

**CITY OF CIRCLEVILLE
PLANNING AND ZONING COMMISSION
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

Wednesday, October 5, 2016
City Hall Council Chambers

MEETING MINUTES

Members Present

Marsha Griebel Graham
Terry Leasure
Bob McCrady
Al Sedlak
Don Sherman
Don McIlroy
Kim Hunter, Clerk
Valerie Goeller, Clerk

Visitors Present

See Attached List

Chairman Al Sedlak opened the meeting by announcing the first two items on the agenda are Public Hearings for request to rezone parcels of real estate. During the public hearing we will limit the speakers to make one statement. We will allow enough time that each person can speak. At the conclusion of both public hearings we will adjourn and immediately convene into our regular meeting. The first item of the regular meeting will be approval of the last meeting minutes. After that we will proceed with the first and second rezoning request. The Planning and Zoning Commission's role in a rezoning request is not to make the final decision, but to vote to give a recommendation to City Council. Whatever we do, that is not the final determination. City Council will have their own Public Hearing, it will then go to a committee meeting and then to the council floor where it can be held for three readings.

PUBLIC HEARING 6 PM TO 6:20 PM

As requested by Now Investment Group, LLC, 8005 Maxtown Road, Westerville, Ohio 43082 for Vuong Vo and Diep Vo, 1711 Harrington Drive, Columbus, Ohio 43229 to rezone 23.122 acres of land, located east of North Pickaway Street between Stella Avenue and Havenwood Court and north of Hargus Creek, from R-2, Single Family Residential District to AR, Apartment Residential District.

Craig Stevenson of Harral and Stevenson, 120 East Main Street, Suite A, Circleville, was sworn in and stated he is representing Tom Trigg, the developer and Keith Thatcher, an investor in the project. On the map it shows the area we are applying to have rezoned. It is currently zoned R-2 and we are asking that it be rezoned to AR, Apartment Residential which allows for condominiums. The site is contiguous to a currently zoned AR District on the north east corner and to the south west side. The site consists of about 23 acres and bounded by

Pickaway Street to the west, Hargus Creek to the south, and McHenry Ditch runs up the east side. This site was before this board in 2006. It was nearly permitted for a single family development. The proposal in this case will probably be along the lines of a condominium development. The target is for a development for senior housing. After looking at the original development plans, the thinking is to do a similar type of development in which the upper area would be filled. The original plan show a looped road and they would propose something similar. The point being it wouldn't be the entire 23 acres being developed. The intent is to develop the higher ground. There are 11.5 acres that can be filled and permitted by FEMA. The remainder would be reserved for conservation and recreation. It seems to be a good use for that ground.

Robert Grant, 464 Stella Avenue, was sworn in and stated my concern is piling dirt back there and pushing the water over on my property. How many yards of dirt will they move? Is it going to be like last time, keep moving dirt until it looks right? Are they putting in apartments, condominiums or HUD? We don't need any more apartments in this town. They sent out a letter that was to be within 200'. Well that is crazy! I live across the creek and I didn't get a letter, the women next to me didn't get a letter. That's irrelevant because anyone living along that creek to the city park it floods. The last time the water was up it touched my door sill. These people pile dirt up, the next time it will be in my house. Who is going to pay for it, the city or these clowns that left town and left the problem for us? I don't think we need more apartments to start with.

Al Sedlak stated this came before us several years ago. A lot of the same concerns were discussed at that time too.

Diane Lester, property owner of 412 and 416 Stella Avenue, was sworn in and stated I am here not just for myself, but for the whole circle. The six little houses that sit 200' within this area. We have had floods down there before. If we put apartments back there we have concrete, parking spaces for the apartments, so where is the water heading? When it runs off, it will go into the creek and then down into our circle. That is Stella and Ruth Avenues, not just Stella Avenue. There are 58 little houses down there and we are all concerned with what is going to happen to us. I would like for this to be stated that it will be condominiums. Down the road it could be apartments. He stated 11 acres and some of it might be nature area or something down the road. If that is true, what is something down the road? We are concerned and I have a letter from the one of the neighbors. I spoke to the neighbors today and a lot of them are older and couldn't make it here tonight. They asked that I speak on their behalf. (Mrs. Lester read a letter from Rosemary Crabtree expressing her concern of the potential flooding. The letter was submitted to the clerk for public record.)

D'Lee Gregory, 164 Rustic Drive, was sworn in and stated her main concern is her property value. You go out my back door and hop over McHenry Ditch and you are on this property. My property value is currently deflated because on two sides I am surrounded by Section 8 Low-Income Housing. My understanding is there will be only one entrance to this development. According to Rob Neal you can't come off Pickaway Street. You have to construct a bridge to cross McHenry Ditch. I know exactly where that will go. It will go in one door from me, a two-lane bridge. I am familiar with 2006 when they tried to do this before. I lived for eight years in the little house that sits back there. The property is a wetland most of the year. Not only by Hargus Creek, but also around the little house. I have a friend who is a botanist and he said he had seen plant and insect life that they thought had been extinct in Ohio. That area hasn't been touched in decades and some longer than that. Our founders were pretty shortsighted when they mowed down all the mounds. To my knowledge this is the last remaining acreage of the core of Circleville. I find it appalling to do anything more to it than to preserve it. The city has never been that interested in it, nor does the city probably have the money to do it. If ODNR people came in, they would find it appealing. The eight years I lived back there I saw deer, red fox, bobcats,

wild turkey all of the time, red tail hawks, and two summers ago I had a beaver trying to build a damn across the ditch behind my house. I realize it's privately owned property and they have the right to do what they want, but I feel it should be preserved. If Circleville can't do it, maybe the state might be interested.

Eric Brown, property owner of 448 Stella Avenue, was sworn in and stated my concern is that since we have been there for 20+ years, the place has flooded. Fortunately, it only got into a few houses. If it's such a good area to develop, why is it the city tore down the city pools and filled them in? We have property the city doesn't want to improve, but yet someone wants to come in and build houses and that's alright. Who is benefiting besides them while we get flooded. The boy who I owned the house with we had to go across the creek in 5' of water to rescue two kids who got out in there. We were already out to the road that drives back into that property. The water was almost neck deep on me. If you fill that up, how far will that flood water get into my house? If the city doesn't want to spend the money to develop a park, why would they allow them to develop a piece of land upstream and possibly flood our houses?

Charles Estel, 233 Clark Drive, was sworn in and stated I have three concerns. We moved into our home October of last year. If you put in this development I think traffic will be a concern. Since I moved in, our mailbox has been hit, cars onto the curb, and the fire hydrant across the street from us has been hit. Now you add condos and there is only exit. Pontious Road to Rte 22 or Pontious to Clark Drive. That will increase the traffic in a residential area. We recently got broken in to and I have real concern for crime. There have been several homes around us that have been broken in to. The last issue is the flooding. I was here several months ago requesting an in ground pool. The weekend we dug the pool, it had rained. I never noticed before the creek behind me came up to almost six feet deep. Yes, it flushed out quickly, maybe within a half hour time. I understand in 2000 several basements flooded around me. From experience, condos are great, but if they don't sell and with 55 and older when they start moving out, they ended up selling to younger people. A condo today is an apartment in 20 years from now. Let's just hope they aren't HUD homes.

John Moats, 402 Havenwood Court, was sworn in and stated just a couple quick concerns. I didn't think as much about the flooding being that I don't live on Stella Ave. My house butts up to the back side of this property you are discussing. Where my house backs up here is very high. I'm concerned with how that land will be moved. Is it going to be a straight drop off into an embankment? There are existing hardwoods. Are you removing those and will there be a buffer? I don't want to stare into the back of a condo. If the zoning is changed, is there a confirmation we can get that it will be condos and not any other type of multi-unit complexes?

David Crawford, 431 North Court Street, was sworn in and stated City Council worked on this back in 2005-2006 and it's currently zoned R-2, Single Family Residential District. They fought hard to get the R-2 Zoning to blend into the neighborhood. Why didn't that R-2 Zoning work out?

Al Sedlak stated the matter did come before our board and we did have a lengthy hearing. I believe the matter was tabled and continued a couple times for further studies. Ultimately we did vote to approve it. I can't remember what it was zoned prior to that. No development was ever done. Whether the developers didn't find it economically feasible or they lost interest. Once the rezoning is done, unless they need further zoning permission, they don't back before us.

D'Lee Gregory stated the man that owned the property before Vo was his brother-in-law. Because I lived in that little house back there, I became familiar with him. On the sidelines, I went through that whole deal of him

getting permission to build. He told me he had to build all the infrastructure before he could sell any of those lots. The bridge that will go over McHenry Ditch will be a two lane bridge and if you build single family dwellings you can't make enough money to build the bridge to city standards. I think he couldn't afford to build the bridge. That's why the development didn't happen. I only know this because we did become friends. He moved me out of my little house back there over to Rustic Drive. He built me the house on Rustic Drive.

At 6:27 pm, the public hearing was closed. The second public hearing was next on the agenda.

As requested by Craig Stevenson of Harral and Stevenson, 120 East Main Street, Suite A, Circleville for the Community United Methodist Church, 120 North Pickaway Street, Circleville to rezone property located south of Watt Street between North Pickaway Street and East Boundary Alley and north of East Main Street, from R-5, Two Family Residential District and DB, Downtown Business District to SU, Special Use District.

Phillip Tipton, 311 Shadwell Drive, was sworn in and stated I am an architect with the McKnight Group. I've been working with the church for almost one year now in the design phase. The project we have arrived at is a relatively small addition on the north side of the property. I brought updated handouts. The change in the handout is a slightly more improved exterior design by just adding a little landscaping around the building. The footprint is pretty small, 20' x 30'. It's a lobby with an elevator and a new set of steps. This is improving circulation into the building. It's giving them a new front door. There isn't a lot to talk about with the site plan. It's on the southwest corner of their existing parking lot, closest to Pickaway Street. There is some new handicap parking next to it. We plan to do some landscaping right around the building. In your handout there is an exterior rendering of the proposed building. I have already been to the Historic District Review Board a week ago and it was approved. They didn't have too many questions, but I think they felt positive about it. The Downtown Business District actually stops five feet north of the north wall of the church. This addition extends out roughly 20' so we are crossing over that line into the R-5 Zoning. Craig had explained to me that when the rezoning was done all churches were put into Special Use District, this one must have been missed. It was recommended to Craig that we just rezone to SU, Special Use District to keep in line with what the other churches are zoned. We are also hoping to get approval on the project tonight.

Al Sedlak stated will your request also include the paved parking lot to the north of the church?

Mr. Tipton replied all of their property from Main Street to Watt Street and from Pickaway Street to the alley is being request to be rezoned. It's everything included in the drawing.

Al Sedlak stated so the church must own the houses north of the gravel lot on Watt Street.

Mr. Tipton replied that is correct. The Historic District Overlay will still remain.

Al Sedlak stated it is now shortly after 6:30pm. The Public Hearing portion of tonight's meeting is now concluded and we are now convening into the regular agenda.

The first item is Vote to approve August Meeting Minutes. Bob McCrady motioned to approve, seconded by Terry Leasure. All in favor. Motion carried.

The next item is to vote on a recommendation to forward to City Council on Now Investment Group's rezoning request for Vuong and Diep Vo.

Al Sedlak stated AR stands for Apartment Residential District. The permitted uses are multiple family structures having two more dwellings per structure including senior housing, public and or private parks, playground and open space. There are several accessory and conditional uses listed as well. Their request would allow for condominiums. They will have to come back before this board for their final plans. For those of you that have expressed concern that they are talking condominiums now, but in the future it could be something different. That is a possibility.

Craig Stevenson stated I would like to make it clear that if the zoning is approved, we still have to come back for plan approval. There is an extensive engineering and design review process that will go on and in this case regarding the flooding that will go to FEMA once the final plans are done for a Conditional Letter of Map Amendment based on fill process. There is a lot of design and reporting that goes into that at the Federal, State and local levels. The engineering department will have a chance to look at this on a few different accounts. Someone asked if we knew the volume of earth work that would need complete. At this point we don't know. We have to go through the design process first and I do think that it could be significant. This dotted area is currently in the flood fringe. The cross-hatched area is the floodway. The fringe area can be permitted to be filled, given the right study and documentation. To raise some of that area there would have to be some earthwork. The previous plans, which I think is safe to assume, the design intent would be to do compensatory grading so a lot of the dirt we would need to build up the high side would come from the low side. It would be over excavated to put some of that volume back into the lower areas.

Someone asked about future plans for the greenspace. That is something we would like to work on with the city. I think it would be complimentary to the park system. It's easy to see the connection to Ted Lewis Park. It does lay in a corridor that would be nice to connect to other parks and a riparian preservation corridor that would be nice to maintain.

There is only one way in and out via bridge. Sometime long ago when Rustic Ridge was planned there was a street right of way preserved for future use with the intent to cross the creek to serve this property. It seems to be the logical place to put the bridge. Someone mentioned the road from the other end is a private drive. Our research shows there is an easement on that, but no way to improve it to become a public street. There is no access from the west side and the access would be from the east and they would have to go through the residential streets. We do want to work with the city so that we don't cause any nuisance to the neighbors.

Al Sedlak stated in the previous development proposal that came before us, the entry was going to be the same access through Rustic Drive. To allow for a second emergency access there was a provision for the use of that driveway off of Pickaway Street. There would be a lot set aside in the development so emergency vehicles could pass over it. Has there been any discussion with any of the owners of that drive as far as an easement for the benefit of this parcel? Or is there one in existence?

Tom Trigg replied we have not talked to the owner.

Craig Stevenson stated I do recall from the last proposal there was a plan for an easement for emergency access. As I recall that was going to come off of Pickaway Street. There is enough frontage that's not in the floodway, but you wouldn't have to stay up on that drive if there was a secondary path developed through there. The possibility is there. Mr. Trigg points out that the un-developed Logan Alley still extends into the property and is city owned right-of-way. That could be a possibility for a secondary access.

Don McIlroy stated out of the 23 acres, how much of that is floodplain?

Mr. Stevenson responded we can't fill in the floodway. We are guessing about half of that property can be developed with condo's. Some of the remainder property could be park space.

Don McIlroy stated conditions for AR is that structures shall not occupy 60% of the total lot area. I would guess that a little more than 60% could be condos.

Craig Stevenson stated I think that refers to hard surface, buildings and paved areas. Even with a condominium development you find 60% to 80% in this area is all that becomes hard surface. We would be on the good side of 60%.

Don Sherman stated we are only at the rezoning stage. A lot of these questions are really platting type questions. To help alleviate questions, are you looking at a substantial buffer to the north, east and west of the existing property? A buffer at least a 50' of un-developed land and saving the trees. Is that part of your discussions or planning stage? Or are you planning to develop right up to the property line?

Craig Stevenson stated it is a little early in the planning stage to address that. We would say definitely on the east side there will be a buffer. I've shaded that green to this point. It is floodway, its trees now that back up to neighbors. We feel we can leave a substantial buffer there. On the south side there could also be a substantial buffer. On the north side we are happy to work with the city on a good distance there bearing in mind there is a substantial hill there. To get the earth work to balance it will have to come down. No one wants to make an eyesore.

Don McIlroy stated my next question was asked by someone in the audience and it hasn't been answered. Right now it's R-2. (Reads allowable uses of the R2 Zoning District) Have you looked at developing it as an R-2 Development since it's already zoned that way?

Craig Stevenson stated lets go back to why it didn't get developed back in 2006. From my recollection this is when the housing market fell apart for everyone everywhere. That was one of the unfortunate projects that were right on that timing. Maybe the demand is not there now.

Tom Trigg, 319 Layton Court, Westerville, Ohio was sworn in and stated what I just heard around 2006 and 2007 is when the real estate market went the opposite direction. I'm pretty sure because the cost of that bridge that is the reason the R-2 never got developed. That is an expensive bridge. Now I think there is a demand for housing here. I like this 55 years and older targeted condominium project. It could be done in sections. I think the market is here for it. Based on what I have talked to people and statistically, I think it is a good fit. I am happy to answer any questions you have. It is one expensive bridge.

Don Sherman stated I went back through the file and the construction plans were approved and bonds posted. It was ready to begin construction when the real estate market crashed. They requested the bank to cancel their letter of credit. My question for Craig is that this is a CLOMAR, correct?

Mr. Stevenson stated we would engage a two-step process. The way we have done this in the past is we would first do a plan a file for a Conditional Letter of Map Amendment based on fill. We are asking permission from

FEMA if we do this fill, will you take it out of the floodplain on your map. We would hope to get a favorable response. Once the fill is complete we have to do an As-Built Survey on it and certify it again to FEMA. That is the letter of Map Amendment based on fill. FEMA wants to make sure it doesn't increase by a minor threshold. We will have to prove by study and calculation to the city's Floodplain Administrator, which I believe to be Don Sherman. That it satisfies the city's requirements to participate in the FEMA Program.

Mrs. Lester stated is this where Logan Alley is located? If this is the alley you are referring to we call it Hemrod Drive. This is shut off now and it doesn't go back to that property. My house is right here and there is the cemetery, so you are saying the entrance and exist could be there?

Mr. Stevenson stated public records indicate it is dedicated right-of-way.

Mrs. Lester responded that now she is worried about the traffic behind her house.

Mr. Stevenson stated I don't see that being a street or anything like that. At best, an emergency entrance/exit.

Don Sherman stated it is an alley of record, but an undeveloped public alley that has been there forever. There used to be a concrete path across it. That could be a potential fire access if needed. That would happen during the design stage.

Mrs. Lester stated what would keep people from using it?

Mr. Sherman replied it's unimproved. If they wanted to use that as an access, during the platting stage they would have to show that at that point.

Eric Brown stated if the bridge is too expensive to build for single family houses, how it is going to be any cheaper to bring old people in there?

Tom Trigg stated with this condominium project we would have more density and sell more units. The 29 lots in 2006, the numbers didn't work out. I don't know what the cost of those homes were, but I'm sure more than what the market would bare. Now we can put more density in there to get the cost per unit down to cover the cost of the bridge.

Chuck Estell stated if the economy ten years ago couldn't make the project a go, how many condos will it take today to make the project work? How many condos are you planning on putting in back there?

Tom Trigg stated I don't know how many I am allowed to build, but I have a good idea of what our overall plan will be. It will be somewhere between 62 and 68 units. It's not high density or low density, right in the middle. Someone asked about a buffer zone. That is part of the plan that we are trying to do. Treed lots sell better than ones where they have been torn down. I would like to preserve whatever trees that I can. I'm not a greedy sales person, but they help sell the product.

Fred Summers, 217 Linden Lane, was sworn in and stated I fail to understand why this country continues to build in floodplains. I have lived in my home for 16 years and I have walked some of that property. It's nothing but a wildlife sanctuary in a marshland. She is right there is everything living in there. By building in a floodplain it cost all of us in this room more money in insurance cost.

D'Lee Gregory stated in regards to developing it for Parks and Recreation it seems to me we have a hard enough time keeping up the parks we have. I don't see that as an appealing idea. Once all the condo's go in, the nature life will be gone. As far as zoning for apartments, I would want to develop it to make as much money as possible. I think it will end up as apartments. What scares me most is they will be low income housing. I'm surrounded by two sides of that. What I have is the cops across the street all the time for the screaming, yelling, drunk and high.

Robert Grant stated these will end up HUD Apartments and all the traffic has to go through those little side streets.

Valerie Goeller read a letter from Melanie Lanman at 406 Stella Avenue regarding her being against the development. The letter will be made part of the file.

Rob Neal, 450 North Pickaway Street, was sworn in a stated I was late because I never got a notice about the meeting. I'm concerned about all that traffic going down Rustic Drive and all of it using one bridge. It seems like a lot of traffic added to those residential streets. There is mention of an emergency exit across to Pickaway Street. When I bought that property along with my deed came that driveway that it couldn't be used for anything, but two houses. Mine plus one other. How will that work?

Al Sedlak stated if that property they are seeking to rezone has an easement on that drive and there are restriction on that easement, for them to be relieved of those restrictions they would have to have those released by the adjoining property owners. That is not a zoning matter, but a matter of Real Estate Law. They would have to satisfy those people to get those restrictions released. That is no business of this commission. That is something they have to address and that could be a big problem for them.

Don Sherman stated we don't have a section in our zoning code just for condos. Is there some reason you want AR, Apartment Residential and not PUD, Planned Unit Development? PUD would limit the type of development that is being built.

Craig Stevenson stated I haven't thought about that. AR, is what has been used for multi-family developments. The one major distinction between the two, in this case is that PUD would be driven by the development plan. For this development the consulting and engineering fees are a lot due to the challenges with the flood plain and bridge. It's something not too many developers would get in that deep without knowing they could rezone that property and do what they want to with it. PUD is a conducive process for this type of project.

Al Sedlak stated some of the present members on this commission were on the board in 2006. It did pass and it was not unanimous. It went to city council and must have passed there. I had a lot of concern the last time it came before us. They wanted 25 to 30 single family homes. My concerns were the flooding, traffic and the isolation of this land. This land is unique that there is only one way in and one way out. The only way in and out is through a residential subdivision. To get out of there you have to travel through two or three sides streets through a residential subdivision to get to a main road. I saw with smaller single family homes a real potential that this could become a real eyesore. In the middle of the city it could become a problem. What they are talking about now is twice as many. The concerns I had then are now magnified. The reason I voted against it last time are even stronger now. To let the board know, that will be my vote. I don't think it's a good idea or good for the city. It has the potential to cause a lot of problems. I don't want us to get too far down the

road and can't get back. Frankly, I was happy when it didn't get developed last time. I don't know what that land is good for, other than a nature preserve or set aside land. I know there was discussion then that why doesn't the city buy it? The city doesn't have the funds.

Bob McCrady stated why don't they go to another property where there isn't this much objection? Surely there is other land available.

Don McIlroy stated as Mayor, I am very development friendly. I think we haven't developed the city of Circleville as well as we should have. Hopefully, the community can see we are doing some development. Before I vote, I want to let you know I am development friendly.

Terry Leasure stated I think there are a lot of concerns. My vote will be no.

Marsha Griebel Graham stated I agree with our Mayor. I am development friendly, I want to see development. I was on this board the last time it was before us and I did vote for it. I thought it would be good for the area. 25 to 26 houses, but to put 62-68 condominiums in there, I'm not sure moving all that dirt and having FEMA come in could increase the water in the area. I don't know the ditch and creek can sustain that.

Don Sherman stated I would like to see some nice houses come in. The flooding doesn't bother me, I've been through this and it can make a situation better. That is an engineering thing that can be addressed. The problem before was there was a lot of roadway. I think it could be a good development. I don't see 60 some units. If you can get it down to 40, that would be nice.

Mike Logan, 1822 Pacer Court, was sworn in and stated I live in a condominium housing in Circleville. We are building six more condo's there and they have all been sold for \$230,900.00. There is one exit in and we use the same exit out. We have 70 condominiums that have the exact situation in there. It's the same way with Ridgewood Drive. There is only one way in and only one way out. I think your argument about that is pretty questionable. The Graystone Condos are so much in demand that they don't sell unless someone dies, because they are so in demand. I resent the fact that my condominiums would become a blight on Circleville because of only having one way in and one way out.

Al Sedlak stated the condo's he is talking about is off of State Route 188 which is an arterial highway. The streets of Rustic Drive are not, they are side streets.

Robert Grant stated do you think he might have some interest in this?

Mike Logan replied absolutely, there is no doubt in your mind.

Eric Brown stated how many nights have you guys stood in knee deep water, praying that it quits raining. I know everybody that lives on Stella Avenue has prayed that the police department would stop the cars from driving down the street. It's just like a boat, it makes a wake that floods Dan's house. I have stood in the street and prayed for the rain to stop. It's been up there and you are going to make money selling houses. You want to buy a house, come down and buy everything on Stella Avenue and then build what you want. We have to live down there and we don't have the money to move. You people want to come in here and make a bunch of money and the poor people living over there have to drown.

Mike Logan stated after it flooded the city did clean out that ditch which should have been done years before and it wouldn't have flooded.

Eric Brown stated do you know why they never cleaned that ditch? Because the city doesn't have the money.

Marsha Griebel Graham motioned to forward to city Council with the recommendation to approve the rezoning, seconded by Don McIlroy. VOTE ON MOTION: BOB MCCRADY, NAY; TERRY LEASURE, NAY; AL SEDLAK, NAY; DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, NAY; DON MCILROY, NAY. 5 NAYS, 1 YEA. MOTION IS DENIED

The next item was Vote on a recommendation to forward to City Council on Craig Stevenson's rezoning request for Community United Methodist Church.

Al Sedlak asked if there is anyone that wants to add anything to the discussion.

Phillip Tipton stated I thought we were not only applying for the rezoning, but for the zoning approval for the design.

Valerie Goeller stated there is no zoning permit on file.

Craig Stevenson stated I thought it was a singular effort that the one form applied for both the rezoning and the building. Under Special Use, it is a conditional use?

Don Sherman stated but you can't apply for a conditional use without a permit for what you want to do.

Al Sedlak stated to answer your question, you are only here for rezoning.

Mr. Tipton stated I comprehend what you are saying but we are looking to start construction right after Pumpkin Show. The plans are being submitted to the Building Department Friday morning. If we are another month that delays us. We were told that could be done as a one effort.

Don Sherman stated it could have been, but the papers didn't get filed that way.

Craig Stevenson stated what paperwork needed filed?

Don Sherman stated you would have to grant a variance for the R-5 Zoning. The rezoning will take at least another two months. I'm not sure how else it would have been handled.

Mr. Tipton stated the reason we proceeded this way was the way we were counseled to proceed.

Don Sherman stated part of the building is in R-5. That's why it made sense to rezone it.

Al Sedlak stated with the SU Zoning pending will they need a variance in a DB and R-5 District?

Don Sherman stated yes, it's not residential.

Marsha Griebel Graham stated how far they are asking to rezone?

Don Sherman stated all the way to Watt Street.

Marsha Griebel Graham stated there are residential properties there.

Don Sherman stated it will be a Non-Conforming Use in a SU District. We suggested that because down the road they may want to take those houses down for parking so they can expand.

Mr. Tipton stated if it's going to be another two months and in the interest of time, would it be faster to come back next month for a Conditional Use?

Don Sherman stated they are Conditional Uses in both districts. They could apply for it next month. I had no idea you wanted to move this fast.

Mr. Tipton stated can I get a Conditional Use tonight?

Don Sherman stated we didn't publish it as a Conditional Use. That means we have to legally publish it that way.

Mr. Tipton stated we will apply and be back next month.

David Crawford stated the Public Hearing could be as early as the second meeting in November.

Don McIlroy motioned to forward to city council with the recommendation for approval, seconded by Marsha Griebel Graham. VOTE ON MOTION: TERRY LEASURE, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA; DON MCILROY, YEA; BOB MCCRADY, ABSTAIN. 5 YEAS, 1 ABSTENTION AND 0 NAYS. MOTION CARRIED.

Al Sedlak stated the next three items on the agenda have a lot of similarities. In each of these three request it involves a parcel in the GB, General Business District and they all have two part request. One part is for a Conditional Use for a sign and the second part is a variance from our regulations on signs. In each separate request it involves a size greater than what is allowed, increase in message frequency from what our code allows. For each one, they are also asking for a setback from the right-of-way. I am going to read the section of the code that addresses granting variances. I ask that when the proponents address us, you address the grounds for a variance. (Section 7.02 Powers of the Planning and Zoning Commission was read.)

Conditional Use Permit #9-16, as requested by Rocket VII, PO Box 370, Gallipolis, Ohio 45631 to install a 199.50 square foot, digital sign at 513 East Main Street, in an area zoned GB, General Business District.

Variance #12-16, as requested by Rocket VII, PO Box 370, Gallipolis, Ohio 45631 to install a 199.50 square foot, Off-Premises Digital Sign at 513 East Main Street and to vary the message changing intervals from no more frequent than once per 30 seconds to 8 seconds, the maximum height allowed from 15' to 32', and the minimum distance for a freestanding sign from the right-of-way line from 20' to 10', in an area zoned GB, General Business District.

Robbie Pugh, 543 Pineviewed Drive, Gallipolis was sworn in.

Sarah Sang, 130 Bastiani Drive, Gallipolis was sworn in.

Don Walker, 846 2nd Avenue, Gallipolis was sworn in.

Robbie Pugh stated we are a digital sign company. We are a very young company and have been in existence for two years now. We have locations in Pomroy, Wellston, three in Gallipolis, Jackson, Washington Court House, and Waverly. We are trying to grow very rapidly and we hope to be in Circleville. We are small business company and we like your small town. When you read what we are requesting, I kind of viewed it as something different. We are not asking for a variance for the size, I don't think we need that. Per your code, our sign board is considered an Off-Premises Sign. An Off-Premises sign shall be considered an accessory use in all non-residential districts. That is what we are confused about, I don't know that we need a variance for that.

Al Sedlak stated look at G. That is where the Conditional Use Permit is required. You are subject to both F and G.

Robbie Pugh stated reading through that we felt that our off Premises Sign we were able to get the permit for that. We were trying to get the variance for the digital display side of it.

Sarah Sang stated under Section 35.02 under Definition, B. It says billboard means a sign that is more than 200 square feet.

Al Sedlak stated right, by half a foot you aren't a billboard. That is an amazing coincidence. You don't need a variance for the size of the sign. You need a Conditional Use Permit because it is required for a digital sign in the GB District. The variance is required for the setback, message change frequency, and height. Not the size.

Robbie Pugh stated we don't think we need one for the height either. Your code says it needs to be under 30'.

Al Sedlak stated our agenda says 15' to 32'.

Don Sherman stated a freestanding sign can only be 15' high.

Robbie Pugh stated every town we go in to have different codes and ordinances. We try our very best to follow the rules and do it the way it was supposed to be done. We currently have an Advertising Permit from the State of Ohio for this location. We also have a building permit from the county for this location. When we got our Building Permit, they told us we have everything we needed. In my town of Gallipolis, the same person that does the Building also does the sign. It's the same code enforcement officer. Since then we learned Circleville has Mr. Sherman does the signs and the county does the building. We were actually onsite with a pole for this board. We dug a 20' hole and was getting ready to put cement in and the pole in. The footer had been inspected and Mr. Sherman shows up and says we need to stop because we didn't have all the necessary permits needed. The last thing we wanted to do was get the other permits and not another one that was needed. We worked with Mr. Sherman, the mayor and Valerie. We have waited a month and half to be here tonight in hopes you will allow us to put up our sign.

Al Sedlak stated is the one sign at this corner that is presently there for Zanzis, will that be taken down? Is this a replacement or an additional one?

Sarah Sang replied the Zanzi sign will be taken down on the North West corner. The one next to the Short Stop sign.

Robbie Pugh displayed a video of a sign location of one of their other digital signs in Gallipolis. Mr. Pugh stated this is what 8 seconds looks like. The original location we wanted to put the sign up, Mr. Sherman had some concern with it because of safety at the intersection. I understand it is a very busy intersection. Later that day we met with Mr. Sherman, after we filled our hole in and we discussed changing the location to make it more of an ideal location.

Ms. Sang stated it will go where the Zanzi sign is currently located.

Mr. Pugh stated this is our photo shop design of what it will look like once we are done. Per our rental agreement with the landowner we would be removing his Zanzi sign which is 50 square feet. We would eliminate that sign and replace it with our 200 square foot sign. Which is about four times the size of what is there now.

Ms. Sang stated there was concern that it would block the Short Stop sign. We would make sure we wouldn't block that sign.

Don McIlroy stated how would you do that?

Ms. Sang stated we would move it back in the lot a little more toward the building.

Rob Pugh stated the other issue raised was the residents in the area. The residences that are to the back of the sign there is no light omitted, since its single faced. We drove back there today and there is one house up by the gas station that would have a window that could see this and they have a tree that totally blocks the window so they won't see the sign. We actually spoke to the landowner and they agreed to put in our notes of record to give us permission to do it. His name was Nick G.

Mr. Betts stated I don't think he is the landowner, he rents from me. I am the landowner.

Bob McCrady stated will this sign face eastbound traffic?

Ms. Sang stated it will face traffic if you were coming from where Kroger is.

Al Sedlak stated my understanding is that it will be angled so that it faces the intersection towards Main Street and Lancaster Pike.

Don Sherman stated Bob, it's almost an east west sign.

Marsha Griebel Graham stated what the reason is for the seconds?

Sarah Sang stated our whole business model is based on every eight seconds. Every other digital sign we have it changes every eight seconds and that is the state maximum.

Robbie Pugh stated that is how we sell the space to the advertisers. We have packages based on small town businesses. You aren't going to see Walmart or McDonalds advertising on our signs. Packages start at \$250 per month all the way up to \$750 per month. We have advertised different promotions that allow any business to advertise with us.

Ms. Sang stated we do try to target the small businesses in the area. Honda advertises with us in Chillicothe, but that is our biggest advertiser.

Mr. Pugh stated we have purchased the board and paid the installers to do it. We currently have a loan for about \$100,000.00 sitting out there with our equipment sitting in Gallipolis. Lesson learned, each city we go into is different, so it's hard to know the codes. We know the state, because everyone we have to deal with. We know how they operate. To give you an example, we went to Jackson, Ohio and we walk into the code enforcement office and the guy at the front desk said yea you can put up a sign. He stamps our permit and he gives it to us. In Pomeroy, Ohio I had to go to two city council meetings. Every town is different.

Ms. Sang stated in our town the same person that does the building permits, zoning permits also does parks and recreation. We weren't trying to go around you.

Mr. Betts expressed his concern that is the busiest intersection in town.

Mr. Pugh submitted a study that showed in Ohio that traffic accidents have gone down once the signs are put into place and stated I'm not saying that the accident rates will go down, but we have this study we are happy to submit. In the town we come from, you have had some problems that you discussed tonight that I wish we had to discuss in our town. We are trying to get people to do stuff in our town.

Don Walker stated small businesses won't advertise on our sign if there are accidents because of it and then we go out of business.

Ms. Sang stated the state comes out to the location and if they deem it unsafe, they won't give us a permit. We have had that happen. There is no grey area, it's black or white.

Don Sherman stated I would like to clarify that they have not issued a permit for this signage. They authorized you to construct it, not the permit.

Ms. Sang stated so the permit they don't actually sign off on. We have to construct it and once it's constructed we get our permit. We did get the okay to put it up.

Mr. Walker stated it is a conditional permit.

Mr. Pugh stated this will also generate local income tax for the city. We pay local income tax to every county or township in which we are located. In Gallipolis we are trying to pass a safety levy, we need it badly or we may lose our police force. We have their ads running on our billboards now. We advertise amber alerts and

community events. We will become members of your Chamber of Commerce and we just played in the Chillicothe Chamber of Commerce Golf Scramble a month ago.

Don Sherman stated I talked to Jim Hartzler and Gary Kenworthy, this is an Off Premises Sign and our code limits us to the amount of square footage allowed for On-Premises sign, being an Off Premises sign it doesn't not count against that square footage. You are allowed one off Premises sign up to 200 square foot for each parcel.

Don Sherman asked do you know the height of the Short Stop sign. Will you be above it?

Mr. Pugh stated we won't be above it. We are able to make it whatever you make it. We will do whatever we need to do. We plan to talk to the owners of the Short Stop.

Ms. Sang stated we will make sure there sign is visible and still fall within the restrictions you place.

Don McIlroy stated did we hear from the owners of the Short Stop?

Valerie Goeller replied no.

Don Sherman stated we had one person come into the office about it.

Al Sedlak stated I am really troubled by this. I know the code allows up to 200 square foot, but the Conditional Use makes it discretionary within us. My feeling is the request is inappropriate for that part of town. There is enough clutter and distractions. A lot of what is there is non-conforming and I am troubled to add to it, even aggravating it.

Bob McCrady stated I totally agree with what Al says. Plus if we do this we are opening a bed of worms and we will have more of these come to town. We get one, we get a half dozen.

Mr. Pugh stated that comes up every time we do one of these. Circleville is smaller than our town, but the market will dictate what it can support. We have three signs and I keep them full, but I have to work hard to do it. Your market in Circleville will only allow one billboard, because if someone else puts one in, I will sell half of mine and they will sell half and someone will take one down. We had a customer of mine put one up in Jackson. He put it up 1,000' from ours and we have good relationships where we try to be respectful and do things the right way. We have great relations with our advertisers. The guy who put his up in Jackson had his up for six months and then sold it because he couldn't fill it up.

Sarah Sang stated the bigger companies putting up billboards don't focus on the smaller market like we do.

Don McIlroy stated I have to disagree with the clutter statement.

Bob McCrady stated that sign doesn't move, this one will every eight seconds. My concern is any sign that size in that location.

Al Sedlak read from the code for the record the Standards for Conditional Uses, A-G.

Al Sedlak stated please keep those standards in mind when voting.

Mr. Pugh stated you need to keep in mind the big picture of what the billboard means. Yes, it means income for us, but the people who will be advertising will be your small businesses. They advertise for a reason. Keep the advertising in mind. I know the value of advertising for a small business. If this was a Lamar or Nationwide, a larger company, they wouldn't be talking to the smaller businesses.

Don Walker stated the businesses that advertise with us get an internet passcode where they can go on the web and change their advertisement at any time. There is a camera on it and they can see their advertisement being displayed to the community. A traditional billboard you can't change like that.

Ms. Sang followed up with other billboard there are a lot off additional costs associated with it.

Mr. Pugh stated we keep our boards in immaculate condition and they are good looking boards.

Al Sedlak stated after reading the Conditional Uses, I feel A. it would be negatively impacted. It says that it will be harmonious with the existing or intended character of the general vicinity and such use won't change the general character of the area. Again, the digital is one factor, but even if it wasn't digital sign with the size and height of it, I would think it's a really inappropriate and ascetically bad place to put an Off-Premises Sign.

Marsha Griebel Graham stated do we know how tall the Zanzi sign is?

Mr. Pugh replied probably 15'.

Ms. Sang stated the bottom of our sign would be where the Zanzi Sign is. We aren't 30' then a sign. The height above the ground wouldn't be 30'.

Mr. Pugh stated we would probably go 15' to 20' to the bottom and 25' to 30' to the top.

Don Sherman stated your application reflected 32'.

Mr. Pugh stated we have the ability to change that.

Don McIlroy stated where does digital marketing at today verses normal signs?

Mr. Pugh replied digital is the future. We have no desire to get into vinyl.

Mr. Pugh stated you don't have people climbing ladders and the display can be changed with a computer.

Don McIlroy motioned approve Conditional Use Permit #9-16 as requested, seconded by Terry Leasure. VOTE ON MOTION: AL SEDLAK, NAY; DON SHERMAN, NAY; MARSHA GREIBEL GRAHAM, YEA; DON MCILROY, YEA; BOB MCCRADY, NAY, TERRY LEASURE, YEA. 3 YEAS, 3 NAYS, MOTION DENIED.

Al Sedlak stated that makes their variance request mute. A tie vote is a negative vote.

Mr. Pugh stated can we ask for a second vote? I am interested in why Mr. Sherman is against this.

Bob McCrady stated we have never done a second vote.

Al Sedlak stated that isn't appropriate. You can resubmit an amended application.

Mr. Pugh stated what can we change to make you approve it? We have been working on this since June for Circleville. Should we give up?

Don Sherman stated we have been working with them.

Mr. Pugh stated Valerie I know you know our name.

Valerie Goeller replied yes, you stopped in June and I gave you all the permits you needed and then you came back to tell me that you found this location. I told you that you had picked the busiest intersection. I don't get to vote, but that would give me concern.

Al Sedlak stated the one example you showed us of the one in Gallipolis, it's on a highway. It wasn't on a busy intersection like this would be. Like Valerie said you picked the busiest, most congestive intersection in town. The streets come in at odd angles and to position a sign at another angle is aesthetically and probably safety wise is problematic.

Don McIlroy stated they bored closer to the intersection. They moved it back toward the Zanzi sign realizing that was a tough intersection. I have concern it being that close to Mingo Street.

Bob McCrady stated if you come back you won't get me to change my vote. I'm against the size, eight seconds and don't like the location, period.

Mr. Pugh stated the reason we are going to continue on and I won't go sit down is because when we first tried to do this by digging the hole over where we wanted to put it. We were told no. We asked Mr. Sherman why and he said it was a safety concern for him because of it being a busy intersection. We got him to come out. We contacted the land owner, who isn't easy to work with or is not a friend of ours, we are a customer of his and we pay him rent for this location. We met Don out there and he said why we don't put it where the Zanzi sign is since we will be removing that sign. He said it addressed all of his concern with safety. We have been calling and emailing trying to get you on the phone, we tried meeting with the mayor. We tried to get the information ahead of time so we can get a yes and not no. When we met, it was safety. We resolved that by moving it. What's changed?

Don Sherman stated it was helped not resolved. I have nothing against the sign, it's the location. I would be more comfortable if it was mid-block somewhere. When you come in State Route 56 there are already a bunch of distractions and you are trying to watch the traffic light and you have this flashing sign over here.

Don Walker stated it doesn't flash.

Don Sherman replied it changes the message.

Mr. Pugh stated I hear you say why you don't find another property. It's not that easy and we have a contract in place with the landowner who I know you all know is not very easy to deal with. We have already paid him the first years rent and have a ten year term. We wouldn't have paid him that money if we knew we didn't have the permits we needed.

Bob McCrady stated are your trying to throw the blame on us?

Ms. Sang replied that is not the case. Can we get in writing why we were turned down?

Valerie Goeller replied I will provide you the minutes.

Al Sedlak stated the next two items will be heard together.

Conditional Use Permit #10-16, as requested by the Kessler Sign Company, 2669 National Road, Zanesville, Ohio 43701 for Pickaway County Hands for Disabled, Inc. (Schieber Pharmacy), 212 Lancaster Pike, for approval of an existing 5.42' x 8' = 43.33 square foot, two sided, digital display sign, in an area zoned GB, General Business District.

Variance #13-16, as requested by the Kessler Sign Company, 2669 National Road, Zanesville, Ohio 43701 for Pickaway County Hands for Disabled, Inc. (Schieber Pharmacy), 212 Lancaster Pike, for approval of an existing 5.42' x 8' = 43.33 square foot, two sided, digital display sign and to vary maximum sign area allowed from 64 square feet to 110.66 square feet, the message changing intervals from no more frequent than once per 30 seconds to 10 seconds, and the minimum distance from a right-of-way line from 20' to 6.66, in an area zoned GB, General Business District.

Mike Davis, Kessler Sign Company, 2669 National Road, Zanesville was sworn in and stated first off I want to apologize that there was some miscommunication between myself and Mr. Schieber. I received an email from him in July saying the sign had been approved and I took that as a zoning approval so we moved forward. That was my mistake for not asking for the documentation. With that, Mr. Schieber had an existing sign post there and with a 3' x 8' sign at the top. We lowered it by 6' and added a 14 square foot LED message board and dressed up the pole cover at the bottom. We are requesting a variance for the additional allowable square footage. According to city code, on a double sided sign you count both sides of the sign face. I do these all over the State of Ohio and that is a little unusual. If you only counted one side, we would be within the allowable square footage per code. It is unusual, but it's your code and you can do what you want to with it.

Don Sherman stated that was an existing sign so the setback isn't changing. It really isn't a variance that is a mistake on our part.

Valerie Goeller stated I didn't find record of it. In the past if we can't find record of if, we vary it to get it into compliance.

Don McIlroy stated Goodwin's has a similar sign. Schieber Pharmacy is a small business and signage is important to them.

Al Sedlak stated do we recall what the restaurant got approved?

Mr. Davis stated I looked at it tonight and I would guess ten seconds. The fairground changed more frequently.

Several other digital sign locations were discussed and no one could recall what timing was.

Valerie Goeller stated I pulled that information together not too long ago and I recall it being all over the board.

Al Sedlak stated I'm bothered when someone asks for something that is already done. I was surprised when it was already there. Secondly, you went ahead and operated it without approval. Okay, that's an oversight. Our code allows the interval to change every 30 seconds. You didn't follow that. You ask that it change every ten seconds, but you're not following that either. Your sign is changing every four to five seconds. Sometime immediately. I don't know who is programming it, but the changes are all over in timing. Not only are you in violation, but your interval frequency is in violation of what you are asking for. That bothers me.

Mr. Davis stated intervals can be changed. It is operated by whoever is doing it within the pharmacy.

Mr. Sedlak stated I've checked it twice this week and it is changing every four to five seconds. Sometimes more frequent with the certain messages.

Larry Schieber stated I feel very badly this sign went up without a permit. That was bad communication and an oversight. I don't like to do business that way. I would be offended if I was on this commission. I apologize for that. As for the timing of the sign, honestly it's because we don't know how to operate it at this point. We shouldn't have fired it up to begin with. We tried and we can adjust it.

Al Sedlak stated if you are granted this variance you are already in violation of it, so it will have to be looked at.

Bob McCrady stated why do you want such short intervals on the message changes?

Mr. Schieber stated 30 seconds is a long time. We put on an advertisement for the opiate program that's going to be at the high school. The message takes three panels, for someone to see that message it would take them a minute and a half to read it.

Bob McCrady stated I think trying to read a sign in ten seconds could be bad.

Al Sedlak stated our city council decided 30 seconds is the appropriate interval changes.

Mr. Davis stated and where did that come from?

Mr. Sedlak replied you would have to ask them.

Al Sedlak stated there should be a good reason to approve a variance. To say Digital Signs should be more often than that, well maybe city council should change it, instead of us varying it. If City Council decides to change it to ten seconds, then we will be happy to along with that. This is a personal feeling, I don't think we should be changing what City Council does on a whim.

Mr. Davis stated if 30 seconds is a big issue, we can live with 30 seconds. I do challenge you to look at the other digital signs in the area.

Al Sedlak stated I'm sure that is true and I don't know when it went into effect. Maybe with three similar issues on the agenda tonight, it's caused us to focus a little more on it.

Tom Spring, 335 Meadow Lane, stated as I listen to this that I am struck as a council person I would rather see a proposed amendment to the code. A person can propose an amendment to the Zoning Code, rather than to give variance after variance. We have one sign in violation already and I'm concern about granting variance over and over again. I'm opposed to it. I think any citizen can propose a text amendment. Maybe that's not what people want to hear. That's my thought.

Dorcas Morrow stated on the State's Highway signs what are their intervals of change?

Al Sedlak stated over the course of the last few years we have approved a half dozen of them. The first was Coughlin, it was like a brave new world in signage and advertising. At that point there were only a handful of them even in the Columbus area. Like they said, it is the wave of the future.

Valerie Goeller stated we have a State of Ohio Representative here tonight, we can ask her.

Michelle Benko, 400 East William Street, representing ODOT District 6 was sworn in and stated I don't know the exact answer on the frequency works. It depends on the length of the message itself. We try to flash it every eight to ten seconds. There is nothing more frustrating than traveling 70 miles an hour by a sign that is flashing at you every eight seconds. You don't have time to read it. You are driving fast, maybe on the phone, you just can't read a message in eight seconds. I will check on it and get back to you.

Don Sherman stated that is on a freeway when you are traveling 70 mph, here in town you would be traveling 35 mph. Your frequency could be longer and still be readable because the speed is different. What that magic number is I don't know what it is.

Don McIlroy stated we have people that are in the business and they are asking for variances. It is always less than 30 seconds.

Ms. Benko stated I am not a part of our advertising department, but there is one that takes care of any signage along a roadway that does require a permit. I don't know the exact logistics of what the permits are for or how they are distributed. I do know who approves them. Those people here earlier did have the permit, the first one, the second will not be issued. I will check on that and get back to you. ODOT isn't consistent with it as far as my department where we deal with real estate and right of way and limited access to the highways. I want to make sure everyone is in compliance so we don't have to come back and say you have to move your sign. We will do that.

Al Sedlak stated I would like to get some additional information so we can be consistent with what other communities are doing.

Don McIlroy stated the city administration will look into this.

Don McIlroy motioned to approve CUP #10-16 as requested, seconded by Bob McCrady. VOTE ON MOTION: DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA; DON MCILROY, YEA; BOB MCCRADY, YEA; TERRY LEASURE, YEA; AL SEDLAK, YEA. 6 YEAS, 0 NAYS, MOTION CARRIED.

Don McIlroy motioned to approve Variance #13-16 as requested with the exception of the message changing frequency will remain 30 seconds, seconded by Bob McCrady. VOTE ON MOTION: MARSHA GRIEBEL GRAHAM, YEA; DON MCILROY, YEA; BOB MCCRADY, YEA; TERRY LEASURE, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA. 6 YEAS, 0 NAYS, MOTION CARRIED.

The next two items were also heard together.

Conditional Use Permit #11-16, as requested by the Pickaway County Visitors Bureau, 325 West Main Street, to install a 6.25' x 6.4' = 41 square foot, two sided, digital display sign, in an area zoned GB, General Business District.

Variance #14-16, as requested by the Pickaway County Visitors Bureau, 325 West Main Street, to install a 6.42' x 6.4' = 41.09 square feet, two sided, digital display sign and to vary the maximum sign area allowed from 100' to 130', the message changing intervals from no more frequent than once per 30 seconds to 5 seconds, and the minimum distance from the right-of-way line from 20' to 14', in an area zoned GB, General Business District.

Don McIlroy stated both Don Sherman and I will be abstaining from voting since it is a city owned building.

Charlie Jackson, 325 West Main Street, Circleville was sworn in and stated we have been at the Welcome Center now for ten years and the ongoing mission is to promote the area and its activities. We approach this project with common sense using technology to manage it in a tasteful way that is conducive to first impression of someone coming into a historic business district. We put a lot of time in our presentation and we have had a number of companies provide proposals. We wanted to keep the sign structure fit the style of our building. We felt it important to reduce the clutter of all the signs that a lot of groups put out in front of the Welcome Center. I am constantly removing these signs. We want an effective way to promote community events, but to give law enforcement a tool to use for an emergency. As you know it's a busy intersection. We also know the number of trains that go by. Regardless of how often that message will change, we will still get a lot of people reading those signs. We feel it will enhance the property and our visibility that we are a welcome center and to reassure this group the last thing we want is to have is a flashing, bling sign. We want a tasteful sign, something similar to Berger Hospital. We don't want to bedazzle people, just relay a message in a tasteful way. One of the reasons for the variance too was that when we worked out the agreement with the city, there was an already existing sign on the chimney, which is a static sign that says Pickaway County Welcome Center. It's not real visible for the people driving or walking by. To take that sign out just doesn't make a lot of sense since it's already up there. We worked with the previous Service Director, John Ankrom and the Mayor, as far as trying to evaluate the setback and the proper location was with the physical constraints that we are working with. We have also taken in mind the future plans for the entry way enhancement. The city was kind enough to do a mockup of the size of what we are proposing now. We were actually able to look at that for a couple weeks to see what we thought of that. We talked to Cargill as far as site line and safety issues with their trucks being able to pull out from Mound Street to Main Street. I am confident we have done our due diligence.

Al Sedlak stated knowing that sign will go in the same place that we already reviewed. I know John Ankrom spent a lot of time on that to make sure it was positioned in an appropriate location.

David Crawford stated did the city file the permit or did the Visitors Bureau?

Al Sedlak stated Chuck signed it on behalf of the Visitor's Bureau.

David Crawford stated I think the city has to be the applicant.

Bob McCrady stated wouldn't that be how the lease is written?

Several replied we have had lessees apply in the past.

David Crawford stated I'm not sure how the lease is written.

Charlie Jackson stated I don't know.

Al Sedlak stated would you like us to table this for the City Law Director to look at it. My concern isn't where the request is coming from, as opposed to the owner of the property not being comfortable with the lessee making the request to start with.

David Crawford stated four of us are here tonight, I want to make sure you are okay with it.

Al Sedlak stated my thought would be if the city doesn't want a sign on their property we can table it and have the Law Director look at it. As far as where the request is coming from, I'm comfortable with acting on it.

Bob McCrady motioned to approve CUP #11-16, seconded by Marsha Griebel Graham. VOTE ON MOTION: DON MCILROY, ABSTAIN; BOB MCCRADY, YEA; TERRY LEASURE, YEA; AL SEDLAK, YEA; DON SHERMAN, ABSTAIN; MARSHA GRIEBEL GRAHAM, YEA. 4 YEAS, 0 NAYS, 2 ABSTENTIONS. MOTION CARRIED.

Charlie Jackson asked that the commission look into the message changing interval. Do you want to keep issuing variances? The reason you are getting this many requests is that it's not working the way it is. I am happy to go along with whatever timing you put on it. I just wanted to express my opinion on it.

Bob McCrady motioned to approve Variance #14-16 as requested with the exception of the message changing interval to remain 30 seconds, seconded by Terry Leasure. VOTE ON MOTION: BOB MCCRADY, YEA; TERRY LEASURE, YEA; AL SEDLAK, YEA; DON SHERMAN, ABSTAIN; MARSHA GRIEBEL GRAHAM, YEA; DON MCILROY, ABSTAIN. 4 YEAS, 0 NAYS, 2 ABSTENTIONS.

The last item on the agenda was a Lot Split, as requested by John Farthing, 233 North Court Street, for the Saving Bank, 118 North Court Street, to split property located at 1410 North Court Street, in an area zoned GB, General Business District.

Al Sedlak stated this was an item added to the agenda and we received the documentation also by email. I spoke to John Farthing today and he had been given a heads up that this meeting might be a little lengthy and that he would be last on the agenda. I don't know that he would have any more to offer than the documentation that has been provided to us. From my conversation with Mr. Farthing, he advised that the Saving Bank acquired this property which is the bowling alley on North Court Street. They have a buyer for it.

We have a copy of the Warranty Deed. The buyer is a limited liability company. I believe he said they made it to the real estate closing and they thought it would be a simple closing when they realized they had a new survey and that the legal description would be attached to the deed. When they did the new survey they discovered the building on the adjoining property, Turner Alignment, encroaches on the bowling alley property by a couple feet. What they did was have a new survey done to basically split off a 5' x 313.5' deep strip of land. This will eliminate the encroachment of the Turner Alignment building onto the bowling alley property. However, before they proceed in transferring the property, the split needs approved by us. The way John Farthing left it with me was that he could come to the meeting, make the presentation and had no objection with us proceeding without him here. Adversely if there was something more the commission needed from him, his client or the LLC we could table it until next month.

Don Sherman stated I have one concern I want to raise. We have a property out of compliance, we are allowing a lot split to continue it being out of compliance. They don't have the required side yard setbacks. We are perpetuating a non-conforming situation that will still be in violation. Someone down the road goes to build on to Turner Alignment, seems like we need to grant a variance for the side yard setback at the same time.

Al Sedlak stated I would like for someone to relay that to them so they can be here next month. I think that is right, let's get it cleaned up.

Terry Leasure motioned to table, seconded by Bob McCrady. All in favor, motion carried.

Bob McCrady motioned to adjourn, seconded by Terry Leasure. All in favor, meeting adjourned.