



PLANNING COMMISSION MEETING

Thursday, December 15, 2022, 7:30 PM

CITY HALL

301 SYCAMORE STREET, BROOKVILLE, OHIO 45309

www.brookvilleohio.com

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Meeting number: 2633 029 3681 Password: 2rRbNJRPd53

Join by phone: +1-415-655-0001 US Toll Access code: 263 302 93681

Agenda

I. Opening

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

II. Adoption of Agenda

III. Approval of Minutes

- a. Approval of November 17, 2022 Regular Meeting Minutes

IV. Final Recommendation on Proposed Ordinance No. 2022-05 Amending Chapter 1137 General Business District to Permit Mixed Uses

V. Reports

- a. Law Director

VI. Old Business

VII. New Business

VIII. Adjournment

Chairperson Ryan Henderson • Mayor Chuck Letner

Members: • Ken Claggett • Don Cordes • Ronda Dittrick • Damian Kristof • Curt Schreier

Brookville Planning Commission
Regular Meeting
November 17, 2022

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on November 17, 2022. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner; Members Claggett, Dittrick and Schreier; Law Director Stephan and Clerk Duncan were present. Members Cordes, Kristoff and Manager Keaton were absent.

Roll call by Clerk Duncan.

Motion by Claggett, second by Dittrick to adopt the Agenda as presented. All yeas, motion carried.

Motion by Dittrick, second by Schreier to approve the minutes of the October 20, 2022 Planning Commission Meeting. Letner yea, Schreier yea, Dittrick yea, Claggett yea, Henderson abstained. Motion carried with four yeas and one abstention.

Law Director Stephan reported Potters House Christian, located at 590 E. Upper Lewisburg Salem Road, has applied for a proposed wall sign containing an electronic message center. The property is located in a Highway Service District. Law Director Stephan stated Section 1161.05.2(a)(4) of our zoning code only permits electronic message centers on a freestanding, permanent, ground-mounted sign. Law Director Stephan asked Planning Commission to consider whether the zoning code should be amended to permit electronic message centers on wall signs.

Member Schreier stated the brightness of the sign may also not fall within our expectations.

Law Director Stephan replied the brightness of the sign should have the option to be controlled. The applicant currently has a lighted sign on the side of the building. The applicant stated they could put the electronic message center on the side of the building rather than in the front, but it would make more sense for them to have the sign on the front of the building.

Member Claggett commented that Section 1165.02.(5) of our zoning code states the maximum light intensity will be 5,000 nits and the proposed sign is 10,000 nits. Our zoning code also states the applicant must provide written verification from the manufacturer that the light intensity has been factory preset not to exceed the allowed levels.

Law Director Stephan replied they could put controls on the sign to limit the brightness.

Member Claggett asked how that would be enforced?

Law Director Stephan replied that would be a zoning issue.

Mayor Letner stated he does not want the neighbors across the street to have light shining into their homes. Mayor Letner asked what the setback requirement is for an electronic sign?

Law Director Stephan replied the sign setback is 100 feet from any residential structure. The sign would probably be 100 feet from any residential structure but not 100 feet from any residential property line. The issue is our zoning code does not permit electronic message centers on the building.

Member Schreier commented he is concerned about the precedent that would be set if we allow this sign to be mounted on the building. This would open it up for other businesses to do the same.

Law Director Stephan stated his recommendation would be a text amendment that would specifically allow electronic message centers to be mounted on the building.

Mayor Letner inquired how many nits is the brightness of the electronic sign at the Fire Station 76?

Law Director Stephan replied he does not currently know the brightness of that ground mounted electronic sign, but he can find out to give Planning Commission some perspective.

Chairperson Henderson commented he understands why the applicant wants a wall mounted electronic message center because it is much less expensive to provide power to a sign by going through a wall versus saw cutting the pavement and installing conduit and a base. Chairperson Henderson stated his opinion is that our code is accurate and electronic message centers need to be divorced from the building and by themselves. He is not completely opposed to considering this one situation, but he feels like Planning Commission needs to be consistent on this.

Member Schreier stated the color scheme of the proposed electronic message center looks very bright.

Chairperson Henderson asked if the applicant wants approval of the sign tonight?

Law Director Stephan replied the applicant would like to have an approval, but he has indicated to the sign company that our current zoning text does not permit this sign. If Planning Commission does not want to do a text amendment, he will recommend to the applicant that they come back with an application for a ground sign. Law Director Stephan commented there would be a significant cost differential and there may be some difficulties installing a ground sign on the property.

Member Schreier commented it would be difficult, but it could be done.

Chairperson Henderson asked if any Planning Commission Members feel this application is deserving of a variance or a zoning text amendment?

The consensus was not to allow a variance or a text amendment.

Law Director Stephan stated he will advise the applicant the consensus of Planning Commission is not to make a text amendment. He will indicate to them if they want an electronic message center it will have to be a ground sign.

Chairperson Henderson commented that the applicant should also be advised that they will need to show it complies with the maximum amount of light permitted in our current zoning code.

In Old Business, Law Director Stephan advised there will be a Public Hearing during the Council Meeting on December 6, 2022 at 8:00 p.m. on proposed Ordinance No. 2022-05 to amend the General Business Zoning to permit Mixed Use.

Member Schreier inquired whether there is any further word from BH DevCo on the proposed development?

Law Director Stephan replied they are still working on the traffic study. Market conditions have changed but we are hoping the project will continue to move forward.

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

Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

ZONING PERMITS 2021-2022

Date	Address	Application	Name	Zoning Permit #	Special Use	Subdivision Major/Minor	Zoning Approved/Denied	Building # Residential Commercial	Building Completion Date	C/O	Misc. Permit Information
11/7/2022	51 Meadow Brooke Ave	Storage Shed	LaForce	4469			A-11-7-22				
11/9/2022	100 Ashmark Ct	Fence Permit	Wallen	4470			A-11-9-22				
11/28/2022	207 Litten Ct	Fence Permit	Wallen	4471			A-11-28-22				

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. ORDINANCE 2022-05 Passed , 20

AN ORDINANCE AMENDING CHAPTER 1137 GENERAL BUSINESS DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO AUTHORIZE MIXED RESIDENTIAL AND BUSINESS USES IN THE GENERAL BUSINESS DISTRICT

WHEREAS, Chapter 1137 of the Code of Ordinances provides zoning regulations for the General Business zoning districts in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to permit mixed residential and business uses within the same structure or in close proximity to one another in general business districts to promote walkable neighborhoods in general business districts; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: Section 1137.02 (b) Special Uses is hereby amended to provide the following new special use:

Section 1137.02(b)(13) Mixed Use Development-Residential and Business Uses within the same structure or in close proximity to each other within the same General Business District. The residential uses shall include single family, two family and multi-family uses as described in the permitted uses and special uses of Chapter 1129.02 (a) and 1129.02(b) of the Code of Ordinances, and the business uses shall include permitted and special business uses as described in Chapter 1137.02(a) and (b).

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this day of , 2022.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-05, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2022.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2022-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2022, to the _____ day of _____, 2022, both days inclusive.

Kimberly Duncan, Clerk