

Brookville Planning Commission
Regular Meeting
June 17, 2021

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on June 17, 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 and Schreier; City Manager Keaton, Clerk Duncan, Zoning Officer Snedeker and Law Director Stephan were present. Member Seivers was absent.

Chairperson Henderson reminded everyone the meeting is being recorded.

Roll call by Clerk Duncan.

Motion by Schreier, second by Cordes to approve the Agenda as presented. All yeas, motion carried.

Motion by Requarth, second by Claggett to approve the Regular Meeting Minutes of the May 20, 2021 Planning Commission Meeting. All yeas, motion carried.

Zoning Officer Snedeker reported DDC Management, LLC, is resubmitting a Preliminary Plan for the development along Albert Road and Upper-Lewisburg Salem Road. Zoning Officer Snedeker advised they have made changes to the plan to meet the 25% open space requirement and have reduced the number of lots from 67 to 59.

Ryan Reed, of DDC Management, LLC, 3601 Rigby Road, Suite 300, Miamisburg, Ohio, stated DDC Management took into consideration the additional concerns of Planning Commission. They want to be within the City of Brookville as they think this is a great City and a great opportunity. Mr. Reed advised DDC Management met with Arbor Homes and were able to put a plan together that works for them, for Arbor Homes and hopefully for the City. Mr. Reed stated they reduced the number of lots to 59 and kept the side-yard setbacks at 7.5 for each lot or 15 feet between buildings. Mr. Reed said they are meeting the 25% open space requirement. Mr. Reed stated they are asking for approval and as a condition to approval they will commit to planting vegetation as screening along Albert Road.

Member Cordes asked if the screening will be a fence?

John Bills, President of DDC Management, stated it will likely be spruce trees.

Member Claggett asked if the screening will be built into the covenants?

Mr. Reed replied it will be required in the Homeowners Association (HOA) maintenance.

Member Cordes asked where the exits are to Albert Road and to Market Street?

Mr. Reed replied there is no exit to Market Street as there is a commercial piece of land in between there.

Chairperson Henderson stated there will be a sidewalk pending an easement.

Law Director Stephan advised staff has had discussions with the property owner regarding an easement and they believe they will be able to get that easement.

Member Claggett asked if any of the lots have frontage smaller than 55 feet?

Mr. Reed replied just the cul-de-sacs have less than 55 feet in frontage.

Member Requarth commented they are basically taking the two lots away, adding green space and buffering the Reed's property on the corner.

Mr. Reed replied that is correct.

Member Claggett asked if it is the HOA's responsibility to keep the green space mowed?

Mr. Reed replied that is correct.

Member Cordes asked if the pond area is a required size?

Mr. Reed replied the pond size is based on the stormwater requirements per the City's code.

Clayton Sears, of DDC Management, stated the pond size could go up or down, based on final engineering design.

Member Cordes stated he would like the pond smaller if possible.

Mr. Sears replied their goal would be to have it as small as possible.

Chairperson Henderson commented this concept gives a couple of cul-de-sacs which were not on the previous plan. His opinion is that this plan will be more appealing to home buyers as there will be less traffic going by their homes.

Member Claggett stated with the one-sided parking only he is presuming there is room with a parked car for two cars to pass in the open lanes, so it is basically a three-lane roadway.

Mr. Sears replied it is not a three-lane roadway. They are not saying it will be one-sided parking. That would be determined by the City.

John Bills, President of DDC Management, advised they are building to the road widths specified in the City's specifications.

Member Requarth commented the streets are the same width of 31 feet that Planning Commission approved for the Meadows of Brookville. The HOA or the City could decide there is parking on one side only but that is up to them.

Mr. Bills said they would not designate the development as one-sided parking unless the City specifically requested it.

Chairperson Henderson stated DDC Management did a nice job. They continued to listen not only to our citizens but also to Planning Commission and he appreciates them taking the time to revise the plans. Chairperson Henderson stated he likes the layout in general and does not see any issues at this point.

Mr. Bills thanked everyone for working with them.

Member Cordes stated he has lived in Brookville for seven years and heard from many citizens who wish our downtown area was better or bigger. This development, with 59 new homes, will be within walking distance from Albert or Market Street to downtown where there is an ice cream parlor, bakery, hardware store, hairdresser and a barber shop. Member Cordes stated this could enhance our downtown by causing people to go there. Kids will go on bikes as well as the elderly who like to walk. Member Cordes stated his opinion is that this development could be very helpful in revitalizing our downtown.

Chairperson Henderson asked Planning Members if they had any issues with the landscape screening along Albert Road.

Member Schreier stated the landscaping would be easier to maintain than fencing if they are low maintenance plantings.

Mayor Letner and Chairperson Henderson agreed.

Law Director Stephan stated landscaping, using trees and other vegetation to create a buffer zone, is also the staff recommendation.

Member Cordes stated if some re-zoning is necessary to allow this development, he believes we will get the support of the Chamber of Commerce in terms of this enhancing our downtown area.

Law Director Stephan stated Planning Commission needs to make a motion to either approve, approve with specific reservations, or disapprove and state the reasons for disapproval. That recommendation will go to City Council. City Council under Planned Development process is required to have a second Public Hearing. That Public Hearing is also the Charter rezoning Public Hearing, so it is a joint Public Hearing for Planning Commission and for City Council. Law Director Stephan stated if Planning Commission is ready to move forward, we can get the notices out and hold the Public Hearing at the first City Council meeting in July. The final rezoning recommendation from Planning Commission would be made at the next Planning Commission meeting. After that it goes back to City Council for a second and third reading and final action on approval of the plan.

Law Director Stephan stated these are the steps that are in front of us, which include the Public Hearing where the public could comment on this new plan, but we do not need to move through that process if Planning Commission is not approving the plan. Tonight is a key step in terms of Planning Commission giving an initial approval of the plan.

Member Requarth stated his only reservation is there should be sidewalk coming all the way down Market Street to the Fire Station.

Zoning Officer Snedeker stated there is already sidewalk along Market Street to the Fire Station.

Law Director Stephan stated the original recommendation is the sidewalk will be constructed on Albert Road and Upper Lewisburg Salem. He asked Mr. Reed for confirmation of this.

Mr. Reed stated coming up Albert Road from Salem Street to their entrance, they are putting sidewalk in. From the entrance off Albert to the north, toward the Reed property, if the City requires the Reed's to install a sidewalk on their property, they will put sidewalk in. They do not want to install a sidewalk to nowhere. On Upper Lewisburg-Salem, they would have to work with Montgomery County on the timing of installing sidewalk on Upper Lewisburg Salem Road. They would not want to put it in and then have it torn out if the County widens the roadway.

Law Director Stephan stated that is reasonable in light of the fact that Montgomery County Engineering and Montgomery County Planning Commission are going to be reviewing the entrance on Upper Lewisburg Salem Road and whether additional right of way is required.

Member Claggett inquired if the widening of Upper Lewisburg Salem Road is a done deal with Montgomery County and we are just waiting for a date?

Law Director Stephan replied Montgomery County will review the widening of the roadway if we approve the rezoning.

Mayor Letner commented Miami Valley Regional Planning Commission does not have widening Upper Lewisburg Salem Road in their fifteen-year projected outlook. Mayor Letner stated he thinks the biggest thing we will see in our area is Interstate 70 expanded to three lanes.

Member Claggett asked if Planning Commission should require the sidewalk since the widening of Upper Lewisburg Salem may never happen?

Member Schreier stated he thinks Planning Commission should require sidewalks contingent upon review by Montgomery County.

Mr. Reed stated it should be contingent whether it went around the Fire Station and the Reed Property as well.

Member Requarth stated if the sidewalk does not go around the Reed property there is no use in taking it past the entrances.

Mr. Bills stated they do not want people walking to the end of the sidewalk and then be encouraged to walk through the Reed property.

Law Director Stephan stated the staff discussions have been that we would require sidewalk around the Reed property through our normal assessment process. We could construct sidewalk on our Fire Station property to connect.

Mr. Reed commented if all of this happens, DDC Management is happy to install the sidewalk.

Law Director Stephan advised that would create greater walkability for the whole project. Law Director Stephan stated we are looking at putting this into the Agreement as we move through the process.

Member Requarth questioned with the Reed property on the corner, we have people who really do not want this development and then we want to assess them for the construction of sidewalks?

Member Snedeker replied if it comes to that, we will wait on Montgomery County to tell us what they think we should do.

Law Director Stephan stated the normal process is that we would notify the homeowner that they need to construct sidewalk. We have done this many times in the past in other development sections of Brookville. The homeowner will have an opportunity to construct the sidewalk. If they do not construct it within the required time period, the City can construct it. It is Council's decision whether to assess them or to cover the cost of the sidewalk construction. Law Director Stephan stated this is the normal process that has happened many times in Brookville in the past.

Member Claggett asked if we still pay for half of the sidewalk if the property is on a corner lot?

Manager Keaton replied that is correct. There is also a maximum of 125 feet of sidewalk that the homeowner is required to pay for.

Member Schreier asked if Lots 33-36 have the 30-foot setback?

Zoning Officer Snedeker stated the setback on those lots will be 25 feet.

Member Claggett inquired if all the street drainage will be directed to the pond?

Mr. Reed replied that is correct.

Chairperson Henderson called for a motion.

Motion by Schreier, second by Cordes to approve and recommend to City Council the Preliminary Development Plan presented by DDC Management, LLC on Part Lot 1743, Parcel C05 00109 0020, and to require landscaping along Albert Road be included in the Agreement.

Member Claggett asked if the sidewalk requirement be included in the motion?

Law Director Stephan replied our subdivision requirements normally require sidewalks but it can be added to specifically require sidewalks along Albert Road and Upper Lewisburg Salem Road.

Member Claggett stated if it is built into our subdivision requirements, he does not think it is necessary.

Chairperson Henderson called for the vote on the motion.

The motion passed with all yeas.

Chairperson Henderson stated the next item on the Agenda is Variance Application 21-02 Site Plan Approval for 951 Salem Street.

Mark Haworth, of 10352 Upper Lewisburg Salem Road, asked if there are no comments from the public on this issue?

Chairperson Henderson replied there is no public comment tonight. There will be a Public Hearing for additional comments.

Mr. Haworth apologized for interrupting but stated this is not going to be all unicorns.

Chairperson Henderson stated there will be an opportunity for citizens comments at the Public Hearing.

Mr. Haworth replied this is not going to happen, mark his words.

Chairperson Henderson asked Zoning Officer Snedeker to go ahead with the next item on the Agenda.

Mr. Haworth said thank you.

Zoning Officer Snedeker reported Andres Gonzalez of 951 Salem Street is here for a variance to approve a 30 x 40 foot, 1,200 square foot detached garage on his 2-acre property on Salem Street. The garage exceeds the City's Codified Ordinance of 768 square feet. There is a 1,700 square foot garage to the west of him, the church near him has a 1,300 square foot garage and Brookhaven has a 2,600 square foot accessory structure. Zoning Officer Snedeker stated Planning Commission can modify the size requirement as necessary to achieve compatible development with adjacent land areas.

Mr. Gonzales stated he purchased the building in November and submitted his building plans to Montgomery County. However, he did not find out until recently that he also needed a zoning permit from the City of Brookville. Mr. Gonzales asked Planning Commission to consider he is surrounded by three businesses and a neighbor with a large barn close to him. He plans to add on to the main house structure and feels he will make the prettiest house on his block. Mr. Gonzales

stated a detached building with his requested dimensions will not encroach on the appearance of his neighborhood. Mr. Gonzales also stated he does not have City water or sewer and is right on the line between City and country.

Chairperson Henderson stated he does not have any issue with it as it fits the lot and fits the area.

Mayor Letner agreed, stating it would actually fit into the area well. Mayor Letner asked if he planned to heat it and have electricity to it?

Mr. Gonzales replied yes.

Zoning Officer Snedeker commented staff has looked into getting Mr. Gonzales' property tied into our sanitary sewer system.

Mr. Gonzales stated he is a contractor and if the City tells him where he can tie into sanitary, he will dig it. He is not very happy with his current septic system, which is currently disconnected and needs to be redone.

Zoning Officer Snedeker stated getting the sanitary sewer extended to Mr. Gonzales' property would also help the church, which is in the city limits.

Mayor Letner stated he is fine with the building.

Motion by Requarth, second by Claggett to approve the Variance Application #21-02 for a 1,200 square foot detached garage at 951 Salem Street. All yeas, motion carried.

Zoning Office Snedeker reported Tom McCoy has applied for a Minor Subdivision Lot Split for Wenger Woods Lot 2664. This will extend the back property line of Lot 2391 and clean up the lines. Planning Commission previously approved the same for the neighboring property owned by Sam Stewart.

Motion by Schreier, second by Claggett to approve the Wenger Woods Lot 2391 Record Plan. All yeas, motion carried.

Zoning Officer Snedeker reported he has not heard anything about the Mexican restaurant. There are a lot of things that happen when a business buys another business. There may be engineering changes, a change of use of the building, and it all takes time. Zoning Officer Snedeker advised liquor permits are issued by the State, not the City.

Zoning Officer Snedeker stated the Fire Station on Mulberry has been gutted and is being completely remodeled.

Member Claggett asked if there is an opening date for the new Credit Union?

Zoning Officer Snedeker replied he is not sure but will check into it.

Law Director Stephan reported Council approved the third readings of the ordinances for amending the rear yard setbacks in R-1B and R-1C, amending the solar energy equipment code, amending the definition for building line setback and yard to permit measuring the setback from the foundation. These will all be effective 30 days from passage.

Law Director Stephan reported Council also approved the rezoning for the project at 201 Sycamore Street for the store-n-lock facility.

Member Requarth asked Law Director Stephan to outline the steps to move forward with the Preliminary Plan that was approved tonight.

Law Director Stephan stated under the Planned Development Code, the Preliminary Plan now goes to Council with Planning Commission's recommendation. The second Public Hearing that is built into the Planned Development code will be held the first meeting in July if staff can get the notices out. The rezoning process also requires a joint Public Hearing with Council and Planning Commission. This hearing will also occur on the same night. Law Director Stephan stated we will take additional comment at this Public Hearing and then the rezoning ordinance will come back to Planning Commission for a final recommendation. The final recommendation will then go back to City Council, and they will take final action on the zoning and on the approval of the Planned Development Plan. It is a somewhat complex process because we have the Planned Development Code, which requires two hearings and we have the Charter code, which requires the joint Public Hearing. We try to combine them together to consolidate both public hearing procedures, and at the same time it will give the public adequate opportunity to comment on the project.

Member Schreier commented each amendment to the plan sets the process back to a certain degree.

Law Director Stephan replied that is why we brought the plan back to Planning Commission for approval so that Council has a solid decision to work with. Council could amend or make other recommendations to the plan, but if they accept all of the recommendations we have a firm plan, which allows staff to work through the issues and get a final agreement in writing on this project.

Member Requarth stated according to the memo sent by Manager Keaton this fits our plan and there is no reason to turn it down because they met the requirements to comply with our code.

Manager Keaton stated this proposed development meets our Comprehensive Plan Update. The proposed area is geared for this development.

Member Requarth stated he just wants to be sure we are on firm footing because we are going to get a lot of pushback from some people.

Manager Keaton replied we are used to pushback with all of our developments.

Zoning Officer Snedeker commented it is hard to know what Brookville residents want. They do not want residential housing, but they want restaurants and shops. If we are going to grow, we are going to have to take some lumps.

Member Requarth commented the developers met the two things that were in our motion when we denied it. Member Requarth stated he would like to see more space between the houses. He measured the space between his home and there was 34-35 feet between them.

Zoning Officer Snedeker stated he has 10 feet between his home and his neighbor's home. There are many developments with this concept. The developers say people want big homes now, but they do not want the big yards.

Mayor Letner stated people are buying the product and that is what we need.

Member Requarth said it might not be for everybody. A lot of people think if a \$350,000 home is built next to them it automatically makes their home worth that.

Zoning Officer Snedeker reported another building permit was issued for the Meadows of Brookville, bringing the total issued to 11. The builder was saving one lot for the model home but if someone wants it, they will sell it.

Member Requarth asked if the homes would all be two-stories?

Zoning Officer Snedeker stated the builder is doing what they said they were going to do and not building two of the same designs side by side. There is a good mix between two-story homes and ranch homes, some with and some without basements.

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

Kimberly Duncan, Clerk



Ryan Henderson, Chairperson

