

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 22, 2015

TIME: 7:30 P.M.

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

MEMBER PRESENT: Corey Buttry, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Maria Byndom

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Teri Anel, Planning Administrative Assistant

OTHERS PRESENT: Mike Atkinson, Caroline Coulston, Peter Coulston, Andrew GeWirth, Cain Kiser, Ryan Larsen, Betsey Mitchell, Esther Patt, Jennifer Putnam, Dennis Roberts

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

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

2. CHANGES TO THE AGENDA

Jeff Engstrom, Interim Planning Manager, requested that the Plan Commission move the Study Session item up to be number 5 on the agenda. The Plan Commission agreed.

3. APPROVAL OF MINUTES

The minutes from the January 8, 2015 meeting were presented for approval. Mr. Otto moved that the Plan Commission approve the minutes as presented. Mr. Hopkins seconded the motion. There were no changes, so the minutes were approved unanimously by the Plan Commission as presented.

4. COMMUNICATIONS

Plan Case No. 2242-T-14

In Favor Of

- Email from Councilmember Michael Madigan regarding the Champaign County Chamber of Commerce Poll
- Packet of documents in support submitted by Cain Kiser including:
 - Letter from Mayor Jim Ardis of the City of Peoria
 - Letter from Julie Melton of the Eastern Illinois Foodbank
 - Letter from Janice E. McAteer of the Developmental Services Center
 - Letter from Jeff Scott of WBGL
 - Email from Darla Kvidera
- Petition supporting digital billboards in the City of Urbana from:
 - Sue Falender of ECI Score
 - Michael Martin of the Atkins Group
 - Pedro Heller of the Black Dog
 - Linn Simpson of Andrae's Harley-Davidson
 - Wayne Shaw of Red's Muffler Shop
 - Ken Mathis of Mack's Recycling
 - Jesse Wasson of Mack's Recycling
 - Nancy Hesselmann of Riley Homes, Inc.
 - Todd Fusco of the Corkscrew
 - Dennis Ohnstad of the Pathfinder Group of IL, LLC
 - Julie Morris of KCM Auto Care
 - Martin Fuentes of Toro Loco
 - Tim Tatman of Tatmans
 - Tom Lessaris of Country Companies
 - Amanda Yates of City Girl Yogurt
 - Mark Thompson of Patel Thompson, LLC
 - Ronald Durst of Durst Co, Inc.
 - John Kiser of Kiser Burch Properties, Inc.
 - Michael Armstrong of Aladdin Electric
 - John Cullerss of Domino's Pizza
 - Ivan Richardson of Big R. Carwash
 - Ryan Bender of Bender Mattress Factory
 - Tammy Sublon of Cookies By Design
 - Tammy Sublon of Bailey's Boutique
 - Ronald L. Brown of Jackson Hewitt Tax Service #1240
 - Ricardo L. Ohmit of Tri-Color Signs
 - James H. Webster of James Webster Associates
 - Don Black of the Gold Hut
 - Guillermo Lopez of 74 Motors Used Cars
 - Larry Kaiser of Dust & Son Auto Supply
 - Kip McDaniel of Central Illinois Bank
 - Angela Steinhauer of Hampton Inn
 - Randy L. Ruthstrom of Potter Electric Service

In Opposition Of

- Email from Willard Broom
- Email from Katie Hunter
- Email from Jo Kibee
- Email from Ming Kuo
- Email from Linda Lorenz
- Email from Meg Miller
- Handout at the meeting from Dennis Roberts

Other Communications

- Email from City Attorney, James Simon
- Email from Plan Commission member, David Trail

5. STUDY SESSION

Urbana Middle School Future City Club Presentations

Five students from the Urbana Middle School presented information about their participation in the National Future City Competition, a national, project-based learning experience where students in the 6th, 7th and 8th grades imagine, design and build cities of the future. They explained that they will compete against other teams in their region, and the winner will then compete at the national level. The students then separated into two teams and each team presented their city.

GROUP 1: Sam Atkinson and Sam Larsen

The first group called their city, *the Howardon*, named after Ebenezer Howard. Their city has canals, an observatory, an auditorium, a bell tower, and emergency services with a hospital, police and fire. Two of the main foods that they will grow are tilapia and quinoa by using aquaponics and hydroponics. “Hobbit holes” will be used as underground houses. Roads are only used by buses; not used for personal transportation as all of the buildings in the city are within walking distance. There will be parks and mountains that will provide recreational activities such as biking, zip lines, and more. The city will be a zero-waste city where everything will be recyclable. The industrial zone will be located on the outside of the city boundary. The city will run entirely on wind, a dam and canals and solar panels.

Chair Fitch asked what construction materials would be used to construct the buildings. The group replied that the buildings would be built using nanotubes.

Chair Fitch asked if there would be taxes. The group replied yes, but they will try to keep them low.

Mr. Stohr noticed that the commercial areas were located at the perimeter of the city’s boundary. He asked if this might be a little inconvenient for the university and for residential. The group explained that the residents would be able to get to the commercial or to the university easily because they would live in the middle of the two.

Mr. Stohr asked about the use of dams and canals as a resource for energy. He stated that dams are currently being taken down because they are disruptive for fish migration and water flow. He wondered what precautions and changes they would make to prevent this from happening. The group responded that their city would be 150 years in the future, and there would be more advanced technology. They would get their water from a lake.

Mr. Stohr inquired where the city would be located. The group replied in the northern Midwest. Mr. Stohr stated that tilapia is not native to North America. He asked how the group would prevent the tilapia from mixing with the native species. The group explained that the tilapia would be in a controlled environment.

GROUP 2: Olivia Rosenstein, Isaak Gewirth and Marta Westerstahl

The second group called their city, Alimonia. They presented their city by performing a skit of a Grandma taking her two grandchildren to the City Planning Museum. The city will have a hub and the schools and library will be located in the center of the city. The city has the following zones: *Zone 1: The Hub; Zone 2: Commercial and Cultural Zoning; Zone 3: Recreation Zone; Zone 4: Residential; and Zone 5: Power Zone.* Grandma talked about how the city was built during the Coal Boom over 150 years ago. After the coal ran out, all that was left was toxic soil and water. Experts concluded that they had everything need to grow two of the most nutritious, sustainable and economical foods – kale and chickens. Consultants designed the buildings to be more useful for urban farming and population growth. Some building roof-tops provide for water collection, filtration and drainage while other roof-tops provide for chicken coops. Engineers continued to implement innovative solutions to maintain vertical rather than horizontal growth to make the most of the land that was not contaminated. They use hydroponics by using rainwater for water filtration. The parks will be filled with genetically modified Redwood trees that will offer plenty of shade and purified air for the residents. The roads will be entirely bicycle and pedestrian safe. There will be no mechanized vehicles. There will be some electric buses for people with limited mobility. The city will strive to care for everyone regardless of ability and income level.

Mr. Hopkins asked how many people would live in the city. The group replied there would be 105,000 residents.

Chair Fitch wondered what form of government the city would have. The group replied it would be a democracy.

Chair Fitch asked if their parents were engineers. The group replied no. City planning has a lot to do with engineers and to creating new technologies, materials and building designs to make the City run efficiently.

Mr. Otto noticed that they gave a lot of credit to the engineers, but wondered if the City Planning Museum also had any displays of the work that the Plan Commission will have done to aid in the planning process. The group replied that the work the Plan Commission will have done will be included in with the work of the engineers, the Mayor and the City planning staff in designing the City.

Mr. Stohr inquired about sewage and solid waste. The group explained that sewage would be pumped down through pipes and the bacteria in human waste would be killed off so that it would become compostable and be able to use for plant growth.

Mr. Stohr asked where water would come from for both potable and non-potable uses. The group replied that there would be a nearby river. In addition, the roof-tops of the buildings would be concave so that rainwater could be collected and used for laundry or washing dishes.

Chair Fitch asked if they planned to take any extra steps to protect their aquifer. The group answered that there would be very little pollution. They would clean up the aquifer sensibly because they would not want anyone to get sick and also because part of the goal of the city is to restore the land that was destroyed by the coal industry to its original state.

Chair Fitch asked about the name of the town. How did they decide on the name? The group explained that Alimonia means nourishment in Latin.

Chair Fitch thanked both groups for presenting their future cities to the Plan Commission.

6. CONTINUED PUBLIC HEARINGS

Plan Case No. 2242-T-14: A request by the Urbana Zoning Administrator to amend Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures.

Chair Fitch re-opened this case. Jeff Engstrom, Interim Planning Manager, presented an update for the proposed text amendment. He began by reviewing the results of the research that Plan Commission had directed at the previous meeting. The issues and results were as follows:

- *Brightness Levels*

The Plan Commission had inquired at the previous meeting on how the proposed light limits of 0.3 footcandles above ambient light levels would affect nighttime vision and what that limit would look like in real life. City staff measured some of the billboards prior to the written staff report being sent out, and Adams Outdoor Advertising held a demonstration the night before the meeting to measure light levels with the billboards completely off and turned on to full light. He explained the measurement method. At the demonstration, they found the difference in light levels of the digital billboard on Neil Street to be 0.22 footcandles.

The Plan Commission had also asked what the City of Champaign requires, and City staff inquired and found that the City of Champaign does not have a quantitative light level limit. They only have a qualitative statement in their ordinance. They believe that the light levels need to adjust to match ambient conditions. So, they do not measure any of their billboards, and they have never had any complaints. City of Champaign planners also told him that because most of their billboards are located along their commercial corridors, the ambient light levels are bright in general.

Mr. Engstrom showed photos from Exhibit C of the written staff report. He mentioned that staff findings were that digital billboards in the City of Champaign are bright; however, there are other things like street lights, head lights and other signs that are brighter.

- *OASS Violation Fines*

The Plan Commission had asked for language to clarify that fines are to be issued each day that a sign is in violation. City staff made this change to the proposed text amendment.

- *Fees*

The Plan Commission had recommended that digital billboards should generate revenue for the City to help upkeep roads and cover staff expenses for administering them. City staff found a few other cities that charge a personal property rental tax that are generally in the 2% to 8%. The City Council could enact a fee or license by an ordinance separate from the Zoning Ordinance.

- *Interstate vs. Local Roads*

The Plan Commission had inquired as to whether any of the studies addressed local roads as well as highways and interstates. City staff found a couple studies that City staff had previously mentioned did reference local arterial roads.

- *Impact on Bicyclists and Pedestrians*

The Plan Commission had asked City staff to research to find any studies on the impact of digital billboards on bicyclists and pedestrians. City staff looked but could not find any studies specific to these two groups. All of the studies they found discussed the impact on drivers in general.

- *Limitations on Advertisers*

The Plan Commission had discussed adding language to keep sign companies from denying customers based on the content of their messages. City staff talked this over with the City Attorney, and he felt it would be unconstitutional to add such a restriction. It would be an issue with free speech and content restrictions. Also, cities cannot dictate terms of private contracts. For these reasons, the City would not be able to add such language to the proposed amendment.

- *Practical Effect of Proposed Regulations*

The Plan Commission has previously asked where digital billboards could specifically be placed. City staff ran a simulation for one potential area. He mentioned that City staff just discovered that not all of the existing billboards are owned by Adams Outdoor Advertising. If they wanted to convert as many of the existing billboards into digital billboards, they could do up to 17 billboard faces in total on ten structures. In order to do this, they would need to remove many billboards that are within 1,000 feet of the proposed converted billboards. He referred to the map in Exhibit B of the written staff report.

When looking at the map, you see that Downtown Urbana would be the most impacted. It would require the sign company to remove a lot of billboards. Adams Outdoor Advertising has previously stated that they do not plan to convert that many. They would only want to convert two or three of them.

Chair Fitch asked if there were any questions from the Plan Commission for City staff.

Mr. Hopkins noticed that one of the green dots shown on Exhibit B on Cunningham Avenue is too close to a blue dot. Mr. Engstrom commented that City staff might have missed this one.

Mr. Hopkins asked about the two billboards that are not owned by Adams. Mr. Engstrom explained that Adams just informed City staff about this before the start of the meeting. The two signs are located as the two most northwestern red dots on Exhibit B. They are along Interstate 74. One is owned by Lamar, and the second sign is owned by a hotel operator.

Mr. Hopkins asked if these two signs would be subject to the same proposed regulations for digital billboards. Mr. Engstrom said yes.

Mr. Hopkins stated that the discussion then that the Plan Commission held at previous meetings about other sign companies wanting to install digital billboards is relevant. Mr. Engstrom said yes.

Mr. Trail asked if two sign owners with 1,000 feet of each other wanted to convert their signs to digital billboards, who would decide which one would be allowed to do a conversion. Libby Tyler, Director of Community Development Services, stated that it would be on a first-come, first-serve basis. Mr. Hopkins pointed out that neither one would be allowed to convert because the proposed text amendment prohibits the conversion of existing non-conforming billboards to digital non-conforming billboards.

Mr. Trail commented that if the signs were conforming in all ways except for being located within 1,000 feet of another billboard, and conversion of one of them would be allowed, then both sign companies would have to be in agreement to remove the other sign because they are within 1,000 feet of each other. Mr. Engstrom pointed out that both signs would not be allowed to convert, so therefore, the two sign companies would have to work it out amongst themselves.

Chair Fitch asked if a sign company could convert a non-conforming sign into a digital billboard. Mr. Engstrom answered by saying that the sign company would have to bring the existing billboard into conformance first prior to being allowed to convert it.

Chair Fitch talked about the three existing billboards along Philo Road and how they are non-conforming. Mr. Engstrom stated that those three billboards are the only billboards not shown on Exhibit B. Mr. Hopkins pointed out that these three billboards are non-conforming because of the zoning district that they are located in so they could not be brought into conformance. In addition, the parts of the City that are not shown on Exhibit B are areas where billboards would not be allowed. Mr. Engstrom said that was correct.

Mr. Otto wondered if Route 130 was prohibited because of zoning. Mr. Engstrom replied yes.

With regards to fees, Mr. Otto wondered if it would be too late to consider imposing fees after the proposed text amendment would be adopted. Ms. Tyler stated that the Plan Commission could have two recommendations to City Council. One would hopefully be to approve the proposed text amendment, and the second recommendation would be to add a property rental fee. Both recommendations could appear on the same agenda to City Council.

Mr. Otto expressed concern about access to signs. He wished that the City Attorney would have been present at this meeting, so he could talk with him about this issue. On a federal level on net access to the digital lines, President Obama is promoting net neutrality. So, everyone has access. There cannot be discrimination based upon the business or the ideas of people. He would like to know why the City Attorney feels it would be an infringement upon free speech to require a sign company to make it available to anyone who is willing to pay their fee structure. Ms. Tyler stated that the City Attorney explained this in an email, which City staff then handed out copies to the Plan Commission.

Mr. Hopkins assumed that Lamar is a commercial billboard company. He asked if Lamar and the hotel that owns the other billboard had been notified of the proposed text amendment. Mr. Engstrom said no, because City staff was just told about them prior to the start of the meeting.

Mr. Stohr talked about fees. He wondered how much of a fee would support the purchase of light meter and the training of City staff to operate the equipment. Mr. Engstrom replied that the City already owns a light meter. Training would not be an issue. Therefore, the City would not need to charge much of a fee.

Chair Fitch asked about enforcement of the proposed regulations. Mr. Engstrom stated that City staff plans to take a measurement of a sign when it is first installed. After that it would be on a complaint basis.

There were no further questions for City staff. Chair Fitch reviewed the procedure for a public hearing. He, then, opened the hearing up for public input. He welcomed anyone wishing to speak in favor of the proposed text amendment.

Cain Kiser, of Adams Outdoor Advertising, approached to speak to the Plan Commission. He thanked the people who attended the demonstration. He felt it was very informative. The proposed text amendment is for 0.3 footcandles above ambient light levels. The measurements they took of the digital billboard on North Neil Street all measured between 0.22 and 0.25. The person operating the equipment also brought out a chromaticity meter to measure light power at the source. A couple of examples are the Bob Evans parking lot light measured 850 nits, Adam's digital billboard measured 111 nits, the Super 8 sign measured 91 nits and the LaQuinta sign measured 70 nits. He mentioned that Adams turns off the lights on their billboards from midnight to 6:00 am to conserve power and because there is not enough traffic to justify leaving them on.

He noted that they have 38 letters and petitions from Urbana businesses and non-profits in support of the proposed text amendment. The Champaign Chamber of Commerce took a poll and found 85% were in favor of digital signs and 15% opposed digital signs.

He talked about the two signs that were not owned by Adams. The furthest billboard on the northwest is owned by Lamar. The second one is owned by Haresh Patel. He also owns the Super 8 Motel on Marketview Drive in the City of Champaign.

Most billboards along the interstate are on wood poles or very old monopoles. The caveat of any billboard along the interstate is that in order to construct or to convert any sign to digital you have to prove that either the sign was located within the city's limits before September 21, 1959 or you have to prove a continuous commercial or industrial use since September 21, 1959. This can be proven through tax records showing that there has not been a gap in ownership.

Mr. Hopkins asked if these regulations were under the Federal Beautification Act, which came about from a Supreme Court case. Mr. Kiser said yes, but enforcement in Illinois is through the Illinois Department of Transportation. To convert an existing sign, you have to re-permit it, and you have to prove the Rule of 59 applies to the sign. If you cannot prove it, then you would not be allowed to convert it.

Chair Fitch wondered how Mr. Kiser thought Adams would feel about free speech and neutrality language being added to the proposed text amendment. Mr. Kiser replied that because Adams is a private business, they would like to reserve the right to refuse business to anyone that they felt would be offensive. They currently have a policy that no sexually-oriented business can do business with Adams.

Mr. Stohr questioned how necessary it would be for successful or financial operation of a digital billboard to have a ten-second hold time. Mr. Kiser said it is very important only because being part of a network and when people can buy a network they want to see continuity between their programs. If Adams is going to sell a certain number of spots for a certain time, it would be hard to do so with a longer dwell time.

Mr. Trail asked if they do not get the 10-second hold time, would Adams consider digital billboards not commercially viable. Mr. Kiser said it could be a possibility. It would be hard to justify constructing a new digital billboard because it would be hard to sell a customer on having their advertisement come up every 24 minutes with a 3-minute hold time.

With no further public input in favor, Chair Fitch asked if anyone in the audience wished to speak in opposition.

Esther Patt approached the Plan Commission to speak. She expressed concern over several issues, which were as follows:

- *Dwell Time* – She talked about a family in a town in Pennsylvania who tried for years to get something done about the flashing billboard located across the road from their house. She believed that if the City approves digital billboards, then they should require that the lighting

be turned off from 10:00 p.m. to 7:00 a.m. every day. She did not feel that setting the level of lighting would be sufficient.

- *Free Speech* – She believed that Adams should be able to refuse clients based on the advertisements. The Champaign-Urbana News Gazette and the Daily Illini can both refuse any advertisements that they want. Billboards cannot be banned because the medium is a protected form of speech.
- *Distraction to Drivers* – Her experience is that billboards are distracting.
- *Oversized in Relation to their Surroundings* – Both existing billboards and digital billboards are oversized, which is why so many people consider them to be a visual blight and wish they could get rid of them entirely. It makes sense to have billboards along the highways. When people are driving 70 miles per hour (mph), they need a huge sign to be able to read it before they pass it. However, she did not believe that they need them in the City. It was discussed at the January 8, 2015 meeting, the Zoning Ordinance makes clear the desire to reduce or eliminate billboards. The City does not have the power to eliminate them completely, but they do have the ability to maintain the status quo by not allowing digital billboards.

She hoped that maybe if the City does not allow digital billboards then eventually the existing regular billboards will become obsolete. If the City approves this, then obsoleting of billboards will never happen. The decision that the Plan Commission and City Council make will affect the City in what it looks like and its attractiveness for years to come. The people of Urbana do not need digital billboards, and it will not be good for the City.

Mr. Otto shared her concern about blighted billboards. He asked if she would trade one digital for all the other billboards in an area, especially at Lincoln Avenue and University Avenue intersection. She replied that she would not trade unless she was absolutely sure that the digital sign would not shine into any residential unit in the surrounding residential neighborhoods. Once we say yes, we cannot undo it.

Jennifer Putnam approached the Plan Commission to speak in opposition of the proposed text amendment. She agreed with Ms. Patt about billboards being a visual blight, eye-sore, clutter and pollution to the City. She expressed concern about safety and billboards being a distraction to drivers. For the City to endorse digital billboards, you felt made them schizophrenic with our working across purposes with the City beautification efforts.

Not everyone is like her. She does not like blinking lights. She thanked everyone – the Plan Commission, Councilmembers Marlin and Roberts, City staff and Adam's Outdoor Advertising for their support of non-profit organizations.

She was raised believing that taxes are the price one pays for living in a civilized society. She encouraged the City to consider licensing billboards if they do endorse the proposed amendment.

Mr. Stohr asked if she had any further thoughts on licensing versus taxing. Ms. Putnam stated that the thought occurred to her when reading the minutes from the previous meeting. She recalled reading about licensing or charging fees for billboards.

Dennis Roberts approached to speak to the Plan Commission in opposition. He handed out a document on Urbana Corridor Beautification Projects. He explained that the handout talks about two corridor beautification plans, *Cunningham Avenue Beautification Plan and University Avenue Corridor Study*. Both were adopted by the City of Urbana. He suggested that the Plan Commission consider the intent of these two plans as they make a decision to recommend approval or to recommend denial of the proposed text amendment. He strongly encouraged the Plan Commission to prohibit digitalization of billboards along these two corridors because it goes against the intent.

Mr. Trail wondered if there are any locations where billboards exist that would not interfere with the two beautification plans. Mr. Roberts replied yes. They would need to compare the two plans with Exhibit B to find those locations. Chair Fitch added that the areas would be Interstate 74, Route 150 and Lincoln Avenue north of Bradley Avenue.

Caroline Coulston approached the Plan Commission to speak in opposition. She stated that she is disturbed every time she drives by any of the flashing signs. They completely take her attention off the road. They are hideous. The City of Urbana is beautiful, and she is sorry to think that digital billboards are being considered.

With no further public input, Chair Fitch closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s). Mr. Engstrom requested that they continue the case to allow City staff the opportunity to notify Lamar and Haresh Patel about the proposed case. Chair Fitch agreed.

Chair Fitch talked about clarifying that digital signs be prohibited from facing residential areas. Section IX-6.D.11 of the Urbana Zoning Ordinance states as follows, "*Lights shall be effectively shielded from roadways and any nearby residential uses.*" He asked if digital billboards would be covered under this as well as regular billboards. Mr. Engstrom replied yes. There would also be a 300-foot buffer required from any residential use.

Chair Fitch pointed out that requiring lights to be effectively shielded from roadways defeats the purpose of billboards. Mr. Engstrom replied that this could be problematic. Chair Fitch stated that they should either address this part of the Zoning Ordinance or add language about the orientation especially towards residential uses.

Mr. Fell asked if an existing billboard deteriorates enough, it cannot be replaced, right? Mr. Engstrom responded that the billboard could be replaced if the location of the sign complies with all of the requirements in Section IX-6.D.

Mr. Trail stated that the City is encouraging multi-family residential units along University Avenue in certain areas. Chair Fitch added that the City Council approved a multi-story apartment building at University Avenue and Goodwin Avenue. Mr. Trail wondered if there was an existing billboard in the area where the new apartment complex would be built, what would be the practical effect of that. Would the billboard be grand-fathered in? Mr. Engstrom answered saying that the sign would be grand-fathered in and considered a legal non-conformity. If City staff received complaints of the sign being a nuisance, then City staff would work with

the owner of the sign to mitigate the nuisance. Ms. Tyler added that the City has a nuisance protection regardless of when the apartment building was built. It does not matter which came first.

Mr. Trail wondered if the sign is located in a permitted zone, but is still too close to a zone that permits residential use, then are we zoning cross purposes by allowing both potential conflicting uses. Ms. Tyler stated that the City has buffers, zones, and corridors. She felt the signs were well segregated. Most of the time when City staff gets nuisance complaints it is about street lights and parking lot lights. There may have been one complaint about an illuminated sign. City staff is doing their best to limit their locations to avoid this type of impact on residential areas.

Mr. Stohr asked if there were trees currently shielding the apartment building from a digital billboard, and the trees need to be removed for whatever reason. Would someone be able to file a nuisance complaint? Ms. Tyler said yes. It happens from time to time that a tree needs to be removed and all of a sudden a light bothers a neighboring property owner. The City then requires it to be corrected. Sometimes a light is shielded or modified and it still is a nuisance, in which case the City requires modification again. Sometimes, the light just needs to be relocated. So, it is a potential risk of digital billboards, but it would be something that the owner of the sign would need to comply with.

Mr. Stohr inquired about the time frame for reconciling nuisance complaints. Ms. Tyler explained that City staff usually gives a 30-day compliance with a complaint that takes adjustments. We have had good cooperation. There have been a few complaints that took multiple adjustments. Our experience has been more with lights than signs. We would try different things till the nuisance gets resolved. She felt it is good that the City has not set perimeters on this because it is a perceptive nuisance. It has worked well for the City so far.

Mr. Hopkins observed that the 300-foot buffer restriction is for billboards in R-1 (Single-Family), R-2 (Single-Family) and R-3 (Single and Two-Family) Residential Zoning Districts. So, the buffer is not there for all related uses. He recalled that the apartment building that has been used as an example was approved in a B-3 (General Business) Zoning District as a special use permit and also would not require a 300-foot buffer. There are several circumstances in which the 300-foot buffer from residential would not come into play. Mr. Engstrom replied that is correct. The 300-foot buffer is only for low-density residential areas; however, the nuisance provision is for any residential use. Mr. Hopkins stated that part of the logic of zoning is to make nuisance individual cases efficiently resolved by regulation. Ms. Tyler added that if you look at the zoning along the permitted corridors, there are very few places where residential would be allowed. She felt these are good questions because they want to protect our multi-family residences as well as the single-family residences. There is a little more time with the case being continued so City staff can look at the segregation of uses to find areas that might not be protected.

With no further comment from the Plan Commission, Chair Fitch continued the public hearing to the next meeting.

7. NEW PUBLIC HEARINGS

There were none.

8. OLD BUSINESS

Update to the Plan Commission’s Official Bylaws

Chair Fitch re-opened this item on the agenda. He stated that since there were no material changes made at the last meeting and barring further changes, the Plan Commission may vote on the amendment to the bylaws at this meeting. He asked if there was any discussion or comments. There were none.

Mr. Hopkins moved that the Plan Commission approve the amendment to the bylaws. Mr. Buttry seconded the motion. Roll call was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Stohr	-	Yes	Mr. Trail	-	Yes
Mr. Buttry	-	Yes			

The motion was approved by unanimous vote.

9. NEW BUSINESS

There was none.

10. AUDIENCE PARTICIPATION

There was none.

11. STAFF REPORT

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Jeff Engstrom, Secretary
Urbana Plan Commission