

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 18, 2006

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White

MEMBERS EXCUSED: Jane Burris, Laurie Goscha, Marilyn Upah-Bant, James Ward

STAFF PRESENT: Jim Gitz, City Attorney; Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Stevie Bean, Lisa Denson-Rives, Daron Utley

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:33 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the May 4, 2006 Plan Commission meeting as presented. Mr. Grosser seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

- Staff Memo on Minimum Spacing Requirements for OASS
- 2006 Zoning Ordinance – Updated and Republished

5. CONTINUED PUBLIC HEARINGS

Plan Case 1988-T-06 – Text Amendment to the Urbana Zoning Ordinance changing the standards and procedures for outdoor advertising sign structures (billboards).

Robert Myers, Planning Manager, presented the staff report. He began by addressing a question that was asked by the Plan Commission at the previous meeting regarding minimum spacing requirements for outdoor advertising sign structures (OASS). He referred to the written communication which was handed out prior to the meeting.

He stated that a 1,500 foot spacing requirement was being proposed for any new billboards. This distance was chosen because it would prevent the proliferation of billboards without being more restrictive than necessary to serve the governmental interest. When you review what other communities have been requiring in Champaign County, you will find that 1,500 feet is not unique or arbitrary. Table A of the written communication shows what other communities and Champaign County require for billboard spacing. Champaign County requires a one mile spacing between billboards for properties along interstates zoned Agricultural and no more than three billboards per mile along other Federal highways. He mentioned there are about 57 communities in the State of Illinois that actually prohibit billboards, but most of these communities had different circumstances as to why they prohibit billboards. For example, some of the suburbs of Chicago might only encompass a square mile and it might be easier for a billboard company to pass over the city for the next community. He reviewed the billboard spacing requirements of other jurisdictions in the State of Illinois. Mr. Myers contended that 1,500 feet is not unique or unreasonable, especially given that other communities in the State and county have the same requirement.

Jim Gitz, City Attorney, talked about the issue of the impact on nonconforming uses. He feels that there are some issues with the existing ordinance dealing with nonconformities in the Zoning Ordinance. The newly updated and republished 2006 Zoning Ordinance still presents some issues regarding nonconformities. He has discussed with City staff that they simply eliminate Article X-9 until the problems with this section have been resolved. City staff intends to work through these problems and bring a text amendment for Article X-9 to the Plan Commission and City Council in the new future.

He mentioned that there were other issues that were raised in the previous two meetings. He stated that he has already answered questions about amortization, whether special use permits are a reasonable tool, and whether the previous Urbana litigation settlement is still binding upon the City.

Chair Pollock inquired if Mr. Gitz was suggesting that there was an amended staff recommendation that the Plan Commission proceed as recommended with the exception of Article X-9. Mr. Gitz said that this was correct.

Chair Pollock asked if Article X-9 would be coming back fairly quickly or would Mr. Gitz envision that Article X-9 come back to the Plan Commission as a completely separate case. Mr.

Gitz replied that future proposed revisions to Article X.9 would come back as a completely separate case; however, the time period he envisioned would not be very long.

Mr. Myers pointed out that Article X-9 dealt with nonconforming signs generally and included nonconforming billboards. Mr. Gitz added that City staff needs to take into account judicial trends as they apply to OASS, and as Mr. Myers pointed out Article X-9 applies to much more than simply billboards. It applies to all signs.

Lisa Denson-Rives, of Adams Outdoor Advertising, talked about Table A of the City staff memo dated May 18, 2006. She noted that regarding the spacing requirements set for billboards in Champaign County, Adams Outdoor Advertising has to meet the "Rule of 59", which means that they have to prove that a potential property was a commercial use back to September 21, 1959. So, while the spacing mentioned in Table A for Champaign County is accurate, there are also more stringent regulations that have to be met to obtain an Illinois Department of Transportation (IDOT) permit.

She went on to say that the Village of Mahomet does allow billboards, but billboards are only allowed of a 150 square foot area. The Village of Savoy is an Adams Outdoor Advertising market. Adams negotiated the existing ordinance with the Village of Savoy. Savoy has a 1,500 foot spacing requirement, but they are under a cap and replace ordinance as well. Monticello, Illinois is also an Adams market. Adams also negotiated with Monticello for a 1,000 foot spacing requirement with a cap and replace ordinance.

Chair Pollock opened the public hearing up for public testimony.

Ms. Denson-Rives talked about the 2005 Goals of the Urbana City Council. From Goal 5 (Implement the 2005 Comprehensive Plan) of the 2005 Council Goals, she read "Update the sign ordinance for the city, setting new guidelines for commercial signs along main arteries and traffic corridors designated for redevelopment or beautification. Establish a time table for the replacement or phasing out of billboards and tall pole signs along designated traffic corridors." She read from the original staff memo for this case, where Mr. Myers had wrote, "(1) increase the standards in the Zoning Ordinance to improve the placement, design and safety; and (2) work toward removal of the most problematic billboards." She mentioned the reason she read these two excerpts were because her job as Real Estate Manager for Adams Outdoor Advertising is to maintain their inventory to the best of her ability the same way Adams does for all 22 markets that they are located in and to work with the community as a good corporate citizen. Adams has the responsibility to work with municipalities to make sure that Adam's inventory is maintained in a safe manner that looks well and to ensure that they have minimal disruption to landowners in the community. Adams is doing this in the City of Urbana.

She stated that the proposed ordinance is important, but she has to focus on the bigger picture. The stated goals of the City Council are to take down some of the inventory that Adams currently owns in the City of Urbana. Adams will take whatever steps necessary to protect their inventory in either a pro-active or reactive manner. Adams Outdoor Advertising would like to partner with the City of Urbana and help meet the goals published by the City Council. If the City would adopt a cap and replace program, Adams would be willing to work with the City on

some of the beautification efforts that the City would like to implement. Adams has talked about the corner of University and Lincoln Avenues and about the relocation of the sign at the corner of University Avenue and Vine Street as well as the relocation of other problematic signs.

If the City of Urbana were to adopt a cap and replace ordinance, then the subject of replacement or phasing out of billboards goes away. At this point, Adams and the City could talk about the possible locations where redevelopment and relocation could make sense for both parties involved.

The City of Urbana has visited this issue once before in a settlement agreement between C & U Poster and the City of Urbana. The City of Urbana was forced to pay out a settlement to C & U Poster. Why would the City of Urbana put themselves in a position where they would pay for the removal of billboards when Adams Outdoor Advertising has offered to work with the City to meet the goals specified by the City Council?

With no further members of the audience wishing to speak, Chair Pollock closed the public testimony portion of the hearing and opened it up for Plan Commission discussion.

Ms. Stake inquired as to how much of the ordinance would they not be dealing with. Mr. Pollock replied that they would eliminate Article X-9 from any recommendation to City Council.

Ms. Stake moved that the Plan Commission forward the proposed text amendment to the City Council with a recommendation for approval with the deletion of the proposed changes to Article X-9 as recommended by Mr. Gitz, City Attorney. Mr. Hopkins seconded the motion.

Mr. Grosser moved for a friendly amendment to Section VII-11. Special Use Requirements for Outdoor Advertising Sign Structures (OASS) by adding a clause D, which would read as follows: "The proposed OASS shall not conflict with the City of Urbana's goals as expressed in the Comprehensive Plan, the Downtown Strategic Plan, Tax Increment Finance Plans, and other pertinent planning documents." Mr. Pollock seconded the motion.

Mr. Grosser explained the reason for his friendly amendment is because Section VII-11 is about Special Use Permit requirements, and it talks about a variety of criteria by which requests for special use permits should be evaluated. It did not specifically mention the planning documents listed in the friendly amendment. His attempt is to make sure that when a special use permit request is evaluated for all new billboards that the City looks at the Comprehensive Plan and the Downtown Strategic Plan to see what they might say about a proposed location for a billboard.

Chair Pollock suggested that the Plan Commission treat this as a regular amendment rather than a friendly amendment to the original motion. Mr. Grosser agreed.

Elizabeth Tyler, Director of Community Development Services, stated that the Special Use Permit Procedure is listed on Page 64 of the 2006 Zoning Ordinance. Section VII-4. Special Use Procedures lists criteria that they have for special uses. There are some broader standards that are applied, which are not listed in Section VII-4. However, in Section IX-4. Comprehensive Sign Regulations Legislative Intent and Findings on Page 96 of the Zoning Ordinance, we talk

about the 2005 Comprehensive Plan. So, it seemed to her that there is some reference, but it is not very direct or explicit.

Mr. Hopkins expressed his concern about where the proposed amendment would belong in order to appropriately apply to special use considerations. The criterion being expressed could readily be argued to apply to any special use permit request. Therefore, he felt the proposed amendment should be made to Article VII-4 and not in the sign ordinance, particularly because it raises a question of treating signs differently in special use considerations. For this reason, he opposed the amendment. He went on to say that he felt the principle idea is good. However, he did not feel it would be appropriate to amend a different section of the Zoning Ordinance on the floor. He suggested that it be brought back as a suggested amendment to Section VII-4. Mr. White agreed. Mr. Pollock agreed as well and whereas that type of a statement may be very appropriate, it probably would be appropriate for every special use permit request and not simply the billboard special use. The more you detail the special uses, the more liability there is in terms of having a system that is not completely fair.

Mr. Grosser agreed with this sentiment. It made sense to him, so he would be happy to suggest to City Staff to pursue this in a future Plan Commission meeting. He withdrew his motion for an amendment. Chair Pollock approved as seconder of the amendment motion.

Mr. Grosser commented that while the proposed text amendment would bar future development of billboard sign structures in the downtown zone, it would not phase out billboards. It would keep the same number of billboards and actually allow a few more. This would potentially be better than the cap and replace ordinance requested by Adams Outdoor Advertising because it would be less restrictive.

A roll call vote was taken on the original motion, and the motion was passed by unanimous vote. Ms. Tyler noted that this case would go before the City Council on June 5, 2006.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 1992-M-06 – A request to rezone 801 East Kerr Avenue from R-3, Single and Two-Family Residential Zoning District, to AG, Agriculture Zoning District.

Mr. Myers gave the staff report for this case. He noted that the rezoning request is from the City of Urbana. City staff has been unable to identify the owners of the Greenwood Cemetery. He explained that since the property at 801 East Kerr Avenue was zoned County R-3, upon annexation it was directly converted to City R-3, Single and Two-Family Residential Zoning District. In order to protect and support the use as a cemetery, City staff would like to rezone the property to AG, Agriculture Zoning District. He described the surrounding properties and noted their land uses. He reviewed the La Salle National Bank Criteria as it pertained to this case. He

summarized staff findings and read the options of the Plan Commission for this case. He presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Plan Commission forward Plan Case No. 1992-M-06 to the Urbana City Council with a recommendation for approval.

Ms. Stake asked if most cemeteries are zoned AG rather than CRE, Conservation-Recreation-Education Zoning District. Mr. Myers said not necessarily. Ms. Stake inquired as to why City staff proposed to rezone this property to AG. Mr. Myers explained that it is because the East Lawn Cemetery which is next to the proposed site is zoned AG. The other reason is because a cemetery is a permitted use in the AG Zoning District.

Mr. Pollock questioned whether the Greenwood Cemetery is fenced off from the East Lawn Cemetery. Mr. Myers said no. Mr. Pollock inquired if the Greenwood Cemetery is fenced off from the Chief Shemauger Park. Mr. Myers stated that he did not recall.

Mr. Pollock asked what would happen if no one came forward to claim this property. Mr. Myers replied that it would be considered abandoned property, and there are state laws about dealing with abandoned property, and he believes there may be state laws dealing with abandoned cemeteries.

Mr. Hopkins moved that the Plan Commission forward this case to the City Council with a recommendation for approval. Mr. White seconded the motion. Roll call was as follows:

Ms. Stake	-	Yes	Mr. Pollock	-	Yes
Mr. Hopkins	-	Yes	Mr. Grosser	-	Yes
Mr. White	-	Yes			

The motion was passed by unanimous vote. Chair Pollock mentioned that this case would go before the City Council on June 5, 2006

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Ethanol Text Amendment was approved by the City Council. City staff did file a formal protest with the County Clerk's office. From his understanding, the County Board is reviewing the proposal tonight at their Board meeting.
- Ameren IP/ CellNet was asked by City Council to look into co-locating their antenna at a different site. Ameren IP/ CellNet also changed their application to lower the height of the pole from 100 feet down to 70 feet. City Council had raised issues about screening, especially along the north fence line.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Robert Myers, AICP, Planning Division Manager
Urbana Plan Commission