

Brookville Planning Commission
Regular Meeting
October 21, 2017

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on October 21, 2017 in the City Council Chambers. The Pledge of Allegiance was recited. Mayor Seagraves; Members Bailey, Boose, Cantrell, Claggett, and Schreier; Law Director Stephan, and Zoning Officer Snedeker were present. Member Bailey, Manager Burkholder and Clerk Wheeler were absent.

Chairperson Henderson reminded the Meeting is being recorded.

Roll Call by Chairperson Henderson.

Motion by Seagraves, second by Cantrell to approve the Agenda as presented. All yeas, motion carried.

Motion by Claggett, second by Seagraves to approve the minutes of the September 21, 2017 Regular Planning Commission Meeting. Members Cantrell and Henderson abstained. Motion carried with five yeas and two abstentions.

Zoning Officer Snedeker informed Natalie Simmons, DVM, of 111 Harshman Street, is here tonight for a Special Use Permit. He informed her Special Use Permit, SU-17-03 is for her mobile veterinary practice. He explained she will be tending to larger animals, mainly horses, with her practice at the customer's location and at no time will animals be brought to or be treated at her home at 111 Harshman Street.

Mayor Seagraves asked Ms. Simmons for a little bit of background on herself.

Ms. Simmons informed she grew up in Brookville and graduated from Brookville High School in 2002. She went to the University of Findlay and completed her MBA, then went to the University of Missouri for veterinary school. She informed her father passed away after she graduated veterinary school so she came back home for a little while before taking a job in Louisiana. She also worked in western Idaho before deciding that even though she enjoyed traveling the country, she missed being close to the people she loves, so she moved back to Ohio.

Mayor Seagraves stated he thinks it's a great opportunity for her business to work with large animals.

Member Shreier asked what the Permit actually for, is it Special Use because the office is in her house?

Zoning Officer Snedeker informed it is because the office would be in her home, in a residential area. He informed usually a veterinarian is an HS Zoning but because there will be no animals coming to her home, she will be mobile, the home address will be a physical address for her veterinary license.

Ms. Simmons stated she also plans to have a P.O. Box set up to give out to customers and listed on her business cards. She informed shipping items would be sent to her at her home office.

Member Claggett asked if she will have any signs posted outside of her home?

Ms. Simmons stated no.

Member Boose asked if she will have medications stored at her home?

Ms. Simmons informed her plan is to store most of her medications on her truck. She informed her truck is in the parking lot tonight if Members would like to see it. She explained on her truck there are three lockable boxes where she plans to store medication or equipment. She stated the only thing she would bring into her home would be vaccines that need to be refrigerated. During the day she will have them in a cooler on her truck but at night, she would have to bring them inside to keep refrigerated.

Member Schreier asked if that would include any controlled substances?

Ms. Simmons informed she does have a DEA License, currently registered with her last employer in Washington, but she just has to call the Agency and have her address updated. She informed with that, she is cleared to have Scheduled V to Schedule II drugs, but would not have any schedule I drugs.

Member Cantrell asked what is the name of her business?

Ms. Simmons informed her business is called 7 Rivers Equine Veterinary Services.

Mayor Seagraves asked if Ms. Simmons has had a chance to meet with Brookville's local veterinarian, Dr. Peters?

Ms. Simmons stated no, not yet.

Member Cantrell informed Dr. Peters is wonderful and so is her partner, Dr. McPherson.

Mayor Seagraves stated Dr. Beavers did a great job with that practice for many years, but since Dr. Peters has taken over, she has done a great job updating the facilities. He stated it is a wonderful business with great doctors.

Motion by Claggett, second by Schreier to approve the Special Use, SU-17-03 for Natalie Simmons of 111 Harshman Street for a mobile veterinary practice for two years and at no time will any animals brought to or be treated on the property at 111 Harshman Street. All yeas, motion carried.

Members wished Ms. Simmons good luck.

Zoning Officer Snedeker presented Members with a list of the September Zoning Violations.

Zoning Officer Snedeker reported Intern Adrian Nieto has been accepted into the Ohio State University to further his education and next week will be his last day. He informed Adrian did a lot of work and a great job getting us started with the collection of data needed on valves, water mains etc. He informed Dude Solutions will be coming in next week to help with the software needed to help load this information and a work order system to iPads and phones for the Service Department employees, which will help increase work flow and efficiency. He stated Adrian will be very missed, he is really a great kid.

Zoning Officer Snedeker reminded the Miami Valley Zoning Workshop is coming up in December for any Members who would like to attend.

Member Schreier asked if it would be possible to have another intern in the future?

Zoning Officer Snedeker stated Adrian has mentioned he has some fellow classmates that would love to apply for an internship.

Law Director Stephan informed there was a Public Hearing on proposed Ordinance 2017-09 for the re-zoning of 304 Hay Avenue at City Council on October 3, 2017 and there was no public comments or response, so the Ordinance is now ready for a final recommendation by Planning Commission to City Council. He informed this would be for the re-zoning from it's current Zoning of I-1 to OR, office/residential. Law Director Stephan informed the Flory Plat, which is the subdivision plat that will be submitted to Montgomery County Engineering and filed with Montgomery County, for approval by Planning Commission. Copies of the plat provided to Members. He informed this would subdivide the property and the house lot will meet all requirements of an OR lot and an additional 30 feet will be added to the lot where the antique business is now located. He explained they are working on redoing the parking in that area which will provide additional space for the business. He requested Planning Commission approve the plat plan subject to the final approval of the re-zoning. He informed the plat plan will be subject to final approval of the re-zoning, which means the plat plan will not be signed off on until the re-zoning is finalized in November by City Council.

Motion by Schreier, second by Cantrell to recommend the rezoning of 304 Hay Avenue from I-1 to OR. All yeas, motion carried.

Motion by Cantrell, second by Seagraves to adopt the Flory Plat Subdivision subject to final re-zoning. All yeas, motion carried.

Law Director Stephan informed an amended version of Ordinance 2017-07 is being submitted to Planning Commission for their review. He advised in Section 503.08 as amended, the City Manager will develop standards for planting in the public right of way that will be submitted to City Council for approval. He informed property owners will then apply for a permit, and the proposed planting will be reviewed to determine if the planting is in compliance with the standards. He stated the process of adoption of standard and issuance of permits in compliance with the standard is based on a similar Ordinance of the City of Englewood. He provided a copy of Englewood's Ordinance to Planning Commission Members.

Member Cantrell asked if the regulations could change from time to time without having to change the whole Ordinance?

Law Director Stephan advised yes, we are essentially trying to set up an Administrative procedure.

Member Cantrell asked how the public right-of-way is actually defined?

Law Director Stephan advised if we use the public right-of-way term, than by map there is a line along every property that is the right-of-way line. He informed for most properties that will be the back of the sidewalk. He stated if we use that term then we can us the plat maps and county records to determine exactly where the line is at, which would help regulate what is within our rights.

Mayor Seagraves stated he is afraid we will have an ongoing battle with people if we abide by the public right-of-way term because people won't be able to plant trees in their yards if they have small front yards. For instance, people who have yards similar to Maple Street.

Member Cantrell stated those people could as long as they apply for a permit and it is approved.

Mayor Seagraves stated he just wants to make sure the Ordinance is clear because he knows there will be an issue if people aren't allowed to plant trees on certain streets.

Law Director Stephan stated not all the regulations have been determined but he sees a regulation that would permit some tree plantings in some public right-of-way areas. He informed he has looked at if a curb lawn is less than four feet than not permitting a tree to be planted. He stated if you look at the curb lawns on Maple Street, then they are more than four feet so trees could continue to be planted along there. He stated the exact number is still something that needs to be worked through by Staff. He stated there are some areas of town that have such a small curb lawn that it would be pointless to plant a tree in.

Member Cantrell asked how wide are the curb lawns on Maple Street?

Law Director Stephan informed they are about five to six feet wide. He informed we could review what other communities use as their guideline for allowing trees to be planted in the curb lawns.

Law Director informed these regulations that would be potentially adopted, would be prepared by Staff and adopted by City Council, and could have a specific number for the size of curb lawn or could be left to the discretion of City Staff.

Mayor Seagraves asked with the new Ordinance if someone wanted to plant a new tree in their yard, they would need to go through a permit process?

Law Director Stephan advised there would be a permit process for anyone wanting to plant a tree in the right-of-way area.

Mayor Seagraves asked if there will be a list of recommended trees that are permitted to be planted in the right-of-ways?

Law Director Stephan informed Staff is looking to develop a list of recommended trees.

Member Cantrell asked if there will be a permit fee?

Law Director Stephan informed as of now, there is not a fee included in the Ordinance, but that may need to be re-visited by Staff.

Member Cantrell suggested starting out with no charge for the permit but if need be, changing later on to a nominal fee.

Law Director Stephan stated this process shouldn't be difficult or a lot of work for Staff once the regulations are officially established.

Member Schreier asked about shrubs?

Law Director Stephan informed he left shrubs in the Ordinance, we can define further, limit or take out all together.

Member Cantrell stated she thinks shrubs need to be left in there because of tall plants people plant to help with privacy, those are shrubs and not trees. She stated for the sake of not being confusing down the road, shrubs should be left in the Ordinance and defined more specifically.

Member Claggett asked if someone plants a shrub or bush and it grows over the sidewalk, who enforces it?

Zoning Officer Snedeker informed he does.

Law Director Stephan informed he tried to revise the Ordinance to help get back on track to moving forward. He stated the regulations can then be worked on and then submitted to Planning Commission and City Council for approval. He stated having administrative regulations will give us flexibility if we see something isn't working well, then we can change it.

Member Cantrell stated by having administrative regulations then if something needs changed, we do not have to go through the process of changing the whole Ordinance.

Motion by Cantrell, second by Claggett to approve the amended Ordinance No. 2017-07 on Trees and Shrubs. All yeas, motion carried.

There was no New Business.

In Old Business,


Member Claggett asked for an update on Giant Oil?

Law Director Stephan advised he is working on it still. He will be speaking with their attorney again tomorrow for an update.

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



Meghan Wheeler, Clerk



Ryan Henderson, Chairperson