

Brookville Planning Commission
Regular Meeting
July 20, 2017

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on July 20, 2017 in the City Council Chambers. The Pledge of Allegiance was recited. Mayor Seagraves; Members Bailey, Boose, Cantrell, Claggett, and Schreier; Clerk Wheeler, Law Director Stephan, Manager Burkholder and Zoning Officer Snedeker were present.

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

Motion by Claggett, second by Schreier to approve the minutes of the June 15, 2017 Regular Planning Commission Meeting. Members Cantrell and Boose abstained. Motion carried with five yeas and two abstentions.

Zoning Officer Snedeker reported Mr. Steve Butler of Community Civil Engineers would like to extend his apologies to Planning Commission for not being able to make tonight's Meeting. He informed he is still working out some final details between Mr. Butler and Giant Dayton over the construction drawings for the new convenience store on Triggs Road.

Zoning Officer Snedeker informed a Zoning Permit Application for a Certificate of Occupancy has been submitted for 95 Mosier Parkway. He informed the building will be used as a warehouse for products that are manufactured at Hofacker Precision Machine. He informed plans for an expansion in the future have also been discussed. He stated this building has not been occupied for at least 13 years.

Zoning Officer Snedeker reported 228-230 Market Street has a new owner and they are in the process of cleaning and fixing it up for a new retail shop. He informed more information will be given once the Zoning Application for Certificate of Occupancy has been submitted.

Zoning Officer Snedeker informed the GIS Intern, Adrian Nieto is finishing up the water valve shut off locations and fire hydrant information on the GIS Sytem. He will be working on catch basins for storm water along with manhole cover locations for possible clean out. This will help the Fire Department along with City workers in case of a backup in the system or toxic spill in the streets.

Zoning Officer Snedeker reported he logged into the Montgomery County Sheriff's web site to look up foreclosed properties in the City of Brookville and was quite happy to find 0. He stated however, is still dealing with five different vacant properties and four of these properties the owners have passed and the children do not want anything to do with the home. There are tax

liens on all of them. He informed he is working with Law Director Stephan to see what the City can do.

Member Cantrell asked what the new business on Market Street will be?

Zoning Officer Snedeker informed a new craft business.

Member Cantrell asked if it will be owned by someone who will operate the business?

Zoning Officer Snedeker informed yes, it will be business and maybe possible rent out the other half.

Mayor Seagraves informed he has been asked several times by the same person wanting to purchase a vacant home on Westbrook.

Manager Burkholder stated it is good work that Zoning Officer Snedeker and the GIS Intern are doing. He stated he wants people to know we do have economic development occurring and small businesses are the backbone of not just America but our community. He stated nothing is ever simple and it takes a lot of work on the part of the Zoning Officer and he greatly appreciate all the work he does. He informed Zoning Officer Snedeker and the GIS Intern have truly made a lot of progress. He reported the computer equipment for the Zoning office and the GIS System will be getting upgraded soon, which was recommended by our IT consultant. He informed the City has been using GIS for a long time and are really starting to yield the benefits. He informed with upcoming repaving projects, the work done by the GIS Intern will help to ensure we don't pave over any valves which shows the practicality of what we are doing. He stated it very exciting times for the Zoning Department right now.

Manager Burkholder provided Members with copies from the City of Clayton from their Comprehensive Plan. He stated our Plan will be more of a Strategic Plan than Comprehensive plan. He stated our next step would be to make an application to the LandBank Program. He reminded this is a process and doesn't happen over night, but our process has begun. He stated he is looking for copy of an application to provide at the next Meeting.

Member Schreier asked the status of Clayton's Agreement and if it is delivered and finalized yet?

Mayor Seagraves informed he believes they are still in the process of finalizing.

Member Schreier stated he wondered how pleased Clayton was with their final outcome.

Manager Burkholder stated he helped do one for another community back in the 1990's. He stated the value of these plans is they serve as a road map and help communities to be able to adapt, without wondering aimlessly.

Mayor Seagraves asked the status of the old library?

Zoning Officer Snedeker informed he has had a few people interested but the major issue has been the parking.

Member Claggett asked if Montgomery County owns the building?

Zoning Officer Snedeker inform the Dayton Library owns the building.

Member Cantrell asked if the Comprehensive plan is similar to Jefferson Township?

Manager Burkholder stated yes, it is similar.

Member Cantrell asked if we will be working on our plan with the MVRPC?

Manager Burkholder stated yes. He explained MVRPC would help with the RFQ's and then we would go out for bids. He stated within the proposals then would detail out the specifics of the plan and the amounts of monies used to hire a firm to move forward with the rest of the project. He stated he approached MVRPC and this was the route they suggested.

Member Henderson stated Members had discussed identifying districts or focus areas, would those specific areas need to be identified in the RFQ?

Manager Burkholder stated that is a great question that we should ask the Miami Valley Regional Planning Commission (MVRPC). He stated off the top of his head, he would think our two Industrial Parks, residential, and retail areas should be in those specified areas. He stated with the 18 acre area east of the new roadway and firehouse, what we are doing now makes more sense on how that area develops.

Manager Burkholder informed Zoning Officer Snedeker has been involved with some interest there for residential and or mix usage.

Member Schreier asked how many requests came back to Clayton? He asked if MVRPC helped with sourcing where the RFQ went to because he was surprised to see some respond from Oregon.

Manager Burkholder informed they probably have a national organization site that this gets sent out on. He stated it has been discussed at needing to be better connected with our residents and this is a great opportunity to do so and should help the City get feedback on where residents want to see Brookville go.

Member Cantrell stated it is long overdue.

Manager Burkholder informed the last one was done in 2004 and a lot has happened in Brookville in the last 13 years.

Member Cantrell asked if Manager Burkholder would like Members to review over the information presented and give feedback at the next Meeting.

Manager Burkholder informed yes.

Member Cantrell asked about how much it costs?

Manager Burkholder stated approximately \$60,000.

Member Cantrell asked if we would apply for a grant?

Manager Burkholder stated yes.

Member Boose asked if there is anything different about the new lots being created along the Market Street extension that no where else in the City offers?

Manager Burkholder informed in his opinion, they do offer something different. He informed there will be eight different lots that vary in size and have already been subdivided. He stated we really need to think about what we want that area to become.

Law Director Stephan informed the property owner wanted to go ahead and plat the lots. He stated he sees this area different because we do not have a lot of ground already for smaller office type building or small retail. He stated it will give us a different Economic Development tool. He stated the area listed as I-1 could be a possibility for an industrial business to expand. He informed he has talked with the owners of the land about what their vision might be for the area, and went through a very detailed conversation with them about it.

Member Boose stated he thought something professional with a day shift would be nice since the land is near a residential area.

Law Director Stephan stated there is not a lot of space in Brookville with existing office space right now. He stated he would like to see a mixture of retail and office space to potentially draw people to that area and be successful.

Mayor Seagraves asked if there are four lots on each side of the roadway?

Law Director Stephan informed he would have to look at the map again to confirm for sure.

Mayor Seagraves potential for residential zoning to butt against the west side?

Law Director Stephan informed beyond that area, there is residential zoning to the west and to the east, is an area for sale right now that is currently zoned Conservation, which will mean it will have to be re-zoned for whatever type of project that goes there.

Mayor Seagraves asked if there has been any further discussion to build anything more in the Meadows of Brookville?

Zoning Officer Snedeker informed Mike Watkins purchased the existing inside lots and Tim Taylor is still working to try to find other builders to jump start the area. He informed we were confronted by Ryan Homes at one point, but they wanted to build 1,200 square foot homes which doesn't meet our Zoning requirements and they wouldn't budge on their plans.

Mayor Seagraves stated he thinks if a builder could be found for that area, it would really take off.

Member Bailey asked how much of the grant would cover the Strategic Plan?

Manager Burkholder informed the maximum the grant would cover would be \$50,000.

Member Schreier asked if the Community Theatre is a privately owned building?

Manager Burkholder informed the Community Theatre is owned by the City.

Member Schreier stated he was only wondering because of the needed repairs to the building mentioned at the last Council Meeting.

Mayor Seagraves stated it would be just like the City Building.

Law Director Stephan informed City Council has held a first reading of Ordinance 2017-07 on Trees and Shrubs and Ordinance 2017-08 on Mobile Produce Vendors. He provided copies of the Ordinances to Members. He informed a Public Hearing on these ordinances for City Council and Planning Commission will be held on August 15, 2017 at 8:00pm. He stated the language was strengthened related to the City's ability to require homeowners to trim or remove a tree and if they refuse to do so, we would be able to move forward with it and assess, after notice to the property owner. He stated the current Ordinance states no trees are to be planted between the curb and sidewalks, and in the proposed Ordinance, shrubs has been added to not be planted also. as previously discussed, the City has had an informal policy of allowing certain trees to be planted but this proposed Ordinance states that will not be allowed in the future. He asked for Members to review the information provided.

Member Cantrell asked if we are going to have anything listed in the Ordinance about limiting the distance of a shrub from the sidewalk to prevent the roots from causing damage?

Law Director Stephan advised it was discussed at the last Meeting about having a setback in the front yard, essentially a vegetation setback but it was decided against. He stated it is something that could be modified.

Member Cantrell stated she is not looking at vegetation but large enough shrubs and or certain trees that could cause damage from roots. She asked what other cities have?

Law Director Stephan stated he has not found other cities with a vegetation setback and he does agree with the possibility of root damage but that it could be a tough enforcement issue. He stated the average homeowner would plant a tree in their yard on the weekend without knowing.

Member Cantrell asked if a tree is planted in the right-of-way and eventually caused damage to a sidewalk, who pays for it?

Member Henderson stated the homeowner is still responsible.

Law Director Stephan advised if the sidewalk is bad because of tree roots, the homeowner is responsible and could be assessed. He stated if we decide on a vegetation setback, he would recommend a small setback because there are old parts of town that has very small front yards.

Member Boose stated he thinks it would be an enforcement nightmare.

Law Director Stephan stated the policy is we are not going to go out and enforce the trees be taken out now, but that no new trees can be planted if the existing ones die.

Member Boose stated he was wondering what would happen when the existing trees die.

Law Director Stephan stated once the tree dies and is removed, it cannot be replaced.

Member Henderson asked what if a new developer came in and planted a row of trees between the sidewalk and curbs and was planned with utilities, to not obstruct views and maybe from a certain list but the only place there would be room would be between the curb and sidewalk, would we allow it since it would be planned development?

Law Director Stephan advised that under this Code, if we are going to enforce it, then no they would not be allowed.

Member Henderson stated he just wanted to make it clear because you are taking away the opportunity from a developer to ever plant a tree.

Member Cantrell stated with most commercial situations along street lines that are major roadways, see is a lot of trees because it looks nice.

Henderson stated there are reasons not to plant trees between the curbs and sidewalks because it can be hard on utilities, curbs and gutters but it also takes away because trees are beautiful and have a lot of benefits too.

Manager Burkholder informed after the discussion at the previous meeting he noticed on the Market Street Extension plan there were trees proposed in the right-of-way. He informed we won't be doing them now. He stated he would like regulate to flower pots and wooden planters in the right-of-way. He asked how do we as a City enforce taking those type of items out, especially near a stop sign? He stated he would hope most people would keep flower pots within their property lines.

Law Director Stephan requested Members review the information provided tonight and discuss at the next Meeting. He would like to come up with a consistent approach.

Manager Burkholder stated from the standpoint of the Service Department, it would be nice to have the trees out of the strips between the curbs and sidewalks. He stated they have challenges everyday related to this issue.

Law Director Stephan informed it was requested that information be presented to Planning Commission regarding adopting a lighting Ordinance in the City of Brookville. He provided a model lighting Ordinance for the review of Planning Commission Members. He suggested purchasing a light meter or having a consultant come in to see where we are at in a lot of areas so whatever we would put in the Ordinance would hopefully fit with our existing neighborhoods and would address situations particularly in a residential area if there were excessive lights at a property or adjacent business.

There was no Old Business.

There was no New Business.

Gary Kirchofer, of 321 Maple Street, informed his son is at a 4H Meeting tonight but was at the last Council Meeting and had requested hens to be allowed within the City Limits.

Mayor Seagraves asked if he is thinking of allowing the hens only temporary for school type projects or permanently all year long?

Mr. Kirchofer informed all year long. He stated his son has been interested in this for years.

Law Director Stephan informed his son did a good job speaking at the last Council Meeting.

Law Director Stephan informed he is looking into to gathering information to report at the next Council Meeting.

Member Claggett asked if there is someone on Westbrook that raises cattle and has a barn.

Zoning Officer Snedeker stated that in the Township, not within City limits.

Motion by Bailey, second by Cantrell to adjourn. All yeas, motion carried.



Meghan Wheeler, Clerk



Ryan Henderson, Chairperson