

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** May 7, 2009

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building – City Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White

**MEMBERS EXCUSED:** Marilyn Upah-Bant

**STAFF PRESENT:** Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Deb Aronson, Glenn Berman, Charles Dodd, Vidar Lerum, Hiram and Jean Paley, Susan Taylor, Kevin and Julia Webster

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

Chair Pollock called the meeting to order at 7:29 p.m., the roll call was taken, and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

Chair Pollock suggested that due to most of the people in the audience being in attendance to hear and possibly testify for the public hearing regarding Plan Case No. 2106-M-09, the Plan Commission should change the agenda items. Mr. Grosser moved that the Plan Commission switch the order of the agenda so that they review and consider Plan Case No. 2106-M-09 under New Public Hearings before reviewing and considering Plan Case No. 2104-T-09 under Continued Public Hearings. Ms. Stake seconded the motion. The motion was approved by a hand vote of 6-1.

**3. APPROVAL OF MINUTES**

Ms. Stake moved to approve the minutes of the April 23, 2009 meeting as presented. Mr. Grosser seconded the motion. The minutes were approved by unanimous voice vote.

#### 4. COMMUNICATIONS

##### Communications Regarding **Plan Case 2104-T-09**

- ✚ Excerpts of Article IX. Comprehensive Sign Regulations in the Urbana Zoning Ordinance

##### Communications Regarding **Plan Case 2106-M-09**

- ✚ Email from Glenn Berman
- ✚ Email from Deborah Katz-Downie
- ✚ Letter from Hiram and Jean Paley
- ✚ Email from Michael and Elizabeth Plewa

##### Other Communications:

- ✚ Planning Commissioners Journal – Getting the Density You Want – Spring 2009

#### 5. NEW PUBLIC HEARINGS

##### **Plan Case 2106-M-09: A request by Kevin and Julia Webster to rezone 714 West California Avenue from R-2 (Single-Family Residential) to R-7 (University Residential).**

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began with a brief explanation for the petitioner's request to rezone the proposed property. He talked about the history of the proposed site and described the site and the surrounding adjacent properties noting the current land uses, existing zoning and future land use designations of each. He noted the definition for "Residential (Urban Pattern)" and pointed out the goals listed in the 2005 Comprehensive Plan that are relevant to the proposed rezoning. He discussed the R-2 (Single-Family Residential) and the R-7 (University Residential) Zoning Districts. He also talked about non-conforming uses and building codes and how they would relate to the proposed site if the rezoning request is approved. He reviewed the LaSalle National Bank Criteria as it pertains to the proposed rezoning. He read the options of the Plan Commission and 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 recommends that the Plan Commission forward Plan Case No. 2106-M-09 to the Urbana City Council with a recommendation for denial.*

Chair Pollock asked for clarification. Is it possible for the petitioners to request a conditional use permit to allow them to use the property as a duplex under the current zoning of R-2? Mr. Engstrom said yes. Chair Pollock commented that the petitioners would then be able to have two four-bedroom units if a conditional use permit was approved and could then rent out all eight bedrooms, correct? Mr. Engstrom said yes.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the public hearing up for public input.

Kevin and Julia Webster, petitioners, approached the Plan Commission. Mr. Webster explained why they purchased the home, which was to provide housing for their two sons while the sons attended the University of Illinois.

When they purchased the home, it had great potential with eight bedrooms and beautiful character. The house was constructed in the 1880s. Their original intent was to have a single-family style atmosphere of living so their sons would feel like they were at home while learning to be responsible. With eight students living in the house, it ran smoothly. Each student was assigned chores to help maintain the house.

Mr. Webster mentioned that they have spent a substantial amount of money to remodel the house (replace all the plumbing and electrical wires, changed the heating system and replaced about 50% of the windows, etc.). They wanted to make it a quality house to not only improve the neighborhood but to make it so it would be easy to rent. Many students find the house on the internet and want to rent a bedroom there because of the character of the house. They try to encourage the graduate students to rent, because they are more interested in having a quite, peaceful area. So, they screen the tenants to get a higher quality of tenants.

There is a beautiful big kitchen, a big dining room and living room and a loft on the third floor. All around the house there are places for the tenants to study. Having eight tenants worked well. It is now harder to get four tenants to do the chores of what eight tenants use to do.

They do not intend to change the single-family house into a rooming house. They are only asking that the rooming house status be returned to the house. There were always eight tenants there. He can say what it was like before they purchased the home, but since then, they have never received a complaint. They have even received citations from the West Urbana Neighborhood Association for progressive thinking. They have been told by many neighbors that they have done a fabulous job in maintaining the neighborhood.

They are not trying to downgrade the neighborhood. In fact, they strongly feel that they are improving the neighborhood and improving the quality of the single-family homes that still reside in the area. He mentioned that they have spent a lot of time and money in remodeling the house. By improving their property, they in turn are improving the neighborhood. Some of the other houses in the neighborhood are not in as near as good condition as theirs.

Mr. Webster stated that they have six parking spaces. Technically they only need four spaces to be legally conforming. So, as far as parking they are not impacting the parking issue in the area.

He said that he hoped to move to Urbana when he retires and have multiple rental properties and be good landlords. They like this neighborhood and like renting to students.

He pointed out that if the City allows the rezoning, it would require them to have a safer building because the City would require them to comply with the stricter fire safety codes. He realizes that the neighbors are worried about their property values, but if you have a landlord who is willing to maintain his rental unit, then it will only increase the neighbors' property values. If they cannot rezone the property and be allowed to rent to eight tenants, then they will not be able to afford to maintain the property, and the property value of the proposed house and of the

neighboring houses will decrease. They are losing approximately \$2,600.00 a year. If a property owner does not have the money to repair and improve things on the house, then it will not get done.

Mr. Webster pointed out that they have never had any police calls. Because they screen their tenants, their tenants do not have drinking parties.

The possibility of losing one's legally non-conforming status forces landlords to do things on the sly. They are only trying to improve the neighborhood and keep it good.

Mr. Grosser inquired about the timeline. They purchased the home in 1997 and their two sons moved in. How many people lived there with their sons? Mr. Webster said yes. When their two sons graduated and moved away, he and his wife liked the house so much they decided to continue to rent it out rather than sale it. For six more years, they continued to have eight tenants in the house, because they did not know that they had lost the rooming house status. Then, they received notification that they were being sued by the City of Urbana for having more than four residents in the R-2 Zoning District. So, now they are trying to correct the misunderstanding.

Hiram Paley, of 706 West California Avenue, stated that Mr. Webster is correct in saying that the police have never been called to the proposed property. He was pleased to see the Websters working on the proposed house, and he had the impression that they were converting it back into a single-family residence.

He expressed his concern that if the Webster's petition is granted, then it is a step in the wrong direction. He was hoping that more properties on their street would be converted back to single-family homes. Leal School is still in the neighborhood and is one of the best schools in the City of Urbana. So, he thinks there should be a demand for single-family homes in the area.

He suggested that the Websters increase the rent for the four students by \$50.00 a month to compensate for the \$2,600.00 they are losing each year. There are some tenants who might love the house so much that they are willing to pay the extra \$50.00.

He remarked that if the City approved the rezoning request, then it will open questions about other rezonings in the City. The City would be taking many steps backward from what was the City Council's policy over the last many years of trying to maintain single-family residences in these older neighborhoods.

He is not sure what the rezoning for the proposed property would do to his property values.

Jean Paley, of 706 West California Avenue, stated that everything Mr. Webster said is true. The Websters took a disaster and created something quite wonderful out of it. The house looks great from the outside and from the inside. However, the issue here is not the character of the Websters. The issue is the character of the zoning and what kind of impact the R-7 would have on the neighborhood.

Most people who purchase properties to rent to students do not do what the Websters did. They invested a lot of money into the property to bring it up to code. They screen their tenants.

Whereas, the two adjacent property owners are only interested in how much money they can get out of their properties (rooming houses). The number of people coming and going is much higher than eight unrelated people. The only people within her view who have been fined and disciplined for exceeding the occupancy regulations are the Websters. Why is that?

She does not feel that the Websters will own the house forever. One of the problems is that they would like to sell it someday. Another opportunist such as the other two landlords of rooming houses on the block will probably buy it. Rest assured the house will no longer stay in its pristine condition.

There are many landlords looking for the City to favor the Websters. So, they can then come to the City and ask for an upzoning as well. This is what the single-family homeowners on the block are worried about happening.

Ms. Stake wondered if the City was doing anything about the over-occupancy at the other addresses. Ms. Paley said no. City staff knows about it, but does nothing to fix it. Chair Pollock stated that this is an important issue; however, this is not the venue to do so.

Vidar Lerum, of 404 West Delaware Avenue, remarked that they should not change the zoning one case at a time. Zoning is something that applies to an area and not to a single building. Unfortunately, really good people (the Websters) are involved in this difficult case, but the City needs to look at it with a broader perspective.

He stated that he would have liked to have a site plan for the proposed property. What are the requirements for the Open Space Ratio (OSR) for the proposed lot? Even though the petitioner stated in his testimony that there are six parking spaces, it appears in one of the photos that there may be seven or eight possible parking spaces. Is there enough green space left on the lot to meet the OSR requirements? Mr. Engstrom responded by saying that the OSR for the R-2 Zoning District is .40. The property is currently non-conforming. The OSR for the R-7 Zoning District is .35. So, if the City approves the rezoning request, then the property would become slightly less non-conforming.

Charles Dold, of 708 South Busey Avenue, noted that his family moved here in 1966. He has seen many houses be purchased by parents for their children to live in while attending the University of Illinois. Later the houses became semi party houses. This is not good for the neighborhood. Ownership of the houses change, but the zoning does not, so the new owners can do as they wish in the higher zoned areas.

Rita Mennenga, of 805 West California, applauded the petitioners for what they have done for the neighborhood by improving the proposed property. It looks marvelous. Referring to the 2005 Comprehensive Plan, she pointed out Goal 1.0 states as such, "*Preserve and enhance the character of Urbana's established residential neighborhoods.*" The proposed property does not appear to be a rental property because it is so well maintained. She encouraged the Plan Commission to vote to approve the proposed rezoning.

Mr. Webster re-approached the Plan Commission. He responded to Mr. Paley's comments about how the R-7 Zoning District would change the neighborhood and about his suggestion to

increase the rent. Mr. Webster stated that the students are already having a tough time making ends meet. Having the extra tenants allows them to maintain the property and to make improvements. There currently is no maintenance being done on the house, because there is no money. By not allowing them to rent to eight tenants instead of four, the City is forcing them to revert to the type of landlord they do not want. The City does not want landlords who do not maintain their properties.

He and his wife are not interested in selling the house. They plan to keep the house and rent it out for retirement income. He cannot say what will happen when they die, but he plans on having the house for another 20 to 30 years.

He commented that the negative impact comes from them not having the money to put into the house. The house is truly beautiful. He showed pictures of the proposed property before and after they remodeled it.

He read the intent of the R-7 Zoning District found on Page 4 of the written staff report. He pointed out that the R-7 Zoning District has stricter codes. He plans on complying with those codes. He showed pictures of adjacent properties noting the poor or lack of maintenance that has been done to them. The properties are over occupied. One of them has 12 tenants with two tenants living in the basement. He feels that he is being chastised for having a well maintained property.

Mr. Webster stated that they have the same goal as the West Urbana Neighborhood Association, which is to improve the neighborhood. He believes zoning should be done on a case by case basis. If the owner of 712 West California Avenue wants to get rezoned, then they would need to comply with the stricter City codes as well, which could only improve the neighborhood even more.

They plan to maintain their property at 714 West California Avenue. However, they cannot keep it to the character and the standards that they have set for it if they cannot maintain it and improve it. Over the past years, they have taken all of the income from the house and put it back into the house. The objective is to improve the neighborhood and they are doing their part.

Mr. Paley re-approached the Plan Commission. He commented that he is sympathetic to the petitioners. He stated that if the zoning stays as it currently is, then the neighbors will know what to expect, but if the rezoning is approved, then the neighbors have no idea what will happen.

He expressed his concern for what approving this request for spot rezoning would do to other areas in the City. Many property owners would love to rezone their properties from R-2 to R-7. If the City grants the proposed request, then they will be setting a precedent. He agrees with Mr. Lemur in that zoning refers to an area or a zone rather than an individual property. He suggested that the Websters could apply for a conditional use permit to allow a duplex use in the R-2 Zoning District.

He referred to the two letters, one written by Henry Symanski and one written by Dave Barr, and are included in with the application submitted by the petitioners. Both letters imply that the

Websters are considering selling the property. Yet, Mr. Webster had previously testified that they want to move here after retiring and own multiple rental properties to use as retirement income. This is very contradicting, and he is not sure what to think.

Deb Aronson, of 409 West California Avenue, voiced her concern about other cases where people have purchased properties with the intention of living in them; then turn around and rent the properties to other people. Her point is that people can have all kinds of good intentions and the situation changes. She feels that this is important for the Plan Commission to keep in mind when considering the proposed rezoning request.

Another point is that Mr. Webster talked about having trouble making enough income from the house to maintain it. She noticed that the Websters advertise the house as an eight-bedroom rooming house. They have been fined twice for having eight people living in the house at one time. It seems clear from the advertisement that they intend to keep renting out all eight bedrooms. She is unclear about how long they have only had four tenants, so she is not confident about Mr. Webster's statements about the cost of maintaining the house versus the income they can get from the renters.

Mr. Webster approached the Plan Commission again to respond to Mr. Paley's concern. They were at one time looking to sell the house, because they could not make ends meet on it. Mr. Barr and Mr. Symanski suggested that they talk to the City about getting the zoning changed. After talking with City staff, he and his wife felt it would be the best thing to do. This way they could keep the house.

They were informed by the real estate agents that they would have a difficult time selling it as a single-family house. They want to keep the house, because they love it. They love the neighborhood. If they were intent on selling the house, then that is what they would have done.

Ms. Stake asked why the Websters advertise for eight people. Mr. Webster said they currently can only rent to four tenants, but the house is in fact an eight bedroom house. They are not lying about how many bedrooms there are in their advertisement, because it is the truth.

With no further comments from the audience, Chair Pollock closed the public input portion of the public hearing. He then, opened the hearing up for Plan Commission discussion and/or motion(s).

Ms. Stake commented that she has also heard that the petitioners have been caught twice and cited by the City for violating the Zoning Ordinance by using the house as a rooming house. Chair Pollock cautioned everyone that this case is about the rezoning and not about the history of what is going on in the house. Mr. Engstrom replied by saying that the petitioners have paid a court fine. Subsequent to that, one of the City's Housing Inspectors did find six people living there. City staff sent the Websters a letter and they brought it into conformance right away.

Robert Myers, Planning Manager, pointed out that City staff follows up on code enforcement in two ways. The first one is through complaints by neighbors, passersby, tenants, etc. of over-occupancy or building code problems. The housing inspectors respond to these complaints right away by going to the property in question and completing an inspection.

The second way to follow up on code enforcement is through the Property Maintenance Program. The Housing Inspectors inspect all of the rental properties throughout the City of Urbana. This takes some time to accomplish.

In the mean time, if you know of a violation occurring, you can call 384-2436 to make a report. A Housing Inspector will follow up with you after performing an inspection with the results. Sometimes there is a code violation and sometimes there is not.

Ms. Stake agrees that zoning should not be considered case-by-case (spot zoning). The City rezoned this area for single-family residential and that is what they would like it to continue to be. If the City would approve this case based on the petitioners being good people with good intentions, it would create a precedent for developers to do the same thing.

This area is very fragile. It is a wonderful place to live. It is a good residential area. People from all sides want to change it. The City needs to stay with the Zoning Ordinance to protect the neighborhood and keep it safe. She can remember when Lincoln Avenue served as the buffer between the R-7, University Residential, and the R-2, Single-Family Residential, Zoning Districts. Now, Busey Avenue serves as the buffer. She hopes that the other members of the Plan Commission and the City Council consider what this would do to this residential neighborhood. She encouraged the other Plan Commission members to vote for denial of the proposed rezoning.

Mr. Grosser commented that the City definitely wants landlords who maintain and improve their properties. The Websters have significantly improved the proposed property. So, he has sympathy with the petitioners' plight and feels this is an unfortunate situation. He reiterated that it is not the petitioners that the Plan Commission should consider, but rather it is the zoning of the property. Whenever the Plan Commission considers a rezoning request, they look at what the Comprehensive Plan says and what are the implications for the property in perpetuity. With any petitioner with the best intention, something could happen and the petitioner could sell the property, and anything could be built or changed there based on the current zoning at the time.

The Downtown to Campus Plan could not be any clearer. He believes that if the proposed property was zoned R-7 at the time, the City would have down zoned the property to R-2. The property was left at R-2 because that is what the residents in the West Urbana Neighborhood area wanted it to be long term. The Comprehensive Plan incorporated the Downtown to Campus Plan and specifically specifies that it should be "single-family".

Because of these things, Mr. Grosser did not see any justification for changing the zoning to a higher zone despite the fact that it has been non-conforming use that would be equivalent to an R-7 Zoning District.

Mr. Grosser moved that the Plan Commission forward Plan Case No. 2106-M-09 to the City Council with a recommendation for denial. Ms. Stake seconded the motion.

Mr. Hopkins felt that the basis for which they are arguing is that the way the proposed property is currently zoned is the City's long-standing, articulated intent for this area. This has been



demonstrated in all sorts of things over the last 30 years. But they cannot lose sight that this intent is in many ways unnatural of what the area wants to be. The City is going to be fighting these issues that do not make sense. Much of what the Plan Commission heard from the petitioner makes sense. It makes sense for the place. It makes sense for the quality of the investment and for reducing the total number of trips by having higher density closer to the campus. It makes sense from ideas of community. In many ways, this is what the neighborhood wants to be, but the City decided to fight it and create something else which is special and unusual. One of the side affects of that commitment are cases like this. He just wants to acknowledge this because he thinks it says two things: 1) The Websters are doing something that from a point of view that isn't embedded into this 30 years of history makes great sense and 2) It also says to the people who live in the neighborhood and want it to remain single-family residential that they have a big responsibility to take it on and make it work.

He mentioned that he would support the motion for the same reasons other members are.

Ms. Stake felt it is important to mention that it is a historic area as well. They are not only preserving it because it is a great place to live, but because it is a historic area that is very fragile in this community. Many places have been torn down already, and the City needs to protect and preserve some of its history of Urbana. This is one of the special places that they can do this.

Mr. Fitch agreed with Mr. Hopkins comments. He commented on the house. He told the Websters that it is a beautiful home and they are to be commended for the hard work that they have put into it.

Chair Pollock stated that this has turned out to be a difficult case to look at. Mr. Hopkins was accurate in saying that the natural tide in this neighborhood is not opposed to what the Websters would like to do. Unfortunately, the City does not have a W3 Zoning District in which there are landlords who are committed to taking care of their rental properties.

The fact is that the City cannot make zoning decisions based on intentions. If the proposed property were to be rezoned and sold, somewhere down the road, the City could wind up with the same situation there is with some of the other older homes. The Websters are caught in the middle of this. There is no question about the quality of the work that they have done, about their commitment to the neighborhood and their desire to return the house to a one of beauty and use. However, when making zoning decisions, they have to consider what could happen down the road. Therefore, he is going to support the motion.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Chair Pollock	-	Yes	Ms. Stake	-	Yes
Mr. White	-	Yes			

The motion was approved by unanimous vote. Mr. Myers noted that this case would go before the City Council on June 1<sup>st</sup>.

## 6. OLD BUSINESS

There was none.

## 7. CONTINUED PUBLIC HEARINGS

**Plan Case No. 2104-T-09: Application by the Urbana Zoning Administrator to amend Article IX, Comprehensive Sign Regulations of the Urbana Zoning Ordinance, pertaining to signs.**

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a PowerPoint presentation on the following:

- ✚ Purpose and Severability Section
- ✚ Overview of Proposed Changes
  - ✚ Sign Height
    - ✚ Sign Industry Recommendations for Optimal Sign Mounting Height
  - ✚ Sign Setbacks
    - ✚ Field of Vision
    - ✚ Proposed Setback Encroachment
  - ✚ Monument Signs Would Be Required
    - ✚ Consequences of Requiring Monument Signs
    - ✚ Minimum Sign Mounting Height
    - ✚ Photos of Monument Signs Being Blocked By Landscaping and Vehicles, Etc.
  - ✚ Maximum Size for Institutional Signs
  - ✚ Maximum Size of Wall Signs
  - ✚ Electronic Display – Allow Color Images and Messages
    - ✚ Regulating Dynamic Display

Chair Pollock stated that there are many signs in the City of Urbana that would be grandfathered under the proposed text amendment. Would they be grandfathered indefinitely? Mr. Myers explained that signs which are removed, destroyed or are modified beyond simple maintenance would need to be brought into conformity with the Sign Code.

Mr. Hopkins asked if freestanding pole signs would no longer be allowed. Would monument signs be required in all cases? Mr. Myers responded by saying that pole signs would be allowed for signs oriented toward the interstate. Otherwise, only monument signs would be allowed.

Mr. Hopkins inquired as to why the request for this change came about. Mr. Myers responded that the Mayor has a special interest in creating a more aesthetically pleasing community in terms of signage. Requiring monument signs is intended to improve aesthetics. However, it is not the only solution for aesthetic improvement, and if the Plan Commission feels like there are better solutions, he would appreciate their feedback.

Mr. Fitch questioned whether the annexation agreement for the Meijer site would run with the land or end if Meijer sold the site to another company. Would the other company be able to install the same type and size of sign as the Meijer sign that currently exists? Mr. Myers said

that he believed it depends on the details of the annexation agreement. He would have to read the agreement. Chair Pollock pointed out that if the City is interested in the reuse of these types of buildings, then this could be a factor in a building get leased out versus a building sitting empty.

Mr. Myers handed out a two-page document showing some changes that were not included in the written staff report.

Ms. Burris commented that she prefers freedom of choice for this aspect of signage. Although she likes monument signs, she does not feel that monument signs fit every place in the City. She believes the City needs to be flexible in terms of how businesses can display their logo and their company name. She prefers to not have monument signs everywhere in commercial areas.

Mr. White stated that there are some places where pole signs make more sense because monument signs would interfere with a driver's view. Monument signs can block the view of a driver exiting a parking lot.

Chair Pollock said that from this example it is pretty clear that monument signs are not appropriate for every situation. He would like the staff to come back with other options.

Ms. Stake commented that allowing color in electronic display signs is very helpful.

Mr. White questioned the intent of Article IX-4.B (institutional signs). Would the new language still allow a sign to be located on each frontage? Mr. Myers said yes. Mr. White suggested that they keep the following sentence in with the new language, "*There may be one sign per frontage.*" Mr. Hopkins pointed out that the new language already states this. Mr. Myers added that City staff is proposing either one monument sign or one wall sign per street frontage with a maximum combined sign size of 25 square feet in total.

Mr. White said that he would like the text amendment to allow 25 square feet per sign per street frontage -- 50 square feet in total. Mr. Hopkins commented that they need to keep in mind that this is for institutional signs in residential zoning districts. He feels that 25 square feet combined for both signs makes sense. Mr. White noted that 25 square feet is not that big.

Chair Pollock inquired about the timeline of the proposed case. Mr. Myers replied that he is fine with the Plan Commission making a recommendation to the City Council now. In terms of requiring monument signs, if the Plan Commission felt like there was consensus they could make a recommendation to remove the requirement from the text amendment. Frankly, he is not sure that City staff would be able to return with an alternative for monument signs to enhance aesthetics.

Mr. Grosser wondered about regulating the brightness of electronic sign displays. He did not find any language in the proposed text amendment doing this. The Assembly Hall sign on Kirby Avenue is really bright. Mr. Myers responded that he has been gathering research on this issue. He is just at the point where he can bring a text amendment forward to regulate brightness. He feels it would be appropriate to bring it as a separate case. He mentioned that he needs further direction on how to move forward on it regarding how to regulate the brightness. It is a technical

aspect that can be complicated. There are light measuring devices that we would need to use, one of which is very expensive. Mr. Grosser commented that the City should move forward with regulating the brightness, especially if the City approves of electronic signs. He is glad to hear that City staff has already begun to consider this.

Mr. Grosser inquired about Article IX-2.A regarding tri-fold billboards. Does the definition for "*Animation or Animated*" prohibit tri-fold type billboards? Mr. Myers responded that tri-fold billboards are not allowed. They tend to break down more in this climate due to ice and snow.

Mr. Grosser asked about Article IX-4.A.3. regarding noncommercial messages. Why does it say that any commercial sign can carry a noncommercial message? Mr. Myers explained that this is a very important aspect to have in the Ordinance. For one it helps guard against lawsuits. The City does not want to be in the situation of having requirements for commercial speech which are less stringent than for noncommercial speech. The proposed language is based on a specific recommendation from an expert in the constitutionality of sign regulations.

Mr. Grosser questioned where to find political yard signs being addressed in the proposed text amendment. He thought it might fall under Section IX-4.J.11. Mr. Myers stated that the Public Works Department explicitly allows temporary signs in the right-of-way, including political signs. In terms of enforcement, the City has always had a steady policy in being lenient with noncommercial speech. We do not want to get into the position of telling people, for instance, that they have to remove a "welcome home" banner. City staff does not feel that we need to define political signs specifically. It is impossible to define what a political sign is without getting into regulating content. Once the City starts regulating signs based on content, then we are setting ourselves up for a lawsuit.

Mr. Grosser explained that the reason he brought this up is because of a political sign recently posted that was about 15 feet wide by five to eight feet tall, located at the corner of Illinois and Race Streets. The election has been over for a while, yet the sign may still be there. Can anyone put a sign up in their yard of any size as long as it's noncommercial? Mr. Myers responded that if it is noncommercial speech and it is not blocking the vision of traffic, then there are no regulations prohibiting it. Mr. Hopkins pointed out that #11 on Page 106 does regulate the size of a noncommercial sign. Mr. Myers reminded him of the handout from earlier. The handout shows that staff wants to delete #11 altogether. Mr. Myers inadvertently left this in from an earlier internal draft.

With no further questions for staff, Chair Pollock opened the hearing up for public input.

Hiram Paley, of 706 West California Avenue, commented on the proposed text amendment. He feels that a city might become sterile if there was only one type of sign allowed. He agreed with Ms. Burris' comments. He expressed his concern about flashing signs. He believes they are a real hazard. He drives down the highway going 69 miles per hour and can only read about two-thirds of a message that the state has put on a flashing advisory sign. By the message has changed so he can read the rest of the message, he has already passed the sign. He feels they should use signs on the interstate that give quick messages or allow bigger signs.

With no further comments from the audience members, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Ms. Stake referred to Section IX-4.D.5.d. How does the City determine if there is an illumination causing a nuisance? Mr. Myers explained that currently the Zoning Administrator will make a judgment call on whether or not an illuminated sign constitutes a nuisance, as opposed to a dislike of the illumination. It would result from a citizen complaint.

Ms. Stake wondered if an electronic sign would be good for people driving down the street. An ordinary sign would always be there, but electronic signs might not be working all the time. Mr. Myers replied that "old-fashioned" stationary sign are reliable. However, businesses like having the aspect of being able to change the message to let passersby know of specials, etc.

Mr. Fitch asked if the recent lighting ordinance text amendment covers illumination of signs. Mr. Hopkins said it covered lighting on signs, but not lighting emitted from signs.

Mr. Hopkins made a motion that the Plan Commission forward Plan Case No. 2104-T-09 to the Urbana City Council with a recommendation for approval, subject to the change that the requirement for monument signs be deleted. This would leave the City where we currently are in that there are size incentives for monument signs, but they are not required. Ms. Burris explained much of the reasoning for this. He added that being able to see under a sign is much better than not be able to see because of the sign blocking the view. The idea that monument signs are much more aesthetically please is a convention that we have created for ourselves that does not have much of a basis in fact. Mr. White seconded the motion.

Mr. Grosser feels a little less comfortable about moving this case forward in that he likes the idea of improving the aesthetics of signs in general. He also agrees that monument signs do not necessarily mean attractive signs.

Monument signs work well for short signs. The Schnucks Food Court/Starbuck's/Gas Station monument sign deals with having a 16 foot monument sign by having the Starbuck's logo at the bottom; however, one cannot see a third of it due to the landscaping. Although the Schnuck's Crossing sign on poles, with the poles wrapped in stucco, is 25 feet tall, it looks nice. He would much prefer this over a 16-foot monument sign with a blank expanse blocking his view. He will vote in favor of the motion. However, he would prefer for City staff to go back and look for other options to improve the aesthetics of signs without the mandate that they all have to be monument signs.

Mr. Hopkins stated that the Plan Commission will see the Sign Ordinance again. The Plan Commission should not view this as the last chance to change it. Regulating aesthetics is a really difficult thing to do; and when it is tied to speech, then it is even more difficult. His hunch is that since City staff has not come up with a brilliant break through in making signs more aesthetically appealing, then the Plan Commission should move ahead with what they have.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Chair Pollock	-	Yes
Ms. Stake	-	Yes	Mr. White	-	Yes
Ms. Burris	-	Yes			

The motion was approved by unanimous vote.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

There was none.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 10:13 p.m.

Respectfully submitted,

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Robert Myers, AICP  
Secretary, Urbana Plan Commission