



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce Walden, CAO

FROM: Elizabeth Tyler, AICP, Planning Manager

DATE: October 31, 2001

SUBJECT: Plan Case No. 1799-T-01: Request by the Zoning Administrator to amend Section IX-10, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures.

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to add an exception provision to Section IX-10, Interim Development Ordinance (IDO) - Moratorium on Outdoor Advertising Sign Structures. The proposed amendment would allow the billboard located at the Elite Diner site at 210 East Elm Street to be removed and a new billboard to be constructed at the Eliot Building site at 212 East Main Street, approximately 300 feet to the north. The current IDO significantly limits the placement of new Outdoor Advertising Sign Structures (OASS), commonly known as "billboards", for a period of 180 days while the existing regulations are reviewed. The moratorium was approved under Ordinance No. 2001-07-078 on July 16, 2001 and expires on January 14, 2002.

Background

As part of the Champaign County Court House expansion, the Elite Diner property will be acquired by Champaign County for courthouse use. The Elite Diner property is currently owned by C & U Poster Properties, Inc. In addition to the restaurant, a portion of the property is leased for a V-shaped billboard owned by C & U Poster Advertising, Inc, of which Kip Pope is the majority shareholder. According to the contract for purchase, the acquisition of the Elite Diner property by the County is contingent on being issued a permit from the City to move the OASS. During discussions with Mr. Pope prior to signing the Intergovernmental Agreement, the City considered a provision that would

allow the billboard to be located at the proposed site approximately 300 feet to the north, but apparently through oversight the language did not appear in the approved agreement. Under the terms of the Agreement, Champaign County agrees to demolish the Eliot Building and dedicate any necessary right-of-way for proposed intersection improvements.

The current OASS moratorium only allows permits to be issued in the case of replacement for damage or hardship. While staff does not believe the proposed location meets the requirement for hardship, the property does have significant limitations. The width of the lot is 25.75 feet, which would not provide adequate width for most new structures or uses. Right-of-way dedications required for future needed intersection improvements will further diminish the utility of the lot. Nevertheless, staff believes an additional amendment to the IDO is necessary.

An OASS study related to the number and location of billboards is currently underway. It is not yet known what OASS regulations will ultimately be adopted as a result of the study, once the moratorium expires. However, OASS' are currently allowed in properties zoned B-4 along Vine Street within 100 feet of the center of the street. Therefore, this property is a legal site for an OASS under current permanent regulations.

On October 18, 2001 the Urbana Plan Commission recommended 6 to 0 that the City Council approve the amendment to the IDO. Additional background information on this request was provided in the Plan Commission Memorandum, dated October 12, 2001.

Issues and Discussion

The proposed billboard construction could occur prior to demolition of the Eliot Building, and will be followed by removal of the existing billboard under the terms of the agreement. Mr. Pope has indicated that the exact site for the billboard on the parcel has not yet been determined, but the location would be more or less in the center of the property and face both north and south. The proposed amendment would require that the new billboard meet current regulations, including the enhanced appearance requirements passed on June 4, 2001 under the previous moratorium. Mr. Pope indicates the billboard is being designed to blend with the nearby courthouse.

Summary of Findings

1. The proposed relocation of the billboard at the Elite Diner location is not presently allowed because of the Interim Development Ordinance in effect until January 14, 2002, which significantly limits the issuance of permits for OASS.

2. The acquisition of the Elite Diner property by Champaign County is necessary to complete the courthouse expansion, but is contingent on the issuance of an OASS permit by the City for the relocation of the billboard.
3. The proposed relocation of the billboard at the Elite Diner property was discussed previously by the property owners and City staff but apparently by oversight was not included in the Intergovernmental Agreement.
4. The proposed amendment would allow for the construction of a billboard at the Eliot Building property, in conformance with all current zoning requirements including amendments to the OASS portion passed on June 4, 2001.

Options

The City Council has the following options for action in Plan Case No. 1799-T-01:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein.
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. deny approval of the proposed text amendment to the Zoning Ordinance.

Staff Recommendation

At the meeting on October 18, 2001, the Plan Commission voted 6 to 0 to recommend **APPROVAL** of the proposed text amendment as presented herein based on the findings summarized above. Staff concurs with this recommendation.

Prepared by:

Tim Ross, Planner

Attachment: Draft Ordinance Approving Text Amendment
Excerpt Draft Plan Commission Minutes from October 18, 2001 Meeting

Cc: Kip Pope

ORDINANCE NO. 2001-11-140

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(To amend Section IX-10 of the Zoning Ordinance, Interim Development Ordinance, Moratorium on Outdoor Advertising Sign Structures (Plan Case 1799-T-01))

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, on July 16, 2001 the City Council approved Ordinance No. 2001-07-078, adding Section IX-10 of the Urbana Zoning Ordinance, Interim Development Ordinance (IDO) - Moratorium on Outdoor Advertising Sign Structures (OASS) - Plan Case No. 1787-T-01, which placed significant limitations on the issuance of permits for OASS during the term of the IDO; and

WHEREAS, as part of the Champaign County Courthouse expansion, property at 210 East Elm Street in Urbana, Parcel # 92-21-17-209-007, commonly known as the Elite Diner property, will be acquired by Champaign County for courthouse use; and

WHEREAS, according to the contract for purchase, the acquisition by the County of the Elite Diner property from C & U Poster Properties, Inc. is contingent on being issued a permit from the City to move the OASS to the property at 212 E. Main in Urbana, Parcel # 92-21-17-204-008, commonly known as the Eliot Building property; and

WHEREAS, the acquisition of the Elite Diner property by Champaign County is necessary to complete the courthouse expansion, but is contingent on the issuance of an OASS permit by the City for the relocation of the billboard.; and

WHEREAS, The proposed relocation of the billboard at the Elite Diner property was discussed previously by the property owners and City staff but apparently by oversight was not included in the Intergovernmental Agreement.; and

WHEREAS, the proposed relocation of the billboard at the Elite Diner location is not presently allowed because of the Interim Development Ordinance in effect until January 14, 2002; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance in order to add an exception provision to the 180 day moratorium on the issuance of permits for Outdoor Advertising Sign Structures; and

WHEREAS, the proposed amendment would allow for the construction of a billboard in conformance with all current zoning requirements including amendments to the OASS portion passed on June 4, 2001 at 212 E. Main Street in Urbana, Parcel # 92-21-17-204-008 and commonly known as the "Eliot Building property"; and

WHEREAS, the Urbana Plan Commission considered this petition as Plan Case 1799-T-01 on October 18, 2001 and voted 6-0 to recommend approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that certain provisions of the Zoning Ordinance be amended to read as set forth below, with the underlined text showing new language to be added:

Section 1. The Zoning Ordinance of the City of Urbana is hereby amended by adding an exception provision to Section IX-10, "Outdoor Advertising Sign Structures Moratorium" as follows:

Section IX-10. Outdoor Advertising Sign Structures Moratorium

A. Statement of Purpose - The purposes of the regulations contained in this Article are:

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS's which conflict with the intent of the Zoning Ordinance.
2. Consider a possible "cap and replace" policy for billboards. In doing so, consider the following:
 - a. Review issues of vested rights and property rights in relation to billboard regulation.
 - b. Review relationship of billboard regulation with respect to First Amendment freedom of speech rights.
 - c. Consider the ramifications of any moratorium and subsequent amendments on the C&U Poster settlement agreement.

3. Review alternatives, such as an increase in the spacing requirement between OASS's, that may be appropriate in concert with a cap and replace limitation.
4. Prevent disproportionate increase in OASS permit requests which could occur as a result of new billboard regulations approved by City of Champaign.

B. Boundaries - All property within the City limits in all zoning districts which currently permit the construction and operation of an OASS. As set forth in Table IX-5 of this Zoning Ordinance, these areas are along FAP or FAI routes in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue.

C. Use Regulations - All permitted or provisional uses as currently allowed by the Zoning Ordinance are permitted, except OASS. Any permit application for an OASS, other than those meeting the exception criteria listed under Section IX-10.E shall be denied.

D. Duration - 180 calendar days from July 16, 2001

E. Variation or Exception

1. Replacement - The Zoning Administrator may authorize issuance of a permit to replace an existing OASS if said OASS is damaged, through no fault of the owner, to the extent that complete removal and replacement is required.

2. Hardship - The Zoning Administrator will authorize the issuance of a permit for a new OASS when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.

3. OASS located on the Elite Diner property, commonly known as 210 East Elm Street, Urbana, Illinois (Parcel # 92-21-17-209-007), - Consistent with negotiations pending since June, 1999, between the City of Urbana, the County of Champaign, C & U Poster Properties, Inc., and C & U Poster Advertising Co. regarding the acquisition of the Elite Diner property as a part of the Champaign County Court House expansion project: Provided that it meets current sign regulations, including those passed June 4, 2001 as Ordinance No. 2001-05-044, a new OASS may be constructed on the "Eliot Building" property, (Parcel # 92-21-17-204-008), commonly known as 212 E. Main Street, Urbana, Illinois, during the term of this ordinance, on the condition that the OASS presently located on the Elite Diner property be removed within 180 days thereafter or August 31, 2002, whichever is earlier. If constructed in accordance with said presently-existing ordinance, said new OASS shall be deemed legal and conforming.

Section 2. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

Section 3. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance (including but not limited to Table IX-5, Standards for Future Outdoor Advertising Sign Structures) in conflict with the provisions of this Ordinance.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA (To add Section IX-10, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures - Plan Case No. 1799-T-01)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2001.