

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 9, 2009

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Marilyn Upah-Bant

MEMBERS EXCUSED: Ben Grosser, Bernadine Stake

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Andrew Fell; Susan Taylor

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

Chair Pollock called the meeting to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.



2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes of the May 21, 2009 regular meeting as presented. Ms. Burris seconded the motion. The minutes were approved as presented by unanimous voice vote.

4. WRITTEN COMMUNICATIONS

-  Champaign County Land Resource Management Plan
-  E-mail from Lisa Karcher regarding the Champaign County Land Resource Management Plan

5. CONTINUED PUBLIC HEARINGS

There was none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2110-T-09: Request by the Zoning Administrator to amend Section IX-4.C of the Urbana Zoning Ordinance regarding sign illumination.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He gave a brief explanation of how the proposed text amendment came about. He talked about Dr. Ian Lewin's sign illumination study and how it relates to the standards and regulations being proposed for sign illumination in the City of Urbana. He demonstrated how to measure the brightness of light levels using a foot candle meter. He then discussed how the goals and objectives in the 2005 Comprehensive Plan, how Section IX-1 of the Urbana Zoning Ordinance (regarding Comprehensive Sign regulations) and how the Urbana City Council's Common Goals pertain to the proposed text amendment. He talked about illumination requirements in other municipalities including the City of Champaign and the City of Peoria.

Chair Pollock inquired about how the City would deal with a sign that is too bright if there are no standards. Mr. Myers answered that if the City only required automatic dimming, it would still bring the light level down to a much lower level at night time. However, it could still be operated in a way that would be inappropriate in terms of lighting. This is why it makes sense that in addition to the automatic dimming requirements to have some absolute brightness limits on the amount of light.

Ms. Burris wondered about the electronic sign located at the Assembly Hall. She asked if it has automatic dimming. Mr. Myers replied that he does not know. It seems at night time to be a bright sign. He has not taken measurements of the sign.

Chair Pollock asked if this particular sign is the reason that the City of Champaign approved an ordinance requiring automatic dimming. Mr. Myers explained that the City of Champaign's automatic dimming ordinance pertains only to digital billboards. It does not require automatic dimming for electronic signs. Ms. Burris wondered why the sign at the Assembly Hall was not considered a billboard. Mr. Myers stated that signs are billboards are defined as two distinct things. Another factor with the Assembly Hall sign is that the University of Illinois is a state institution. They do not have to follow any sign code or any municipal code. Because it is located on state property, the University of Illinois is not required to get permits to construct the sign.

Chair Pollock wondered how the City of Urbana would distinguish between the different types of signs if the proposed text amendment is approved. Mr. Myers pointed out that electronic signs, message boards, etc. would all be covered in the proposed text amendment. However, the Urbana Zoning Ordinance does not permit billboards to be digital or tri-faced. They have to be a flat static images on paper. City staff is not proposing to change anything having to do with the timing or frequency of changing messages. The proposed text amendment only deals with the brightness levels for signs.

Mr. Myers continued that although the sign industry commissioned the study, he has not seen any evidence that Dr. Lewin's recommended standards are inadequate. It seems reasonable to adopt and "road test" the recommended standards. If it is found at some future point that the requirements are too low or too high, then the City could modify them. 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 Urbana Plan Commission forward this application to the City Council with the recommendation for approval.

Mr. Fitch commented that the Lewin report recommended that each City field test the recommended standards. Did City staff shoot any signs in the City of Urbana? Mr. Myers said no. If the Plan Commission feels it would be beneficial for City staff to field test the proposed levels prior to making a recommendation to the City Council, then he could perform a field test and bring the case back to the Plan Commission at a future date. Mr. Fitch responded that it would be helpful to him. Although Mr. Myers' demonstration on how to measure ambient light levels with a footcandle meter was interesting, he felt that City staff should test actual signs that exist in the community to better understand how much light would be allowed.

Mr. Fitch asked if each new sign would add to the ambient light level. Mr. Myers said yes. Mr. Fitch questioned whether it was conceivable that every new sign could be brighter than the previous sign. Mr. Myers replied that although this would be true, in terms of driver's distraction, any one sign would not be appreciably brighter over any other sign.

Ms. Upah-Bant agreed with Mr. Fitch. She has no concept of how much light could be generated with a 0.3 foot candle requirement. It does not sound very bright to her.

Ms. Burris added that this is one of the reasons why she asked about the Assembly Hall sign. She wanted to try to gauge what a 0.3 light level would be in comparison to the Assembly Hall sign. Mr. Myers commented that this is an interesting example because the sign at the Assembly Hall is out on its own. There are not any other signs in the immediate area. It should cause a spike above ambient levels in terms of brightness. It really sticks out because it is the only lit sign.

Mr. Otto stated that he was trying to understand the difference between the Nit gun and the Footcandle meter. The Footcandle meter measures at 100 feet how much the ambient light is

increased. The Nit gun actually measures the luminous level of a sign. He suggested that City staff measure some signs at night when they are turned off and again when they are turned on.

He stated that it bothers him that City staff would only respond to complaints before checking the light levels from signs. A Nits gun would allow staff to go out and check if a sign is too bright or not. Mr. Myers responded the Plan Commission and City Council could set an absolute limit on the light output of a sign. However, this will not take into effect the other light sources that already exist such as the street lighting, etc. So it could be considered a crude standard. On the other hand, there is no subjectivity with absolute limits.

Mr. Otto could picture several businesses in one area trying to get a driver's attention. Some LED lighting could crank up the luminous level of light (measured by the Nit gun) without necessarily affecting the illuminous level of light at 100 feet. If there is competition, then the owners would want to attract the traffic. Mr. Myers noted that eyes adjust to the brightest object in the field of vision. So for someone driving down the street, their eyes are going to adjust to the light level on the street. A sign that is about the light average is not going to seem that bright. If it is much greater than the average, then it will stick out and seem bright to the eyes. So, he feels this is another factor that works in the favor of using a standard that takes into account the ambient light levels.

Chair Pollock understood that there are two standards. What is the correlation between the standards and the two reports? Mr. Myers explained that there are not two different reports with different standards. The Lewin Report recommends a standard using footcandles and taking into account the ambient or background light.

Chair Pollock stated that he did not fully understand what 0.3 footcandles means. Mr. Myers stated that 0.3 footcandles is the difference between the background light that already exists with the sign turned off versus the sign turned on.

Chair Pollock asked if any of the other cities around the City of Urbana use this standard. Mr. Myers recalled that there are several cities in Illinois that use this standard. It is also recommended in the Lewin Report.

Mr. Otto suggested that the Plan Commission adopt both standards set in Table 2 on Page 8 of the Lewin Report. Mr. Myers commented that they could adopt standards for both eye illuminance and sign luminance, but it seems complicated. Chair Pollock pointed out that the table refers to different lighting zones, which are defined on Page 6 of the report.

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

Andrew Fell, of Andrew Fell Architecture & Design, mentioned that the issue with the Assembly Hall sign was brought up in the last City of Champaign Zoning Board of Appeals meeting. The University of Illinois installed the sign with no regard for any of the City of Champaign's sign regulations. The Zoning Board of Appeals specifically addressed what their billboard and

electronic sign ordinance would be regarding the brightness and the rate of change directly related to that sign.

Mr. Fell inquired about existing signs. What would happen with them? Mr. Myers said that they cannot require sign owners to go back and install electronic dimming devices on their signs. However, if they already have an electronic dimming device, then they should be required to comply with the proposed light limits, if approved.

Mr. Fell questioned if having an automatic dimming device would cause the brightness level of signs to change as people drive past them. Mr. Myers answered that he understood that the majority of the electronic signs already have dimming devices, and you do not see the brightness level of the signs changing as you drive past. His understanding is that their light sensors read an average over a period of time.

With no further comments from people in the audience, Chair Pollock opened the meeting for Plan Commission discussion and/or motion(s).

Ms. Burris inquired about the new Burger King sign on Philo Road. Mr. Hopkins informed her that the sign has been fixed. Mr. Myers explained the situation with the sign. The sign operator came and installed the sign. He turned it on and left. Burger King had the sign operator return when they held a training session for their shift leaders and managers to learn how to operate the sign.

Mr. Otto questioned how many electronic signs does the City currently have. Mr. Myers said that he does not know. Mr. Otto said that he is curious to know how many signs would be grandfathered. Mr. Myers believes that there are very few existing electronic signs that do not already have a dimming device. Those with the dimming device should be able to comply with the ordinance.

Mr. Fitch stated that this is a good concept. However, he feels that there needs to be an absolute standard to keep the luminous or the upward creep over time in ambient light for reasons of lighting areas beyond what we would like in the aggregate or for a particular sign getting too bright or the issue of competition.

Mr. Hopkins commented that the issue for an electronic sign that matters with respect to ambient light is visibility. He infers that 0.3 is a small amount of light and is sufficient difference from the ambient light to be able to see what is intended to be displayed. He used the example of working on his computer in the sunlight using battery power, he would beef the light up enough so he could see it, but he would not go beyond that because he does not want to run his battery out. So he believes that owners of these signs wants to keep the difference from the ambient light as close to the minimum level that makes it readable because it saves electricity. It saves the life of the light bulb, etc. Headlights, parking lot lighting and all the other signs that are lit are also creating ambient light. His understanding of the proposed ordinance is that everyone will have to set their signs so that the difference from the ambient light to the brightness of their signs are not greater than 0.3. This applies to all who install lighted signs in one area as well, whether they are the first or the last to install their sign. So they are both looking at the same difference.

If the ambient light increases, then the actual projection from all the signs need to turn up the brightness level of the signs. If it gets darker, then the owners decrease the brightness level of their signs.

Mr. Otto believes that the proposed standard would measure how bright a sign would be from an “X” distance. It does not address that although this type of sign does not create much ambient lighting, to the eye it can be very bright. He preferred that City staff research this more prior to the Plan Commission making a recommendation to the Urbana City Council. He wondered if the City of Champaign had a corresponding ordinance. Chair Pollock read in the packet that the City of Champaign only has a requirement that there be a dimming device.

Mr. Fitch remarked that if the ordinance works the way Mr. Hopkins interpreted it, then it addresses one of his major concerns. However, they are still left with the issue of certain areas of the City getting progressively lighter. One area of the City in particular, High Cross Road, is pretty dark right now.

He noted that with regards to grandfathering of signs that do not have dimming devices, there is some language in the Daktronics report about Bemidji, Minnesota. Their statute simply says that *“Legal non-conforming signs without a manufacturer auto dim feature shall comply with this requirement to the extent feasible within the limits of the dynamic display programming”*. Chair Pollock understood this to mean that if you have a dimming device, then you are required to use it. However, if you do not have one, then you are off the hook.

Ms. Upah-Bant did not feel comfortable making a recommendation to City Council. She would like to know how much light can be produced under the 0.3 footcandle requirement. She also feels that the City would be leaving ourselves wide open if we do not have a way to measure it. Mr. Myers said that he can take some measurements and maybe some videos.

Chair Pollock continued this case to a future Plan Commission meeting.

8. NEW BUSINESS

Updated on the Champaign County Land Resource Management Plan

Robert Myers, Planning Manager, gave an overview on what is taking place in Champaign County. The County is in the process of writing and adopting a Land Resource Management Plan that focuses a lot on soil and farmland preservation. There is a steering committee that is made up of 14 members. The Plan deals with areas outside of the cities in Champaign County and beyond what the cities will grow into in the near future. He referred to the proposed Champaign County Future Land Use Map that was displayed on an easel. He mentioned that the Plan recommends to defer land issues inside the sewer service boundary to the City’s Comprehensive Plan.

Chair Pollock asked if the sewer service boundary line corresponded to the extra-territorial jurisdiction (ETJ) line. Mr. Myers said no. He showed the different lines on the map.

Chair Pollock wondered why the two lines are not contiguous. Mr. Myers replied that City staff had recommended that the County's plan just deal with land use beyond the 1.5 mile extraterritorial jurisdiction (ETJ), but that the County sees some areas in the ETJ as not being developed within the life of the proposed plan because they are beyond the sewer service boundaries. So the County's land resource management plan does include some areas within but along the margins of ETJs.

Mr. Myers continued with his presentation. He pointed out where the best prime farmland is located on the map.

Ms. Upah-Bant stated that she serves on the plan's steering committee. She pointed out that the large circled numbers on the map represent the total number of projected new households in those areas. She noted that the goal of the Plan is to keep growth contiguous with urban areas and not sprawl into the best prime farmland.

Mr. Myers pointed out where the City's Comprehensive Plan for our ETJ and what the Champaign County Land Resource Management Plan Steering Committee has proposed with the City's ETJ. In the Big Grove area, the County's future land use designations are more detailed than the City's and make sense based on flood plain, forested areas, etc.

City staff has asked County staff to extend the City's future planning area (tan color) further out, which is contiguous for every growth area we believe is in our future. The last difference is that the City's Comprehensive Plan map shows the South Farms as being institutional. The County's map shows it as being agricultural. We should follow the University of Illinois' Plan.

He talked about the timeline. He stated that if the Plan stays on track, it should be presented to the Environment Land Use Committee (ELUC) of the County Commission in January or February of 2010. There is still time for review. City staff will keep the Plan Commission informed of what is going on and will hold a study session later on.

Ms. Upah-Bant commented that she is puzzled why the steering committee is concerned about getting the plan passed through ELUC and getting it to the County Board in the current format. The reason is because many of the steering committee members are township or road commissioners that are pretty well informed about their topics.

Mr. Myers mentioned that one area to keep an eye on is in terms of property rights and development rights (i.e. subdividing of lots). Policies on the maximum number of times an agricultural lot could be subdivided would be covered by a new policy.

With no further comments, Chair Pollock closed this item of business.

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 8:42 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission