

# Canal Winchester

*Town Hall  
10 North High Street  
Canal Winchester, OH 43110*



## **Public Hearing Meeting Minutes - Final**

**June 29, 2020**

**6:00 PM**

### **City Council**

*Mike Walker - President  
Mike Coolman - Vice President  
Jill Amos  
Will Bennett  
Bob Clark  
Patrick Lynch  
Chuck Milliken*

A. Call To Order at 6:00 p.m.

B. Roll Call

*Yes 5 – Amos, Bennett, Clark, Coolman, Lynch  
Absent 2 – Milliken, Walker*

*Motion to excuse Milliken and Walker made by Bennett; seconded by Clark*

*Motion carried by the following vote:*

*Yes 5 – Bennett, Clark, Amos, Coolman, Lynch*

C. Purpose of Public Hearing

Coolman stated also in attendance is Lucas Haire, Mayor Ebert, Matt Peoples and Andrew Moore. The purpose of the public hearing is Appeal 20-002; the Clerk read the notice of appeal; Coolman called Andrew Moore to give the staff report.

[APL 20-002](#)

Notice of Appeal regarding the approval of Variance Application VA-20-002 by the Canal Winchester Planning and Zoning Commission to allow internally illuminated signage at 6600 Bigerton Bend which is restricted by Chapter 1189.06(c) of the Canal Winchester Zoning Code. Applicant: DaNite Sign Company; Property Owner: Crossroads Christian Church. ([Findings of Facts and Conclusions of Law, Variance Application, PZ Staff Report, PZ Approval Letter, Neighbor Letter of Appeal](#))

D. Staff Report

Moore said this evening we are hearing the decision by the Planning and Zoning Commission for variance application VA-20-002 which was approved for internally illuminated signage on the subject property. This property consists of 27 acres and zoned AR1 which is multi-family residential zoning. The variance the applicant is requesting is from our sign code. Moore provided some background information for city council noting which zoning districts churches and places of worship are permitted. Canal Winchester sign code prohibits internally illuminated signs on properties zoned residential. Moore explained that the idea behind this restriction was that so signage fit into the context of the neighborhood. The sign code was amended in 2019. The subject property is situated between the intersection of Bigerton Bend and Gender Road; you see on the diagram the footprint of the building in relation to the other surrounding uses. Moore reviewed the zoning department notes and discussed the unique site location compared to other church facilities. The subject building consists of approximately 58,000 square feet that seats roughly 1,200 people. The applicant requested to install internally illuminated signs on the building and again, the subject property being zoned residential in a residential district they could not have these signs without the variance process. The applicant put together graphics to show the Planning and Zoning Commission some context of this facility and the distance from the proposed location of the signs to nearby roads or houses. The distance from the closest point of the building to Gender Road is over 900 feet. The distance from the point of the building to the closest residence is through a wooded area and is in excess of 500

feet. The closest point of the building to the property that filed the appeal is over 600 feet. The building is surrounded on all sides by parking and a commercial outparcel in front, it is approximately five acres and for sale for future development. The facility put together the signage plans for your review. Moore said that the scale of the building signage meets zoning requirements and the style of the sign is the issue here. The internal illumination would be LED lighting and is designed with pin holes in the sign face so that the sign has an illusion effect where it looks like black channel letters for daytime but at night it glows a soft white. Moore used as an example the shade mechanism in new commercial buildings where you can see your car in the parking lot but you cannot see inside the building until it gets dark outside, it is the same effect. This is something the applicant requested as having it softer and not as bright as commercial lights. The applicant also told the P & Z Commission that the scale of the lettering is really thin to minimize the illumination of the sign. This graphic shows the sign facing the east facing the Cherry Landing neighborhood. When looking at the approved site plan for 2017; their signage package in terms of location and scale is the same as what was approved by P&Z with the variance request. Moore said in 2017 there was no restriction for internally illuminated signage in residential zoning districts. The changes to signage requirements in 2019 came out after their conceived plan. Moore provided site photographs of the property from neighboring views. The final landscape plan was provided for council showing that with the project they are planting over 180 trees with the majority of them located basically in this top northeast corner of the site which will effectively provide additional screening for the sign. Obviously, the trees were just planted and are a much smaller scale now but accounting for mature growth and will consider the design of the site. The Planning and Zoning Commission reviewed the application at their meeting on May 11<sup>th</sup> and made a motion to approve the variance application 20-002 as presented. During the approval the noted that based on the character of the site the sign that was requested in relation to surrounding commercial properties on Gender Road and industrial properties on down they felt the type of sign that was being requested was a fit for the area. Moore noted that he can answer any questions and noted that the pastor is available to comment on his project.

Coolman said I want to recognize that Chuck Milliken arrived to the meeting at 6:12 p.m.

Coolman said a question that I have personally is you stated, Andrew, that the building plans were approved in 2017 when they were crossroads and then the ordinance changed to not allow illumination of the signage on the building. Was the originally plan to include illumination when it was submitted in 2017. Moore said yes, as part of the site development plan process with Planning and Zoning Commission they want to see a concept for all site signage for any project to understand the sense of scale they are trying to achieve; the final signage plans are not required at that stage and can be done later administratively as long as they meet the zoning code. In 2019 the sign code changed putting more stringency on residential signs and this property happens to be zoned in a residential district; Coolman said this church is zoned residential; Moore replied correct. Lynch said how does the commercial code, I know this is not commercial it is residential, but would this pass commercial code standards; Moore replied yes, there would be no variance request if the property was zoned in a commercial district. Amos said this project was approved in 2017 with their sign approved, the rules were changed in 2019, why is it not grandfathered; Moore replied so, the sign permit was never filed in 2017, the sign permit is one of the last things to happen, this site went through a long civil engineering review and that step happens way before the applicants can submit building plans. Additionally, if they had submitted sign plans in 2017 they would have expired 1 year after approval. Signs are typically one of the last things to happen in construction. Amos said thank you I just know that it is different than building code so I am trying to

understand why it is different. The Clerk said council members please speak into and close to your microphone please. Clark said can you give us a visual of what is on Gender Road and who has these kinds of signs that are lit up; Moore said every single business from 33 to this site has this type of sign; Clark said every single business; Moore replied yes; Clark said Brew Dog does; Moore replied no, Brew Dog does not have an internally illuminated sign. Coolman said so every business you are saying in the area of Gender Road out to 33 and that property is also zoned commercial; Moore said yes, correct, those properties are allowed to have illuminated signs. Lynch said from the parking lot...I love that they are planting trees to compensate for the trees that were cut down; Moore said they did not cut down any trees for this project, it is based on building size; Lynch said my concern was coming from a residential area that down there looking towards the parking lot you would see a number of parked cars in there any consideration for mounding in that back field where something can be put on top of it that would possibly in a sense solve this conversation; Moore said so when the plans came before Planning and Zoning Commission twice for this property and they had two different landscaping concepts there was never any discussion to do excess mounding. Lynch asked is there any soil left on site that could be used for mounding I know this is going backwards; Moore said I know there was a lot of detail for the draining for that site and it would be a process for reengineering that to make a change now. Amos said I received a text from Mr. Bohnlein and they cannot hear us at all unless you talk directly right into the microphone; let's say you ask the pastor to not put a sign on the side of Bigerton could they come back at a later date once the trees have matured and ask for a variance for a sign. Moore said in my opinion, if we denied the variance you are saying it is not necessary for the property and to file for a future variance they have to substantially change the plans for a new variance request. A variance request is specifically to show you cannot use your property without it. Amos said I would like to ask the pastor some questions, does anybody have a problem with bringing the pastor to the microphone. Bennett asked do any of our churches in the community currently have internally illuminated signs; Moore replied there are no churches in the community that have internally illuminated wall signs on the building. Bennett asked if the New Life building sign being erected is internally illuminated; Moore said their new sign is external illumination; Bennett said what churches have externally illuminated ground signs; Moore said nearly every church in town has some sort of illuminated ground sign; Coolman said this one back here; Moore said the one on Elm. Bennett said okay; they are monuments not erected on the building; the only building that would be comparable in scale of size is C3 Church on Waterloo Road, their sign is roughly to scale and proportion to this one, they do not have an illuminated sign and their zoning would permit that because they are not in a residential zoned district. Bennett said the applicant wants to put a sign on the rear of the building; Moore said the way the church is oriented, the back of the building faces Bigerton Bend, their front entrance faces east and west. Lynch said we know that what they proposed in 2017 was approved but what would the sign look like if they followed the current code; Moore said the sign would have external illumination to shine up or down on the sign. Bennett said Chase right here has one that is black during the day and then lights up. Lynch said the sign has not been put up; Moore said no, However the sign construction was ordered the day after Planning and Zoning's zoning approval and then the sign company has since halted that order; tens of thousands of dollars in signage; Lynch said yes, I can only imagine the expense; my question to follow that would be the sign is not there and we have not physically seen it glow it actually doesn't exist right so the appeal is based on a sign that doesn't exist yet; Bennett said you can't appeal the variance approval after the sign is installed; Lynch said you cannot; Bennett said no; Coolman said please speak into your microphones. Moore noted that an appeal needs to be filed ten days after the P&Z decision; Lynch asked if any photometric study has been done to show how bright the lumens will be 600 and some odd feet from that sign to the residences; Moore said we do

not require a foot candle or lumen scales for signage. Moore noted that the parking lot lighting will be more noticeable than the brightness of the sign. Lynch said so in other words based on the assumed offensiveness of the brightness of this sign the parking lot lights would be just as offensive; Moore said based on the design of the sign and distance away from the property lines, the parking lot lights would be more noticeable. Lynch said the brightness of the parking lot lights will be much greater than the sign on the building. Moore said the public road street lights are brighter than the sign lights. Clark said there are three street lights in front of that house basically there are two new ones put in and one already established and those three street lights alone would probably dwarf the sign; Lynch said there are lights everywhere in that parking lot; Moore said looking at the onsite lighting, Lucas just pulled up the lighting plan that was approved from 2017, their foot candle average was 14.5 this is just throughout the site and did not include any public lighting only private; Lynch said okay; Lynch said the average street lighting in that area would be what; Moore commented the public street lights are way taller so the light spreads further; Lynch what we are talking about here is the brightness of the signs and it sounds like it a moot point with the fact of the public lighting versus the sign lighting; Coolman said that is one part of it another part the ordinance that we have does not allow for backlit signs on residential buildings and the churches we have in our community currently are all in residential areas that they respect their neighbors by keeping the monument signs and they don't have signs on the side of the building; does this church have a location in Lithopolis; Haire said no; Coolman said the World Harvest Church is that a backlit church that is pretty good scale size do they have an illuminated sign, they have monument signs in their lot; Moore said I do not know about their building signage; Coolman said that is in my opinion what we are really debating here is the reason we did this ordinance to updated in 2019 to exclude illumination and it's good enough for other churches and none have requested any variances, does this open the door for churches to do that, maybe, we have to think about here is if you change this ordinance, or approve this variance I should say, we have to take a look at what precedence this sets and for me that is important for what historical precedence we have before us is being followed; Lynch said your concern is it would become a privilege for churches. Moore said the 3 or 4 churches in the downtown area they are regulated by the Landmarks Commission and they have their own signage ordinance that prohibits the backlit signage, so the facilities that could potentially be affected would be along Groveport Road or C3 Church on Waterloo or the one on south Gender. Amos said while I am thinking about this for the church when they bought this land they were allowed to do this and they considered that lighting from day one and what was allowed in the previous agreement, now they are so much further away from houses that in the proper area we are on top of each other we can walk to next door within two seconds so I feel this is a little more out there and the closest to a home is 500 feet; Moore and that is through the wooded areas; Amos said and I understand the trees are not mature yet but still I am trying to think size wise it is not sitting in anybody's back yard and the street lights will illuminate more than this sign will; Moore said this property used to be zoned commercial and it was rezoned to multi-family when the shopping center was being developed. Clark said if this is denied can the church have signs that are not internally illuminated and have huge lights that shine up and around from the ground lighting; Moore said yes, they can; Clark said that can be just as bad; Moore said it could be spotlights within zoning regulations. Milliken said in talking about parking lights being brighter than the actual sign itself; I think we have some folks at the community center and I would like to hear from them about how they feel about it. Coolman said if there is anybody at the community center that would like to speak please come to the podium and sign in.

**E. Public Comments - Five Minute Limit Per Person**

Jeremy Ebert came forward to speak. He said sorry if I repeat some of the things you discussed. My name is Jeremy Ebert and I live at 6680 Bigerton Bend and I am the one who filed the appeal. Again, please excuse me if I repeat some of the things you discussed, it was very hard to hear and everything echoed and I don't think anybody really heard or could hear who was talking and could complete understand what was being said, so I will try not to go over too many things again. First of all, the reason I filed the appeal for the sheer fact it was a variance to the current code that does state there should not be any backlit signage in a residential area. It's kind of sounded like you guys talked about other backlit signs at other churches and I don't know of any other church that has a backlit sign in Canal Winchester on the building and to the proportion that this sign will be. I understand the proportion to the size of the building but the sign itself is still a larger sign no matter the size of the building. Another thing I want to discuss and I am not sure who brought it up is the parking lot lights and the street lights. I believe you said they will give off a higher light than what this sign will and to be honest with you if I had my choice and I got to file an appeal for a variance for parking lot lights and street lights on the road I probably would have then, too. In your packet you should have pictures of what Bigerton Bend looked like before the church was even built along with various stages up until now and I included two more today and I am not sure if they got included or not to the clerk. The church's variance request stated that they houses would be blocked by rows of mature trees. Myself and the next three houses next to mine no longer have a row of mature trees, that was taken away with the road that was built for the church to be able to build. They have since planted several trees in the grassy area between Bigerton Bend and what is the front of the church I guess which faces Bigerton Bend. Those trees are in no way considered mature and I believe by the legal term of a mature tree the diameter of a tree has to be 19 inches and 4.5 feet tall and those trees average 2.2 inches in diameter so they are no way close to being mature. Another thing I want to bring up and I am not sure I heard this correctly in 2017 is when the ordinance changed that churches could not have backlit signs in a residential area, is that correct? Coolman replied no, it was 2019, in 2017 the plans for the church were approved. J. Ebert said so, within the last five years any church that was built could have, without filing for a variance, could put a backlit sign on their building, is that correct? Coolman replied that is correct. J. Ebert said and still not yet one has done that. Had we known that this was going to be the plan for the area, I am pretty sure, and I am pretty sure other people want to speak, I am pretty sure that variance, sorry it is echoing, so the variance is for the backlit signs on the building and that is what we are appealing or that is what I am appealing for the sheer fact they have to file for a variance for this and I don't know of any other churches in Canal Winchester that have backlit signs on the building. I know the church filed for two other variances for signs near Gender Road and I understand there are backlit signs on the industrial buildings and the shopping centers along Gender Road but those are industrial buildings and shopping centers. I am not even sure if Walmart or Kroger or any of those shopping centers have as many backlit signs on one individual building as this church wants to put on it in a residential area. I would not be so opposed myself if the backlit sign on what I would call the front is the back the side of the building that faces Gender Road like all of the businesses have, but in my opinion the one on Bigerton Bend on the east and the one on the south facing the development of Cherry Landing I would ask we consider not allowing those signs. Thank you. Coolman said thank you. Jim Bohnlein came forward to speak. He said he lives at 6320 Rossmore Lane, Canal Winchester. I would like to speak even though the sound quality here is absolutely horrible and I know that can't be changed but it was not good at all. We didn't hear very much from Andrew that we could understand, nothing against Andrew. However, I don't know if Andrew said anything about the times that these lights would be on. How late in the evening would these signs be on. These residents have put up with a lot of stuff

since the church has been built there; increased traffic is an issue they have to put up with that. If they could reach a compromise if the variance is approved, if they could reach a compromise and if these lights would only be on for a specific amount of time. Perhaps, like on July first they look at sunset and on July first or December first or whatever sunset is nine o'clock or 9:30 and then for that entire month the lights would only be allowed to be on for a specific period of time. An hour, hour and a half, maybe as long as two hours because it does start to interfere with quality of life and there is a quality of life and there should be a quality of life. And so, they are giving up traffic so they would not have to give up time these lights are on. The traffic really slows down at ten o'clock I really don't think anybody is going to be driving around saying gee, I wonder if there is a church around here that I could go to. I don't think that is going to be an issue. During the day that church is very well positioned so that people can see there is a church there even with a sign so if they have to give up the variance and have to have a sign that is going to interfere with their quality of life perhaps they could limit the time that those lights are on, that is all I have to say, thank you very much. Coolman said thank you.

Robert Sycks came forward to speak. He said he lives at 6732 Bigerton Bend in the Cherry Landing. I am also here to ask for the variance to be reversed. This whole process with the church and the extended amount of traffic that we are starting to see has had a big impact on our development. I can't believe a church needs signage that you would be happy to have on a retail establishment that is necessary in a retail application. In consideration of all we have been through and all we are going to get with the increased traffic I would hope the church would also be considerate and be a good neighbor and have consideration and compassion for what we have gone through and going to go through for their ability to be in that new church. I am asking also that the variance be denied. Thank you. Coolman said thank you.

Barbara Goodman came forward to speak. She said she lives at 6673 Cherry Bend and I here to address council tonight to state my opposition to the XChurch signage variance approved by the Canal Winchester Zoning Committee and now being considered by city council. The zoning variance application states the backlit signage is necessary to be seen by traffic at the nearest intersection which is 800 feet from the church. It also says the signage will not reflect on the nearest residential location which is 550 feet from the church. The current zoning restriction will deprive the church of promoting their business as other commercial properties in the area do and it says granting the variance will not adversely affect the public health, safety, convenience, comfort and general welfare. The zoning committee in their statement section 2E says that granting the variance will in no manner adversely affect the public health, safety, convenience, comfort, prosperity and general welfare. In section 2F it says the church will benefit the general public. In section 4 it says signage would not reflect directly into the adjoining residential properties and section 4 says a mature tree line will diminish any harsh light or light pollution. Before approving the signage variance, I think the mayor and council should drive out to Bigerton Bend and John Drive and make an unbiased appraisal of the area. First of all, the backlit signs will be seen from the nearest intersection 800 feet away but will not reflect directly on the nearest residential property which is 500 feet. Maybe the signs will not reflect directly on the properties but the illumination will certainly be visible and distract from the peace and tranquility of the area. Possibly the mature tree line will diminish any direct light or light pollution during the summer months however those trees are bare of leaves for six months of the year. The mature trees on Bigerton Bend that are noted are not mature trees; they are fir trees that are not at all mature they are newly planted they are young and it will take many years before they provide any kind of screening from the people on Bigerton. I purchased my home on Cherry Bend two years ago and I love the community and I love the area. I bought in Cherry Landing because the

area offered seclusion and a quiet sense of peace that normally is not offered in a city environment. I feel that it is safe for a woman living alone as I do. I know the extension of Bigerton has been in the works for years and I know it is a convenience to the village but it is an inconvenience to the neighborhood with the additional traffic that has come through there it endangers our children and our elderly. I think the church leaders and the zoning committee think the sign illumination will not adversely affect the neighborhood. I strongly disagree. Already is it causing emotional unrest and feelings of distrust. I predict property values will decrease if the illuminated signage is approved. I respectfully request city council to carefully consider the justification for the variance and vote no to the zoning committee's recommendation. Thank you for your time. Coolman said thank you.

Ann Frazier came forward to speak. She said she is the owner at 6876 Bigerton Bend. I am very concerned about the variance that has been made and I am asking that it be reversed. As several of my neighbors have stated, the quality of the neighborhood in our area has diminished with a considerable increase in traffic some of it moving quickly and something no one else has mentioned is a great increase in the number of people who are using the private green space as if it is a public park, so this is fallout from the cut through of the road and we resisted that and did not win. To ask the residents of Bigerton Bend to allow backlit signage that encroaches on their neighborhood after everything else is simply unacceptable. Light pollution is a problem in cities and Canal Winchester has a sense of place and one of the things and one thing that gives it a charming sense of place is that it has a small-town quality with modern conveniences. Light pollution does not contribute to the small-town quality and it does not contribute to the quality of life in Cherry Landing. Once again, I ask that the variance be reversed. Coolman said thank you.

Tim Moore came forward to speak. He said I am one of the pastors at XChurch, and I wanted to make myself available if you guys have any questions specifically that I can answer. Andrew stated a lot of the things we had brought to the original variance which was the particular location of this property and being that it rests between the labor and manufacture of Brew Dog and the commercial. When you look down Gender Road, we felt that it was, it would be difficult, we also set our building back further which I know is not great for that but is from what we had seen from the city to have a commercial portion of this property to be used which is for sale and we end up putting that into general commercial that was something that we had been getting from the city and would be nice as we discussed with them and so we did that which of course puts us further away from the road for the signage. We followed all of the requirements, not only for a commercial building on a residential property because I mean it is we are building on a residential zoning but it is not a residential building. I think that is pretty clear with the size of the building and we had tried our best when we came to designing the building and the signs in a way to design them in a way as Andrew had mentioned already that would be least intrusive in the way they are designed and the materials that are used and the pin hole design in each sign so they are not just white signs that are fully lit all the time. The sign on the east side of the building is a more significant entrance when you look at the number of parking spaces. We really have two entrances on the east and west side. So, that was the intent for having on that side of the building. When it comes to the signs and the illumination of them one of the things I have heard a lot of the neighbors talk about and one gentleman brought up and I wanted to at least as well present to council that we would be okay with doing is have the east facing sign be on a timer. Again, like this gentleman said based on a time when it gets dark or whatever so that it could be shut off so it is not on and facing the neighborhood the entire night. We would be fine with doing that. I would ask that we do that on the east facing one. The north

facing sign if you look at it in the design is almost the entire part of it is backlit but not facing out so the X that is on there is actually a halo design so the light is facing onto the building. The only part that is lit up is the very thin X which is facing north which is the back of Walmart. That particular sign is visible as you come by Gender Road over by that shopping center so I would prefer to have that one be able to stay on but it is as others have mentioned far less intrusive than any other kind of lights that are needed for the parking lot or the street lights. The east sign is the one that is facing towards the neighborhood and we have a majority of our parking is there and like I said we would be fine if the council wants to uphold the variance and with a modification I don't know how that works but we would be absolutely fine with sticking that on a timer so that it goes off in the night and it is not staying on at night and late hours. We want to find a solution that is going to work well but that we can stay visible and again we moved our site back a little bit further for that outparcel in the front and it makes it harder for us to be visible. There is an entire row of mature trees that block from the Gender Road, Gender and Bigerton Bend that completely shield the entire facility. You cannot even see it unless you pass it on Gender Road. And so, those are some of the reasons for wanting to have that illumination especially west and the north that was an entire sign package that was put in. Those are just a few thoughts and some of the things that we would be more than willing to do to try to help so that it is a better quality of life for the neighbors behind. I don't have anything else unless someone had a question earlier if there is time for that is fine I just wanted.

Amos said that was my question would you be willing to adjust the times and you have already answered my question so thank you very much. Lynch asked about the timer and specifically what times they had in mind.

Jennifer Ferguson came forward to speak. She said I reside at 6681 John Drive which is the property that backs right into the church's parking lot and now after listening to the discussions I am now concerned about the parking lot lights also. So, if there is going to be the parking lot lights out there and the sign that concerns me. As far as the tree line, that tree line disappears and comes back and disappears and comes back but the light will be constant. So, this is something that I would like you guys to take into consideration and perhaps if someone suggests it you guys could drive out there and look at the situation and look at it from our point of view. We have to live out there, you guys don't. You guys are making these decisions, do the drive by, talk to the people because nothing like this, this is really unacceptable. You know, I have been, I was one of the original people out there and there was none of this out there and I mean there is more traffic now and we have children, we have animals, so, I would like you guys to consider revering your decision. Thank you. Coolman said thank you.

Bev Mowery came forward to speak. She said they live at 6609 Steen Road Drive and I am against the lights because elderly people go to bed earlier and school children don't stay up to after ten and if the light keeps them up that is not fair to the children. I agree with most of the other people here that there should no be light, the parking lights are going to be hard enough and we do have a lot of traffic and they do go fast and we are already seeing the changes it is making in our neighborhood, thank you. Coolman said thank you, is there anybody else. Bill Sims said I believe that is all of the comments from here; Coolman said thank you Mr. Sims.

**F. Council Discussion and Recommendation**

Coolman asked Mr. Andrew Moore to please return to the podium. Amos said I return to my original question about changing the times when these signs are on and allow the times but you did go ahead and address that, I think Mr. Lynch had a question further about the timing. Lynch said what specific times did you have in mind like a specific shut off time for that sign. T. Moore said he could not hear what was being said. Staff attempted to remedy situation of the audio not being heard clearly. T. Moore responded to Lynch's question saying he does not have a specific time; talking about a space of time, maybe not an issue with it being shut off at nine o'clock in the summer...we would absolutely be okay with that if they uphold it. Multiple people at both locations talking at the same time. Amos said we are finished with Mr. Moore at this time and we would like to have Jeremy Ebert come back to podium. Amos asked is the church able to adjust the sign lighting for certain hours does he feel that is fair and if can speak into the microphone. J. Ebert said I would first ask that the variance be overturned but if the council felt that was not an appropriate decision then I think that the lights being on a timer would be the next best option, it would be some sort of help but I don't think that I, I don't want to ask for that in lieu of the variance being overturned. Amos said does anybody else have questions for Mr. Ebert. Amos asked for Andrew Moore to return to the podium. Lynch asked when Cherry Landing was developed what was the zoning of the property, was it commercial; Moore replied it was zoned multi-family residential; if the church wasn't developed there, there could have been 300+ apartments in there; Lynch said so, it went from multi-family to residential; Moore said it just so happened the plan was submitted for the church, the zoning never changed. Clark said but the zoning changed to commercial, right; the site was never commercial; Lynch said does multi-family apartments allow street lights and backlit signs; Moore said for the multi-family residential zoning, prior to the sign zoning change, it would have allowed for monument signs to be erected but we have restrictions for the new units having signage at that time.

Ann Frazier came forward to speak again. She said please do not take a vote, I have something to say. Pastor Tim's proposal of turning off the sign at 10:00 p.m. I believe is unacceptable and again I'd like to ask for a complete reversal of the variance. In the winter the trees are bare and it is dark at five o'clock. If the sign goes off at ten then that means the residents of John Drive are looking at the sign all evening out their back windows until basically they go to bed. I feel turning it off at ten accomplishes nothing and again, I would appreciate having the variance reversed. Coolman said thank you.

Coolman said this afternoon we received these additional emails. Susan Potter email saying not in favor of the variance, she lives on Cherry Bend. Ms. Nancy Mills-Jones she was also not in favor of the variance. Sharon Heaton sent us an email she also not in favor of the variance. Last but not least, Mr. Jeremy Ebert sent us an email with additional photos that were not included in his packet. So, at this point is there anything else council has to discuss.

Bennett said he has two questions for Andrew Moore. What was the reason for the change in 2019; Moore replied in 2019 we did an overhaul of the sign zoning code every aspect was changed as part of the general requirements; designed primarily to eliminate the commercial...of residential areas have contacts behind them...to help further restrict the desire to have signs internally illuminated...it was more intended for commercial use. Coolman asked Mr. Moore how would this affect businesses or other businesses located in residential areas, could some of those come forward and say I want illuminated sign on my business; Moore replied the home occupation section of our code has signage language in it, this was copied over. Amos said the one thing about a variance is just that, it is that the variance was based

on the information they provided and if another church comes to us as council we might consider it differently we have to look at all of the facts that were presented, the luxury of a variance; Moore said yes and some of the residents have stated correctly it's the variance is already approved so it's the request that council to overturns that approval, I heard some of the residents say they want council to deny that variance or choose to turn over the previous approval. Bennett said when we were discussing the distance and the signage, how far is the rear of the church that faces Gender Road, how far is that sign from Gender Road; Moore replied I would say in excess of 900 feet, it is the closest point of the building to the intersection; Bennett said but it's point is closer to the residential area, did I hear you say 600 feet; Moore said it is still on the site...; Bennett said what I am saying is like the sign on the rear; Moore said the north end; Bennett said north end that will face Gender is further away from Gender than it is from the residents; is the scale of the signage smaller on what will be facing the residential section than what will be facing the commercial section or is it the same; Moore said it is the same; our signage code laws one square foot for one linear foot of wall. Clark said I am getting confused on the north, west, south and east; Moore said Bigerton Bend is to the east; Clark said so one sign is on Bigerton Bend that is to the east and then; Moore said they want a sign on the east, west and north; Clark said ok, so what would be the sign that faces Gender Road that would be the largest sign; Moore said they are all the same scale; Clark said what they call their main entrance is the one facing the railroad tracks; Moore said that is the south and no sign on the south side, the west side faces Gender and the east side faces Bigerton Bend; Clark said so, there are trees and then parking and the trees and the neighborhood; Moore said correct; Clark said who is going to see that sign, I mean nobody coming in, they would see the one that faced Bigerton; Moore said my presentation showed that elevation with the sign on it. Bennett said I thought we were saying that that sign would be obscured by mature trees eventually and the residents so I guess it is a little confusing, but eventually that sign will be obscured and the residents won't see it, but the only way you can see it right now is through; Haire said it is never going to be fully obscured. Coolman said he has driven by a lunch to see; if you drive from Waterloo down towards the shopping center you will see the west side and the east side and you see the west side approaching the bridge from...the side that has the trees on it is the east side and those trees are going to take a while before they even make a canopy and obstruct the view; the side facing towards Gender and if those commercial lots are sold and someone builds out there that sign facing Gender Road could be blocked. Coolman asked Mr. Bennett anything else for Mr. Moore, anybody else. Lynch said the vote by the zoning commission was four votes for, one dissented and two were absent; Moore said correct. Moore said on the screen for a second time for council to view is a photo of the dwelling and the closest house in Cherry Landing there is a word on there that says sign to scale of where the sign would be so what you see here is what you would see from this side approximately. Clark said I would think the sign would be better on the other side, one on Bigerton Bend on that side closest to Gender and Bigerton and then another one on Gender so you would have two signs that you would not be able to miss like that on that one corner and then that puts it the furthest away from the residents, could they live with that and the residents; Moore said the variance approved by zoning commission is not about scale, but while they did look at that information during the review, they did not dictate requesting signs to be relocated they did not feel it was necessary. Lynch asked about the concern for the brightness; Moore said the variance request was for the type of sign if the sign had lights inside of it and shining out; if the sign had lights outside and shining onto the sign there would have been no need for the variance, so planning and zoning looked at that so this level of detail as to where to locate the sign is not part of the scope and the criteria. Lynch said we talked about before whether it is exterior illuminated or interior illuminated; Moore said exterior would be floodlights and be brighter; Lynch said it is a white building and would reflect the lights.

Coolman asked if anybody else have any questions and it doesn't look like we are going to make a decision tonight so we'll just table this until our next meeting. Coolman called for a motion to adjourn; he said thank you everybody for attending and for your comments we will take them into consideration.

**G. Adjournment**

*Motion to adjourn made by Lynch; seconded by Bennett*

*Motion carried by the following vote:*

*Yes 6 – Lynch, Bennett, Amos, Clark, Coolman, Milliken*

*Adjourned at 7:19 p.m.*