

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** February 5, 2015

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

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

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**MEMBER PRESENT:** Corey Buttry, Maria Byndom, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

**MEMBERS EXCUSED:** Andrew Fell

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Christopher Marx, Planner I; Teri Andel, Planning Administrative Assistant

**OTHERS PRESENT:** Nick Bartholomew, Bill Brown, Cain Kiser, Alana Miller, Betsy Mitchell, Dennis Roberts, Dena Raposa, Ashley Williams

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**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**

There were none.

**3. APPROVAL OF MINUTES**

The minutes from the December 4, 2014 and the January 22, 2015 meetings were presented for approval. Mr. Stohr moved that the Plan Commission approve both sets of minutes as presented. Mr. Trail seconded the motion. There were no changes, and both sets of minutes were approved unanimously by the Plan Commission as presented.

**4. COMMUNICATIONS**

There were none.

## 5. 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 addressing the issues that the Plan Commission had raised at the previous meeting. Those issues were as follows:

- *Billboard Ownership*

Mr. Engstrom stated that at the last meeting, City staff erroneously pointed out that there were two billboards inside City limits that were not owned by Adams Outdoor Advertising. He clarified that the two billboards are actually located outside of the City's limits, so the City of Urbana's regulations would not apply to them.

Chair Fitch wondered how close the two billboards are to the one that is located inside city limits. Mr. Engstrom replied that it appeared to be within 1,000 feet.

Chair Fitch asked if the signs were within 250 feet of the city limits and would require notification of the public hearing if city limits extended out to them. Mr. Engstrom answered saying that the two signs are not within 250 feet of the closest billboard within city limits. However, if city limits extended out to them, then just being inside city limits would have required City staff to notify the owners of the public hearing.

Mr. Stohr questioned what effect the two billboards located just outside of the City's limits would have on the billboard just inside the City's limits. Mr. Engstrom replied that the 1000-foot buffer would not be required since the two billboards owned by other businesses were outside of the City's limits.

Mr. Otto wondered why the sign would not be affected because the City has extra-territorial jurisdiction rights. Mr. Engstrom explained that Champaign County has their own ordinance that deals with signage and billboards. The City of Urbana only has extra-territorial jurisdiction over land and property with regards to subdivisions and annexation agreements.

Mr. Engstrom continued with the staff presentation. He talked about the following:

- *Impacts on Residences*

City staff found that a small percentage of residences are within 200 to 400 feet of the eligible areas where future billboards could be constructed. The eligible areas set back far from the road, so any future billboards would be directed towards the road and away from the residences.

To address potential conflicts between digital billboards and residences, there were other restrictions that City staff examined. These included setback requirements from residential zones, time restrictions and operations of billboards, and protections against nuisance lighting. He talked about each restriction in more detail.

City staff found that if the City requires a buffer distance from all residential uses, then it would really restrict where billboards could be placed along University Avenue and Cunningham Avenue, so City staff does not recommend requiring a buffer distance from higher density residential zones.

After further research, City staff recommended that the City incorporate a restriction from digital billboards operating from 12:00 p.m. to 6:00 a.m. This would also be acceptable by Adams as it is already a policy that they practice.

Mr. Engstrom noted one final change to the proposed text amendment. The change came about because Mr. Hopkins noticed in Section IX-6.D.11 it states as follows, "*Lights shall be effectively shielded from roadways and any nearby residential uses.*" This would prevent digital billboards, so City staff suggested adding language to Section IX-6.E.1 to say that new digital billboards would not be required to conform to Section IX-6.D.11 and adding language to Section IX-6.E.4 to say that digital billboards will not shine directly onto any residence and will not comprise a nuisance or hazard to residences or roadway users.

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

Mr. Stohr asked what the allowable size of a standard billboard. Mr. Engstrom replied that the proposed text amendment does not limit the size of the sign, so it would default back to the existing ordinance. The existing ordinance limits billboards to 300 square feet. Mr. Stohr noticed that this is much different than what Chicago allows.

Mr. Stohr wondered how the 300 square foot restriction came about. Mr. Engstrom believed it came about based on what the existing stock was when the City was negotiating legal arguments with billboard companies. Mr. Stohr asked if the Plan Commission wanted to allow different sizes, would now be the time to consider it. Mr. Engstrom said yes, but only for digital billboards.

There were no further questions for City staff. Chair Fitch reviewed the procedures for a public hearing. He, then, opened the hearing up for public input. He asked if there were any members of the audience who wished to speak in favor of the proposed text amendment.

Cain Kiser, of Adams Outdoor Advertising, approached the Plan Commission to speak. He thanked the Plan Commission for continuing the discussion and stated that he would be available to answer any questions.

Mr. Stohr asked about the size of digital billboards that Adams has installed. Mr. Kiser replied that all of Adams' digital billboards are 300 square feet. There are two different dimensions that they use: either 12' x 25' or 10' x 30'.

Mr. Stohr asked what size Adam's used for the existing standard billboards that are illuminated. Mr. Kiser answered 300 square feet. Mr. Stohr wondered if Adams Outdoor Advertising would be more likely to use the 12' x 25' or the 10' x 30' for digital billboards in the City of Urbana. Mr. Kiser stated that they tend to favor the 10' x 30' for digital billboards. However, it depends on the area and what sign they would be replacing.

Mr. Stohr wondered if Adams received less money for advertisements on the smaller signs. Mr. Kiser replied that along the highways, the standard bulletin size for billboards is 14' x 48'. Adams Outdoor Advertising down-sized the bulletin billboards in the City of Champaign to 10' x 30'. The poster-size billboards used across the industry are 12' x 25'.

Chair Fitch inquired if advertisements would be the overall size of the panel or limited to the digital area. Mr. Kiser replied that they have gone to trimless panels, so advertisements would go to the edge of the panels.

There were no other members of the audience who wished to speak in favor of the proposed text amendment. Chair Fitch asked if anyone would like to speak in opposition.

Dennis Roberts approached the Plan Commission to speak. He expressed his concern for preserving the integrity of University Avenue and Cunningham Avenue and their beautification plans. He encouraged the Plan Commission to require a 300-foot buffer from all residential zones and uses. He also expressed concern about whether the proposed text amendment would apply to wall-mounted billboards as well as freestanding billboards and if the same restrictions would be required for both. Mr. Engstrom replied that the Zoning Ordinance does not discriminate between freestanding billboards and wall-mounted billboards. As written, the proposed text amendment would allow for wall-mounted billboards as shown in blue on the maps in the written staff reports. Wall-mounted billboards would be subject to the tradeoff requirements as well.

Mr. Trail stated that the proposed language always referred to them as structures; not signs, so he assumed that digital billboards referred to freestanding special built structures. Other types of signage other than what we would consider a traditional freestanding billboard would be covered under the Sign Ordinance. Mr. Engstrom said yes. There is a paragraph in Section IX-6 which defines and sets some additional regulations for wall-mounted OASS.

Mr. Otto wondered how Mr. Roberts perceived wall-mounted signs to be different than freestanding signs. Mr. Roberts stated that he just wanted to learn whether wall-mounted signs would be considered a separate kind of sign that would not be included in the proposed text amendment.

There was no further public input. Chair Fitch opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Byndom inquired about continued violations and whether there would be a policy for this. Mr. Engstrom replied that a continued violation would be considered a separate violation on each day that it occurs and the fines would be cumulative.

Ms. Byndom wondered if anything would happen to a billboard company other than receiving fines for reoccurring violations. Mr. Engstrom stated that for each successive conviction of a violation, the fine would increase as well. Elizabeth Tyler, Director of Community Development Services, added that fines have been a successful way to achieve compliance. If issuing fines would not be sufficient, then the City would take the billboard company to court and ask the judge to compel the sign owner to comply. The judge could assign additional fines or even imprisonment. Ninety-nine percent of the time though, issuing a fine encourages compliance.

Chair Fitch stated that with under electronic displays, the maximum area of the display cannot exceed 50% of the sign area. This does not apply with regards to digital billboards, correct? Mr. Engstrom said that is correct.

Mr. Otto commented that when the Plan Commission began the process of reviewing the proposed text amendment, he was initially opposed to digital billboards. Twice a week when he returns home from his day job, he happens to drive down Neil Street and sees the digital billboard. Because of the highly reflective material that the sign company uses, he could not tell which billboards are digital and which ones are standard illuminated until the digital sign changes advertisements. Because he does not like billboards in general, he really liked the idea of reducing them by replacing the existing standard billboards with digital billboards at the rate of 2:1 or 3:1.

Also, he has discovered that some of the businesses he frequently visits do advertise on the existing billboards. When he first moved to Urbana ten years ago, he could not find a place in town to buy a pair of dress pants. He had to go to Champaign to buy them. So, his position is weighted by the number of businesses in support of the proposed text amendment. He does not believe that he can ask businesses to set up in Urbana and make it difficult for the businesses to advertise what they have to sell. Therefore, his opinion regarding digital billboards has changed.

Mr. Stohr believed that they needed to accommodate the billboard, beautification and architecture fans as opposed to the business owners. He felt that the 3-minute hold time was too long, but 10 seconds might be distracting. He recommended 30 seconds as a compromise.

Mr. Otto added that for him to support this, he encouraged the City Council to not approve the proposed text amendment without first amending the revenue code so that digital billboards would generate tax revenue commensurate with their business activity. We need companies doing business in Urbana to pay their fair share of the cost of maintaining the streets, etc. that draw people to Urbana.

Mr. Stohr wondered if any other members were concerned about the size of the billboards. Chair Fitch stated that he felt the same as Mr. Otto in that the bigger sign is no more distracting than a regular billboard.

He thanked the Plan Commission members for discussing the case and adding really smart limits. He also thanked the public for giving input.

Mr. Hopkins stated that he is less enamored and convinced. He did not find digital signs effective. He would rather have more regular billboards than to have digital billboards.

Mr. Trail did not feel that the Plan Commission knew enough or had enough information to make a decision. Most of the studies focused on the effect of digital billboards on drivers in automobiles. He didn't feel that there were enough studies done on the effects of digital billboards on pedestrians and autos mixed. He believed that they should wait for a year or so to find out more of how to regulate digital billboards.

Mr. Buttry expressed concerns about the proximity of residences within the eligible billboard areas. He asked City staff to clarify the buffer restrictions again. Mr. Engstrom explained that the existing Sign Ordinance does not allow billboards within 300 feet of the R-1, R-2 and R-3

Zoning Districts, which are single and two-family residential zoning districts. He believed that this came about from previous staff research and Plan Commission and City Council action. There are similar standards in other cities. Some cities have different buffers from digital billboards than from traditional billboards. Overall, it is pretty comparable.

Mr. Buttry stated that although there are a large number of Urbana businesses that do support this measure, it is not unanimous. He did not feel that there was any evidence that the Urbana businesses would benefit from advertising on digital billboards in Urbana as opposed to advertising outside of the City.

The safety studies that they have reviewed seemed to be inconclusive. He felt that they should err on the side of caution. Also, he felt that digital billboards would be intrusive and do not fit in with the aesthetic character of the City, especially in the areas where the City had made efforts to promote beautification.

Ms. Byndom stated that she liked the idea of reducing the number of traditional billboards by allowing a smaller number of digital billboards. She liked that digital billboards will be able to offer more information in a real time format. She agreed that the inclusion of a service fee is important. She did not believe that digital billboards would be any more of a distraction than something else that attracts a driver’s attention. The City of Champaign has digital billboards and there is no information that there has been an increase in traffic accidents due to the digital billboards.

Mr. Trail stated that he has not driven around looking for the digital billboards in the City of Champaign. However, when talking with his son, his son told him exactly where every one of them were located. His son called them TVs. Televisions are designed to draw eyes to it. There is a fundamental difference between the old billboards and the new digital ones. He is pretty sure that it is not the message.

Mr. Trail moved that the Plan Commission forward Plan Case No. 2242-T-15 to City Council with a recommendation for approval as recommended by City staff. Mr. Stohr seconded the motion. Roll call on the motion was as follows:

Mr. Buttry	-	No	Ms. Byndom	-	No
Mr. Fitch	-	No	Mr. Hopkins	-	No
Mr. Otto	-	No	Mr. Stohr	-	No
Mr. Trail	-	No			

The motion failed by unanimous vote.

Mr. Otto moved that the Plan Commission forward Plan Case No. 2242-T-15 to City Council with a recommendation that they adopt a service fee or tax revenue fee that would be commensurate with the economic activity of a sign prior to approving the proposed text amendment. Ms. Byndom seconded the motion.

Mr. Otto stated that the service fee should not be an annual renewal fee of \$50.00 or so. The fee should be based on how much revenue they earn and be equivalent to a business that earns a similar amount.

Ms. Byndom moved to add a friendly amendment to the motion that they lower the dwell or hold time to 90 seconds. Mr. Otto seconded the motion to amend.

Mr. Trail asked if they could be more specific than saying “*commensurate with*”. They could say, “*equivalent to the sales tax that a restaurant with the same revenue would pay*”. Mr. Otto stated that is what his intention is in the motion. However, he does not know what the sales tax or motel tax is in the City of Urbana. This is a private business, and private businesses should contribute. There is an indirect benefit that local businesses may want to use digital billboards to advertise. If you take this out of it, then the community of Urbana gets nothing from billboards. Chair Fitch believed that Mr. Otto’s explanation of the main motion was enough clarification and no additional language changes needed to be made.

Mr. Otto stated that when driving in Champaign, with a 10-second dwell time, he could sometimes see two changes in the advertisements on the digital billboards along Neil Street and other times he only saw one advertisement. He felt that 90 seconds would allow Adams Outdoor Advertising the ability to get more contracts, but it would not affect the safety of the automobile drivers. It will also increase the revenue that the City gets from the billboard.

Roll call on the friendly amendment was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	No
Mr. Otto	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	No	Mr. Buttry	-	No
Ms. Byndom	-	Yes			

The friendly amendment was approved by a vote of 4-3.

Roll call on the main motion as amended was as follows:

Mr. Hopkins	-	No	Mr. Otto	-	Yes
Mr. Stohr	-	Yes	Mr. Trail	-	No
Mr. Buttry	-	No	Ms. Byndom	-	Yes
Mr. Fitch	-	Yes			

The motion passed by a vote of 4-3.

**6. OLD BUSINESS**

There was none.

**7. NEW PUBLIC HEARINGS**

**Plan Case No. 2250-T-15: A request by the Urbana Zoning Administrator to amend Article II and Article V of the Urbana Zoning Ordinance to establish definitions, use provisions, and possible conditional permissions for “Gaming Halls”.**

Chair Fitch opened this case. Christopher Marx, Planner I, presented this case to the Plan Commission. He began his presentation by explaining the purpose of the proposed text amendment. He talked about the existing restrictions on gaming machines. He reviewed the

table of other cities' position and regulations on "*gaming halls*". He reviewed the following proposed changes to the Zoning Ordinance: 1) Add definition for "*gaming hall*"; 2) Add gaming hall to Table V-1 as a permitted use in the B-3, B-4 and B-4E Zoning Districts; and 3) Add Section V-13 restricting gaming halls from being located within 100 feet of a preexisting school or a place of worship. He summarized staff findings and presented City staff's recommendations for approval.

Chair Fitch asked if any Plan Commission member had questions for City staff.

Mr. Hopkins asked if the limit of five machines per establishment still exists and the establishment still has to get a liquor license. Mr. Marx replied yes, that is correct. Mr. Hopkins commented that the basic effect of the proposed text amendment is essentially to restrict those where food is the accessory use rather than gaming being the accessory use.

Mr. Otto recalled that Mr. Marx stated during his presentation that the total revenue was several hundred thousand dollars a year; however, the end of Exhibit D only shows the municipality share as being \$75,670 for the year. Jeff Engstrom, Interim Planning Manager, responded saying that the \$200,000 total was for around two years.

Mr. Otto wondered if a single operator could have five establishments located in a strip mall with five machines each. Mr. Marx said that it could be possible. City staff discussed this and decided not to address this. There are not many use regulations that exist for other entertainment venues that would be applicable to address a concern like this. So, it would be starting a new use regulation for entertainment venues in the City.

Mr. Otto inquired if there had been any consultation with the social service agencies in town. What are the increased costs for them for people not being able to pay their monthly bills due to video gaming? Is that more or less than \$75,000? Mr. Marx answered saying that there have not been any consultation with social service agencies regarding this issue. City staff's research was only from a zoning perspective.

Mr. Stohr asked if City staff was only concerned about separation of a gaming hall from a pre-existing school or place of worship. No separation from other places that children congregate, such as a childcare center or park? Mr. Marx said that the State of Illinois Department law establishes a 100-foot distance requirement between a riverboat casino and a horse race betting establishment from a school or place of worship. A place of worship is defined under the Religious Corporation Act. As for school, it means an elementary or secondary public school or secondary private school registered or recognized by the State Board of Education.

Mr. Stohr expressed concern that gaming halls can be placed anywhere in the B-3, B-4 and B-4E Zoning Districts.

Mr. Trail asked for clarification on the purpose of the proposed text amendment. City staff wants to create a separate use category different from a restaurant but has a couple of gaming machines as a secondary use. Mr. Marx said that this is correct.

Mr. Trail wondered why City staff proposes to allow them by right rather than requiring a conditional use permit. Mr. Marx explained that in the B-3, B-4 and B-4E Zoning Districts there is not much that the City restrict by conditional use permit with regards to entertainment venues.



Elizabeth Tyler, Director of Community Development Services Department, added that City staff did internally consider distance requirements and to require conditional use permits. What they are proposing is most consistent with other uses that are similar. However, City staff found in their research that this use could be allowed with conditions, which is why they advertised it in the way that they did.

City staff is sensing some urgency to identify “gaming hall” in the Zoning Ordinance because we are seeing so many. They felt it was important to make a distinction between the accessory uses from the more principled use. An establishment may appear to be a café, but the majority of the business is really the gaming terminals. There is one establishment located on Philo Road that is barely providing the food and beverage options. This is a new type of use in Urbana and should be regulated appropriately. Mr. Marx added that the proposed text amendment states what the City could do, not what the City should do to regulate gaming halls.

Mr. Hopkins pointed out that because a gaming hall requires a liquor license, City Council and the Mayor could decide that they are not going to grant liquor licenses to such establishments. Ms. Tyler pointed out that these establishments also require gaming licenses.

Mr. Hopkins stated that his initial reaction is that the City does not want to have these types of establishments, but from a zoning point of view they cannot accomplish this. The only thing they can do is make the gaming hall category allowable in a smaller number of zoning districts than restaurants and bars. He believed that they should do this and also to make a recommendation that the City Council either by ordinance or policy stating that the City of Urbana does not intend to grant licenses for such establishments. Ms. Tyler felt that it would be a Council decision. She felt that the option of requiring a conditional use permit would provide a third level of review that would be tied more to land use than the others would be. Mr. Hopkins stated that the difficulty he has with requiring a conditional use permit is that it implies there are some circumstances under which the City wants to allow them. He didn't see a reason to have video gaming only parlors pretending to serve liquor and food available for people who gambling is more problematic.

Mr. Otto inquired if there is a way to withdraw a gaming license if an establishment receives a license as a secondary/accessory use but is actually using gaming machines as a primary use. Mr. Marx noted that the Illinois State law does not distinguish between accessory and principle uses. To remove a gaming license is an action beyond what zoning can do. Ms. Tyler added that local gaming licenses are the same in that they do not distinguish between accessory or principle uses. That is a zoning matter. So, it would only be limited by the five terminals and they would be required to have a liquor license.

Mr. Otto noticed in Exhibit A that Melody Gaming, LLC owns many of the terminals used by different establishments. So, if we have a zoning use of gaming hall only, could Melody Gaming, LLC simply lease space from an establishment and open a gaming hall. Chair Fitch wondered if this is what happened at Attie's Bar & Grill. Ms. Tyler stated that City staff issues Certificates of Occupancy, so a business or establishment has to have an identified use. Most all of the establishments shown in Exhibit A are accessory to bars and restaurants except for one on Philo Road called Hot Spot Restaurant. There are several that are pending, such as Emma's, Dottie's, and Ruby's. They are not typical gaming halls in that they gear towards women. They usually have a café appearance. Mr. Marx pointed out that they market themselves towards patrons that would not want to go to a bar or a crowded restaurant. Ms. Tyler stated that they

have the full kitchen and full menu, so in terms of zoning they are considered a principle use restaurant. However, when looking at the revenue, the gaming will make more money than the food. So, by adding the proposed text amendment to the Zoning Ordinance, the City would be providing some protection to the businesses that have already opened or want to open that they can be allowed as a restaurant or with restrictions in limited areas as a principle use gaming hall.

With no further questions for City staff, Chair Fitch opened the case for public input. There was no public comment. Chair Fitch, then, closed the public input portion of the case and opened the item for Plan Commission discussion and/or motion(s).

Mr. Stohr wondered if Melody Gaming, LLC is a local enterprise. Ms. Tyler said that they have a local office. She believed that they are located in other places as well. The company has really grown.

Mr. Trail talked about machines that are hooked into a network. In the end, a big percent of the revenue flows elsewhere. Is this what would be happening here with the video gaming machines? Mr. Marx replied that the situations are different in various states. He did not see any specific language in the Illinois State law regarding whether the machines have to be stand alone or if they can be connected to a network. The law also has specific standards about who is qualified to be a vendor, who is qualified to be an operator, and how the machines operate. Ms. Tyler added that Alderman Bill Brown was in the audience. He has researched some of the flow of the revenue from video gaming machines. Last year, he estimated that the City received \$136,000 from our 5% take on the net. The State of Illinois received \$677,000 from their 25% take, which is designated for capital projects. Mr. Trail responded that the scam on these is that they designate their take for education, etc., but what happens is over time is that they remove all of the other sources of funding to those and we end up with less money in the pot. Unless the gamers are from outside the area, they are generally not losers in the long run.

Mr. Otto stated that he was still having a hard time understanding what would be gained. It seemed to him that by requiring a conditional use permit that each and every circumstance would require a public hearing. By setting up a new category of "*gaming hall*" they could be located in certain places by right. The growth of this is much more difficult for the public to have input to. He understood that the number of liquor licenses is currently maxed out; however, the City Council is considering expanding it. Hopefully, the public will take advantage of their opportunity to come to the meeting and comment on that. This is not really significant revenue for the potential social cost to the community, and all of the studies on gaming show that there are huge social costs. So, he is not in favor of doing anything to make it easier for these establishments to open up.

Mr. Trail asked if the City staff wanted to add language to the Zoning Ordinance because they foresee these types of establishments being opened right outside of City limits and we want to provide a mechanism for them to open under controlled circumstances inside the City. He doesn't understand why City staff is proposing that they be allowed by right. Ms. Tyler explained that allowing gaming halls by right is the most consistent recommendation in the Table of Uses. In the written staff report, it states that the Plan Commission could consider imposing a conditional use permit be required.

Mr. Hopkins asked who reviews conditional use permit requests. Mr. Engstrom replied that the Zoning Board of Appeals reviews and has final decision on conditional use permits. There are special standard criteria that they use to review each request.

Mr. Hopkins asked if the Zoning Board of Appeals was more restricted on what they can consider for a conditional use permit than what the Plan Commission is for a special use permit. Mr. Engstrom stated that it is the same criteria of review; however, the Zoning Board makes the final decision of whether to approve or deny a conditional use permit request and the City Council makes the final decision for special use permit requests. Ms. Tyler added that a special use permit is a higher level of permission. Mr. Hopkins added that the City Council has more discretion because of how they can operate than there is for the Zoning Board of Appeals, which is quasi-judicial. Ms. Tyler said that special use permits are requests that need additional review. There are types of uses that greater potential impacts, concerns, and conflicts so they require a higher level of review, so they require a special use permit, not because they are quasi-judicial. Mr. Hopkins agreed, which helps make his point that when people talk about conditional uses that they are not confusing it with special uses.

The difficulty he has with requiring conditional use permits for gaming hall requests is that he does not know what the conditions would be. If there were conditions for requiring distance from certain uses, then those should just be written into the ordinance. If the idea is to discourage them, then they should use the control over gaming and liquor licenses by which they could actually control the number and make individual judgments over about each one in competition in a budget constraint on gaming and liquor licenses. Ms. Tyler stated that it does not work that way though. A business owner applies for a gaming and/or a liquor license and goes through a background check. There is a numerical constraint, but there are not the same controls over location. There is not as much discretion as he may think. She believed it would be good to define gaming halls in the Urbana Zoning Ordinance from a geographic standpoint, which is what zoning allows. If they were to identify conditions in addition to the limited zones, it would be a more defensible process. There is the criteria and case law, so she believed that they could do a more empirical review. She believed that the qualitative measures that zoning can provide are necessary in addition to the City limiting the number of licenses. Mr. Hopkins replied that from a zoning point of view, the only thing the proposed text amendment would accomplish is to keep “gaming halls” out of certain zones, such as B-3U and B-2. While this does create some additional restrictions on gaming halls, it does not accomplish what the City needs to accomplish.

Mr. Otto asked if the pending license for the Canopy Club would be reclassified if the proposed text amendment was approved. Mr. Engstrom replied no. The Canopy Club would still be considered a principle use of a bar, as it is zoned B-4. Ms. Tyler stated that a gaming hall could not be located at Gregory Place.

Mr. Hopkins asked if a restaurant in Gregory Place could still get a gaming license to allow five video gaming machines in their establishment. Mr. Engstrom said yes.

Mr. Hopkins stated that the proposed text amendment basically says that if your food looks like it is served on tables, you have a kitchen and you serve alcohol other than in bottles and cans, then you can locate in B-2 and B-3U Zoning Districts. If your liquor is in cans and bottles and your food is in a case wrapped in plastic, then you can only locate in the B-3, B-4 and B-4E Zoning Districts.

Mr. Otto and Mr. Hopkins both expressed concern about enforcing the distinction between the two. Ms. Tyler responded saying that they do by defining the use. The City can require the uses to be controlled and City staff to enforce the uses. City staff would look for violations or to see if a use has changed by looking at the square footage, the activity and the revenues and even by interviewing people. Mr. Hopkins felt that the City could define it more precisely in the beginning when a business first applies for gaming and liquor licenses.

With no further discussion, Chair Fitch asked if the Plan Commission members wanted to vote on the case or continue it to the next meeting. Ms. Tyler pointed out that there are license holders waiting. She said it is all coming together: the limits on the gaming, the proposed text amendment and the need to zone. City staff wanted to define the use and talk about the zones. Everything the Plan Commission discussed at this meeting could be added to the proposed text amendment, such as the hours of operation, how to better define the use, whether they want to specify a percent of the revenue, distance, changes in the zones, etc. This is a starting point. It is important to define gaming hall better than what currently exists and to set some perimeters. It will be an additional tool that the City can use in addition to the gaming and liquor licenses.

Ms. Byndom preferred that the Plan Commission continue the case to the next regular meeting.

Mr. Otto requested that City staff add some language to create separation so that gaming halls could not be located in four or five store fronts in a row.

Chair Fitch, then, continued the case.

## **8. NEW BUSINESS**

### **Plan Case No. 2251-M-15: Annual Review of the Official Zoning Map**

Chair Fitch opened this item on the agenda. Jeff Engstrom, Interim Planning Manager, presented this case to the Plan Commission. He began by reviewing the changes to the map that were made in 2014 since the last annual review. He presented staff's recommendation for approval.

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

Mr. Hopkins asked if the Boneyard District was defined by parcel boundaries. Mr. Engstrom replied yes. It is any parcel that has buildable area that is touched by the 100-year floodplain.

Mr. Hopkins commented that the line is hard to follow. Mr. Engstrom stated that City staff could use a different symbol. Mr. Stohr recommended using a thicker line.

There were no further questions for City staff. So, Chair Fitch opened the item up for public comment. There was none, so he closed the public input portion and opened it up for Plan Commission discussion and/or motion(s).

Mr. Buttry moved that the Plan Commission forward Plan Case No. 2251-M-15 to the City Council with a recommendation for approval. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Stohr	-	Yes	Mr. Trail	-	Yes
Mr. Buttry	-	Yes	Ms. Byndom	-	Yes
Mr. Fitch	-	Yes			

The motion passed by unanimous vote. Mr. Engstrom stated that this case would be forwarded to the next City Council meeting.

## **9. AUDIENCE PARTICIPATION**

There was none.

## **10. STAFF REPORT**

Mr. Engstrom reported on the following:

- The Future City Club Competition was held and both teams from the Urbana Middle School won awards. The Howardon City team took third place and won an award for the Integrated Highway Design. The Alimonia team took the award for Best Education Enhancement.

Ms. Tyler welcomed students from the University of Illinois' Urban Planning 311 class.

## **11. STUDY SESSION**

There was none.

## **12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

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Jeff Engstrom, Secretary  
Urbana Plan Commission