyesore to the surrounding properties that is the issue.

Member Requarth asked if the solar panels could be moved back farther on the property line so they could be lowered?

Chairperson Henderson stated that would not be possible without a study but there is the two feet ground snow rule they would have to consider.

Motion by Claggett, second by Sievers to deny Variance Application or Appeal 21-01 to install ground mounted solar panels at 561 Golden Maple Avenue due to the height of the panels. Letner yea, Claggett yea, Cordes yea, Requarth yea, Schreier abstain, Sievers yea, Henderson yea. Motion passed with six yeas and one abstention.

Zoning Officer Snedeker reported Taywood Enterprises has submitted a Zoning Application for a Final Subdivision Permit for the Meadows of Brookville, Section Seven to be approved by Planning Commission. This section has been reviewed and passed previously and all site development requirements are permitted under R-1C Urban Residential District.

Law Director Stephan commented this is exactly the same as the Preliminary Plan recently approved by Planning Commission. This is just a final plat and they are platting in sections.

Chairperson Henderson stated he does not see any issues with this.

Motion by Schreier, second by Claggett to approve the Final Plat for Meadows of Brookville, Section 7, as presented, contingent on Manager Keaton's and Choice One Engineering's final review and approval of the Construction Plans, all proper permits being completed, and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. All yeas, motion carried.

Member Requarth pointed out on the previous Preliminary Planned Development Plan proposal by DDC Management, it is still a 50-foot road right-of-way.

Member Cordes commented the first Meadows of Brookville proposal was turned down and it was not long before another plan was presented that met their approval. Member Cordes feels the same could happen with the proposal by DDC Management.

Member Sievers asked Member Requarth if he has any insight on how it would affect the schools if all of the homes proposed by DDC Management and in other new housing developments within Brookville would have children?

Member Requarth stated if there were 134 children divided over 13 grades it is really not enough to max out the school system. Trailers would certainly not be needed to house the students. Zoning Officer Snedeker reported Oakwood Investment Partners would like to renew their Special Use Permit for Mobile Food Vending located at McMakens IGA on McMaken Lane. The location is the same as last year. The City did not experience any problems with Oakwood Investment once they were up and running. It does generate business for the IGA.

Motion by Requarth, second by Schreier to renew the Special Use Permit for Oakwood Investment Partners to operate a mobile food truck in the McMakens parking lot. All yeas, motion carried.

Zoning Officer Snedeker had no report.

Law Director Stephan stated we are looking for final recommendation to City Council on proposed Ordinance 2021-03 which would rezone 201 Sycamore Street from its current zoning of OR (PD) Planned Development to the new classification of I-1 (PD) Light Industrial Planned Development Overlay District. There were no citizen comments at the Public Hearing on May 4, 2021. Staff received a few comments by phone and their questions about the project were answered. Law Director Stephan stated as a related matter, we are asking for approval of the Preliminary Plan for 201 Sycamore Street. Planning Commission would be specifically approving a Special Use for the store and lock facility and the Preliminary Plan included with the application. Under the Planned Development process, you would be making the findings for approval under 1151.15(f) and specifically approving this use for a store and lock. These recommendations would then go back to City Council.

Mayor Letner asked if we could put a completion time frame on this Special Use?

Law Director Stephan stated there is no time frame specified but we could put that in with respect to the Preliminary Plan. The applicant did speak about doing this in phases.

The consensus is to give the applicant two years to complete one unit as proposed.

Motion by Cordes, second by Claggett to recommend to City Council to adopt proposed Ordinance No. 2021-03 to rezone 201 Sycamore Street from its current zoning of OR (PD) Office Residential Planned Development Overlay to the new classification of I-1 (PD) Light Industrial Planned Development Overlay District. All yeas, motion carried.

Motion by Schreier, second by Requarth to approve the Special Use of a storage unit facility and to recommend to City Council to approve the Preliminary Plan for a storage unit facility at 201 Sycamore Street, with the stipulation the applicant commences construction on one building within two years. All yeas, motion carried.

Law Director Stephan reported a Public Hearing was held on proposed Ordinance No. 2021-05, 2021-06 and 2021-07 at the last City Council meeting. There were no citizen comments. Law Director Stephan stated proposed Ordinance No. 2021-05 would amend the rear yard setbacks in

our R-1B and R-1C districts. Right now our rear yard setbacks for R-1A, R-1B and R-1C are 40 feet. This proposed ordinance reduces R-1B to 35 feet and the rear yard depth for R-1C to 30 feet. What this will essentially allow is larger homes to be built on the same size lots that we have now. If you look at the zoning code, lot sizes decrease as you move from R-1A to R-1B and then to R-1C, but our rear yard setbacks are the same for all 3 districts. Law Director Stephan advised we are looking for a recommendation for approval of this proposed ordinance to City Council.

Motion by Sievers, second by Claggett to recommend to City Council to adopt proposed Ordinance No. 2021-05 to amend section 1123.03(b)(2) and 1125.03(b)(2) of the Code or Ordinances. All yeas, motion carried.

Law Director Stephan stated a Public Hearing was held on proposed Ordinance No. 2021-06 at the last City Council meeting. There were no citizen comments. This ordinance would amend section 1157.01 and 1157.10 of the Code of Ordinances to regulate solar energy equipment. Law Director Stephan stated the ground-mounted solar energy systems shall only be permitted in the rear yard and shall be set back a minimum of 10 feet from all lot lines. In conservation and residential districts, no ground mounted solar energy system shall exceed six feet in height as measured from the average grade at the base of the system. In commercial and industrial districts, no ground mounted solar energy system shall exceed 25 feet in height, or the maximum height of the building, whichever is less; provided however, that if the ground mounted solar energy system is located in a rear yard that is adjacent to a residential property or adjacent to a residential zoning district, the maximum height shall be six feet. Ground-mounted solar energy systems shall be screened from any adjacent lot lines of lots used for residential purposes by a fence, wall, landscaping or combination thereof. Ground-mounted solar energy systems shall not be positioned so as to reflect sunlight onto neighboring property, public streets or sidewalks, including on any neighboring structures. The total area of the ground-mounted solar energy system shall not exceed more than fifteen percent (15%) of the rear yard area in residential districts. Law Director Stephan stated roof-mounted solar panels that are integrated with the surface layer of the roof structure and which resemble common roofing materials may be permitted on any roof surface of a principal building or accessory building. Roof-mounted solar panels that are separated panels mounted flush with the roof structure may be permitted on any roof surface of a principal building or accessory building that does not face a street. Such panels shall be mounted flush to the roof and not extend vertically from the roof structure more than eight inches.

Member Schreier asked if Planning Commission is comfortable with ground mounted solar panels.

Chairperson Henderson replied he is comfortable with it as long as it is screened.

Member Requarth commented the screening might not help if neighboring lots are at different elevations.

Chairperson Henderson stated in that instance Planning Commission could look at the glare and line of sight provision of the ordinance.

Law Director Stephan stated we could address the glare issue under Section (b)(4). Also, it is six feet measured from the average grade at the base of the system. If you have a hilly backyard, we would probably be looking at the average grade, which could potentially be a little over 6 feet in that type of yard.

Zoning Officer Snedeker stated we have a fence rule that goes by the contour of the land. If your property drops off, your fence can stay at that same height but it cannot go anything over seven feet. If you do have a slope if you start off the house at six feet but by the time you get to the end you are at six feet, eleven inches, you are still okay.

Motion by Claggett, second by Sievers to recommend to City Council to approve proposed Ordinance No. 2021-06 to amend Section 1157.01 and 1157.10 of the Code of Ordinances of the City of Brookville to regulate solar energy equipment. All yeas, motion carried.

Law Director Stephan reported a Public Hearing was held regarding proposed Ordinance No. 2021-07 and there were no citizen comments. He stated the essence of this ordinance is that we are changing how we measure setbacks. Currently, we measure setbacks from whatever portion of the structure that extends furthest into the yard. In many situations we are measuring from roof eaves and this ordinance will change to measure from the foundation. This ordinance will allow larger homes to be built on the same size lots. We essentially granted this variance to Meadows of Brookville earlier this year so they could have larger homes built on the lots. Law Director Stephan stated he thinks this is a good change on the side yard where it is tough in many situations to get the house on the lot without a variance and by measuring from the foundation, we will reduce the number of variances. Zoning Officer Snedeker has looked at a lot of other jurisdictions, and most measure from the foundation.

Motion by Requarth, second by Schreier to recommend to City Council to approve proposed Ordinance No. 2021-07 which amends the definition of building line, setback line and yard in section 1103.03 of the Code of Ordinances of the City of Brookville. All yeas, motion carried.

Member Claggett inquired about the Mexican Restaurant coming to Brookville.

Zoning Officer Snedeker replied they are still in the engineering phase.

Member Requarth commented he brought up the 50-foot right-of-way because sometimes we get hung up on things that are not really the issue. The issue with the Preliminary Plan presented by DDC Management, LLC was the density. It is easy to get lost when you are looking at different drawings at different scales.

Motion by Sievers, second by Schreier to adjourn. All yeas, motion carried.


Kimberly Duncan, Clerk
Ryan Henderson, Chairperson