

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 10, 2002
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Alan Douglas, Randy Kangas, Michael Pollock, Joseph Rank, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: None

STAFF PRESENT: Libby Tyler, CD Director; Rob Kowalski, Planning Manager; Tim Ross, Planner; Teri Hayn, Clerk-Typist

OTHERS PRESENT: Laurie Bonnett, April Getchius, Amy McCaw, Dave Monk, Esther Patt, Kip Pope, Kelly Strube, Paul Tatman, Susan Taylor, Ruth Wyman

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

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared with all Plan Commissioners present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Stake moved to approve the minutes from the December 20, 2001 meeting. Mr. Douglas seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- Letter from Rhonda Olson of Hardee's
- Letter from Ata Durukan of First Federal Savings Bank of Champaign-Urbana

- Letter from Kate Dobrovolny of the University of Illinois
- Letter from L. E. Davis of the Pennsylvania Avenue Baptist Church
- Packet of Material from Scenic America presented by Bernadine Stake

5. CONTINUED PUBLIC HEARINGS

1808-M-01, Request by the Urbana Zoning Administrator to rezone 703 South Gregory Place, 705 South Gregory Place, 1101 West Oregon Street, 1103 West Oregon Street, and 1102 West Nevada Street from R-5, Medium High Density Multiple Family Residential to CCD, Campus Commercial District. (Continued from December 20, 2002.)

Rob Kowalski, Planning Manager, presented the staff report by giving a brief introduction and background describing the adjacent land uses and zoning designations. He discussed the intent of the CCD (Campus Commercial District), which is to create a district to provide opportunities for development of a commercial center to serve the east-central University of Illinois campus and neighboring residential areas. Mr. Kowalski pointed out the goals, objectives and policies of the Comprehensive Plan in the written staff report. He reviewed the highlights of the LaSalle National Bank criteria and how it related to this plan case. He summarized the staff findings and read the options of the Plan Commission. Mr. Kowalski stated that staff recommended that the Plan Commission forward this plan case to the Urbana City Council with a recommendation for approval.

Ms. Stake inquired as to whether the City Council had changed the definition of “university-college related uses”. Mr. Kowalski responded that it was one of the conditions of the Plan Commission’s approval of the text amendment regarding the CCD at the December 20, 2002 meeting. As a result, staff came up with a definition and presented it to the City Council, which they approved.

Mr. Alix asked if it was the University of Illinois’ (U of I) or the City of Urbana’s intention to rationalize the zoning on the rest of the proposed block? The southwest corner of the block is zoned B-4. The lot in the north on the middle of the block is zoned R-4. Both of these lots are occupied by the same building, which is the U of I Music Building. Mr. Kowalski replied that from the City of Urbana’s perspective, staff was not anticipating any other rezonings that are not subject to a proposal of a development in the area. The intent of the CCD was not to do an area-wide rezoning. On behalf of the U of I, Mr. Kowalski commented that the Comprehensive Plan shows those areas as CRE, which is institutional. The intent would be to cleanup the zoning in the area. The CCD keeps the intent of the institutional by support of the business uses there.

Mr. Alix asked since the U of I owns the land and would be contracting with the developer to build on behalf of the U of I, would there be any restrictions or incentives in terms of what businesses would be encouraged or allowed to locate in the proposed areas? Are there any incentives for locally owned businesses, small business, or minority-owned business? Ms. Getchius, from the U of I, stated that the U of I is in the process of selecting the developer with whom they will negotiate to construct the proposed building. The U of I, in working with the City of Urbana to develop a list of uses, showed some vested interest in what businesses would be located in the proposed area and controlling those uses. Beyond that, she felt it would depend

upon how the negotiations would go with the developer. She added that the U of I had not gotten that far in the process with those details. Mr. Alix felt that this was a great project. Commercial development in this area to serve students would be a positive asset. Ms. Getchius replied that the intent was to not only serve the students, faculty and staff but other residential areas in the neighborhood as well.

Mr. Alix questioned what the 25,000 square foot building shown on the U of I master plan between the Annex to the Music Building and this development was? Ms. Getchius replied that it is an institutional building. Mr. Alix inquired if the buildings on the south side of that block between the Music Building and this development were existing buildings? Ms. Getchius replied that those buildings were private sororities. Those sites were not included in this plan to redevelop for university uses. Mr. Alix questioned if the U of I believed it to be proper zoning with commercial on the extreme west end of the block, CRE in the middle for the Music Building, CCD on the east end of the block, and residential on the south side of the block? Ms. Getchius stated that the zoning was up to the City of Urbana. There was an amendment to the Comprehensive Plan several years ago designating the land as institutional. Staff had intended to go back and cleanup some of the odd zoning. It was something that got set on the back burner and had not be done as of yet.

Mr. Pollock asked if there would be a development agreement between the U of I and the developer and between the U of I and the City of Urbana? Ms. Getchius replied that was correct. Mr. Pollock questioned if the development agreement between the U of I and the City of Urbana would address meter revenue? Ms. Getchius stated that she did not know the exact terms of the agreement regarding meter revenue. She commented that the inter-governmental between the City of Urbana and the U of I states that the U of I would pay \$2.9 million for right-of-way and the City of Urbana would vacate this portion of Gregory Place at no charge.

Ms. Stake made a motion to move this plan case forward to the City Council with a recommendation for approval. Mr. Kangas seconded the motion. The roll call was taken and was as follows:

Mr. Kangas	-	Yes	Mr. Pollock	-	Yes
Mr. Rank	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. Alix	-	Yes
Mr. Douglas	-	Yes			

The motion was passed by unanimous vote.

**Plan Case 1810-T-01, Request by the Zoning Administrator to amend Article IX of the Zoning Ordinance as it relates to Outdoor Advertising Sign Structures (OASS's).
(Continued from December 20, 2002.)**

Tim Ross, Planner, presented an update of the staff report. He talked about the placement and maximum number of billboards, the cost of a building permit, the 1984 settlement agreement between the City of Urbana and C & U Poster, the comparability of Urbana's OASS ordinance

with surrounding communities, spacing requirements, buffering from residential zoning districts, entryway corridors, and a “cap and replace” requirement.

Mr. Alix asked for clarification regarding the black squares (which represent existing billboards) on the map of the current billboard locations. He asked if those billboards were included in the possible new sites? Mr. Ross replied no. Mr. Alix questioned if the billboards just north of 5 Points along north Cunningham would be legal under the new ordinance? Mr. Ross replied that some might be legal while others would not be. Throughout the City, there are several billboards that are legally non-conforming. Mr. Alix asked if there currently were no billboards in the City, then would there be possible new sites along the stretch of North Cunningham between University Avenue and Perkins Road? Mr. Ross replied yes. The primary reason why there is not more than one possible site in that area is because there are currently billboards there. The spacing requirements keep any new sites from being eligible.

Mr. Alix stated that he was curious about the designation of entryway corridors. He asked if that was a holdover from the previous ordinance that was not changed or was it new? Mr. Ross replied that although there have been no changes since the last Plan Commission meeting, the designation of entryway corridors was a new concept. Mr. Alix stated that he was confused about how those designations were chosen. He inquired as to what the criteria was for selecting the locations for possible billboards? Mr. Ross answered that the entryway-corridor concept was brought to the attention of the Task Force in response to some concerns of the public that some of these corridors are the entryway to the City of Urbana. Since those corridors give the first impression of the City, then they needed to be protected from billboards. The Task Force tried to look at areas where people would be coming into the heart of the City of Urbana. Some of the other corridors did not seem to meet that threshold. Mr. Alix stated that although he does not have anything against the notion of entryway corridors, he would object to billboard placement on south Philo Road on the basis that they seem to be arbitrary.

Mr. Alix commented that looking at the eastern edge along Route 150 east of High Cross Road, there are four sites shown in that parcel to the southeast, which are across the road from county residential uses. He asked if it was the intention that the CRE, Residential, and AG buffers respect or do not respect the county zonings? Mr. Ross answered that he was not sure whether over the years the City of Urbana had enforced that as buffering county residential. Staff would need to clarify whether to include county properties under their zoning. Mr. Alix commented that based on the long-term goal, which is annexing more land into the City, that it would be extremely shortsighted of the City of Urbana to not take county zoning into consideration. Ms. Tyler replied that if it were zoned residential, the City of Urbana would respect the buffering requirement whether the zoning was City of Champaign, City of Urbana or Champaign County.

Mr. Alix asked if it was the intention to include all classes of zoning as opposed to actual use of the land or as opposed to just the City of Urbana zoning? Mr. Ross stated that the ordinance mentions zoning, so that is the standard that the City of Urbana uses. Mr. Alix felt that it should be based on the use of the land rather than the zoning of the land. The ultimate plan would be to annex some of the areas that are considered county residential. Ms. Tyler replied that there are some residential uses that will some day redevelop to commercial. There are a few along

Cunningham Avenue. The interpretation of the language as it stands is that this buffering would be from any residential district.

Mr. Kangas asked for clarification on whether there were currently 28 signs in the City of Urbana? Mr. Ross replied that was correct. Mr. Kangas stated that under the current ordinances there could be as many as 167 sites for billboards. Under the new ordinance, there could only be 64 sites for billboards. He asked if the 64 sites included the 28 current billboards? Mr. Ross replied that the 28 current billboards would be in addition to the 64 sites available. He added that there would be a limit of 4 new billboards permitted each year.

Ms. Stake felt that the proposed ordinance would encourage the proliferation of billboards, works against the City of Urbana's positive visual of the environment with its great parks and its designation as a tree city, adversely affects the entryways, and that a quality vision would better promote economic development (Billboards work against economic development.) She reviewed her handout of the article titled "Fighting Billboard Blight" from Scenic America. She read about the following:

- Why Fight for Beauty?
 - Billboards have been called "visual pollution".
 - Billboard control enhances quality of life and local economies while allowing businesses to sell their products and services more effectively at lower cost.
 - What's Wrong with Billboards?
 - Clearly, billboard control is good for our communities.
 - Because of special federal protection, inadequate state permit fees, and industry underpayment of taxes, billboard blight costs you money.
 - Billboard blight litters our communities with inappropriate messages and images.
- How to Fight Billboard Blight
 - Step One: Pass a Temporary Moratorium
 - Step Two: Pass a Permanent Moratorium
 - Step Three: Give Your Ordinance Teeth
 - Step Four: Remove Existing Billboards
 - Downsizing: An Alternative to Removal
- Appendix B: Billboards by the Numbers
- Appendix E: Billboard Industry Myths
 - Myth: Billboards provide essential information for the millions of travelers.
 - Myth: The Constitution protects the rights of property owners to put up whatever they want on their properties.
 - Fact: In urban areas, billboard operators cluster billboards in low-income, minority neighborhoods; many of the billboards in these neighborhoods advertise alcohol.
 - Myth: Removing billboards without just compensation violates the Fifth Amendment to the U.S. Constitution.
 - Myth: By supporting local businesses, billboards are good for the economy.

- Myth: Public opinion polls show that people like billboards and find them useful.

Mr. Kangas inquired as to whether the permit was renewed annually or requested only once? Mr. Ross replied that a permit is only requested and paid for once per billboard.

Mr. Kangas asked if he or anyone else could purchase all four permits for the year and not actually build the billboards? He would be buying the right to not build the new billboards. Mr. Ross answered that although the Community Development Services Department of the City of Urbana requires that structural engineering drawings be submitted at the time of request of a permit, Mr. Kangas' scenario could happen. Mr. Ross stated that part of the application is providing proof that a property owner had given permission for a billboard to be constructed on the owner's property. Mr. Kangas asked if the permits were site-specific? Mr. Ross answered yes. Mr. Kangas questioned if there was a permit for each of the 67 sites? Mr. Ross replied that a permit would be issued if the request met all the requirements. Mr. Kangas asked if he would have to prove that he had a place to build the billboard? Mr. Ross stated that was correct. Mr. Kangas felt that a permit should be renewed annually instead of paying a one-time fee. Mr. Alix agreed. He stated that this would allow one business to purchase all four permits for the next ten years, and as a result, have a monopoly in the billboard industry. Mr. Ross explained that "cap and replace" would allow new billboard structures to replace old structures torn down as well.

Ms. Tyler stated that the billboard permits would be the same as a building permit, so a permit would be specific to a site. However, this would be the first time that a limit was placed on how many permits could be issued. Mr. Alix questioned if the spacing requirement was defined based on billboards that are actually built or based on billboards by permit? Ms. Tyler explained that permits do expire. They will not last for twenty years. Mr. Alix commented that changes things. Mr. Ross mentioned that there were two types of billboards that can be built. One is 75 square feet, and the other type is 300 square feet. Both must meet the definition of an OASS as indicated in the Zoning Ordinance. Ms. Tyler stated that there was a valid period for building permits. Getting a permit is similar to a variance or conditional use, in that there is evidence that the petitioner needs to provide. In the case of a billboard permit, a petitioner would need to provide a site plan, the dimensions, and construction documents. If a person obtains a permit to build a billboard and does not build, then the permit will expire. Mr. Pollock added that a permit is to build not to own/operate. Permits are granted on a first come/first serve basis.

Mr. Pollock commented that from a legal standpoint, the Plan Commission should keep in mind that the City of Urbana is under a court order. If additional regulations were imposed and considered to be more restrictive than the current ordinance by Adams Outdoor Advertising, then Adams Outdoor Advertising could demand the settlement payment of \$32,000.

Mr. Rank compared the proposal to the existing ordinance. It appeared to him that the logical placement of billboards would be between entryway nodes, which is consistent with the current Federal Aid Highway corridor criteria. By trying to reduce the total number of billboards and the placement of those billboards, this proposal would open up areas that do not fit the Federal Aid Highway corridor criteria. He believes that the proposal with the restrictive design criteria that the Plan Commission had forwarded to the City Council regarding OASS approximately six months earlier still remains the most appropriate option for the City of Urbana.

Mr. Alix agreed with Mr. Rank. He believes that the issue that led to most of the moratorium proposals was the appearance of new billboards. Those issues were addressed by the design controls, which have been incorporated. He did not like the idea of proliferating billboard development in predominantly residential areas. Windsor Road is a residential area. He would like to see a model similar to the current ordinance in terms of restricting billboards to the primary arteries and increasing the spacing requirements such that the City would be in a comparable number of billboards to what is being proposed in this agreement.

Ms. Stake agreed with Mr. Rank and Mr. Alix. Therefore, she moved to forward this plan case to City Council with the recommendation to deny the request by the Zoning Administrator. She recommended that the City Council initiate a plan to amortize existing billboards.

Mr. Pollock commented that he was involved in the original case. He saw three options, which were: 1) pay the fine, and write an ordinance based on what the Plan Commission, the public, the City Council, and other interested parties wanted to do in terms of OASS's, 2) leave the ordinance as is, which involves the risk of not having an upper limit on what can be built in the areas already designated appropriate for OASS's, and 3) pass this agreement, which involves a risk of opening up areas not already designated for OASS's. The court decision makes it tough to restrict the current ordinance more than it is. Ms. Tyler added that there is a fourth option for the Plan Commissioners. This option would be to pass this agreement with modifications. Mr. Pollock stated that he did not consider that an option due to the fact that the modifications that would be of interest to the Plan Commission and to some of the public were more restrictive. It was clear that if any group (City Council or Plan Commission) decided to amend the proposed agreement, then that risk would be more than a risk. As a result, the City of Urbana would have to pay the penalties.

Ms. Stake felt that there was a different climate for billboards than at the time of the lawsuit. She believed that it would be worth paying the \$32,000 in order to be able to write a OASS ordinance that people felt would be reasonable and better for the City of Urbana.

Ms. Upah-Bant inquired as to what policy, moratorium, or ordinance would be in effect if the Plan Commission and City Council would deny the proposed agreement? Ms. Tyler replied that there currently is an extension, which will expire in approximately one week.

City Council passed a temporary building restriction on billboards until after staff presents this case to them. Mr. Ross added that once the moratoriums have expired, then the current regulations (including the design criteria) would become effective.

Mr. Alix commented that he does not see the \$32,000 as being an issue. The issue is the commitment that the City made in the resolution of the lawsuit. The City of Urbana made this agreement, which will be in force for two more years. It is important for the City to act in good faith. He would not like for the City of Urbana to end up with an ordinance that had been constructed based on the legal climate in place at the time of the lawsuit. He would like to take a look at what other communities in the State of Illinois have done and determine what the City's municipal power really is to regulate billboards in order to come up with an appropriate ordinance that would be consistent with other communities in the State. He felt that the time to review the OASS ordinance would be when the court order has expired. Mr. Pollock agreed.

Mr. Alix suggested that if the Plan Commission denied this proposal, then he felt that the Plan Commission should give City Council some guidance as to what the Plan Commission would support. He mentioned that he would support an agreement that was comparable to the current ordinance with design controls. Mr. Ross replied that the design criteria had already been passed and is now part of the ordinance. However, the design criteria, along with the ordinance, have been suspended by the moratorium. Mr. Pollock asked if the design criteria would prompt Adams Outdoor Advertising to demand payment? Mr. Ross replied no. They have not received any indication from Adams Outdoor Advertising that the current ordinance would prompt that payment.

Mr. Alix inquired about the disparity and spacing between the City of Urbana's current ordinance and the IDOT ordinance. Mr. Ross responded that was no longer a disparity. In the last round of OASS review, the City's spacing requirement was 250 feet. Staff recognized IDOT's spacing requirement was 300 feet. So, the City of Urbana increased our spacing requirement to 300 feet as well.

Ms. Upah-Bant asked Mr. Pollock to clarify what he meant in his previous statement regarding the unfairness of approving this proposal and dismantling it in two years when the court order has expired. Mr. Pollock replied that he felt it would be unfair to pass a new ordinance with the intention of using it for a short time, and then completely overturn it in two years. His overriding reason for not supporting the approval of this agreement was because he does not want to open up areas in the city to billboards that are not currently open. Ms. Tyler commented that in two years from now, the atmosphere could be more restrictive. Therefore, it could make sense to include the annual limit of four new billboards per year in the ordinance now. Mr. Pollock stated that there were parts of this agreement that he agreed with, such as the increase of the spacing requirements and the annual limit of permits. Of course, there has to be a tradeoff in order for this proposal to not be more restrictive on the sign company. All people involved in the negotiations acted in good faith. However, he did not want to open up areas to billboards that were not already available.

Mr. Ross offered as Task Force coordinator to take another look at this agreement and try to come up with an alternative proposal. Mr. Pollock stated that the Plan Commission would discuss that after the motion had been voted upon. Mr. Kangas seconded the motion. The roll call was as follows:

Mr. Pollock	-	Yes	Mr. Rank	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Alix	-	Yes	Mr. Douglas	-	Yes
Mr. Kangas	-	Yes			

The motion was passed by unanimous vote.

Ms. Stake moved that the Plan Commission suggest that City Council initiate a plan to amortize the existing billboards and/or “cap and replace” program and create an ordinance prohibiting billboards in Urbana. The motion failed for a lack of a second.

Ms. Stake moved that the Plan Commission suggest that City Council consider adding the four permits per year limit to the current ordinance. Ms. Upah-Bant seconded the motion.

Ms. Stake explained that she would like to have less proliferation of billboards. Mr. Alix felt that it was appropriate to take some action against a flurry of activity under the old ordinance, since the Plan Commission would like to review this ordinance again in the future after the court order has expired. Mr. Alix inquired as to how many permits have been issued in a single year. Mr. Ross replied that the Building Safety Division has issued about two billboard permits a year in the past and no more than four in any given year. Mr. Alix commented that this information supported the fact that adding a limit of billboard permits issued in one year was not making the ordinance any more restrictive. He could support this motion.

Mr. Kangas asked who the petitioner would be for Ms. Stake’s proposal? Mr. Ross answered that the petitioner was the Zoning Administrator, and it would be considered a text amendment to the City’s proposal.

Chair Pollock asked for a voice vote and a show of hands. The motion passed by a 6 – 1 vote.

Ms. Stake felt that the City of Urbana should begin to work on amortizing existing billboards and putting in a “cap and replace” program, and if at all possible, an ordinance prohibiting billboards in Urbana.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case 1811-T-01, Request by Zoning Administrator to amend the Zoning Ordinance to extend the existing Interim Development Ordinance (IDO) for 60 days, which will continue the moratorium on the issuance of permits for Outdoor Advertising Sign Structures (OASS or billboards).

This plan case was continued to the next Plan Commission meeting scheduled on January 24, 2002.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler gave a staff report on the following:

- ✓ She briefly described the two upcoming cases for the Plan Commission meeting on January 24, 2002.

Mr. Kowalski gave a powerpoint presentation on the Downtown Plan. He reviewed the Steering Committee's work, the consultant's work, and the staff's work, and the planning concepts by discussing the following:

- Downtown Plan Steering Committee Members
- Project Background
- Background Analysis
- Market Share
- Functional Zones
- Distribution of Existing Land Uses
- Retail Square Footage
- Existing Zoning
- Background Analysis Conclusions
- The Initiatives
 - Downtown Leadership Initiative
 - Downtown Image Initiative
 - Access
 - Gateways
 - Entryways
 - Open Space
 - Pathways

- Parking
- Center of Urbana Initiative
- Downtown Neighborhood Initiative
- Niche Market Initiative
- Lincoln Square Initiative
- Implementation
 - Policy
 - Regulatory Action
 - Financing

Ms. Tyler mentioned that the Downtown Plan Steering Committee had moved approval in their advisory capacity to the changes in the Lincoln Square discussion. Because the Downtown Plan will need to be adopted as an amendment to the Comprehensive Plan, there will be a public hearing regarding this plan at the next Plan Commission meeting.

Mr. Pollock stated that he had been waiting to see this for a long time. It has been well worth the wait. Ms. Stake commented that it was exciting to think that there may be some progress in Downtown Urbana. She asked if there had been any consideration to have entertainment for teenagers? Mr. Kowalski replied yes. The first couple chapters of the Downtown Plan takes a look at who the market is downtown and notes that the City really misses out on the University of Illinois and Urbana High School population.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission