

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.

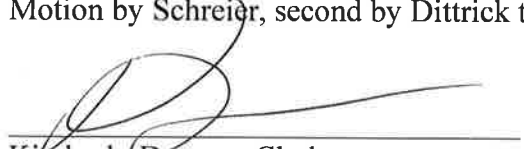
Chairperson Henderson commented that the applicant should also be advised that they will need to show it complies with the maximum amount of light permitted in our current zoning code.

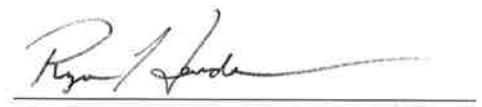
In Old Business, Law Director Stephan advised there will be a Public Hearing during the Council Meeting on December 6, 2022 at 8:00 p.m. on proposed Ordinance No. 2022-05 to amend the General Business Zoning to permit Mixed Use.

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

