

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** December 18, 2014

**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, Andrew Fell, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

**MEMBERS EXCUSED:** Maria Byndom, Tyler Fitch, Robert Nagel

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Max Mahalek, Planning Intern; Teri Andel, Planning Administrative Assistant

**OTHERS PRESENT:** Amanda Beckler, Cain Kiser, Diane Marlin, Carol McKusick, Betsey Mitchell, Dennis Roberts

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

Jeff Engstrom, Interim Planning Manager, asked that the Plan Commission elect an Acting Chairperson in the absence of Tyler Fitch. He nominated Dannie Otto. The Plan Commission approved the nomination by unanimous vote.

Acting Chair Otto called the meeting to order at 7:34 p.m. Roll call was taken and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

City staff asked that the Plan Commission proceed with Case No. 2242-T-14 under New Public Hearings prior to continuing their review of the Plan Commission's Official Bylaws under Old Business. The Plan Commission agreed to the change.

**3. APPROVAL OF MINUTES**

There were no minutes prepared for approval.

#### 4. COMMUNICATIONS

- 2015 Schedule of Meetings submitted by City staff
- Revised Language for Section IX-2 submitted by City staff
- Letter in Opposition of Plan Case No. 2242-T-14 submitted by Dennis Roberts

#### 5. CONTINUED PUBLIC HEARINGS

There were none.

#### 6. NEW 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.**

Acting Chair Otto opened this case. Jeff Engstrom, Interim Planning Manager, gave a PowerPoint presentation on this case to the Plan Commission. He talked about the following:

- Outline
  - Trend Toward Digital
  - Costs & Revenues
  - Safety Studies
  - Aesthetics
  - Existing OASS Regulations & Inventory
  - Proposed Digital OASS Regulations
- Requested Changes Overview
  - Traditional Signs vs. Outdoor Advertising Sign Structures (OASS or Billboards)
  - Electronic message boards allowed in B-3 & CRE
  - Digital/Changing OASS currently prohibited
  - Proposed Ordinance Change:
    - Section IX-2 – Add Definition for “Digital OASS”
    - Section IX-6 – Add Regulations
    - Section IX-9 – Add Fines
- Emergence of Digital OASS
  - 3.5% of existing 450,000 billboards
  - Multiple ads on single display (up to 8)
  - Higher retention rates (up to 94%)
  - Increased revenue
  - Emergency alerts
  - More costly to install
  - Safety and aesthetic concerns
- Safety and Drive Distraction
  - Sources:
    - APA Zoning Practice Bulletin
    - University of Toronto Studies

- FHWA Study
- Swedish National Road & Transport Institute
- IDOT Safety Study on University Avenue Corridor
- Various other studies and legal decisions
- Drivers may glance at digital OASS for longer periods
- More distracting if in direct line of sight
- Animation, video, scrolling text are most distracting
- Drivers may glance at digital signs more often than static signs
- Aesthetic Concerns
  - Visually impactful by design
  - Bright colors and graphics
  - Locations limited to commercial corridors
  - Groups of billboards create cluttered appearance
  - Current regulations mitigate some concerns, but do not apply to pre-existing nonconforming billboards
- OASS Cluster Examples
- Current OASS Regulations
  - Section IX-6 of Zoning Ordinance
  - Limited to within 660 feet of limited commercial corridors
    - I-74, University Avenue, Cunningham, US 150, Lincoln Avenue (north of Bradley Avenue)
  - B-3, B-4E, IN-1 and IN-2 Zoning Districts
  - At least 300 feet from R-1, R-2, R-3 and CRE zones
  - At least 300 feet from historic landmarks and districts
  - At least 1,000 feet from existing OASS (but may be back-to-back)
  - Prohibited from TIF projects
  - Height limit 35 feet in B-3, B-4E, 40 feet in IN-1 and IN-2
  - 300 square feet area limit (+20% for irregular shapes)
- Map of OASS Eligible Areas
- Existing OASS Inventory
  - 37 OASS with 72 faces totals
  - 70 faces are 300 square feet in area
  - One face is 451 square feet in area, one is 240 square feet
  - 14 OASS (38%), containing 25 faces, meet zoning criteria except for 1,000 foot buffer between billboards
  - 3 OASS fully comply with all zoning criteria
  - 34 OASS are legally nonconforming
  - Nonconforming structures may be expanded or altered
- Map of OASS Inventory
- Photos of billboards
- Digital OASS in other cities
  - Allowed in many US, Midwest and Illinois cities
  - Illinois cities include: Bloomington, Carbondale, Champaign, Danville, Decatur, Edwardsville, Normal, Peoria & Springfield
  - Regulations address aspects such as location, zoning districts, buffer from residential uses, buffer from historic properties, buffer from other billboards, buffer from other

- digital billboards, light levels, frequency of display change, static vs. animation, requirements to remove other billboards before building new digital billboards, emergency message overrides, and malfunctioning billboards
- Proposed Digital OASS Regulations
  - Add definition:
    - Digital Outdoor Advertising Sign Structure (Digital OASS): An OASS with an electronic display capable of displaying changeable copy, controlled by programming or electronic communications.
  - Requirement for new OASS permit
  - Must meet all Zoning Ordinance criteria under Paragraph IX-6.D and IX-6.C
  - Existing nonconforming locations cannot be changed to another nonconforming sign, expanded or relocated per Section X-9 of the Zoning Ordinance
  - Add fines for Digital OASS and message boards
    - \$50 for message boards, \$100 for OASS, per day of violation
- Proposed Digital OASS Regulations: Hold Time
  - Amount of time ad must be displayed before the next ad is displayed
  - Most cities have period of 8 to 10 seconds
  - Some cities have times up to 6 and even 20 minutes
  - Faster times have potential to be more distracting
  - Staff suggesting 3 minute hold time for safety and to be consistent with existing ordinance for electronic message boards
  - Animation, video, transitions, and scrolling text prohibited
- Proposed Digital OASS Regulations: Illumination
  - Different ways to measure illumination:
    - Nits
    - Footcandles
    - Watts
    - Qualitative
  - Nits – light output
    - Difficult to measure at ground level
  - Footcandles – incident light
    - City has capability to measure
  - Staff suggest same limit that applies to electronic message boards: 0.3 footcandles above ambient levels measured at 150 feet
    - Industry-accepted standard
- Proposed Digital OASS Regulations: Safety Provisions
  - Line of sight: Digital OASS shall not be in direct line of sight of drivers looking at an upcoming traffic signal
  - Emergency Alerts: Tied into METCAD for emergency and Amber alerts
  - Malfunctioning OASS: Required to default to lower brightness level
- Proposed Digital OASS Regulations: Removal and Replacement
  - Most cities require removal of existing billboards to establish new digital. Average is 1.5 to 1
  - Some cities require as many as 4 to 1
  - Champaign has “sign bank” to store removed billboard credits
    - Incentivizes removal of signs from downtown and campustown

- Staff proposes similar removal and replacements requirements
  - Incentivize removal of signs from downtown, removal of clusters of signs, and removal of other nonconforming locations
- In general, 4 square feet of conforming OASS display area must be removed to establish 1 square foot of new digital OASS (4:1)
- Removal of signs from B-4 District will only require a replacement ratio of 2:1
- Removal of clusters of signs will only require a replacement ratio of 2:1
- Removal of signs from nonconforming location would require a replacement ratio of 3:1
- Incentives are not cumulative
- The most potent incentive applies in case more than one precondition applies

Mr. Engstrom stated that he was available to answer any questions. He pointed out that there were representatives from Adams Outdoor Advertising in the audience whom wanted to speak about the proposed changes as well.

Acting Chair Otto asked if the Plan Commission had any questions for City staff.

Mr. Hopkins inquired where the 660 foot buffer requirement comes from. Mr. Engstrom stated that he believed it came from the Illinois Department of Transportation (IDOT) standards. Mr. Hopkins commented that it seemed plausible for the interstate but way too large for University and Cunningham Avenues. Elizabeth Tyler, Director of Community Development Services Department, pointed out that it is in the federal regulations so all interstates have a 660 foot buffer.

Mr. Fell wondered how the City regulates which company's signs are removed and which company gets to install a new digital billboard. Mr. Engstrom replied that Adams Outdoor Advertising currently owns all of the billboards in the City of Urbana. If another billboard company came into town, then City staff would deal with this issue at that time.

Mr. Otto expanded further by asking if a new billboard company came to town and wanted to construct a new digital OASS, with the ratio being 4:1, how would they be able to obtain a permit to construct the new sign without currently owning any old signs to remove? Adams Outdoor Advertising would have no incentive to sell old signs to the new company. Ms. Tyler explained that the City has really good background on some of the prior text amendments. There were at least three rounds of litigation. One of the effects of the C & U Poster litigation, after the settlement expired, was a land rush on billboards. So, in many ways the City is overbuilt on billboards. There is some congestion and there are limited areas where billboards are allowed. For these reasons, the City has not adopted language to encourage more proliferation of billboards. In the past, there had been blockage of other signs and disruption of redevelopment opportunities and a lot of competition. When Adams Outdoor Advertising bought out C & U Poster and later bought out at least two other competitors and their entire inventory, the land rush on billboards settled down and stopped the competitive rush. City staff is hoping to reduce the inventory of billboards with the tradeoff of allowing digital OASS signs.

Mr. Otto remarked that he did not want a proliferation of billboards and that he liked the way the proposed text amendment offered an incentive for removal of some billboards. The billboard industry is very competitive; however, the proposed text amendment is written to make it seem like there would never be a competitor. Ms. Tyler stated that the proposed text amendment is silent on ownership. This was appropriate in the Zoning Ordinance.

Mr. Engstrom stated that there are two new members on the Plan Commission. Christopher Stohr, who is present, and Robert Nagel, who could not attend this meeting, was appointed by City Council on Monday, December 15, 2014.

Mr. Stohr commented that a high resolution, in itself, can be a distraction for drivers, especially if there is an intricate pattern or optical illusion. He did not find anything in the Zoning Ordinance covering this. Mr. Engstrom replied that resolution is a constantly changing field. If the City feels at a later point that this needs to be addressed, then City staff can do so in the future. However, the Plan Commission may want to add language about prohibiting optical illusions.

Mr. Stohr asked with regards to fines, is there a way to introducing something into an ordinance that might take into account progressive inflation? Mr. Engstrom replied that the City Council annually reviews all of the fines and fees that the City charges. Ms. Tyler added that once a year the Planning staff does an omnibus text amendment to the Urbana Zoning Ordinance. If they find that the fines are not working, then they can modify the fees.

Mr. Otto said that the fines are described as minimum fines. Does this mean that at the discretion of the Zoning Administrator that the fines could be more than the minimum? Mr. Engstrom replied that the minimum fine would be the fine per day. Ms. Tyler stated that there would be a cap of \$750 for any sign violation. She suspected that the minimum fine was mentioned to allow some leeway; however, there may be some other reasons why it is stated this way.

Mr. Trail commented that he believed that fines are most effective if they create an effective financial disincentive to violate. The fines do not seem to be enough to deter behavior. We might need a bigger fine structure to make sure it isn't just the cost of doing business.

Mr. Trail asked if the 660 feet was measured from the center of the roadway. Mr. Engstrom said yes. Mr. Trail agreed with Mr. Hopkins that this would be too much for an urban area. He wondered if there was a minimum. Mr. Engstrom answered saying that for the B-3, B-4E and IN-1 zoning districts, the minimum distance is 15 feet from the property line and for the IN-2 district, it is 25 feet from the property line. Mr. Trail felt this did not seem like much for a 300 square foot illuminated billboard.

Mr. Trail asked if the section that talks about removing a certain amount of square footage in order to construct a digital billboard included replacement of an existing billboard or does it only refer to the construction of a new billboard. Mr. Engstrom said it would include both situations.

Mr. Trail felt that the 3-minute hold time should be longer because when sitting at a stop light, the message could change several times in a 3-minute period, which would be more distracting. Another reason is for the safety of pedestrians crossing the street. Electronic billboards/message boards tend to destroy night vision quickly, which could make it difficult to see pedestrians. He wondered if it would be possible to add language to prohibit these signs near pedestrian crosswalks. Mr. Engstrom said yes.

Mr. Trail wondered if it would be possible to reduce the ambient light by saying that the sign companies can only use dark backgrounds. Mr. Engstrom said no, because this gets into the content. However, it is kind of indirectly regulated when City staff measures the light levels because they would be measured at full brightness. Mr. Trail felt that there is a difference in the direction that the light is aimed.

Mr. Trail asked if there was a way to have an expedited complaint process for residential areas that might fall just outside the foot limit. Mr. Engstrom explained that it is a standard process, when City staff receives complaints, then they got out to measure or set up an inspection as soon as possible. Mr. Trail replied that he was talking more about the permitting process. Ms. Tyler stated that from time to time, City staff gets complaints about lights in parking lots. City staff then asks the property owner to reduce the light through shielding or relocation. They would treat the light levels for digital billboards in the same manner. These complaints fall under the category of nuisance complaints and are handled promptly.

Mr. Trail suggested prohibiting 3-dimensional billboards. Mr. Engstrom stated that the Plan Commission could add language prohibiting this in their motion.

Mr. Fell wondered if they should add a provision enabling the City to fine a billboard company for having a sign that is too bright and they refuse to reduce the brightness level. Ms. Tyler stated that City staff can check the fine amounts with the City Attorney to make sure that we are within the statutory limits and to check for the reason for the language regarding a minimum fine.

Mr. Stohr stated that he liked the idea of the digital billboards being used for emergency use. How does this work with METCAD? Are they allowed to bust into an ad to show an Amber Alert? Would they be allowed to use scrolling for emergency messages? Mr. Engstrom responded that Adams Outdoor Advertising could better answer the first question about whether METCAD will have the ability to bust into an advertisement to show an Amber Alert. As for scrolling, the City does not allow scrolling, so METCAD would not be allowed to use scrolling messages either. He showed a standard example of an Amber Alert message on a digital billboard.

Mr. Otto questioned if Adams Outdoor Advertising is allowed to charge commercial rates to METCAD for the use of the digital billboards for Amber Alerts. Ms. Tyler stated that this would be a question for Adams Outdoor Advertising to answer because the City of Urbana does not have any licensing agreement with the billboard company. Mr. Engstrom added that it would be written into the Ordinance and mandated; however, whether or not the billboard company would or could charge METCAD would not be part of the Ordinance.

Mr. Otto asked how billboards are taxed in the State of Illinois. Is it considered a real estate tax? Or an excise tax? Mr. Engstrom answered by saying that in the State of Illinois, billboards are not considered assessable, so there is no real estate tax for the sign portion of a lot. The City would benefit from increase permit fees. Digital billboards are ten times more costly to install than traditional billboards. Max Mahalek, Planning Intern, stated that this is correct. The cost of the building permit is about double. The City of Urbana differs from other cities in that we do not charge by the size of the billboard; instead, we charge by the cost of the installation of the billboard.

Ms. Tyler stated that it is a concern when you talk about billboards taking up part of developable lots. Sign permit fees are very nominal in the big scheme. When someone talks about increasing the setback area, it concerns her because that means the billboard will be taking up more of a buildable lot. This is a concern from an economically development standpoint and a redevelopment standpoint. If a billboard is placed on a lot in such a way that one cannot build on the lot, then the community will not see real estate taxes from that property.

Twenty-eight percent of the land area in the City of Urbana is tax exempt. This is the reason why there is a provision proposed that prohibits digital billboards on properties that have Tax Increment Financing (TIF) agreements so the City can preserve the development areas. She believed that the economic benefits of billboards relate to the ability for private businesses to advertise and build their commerce.

Mr. Otto requested that City staff research whether other communities charge annual fees on electronic billboards so that it recognizes that it is a real estate improvement under a common sense understanding of the code. Mr. Mahalek stated Arlington, Texas has a \$200 annual fee on digital billboards. City staff can research taxation of billboards in other communities. There is a precedent for City's charging annual fees that are not related to building permits, construction permits, or changes to a billboard. Ms. Tyler stated that City staff will look into this; however, she did not believe it could be done in the State of Illinois.

Mr. Hopkins asked if the exclusion is from a TIF district or a TIF project. Ms. Tyler answered TIF project.

Mr. Hopkins wondered if it included City expenditure of TIF funds or only included a development with a specific private party with which there is a TIF agreement. Ms. Tyler stated that it is only when there is a development with a specific private party.

Mr. Hopkins stated that the fines do not say per day. Also, Section IX-4 talks specifically about on-site signs and Section IX-6 talks specifically about OASS. The language needs to be clarified on what the fines explicitly apply to.

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

Cain Kiser (Real Estate Manager) and Amanda Beckler (General Manager), of Adams Outdoor Advertising, approached the Plan Commission to speak and answer questions. He thanked City staff and the Plan Commission for their review of the Ordinance. They have reviewed the proposed text amendment and overall are happy to work with City staff on it. They have some requests with regards to conversion of signage especially along the commercial corridors (University Avenue, Cunningham Avenue and Lincoln Avenue).

Due to the nature of the current sign ordinance, most of their signs are nonconforming. Adams would like to be able to convert their nonconforming signs in the commercial corridors to digital signs. There are only two or three and each location is selected due to client demand, traffic, height, general location overall, and leasing situation with the property owners. They are not talking about adding any additional sign poles.

The second issue they have is the three-minute hold time. They sell their digital billboards as a network. Throughout the company there are 14 markets and through all their local ordinances, they have ten second-dwell times. In order for the clients to purchase their network, Adams would like to see uniformity throughout all their cities. They have eight advertisers that run ads on all of their digital units, and if they sold a network to them with the three-minute hold time, then the client's ad would only come up every 24 minutes. This could cause a client's advertisement to be on the back burner during rush hour. Ms. Beckler added that many of their clients have asked for equal representation in the City of Champaign and in the City of Urbana. Having uniformity would allow the client to participate in the network. Mr. Kiser stated that they also have national clients that buy advertisements in specific towns and run similar campaigns.

Mr. Kiser pointed out that Adams runs their digital billboards from 6:00 a.m. to 12:00 a.m. (midnight) every day. From midnight to 6:00 a.m. the billboards are turned off.

Ms. Beckler answered questions about METCAD. One of the things they take pride in is being a local business and being able to support the communities they are located in. Having digital billboards with eight advertisers gives them more freedom to do more for the communities. METCAD has a username and password that allows them to take over the billboards to post emergency and Amber Alerts. Adams allows METCAD to do this at no charge as a public service announcement to the communities. Mr. Kiser added that Adams likes to partner with the local police departments and have partnered with the City of Champaign's Public Works Department to advertise road conditions.

Mr. Hopkins asked for clarification on what the constraint is for Adams along the commercial corridors. Mr. Kiser explained that with the current ordinance, Adams signs along the commercial corridors are considered legal nonconforming signs, so they cannot alter or change the signs in anyway. Adams would like to be able to select a location in an appropriate zoning district and to convert at least one of the nonconforming signs to a digital display. With the current ordinance and what is proposed, they would not be able to do this. Mr. Engstrom clarified that in order to install a digital billboard, Adams would need to bring a billboard into conformance, which means it would have to be in the right zoning district and it would have to be 1,000 feet away from any other billboard. Mr. Hopkins stated that it is the 1,000 feet distance

that is the issue. Mr. Kiser said that is correct. The signs are located in the right zoning districts. They agree to do the reduction in the number of signs, but they would like to be able to select a sign that they believe would be the best return on their investment to convert to a digital face.

Dennis Roberts approached the Plan Commission. He handed out a document titled, “Digital Display Billboards”. He is interested in the environment of the community and the potential effect of changing the OASS sign ordinance. He appreciated Adams Outdoor Advertising being interested in the City of Urbana. He encouraged the Plan Commission to remain independent in choosing to form, shape and word an ordinance that will govern Adams Outdoor Advertising Sign Company. He went on to review his document that he handed out. He talked about the following from his handout:

- City of Urbana is a home rule community
- Sweden banned digital signage from its roads
- Hold Time
- Minimum fine schedule
- Distance between signs
- Streetscape beautification – banning new OASS in corridors with beautification plans

Mr. Stohr asked which areas have beautification plans. Mr. Roberts replied that University Avenue, Cunningham Avenue and Broadway Avenue.

There was no further public input, so Acting Chair Otto closed the public input portion of the hearing. He, then, asked if there were any additional comments from City staff.

Mr. Mahalek noted that Chicago does charge an annual fee, so there is precedent in the State of Illinois.

Mr. Hopkins stated that he did not feel that the Plan Commission should vote on the proposed text amendment during this meeting. Ms. Tyler added that there were things for City staff to follow up on by talking with Legal staff and doing more research.

Acting Chair Otto opened the hearing up for Plan Commission discussion.

Mr. Hopkins reiterated what he gathered to be the relevant concerns of the Plan Commission. They were as follows:

- 1) 3-D
- 2) Because the number of possibilities of where signs can be located is quite limited, he wanted to experiment with differences in the distances between signs. This allows the Plan Commission and City staff to figure out where they want digital signs to be located. The thing that matters is the 1,000 foot requirement between billboards.
- 3) Research the longest dwell time for a traffic signal light in the City of Urbana. He assumed it would be around three minutes. The object is to minimize the number of times the billboard ads change. He would like to see it change no more than one change during a traffic light dwell time.

Mr. Fell did not feel the change time mattered along Cunningham Avenue. He drives down Cunningham Avenue almost every day from Perkins Road to University Avenue, and it only takes him about 45 seconds depending on if the light at Kerr Avenue is green. Mr. Hopkins argued that the dwell time is important especially at the corner of University Avenue and Cunningham Avenue/Vine Street because a driver has to pay attention to the traffic light signal and left turn signal, and if the digital billboard is in view, then a driver will pay attention to it as well, especially if the hold time is only 10 seconds.

Mr. Trail wondered what the argument is for having a shorter hold time other than the sign company can make more money. The City can set the hold time that they want without having a reason. Mr. Hopkins believed it would help with the Plan Commission's discussion about hold time for a digital display if they knew the longest hold time for a traffic signal. Mr. Otto added that he would like to know the hold time for the traffic signal at Lincoln Avenue and University Avenue as well.

Mr. Otto asked City staff to get some data on fixed sign that have indirect lighting flashing off with some of the reflective coating. What is the basis of comparison? He sees two issues with these signs, which are 1) every 10 seconds these signs scrolling and 2) if you are on a long stretch, you might be 30 seconds on University Avenue and watching for the next image to come up. He was curious if the hold time is less frequent, what is the difference in the way a sign catches his attention compared to a really brightly lit sign? Are there current restrictions on how bright a sign can be? Mr. Engstrom replied that the brightness of a sign is complaint driven.

Mr. Trail stated that there has to be a difference with the effect of the brightness depending on the size of a sign. The closer a sign is to the road, the brighter it will be, so he felt that there should be requirements that signs closer to the road have to be dimmer.

Mr. Fell wondered if METCAD had the ability to charge fees to provide service since the sign company would be required in the ordinance to allow METCAD to override their sign. Ms. Tyler stated that this is a good question and City staff will consult with the Legal staff. It is not their intention for this to occur.

Mr. Stohr mentioned a sign along I-90 up in Chicago that is very distracting. He felt that driver distraction is more individual than they would like to think. The idea of replacing some of the static signs with digital signs is not a bad idea. It will reduce the signage, and digital signs offer some potentially useful information such as Amber Alerts or road hazards. He did not feel that the hold time should be onerous. His principle concern was with regards to 3D. It may not be much of a concern at this time, but in the future as resolution increases and technology changes, the City may have to revisit it.

Mr. Engstrom reiterated the concerns of and the additional information that the Plan Commission requested, which were as follows:

- 1) Adding a buffer near crosswalks;
- 2) Prohibiting 3D displays;

- 3) Checking with Legal staff about the maximum fines;
- 4) Research precedents for annual fees in the State of Illinois;
- 5) Clearing up language regarding fines in Section IX-4 and Section IX-6;
- 6) Traffic signal dwell times;
- 7) Separation distances;
- 8) What different scenarios would look like with different buffers between digital signs;
- 9) Measure the footcandles on a conventional sign that is brightly lit;
- 10) Placement of the sign near the road. If a sign is closer to the road, requiring lower level of brightness;
- 11) Will METCAD be allowed to charge for services?
- 12) 3D and Optical Illusion Resolution

Mr. Trail felt that there should be different rules for different areas because of the character of the road itself. It is different driving down the interstate and seeing billboards versus driving down a city street. Mr. Stohr agreed. There is also a big distinction between driving a long linear section of the road versus standing still at an intersection.

Ms. Tyler stated that although she had not heard anything in the list of concerns or additional information that would be troubling to investigate, she felt that they were attempting to overlay permissions for a new type of billboard, the digital billboards. Underneath the proposed text amendment are the existing OASS regulations, which were prepared as part of another settlement. The existing conditions were carefully negotiated to avoid many years of more costly litigation to both satisfaction of the City of Urbana and Adams Outdoor Advertising. She would be concerned if they started digging into the regular OASS regulations. Ms. Tyler commented that it would help to know where Adams Outdoor Advertising wants billboards to be located, proper distances between signs and pinning down proper tradeoffs.

Mr. Otto stated that he appreciated the background on the current OASS ordinance. He understood that part of the issues were that the City was trying to tighten the restrictions of existing ordinances which resulted in lawsuits. He asked if it was easier to draft an ordinance regarding digital billboards now because they are not allowed than it would be to tighten up an ordinance on digital billboards once they are allowed. Would we be opening ourselves up to the sort of issues that precipitated the events from a generation ago? Ms. Tyler did not feel that this was necessarily accurate. She believed that if we adopted an ordinance and did not like the results, then the City would have an opportunity to look at it again. We want to be really careful throughout the process, which is why City staff has done so much research in what other cities do and what the case law is so that we are within a norm. The two criteria that the Plan Commission had spent a lot of time on during this meeting were traffic safety and aesthetics, which have been tested as relevant and pertinent to regulating billboards. The City continues to revise the regulations with the cooperation and help of the sign industry because the industry keeps changing.

Mr. Stohr asked if it would be difficult to address the distinction between billboards at intersections and billboards in areas where there are not traffic signals. Ms. Tyler stated that she has not seen an ordinance address this. Mr. Mahalek added that in terms of distance from intersections, he has not found this articulated much in other cities ordinances. They have

removed them from the line of sight of a driver. Most communities have standards with setback requirements. There has also been some discussion of wider streets having farther setback requirements versus narrower streets. Ms. Tyler commented that there might be a traffic safety basis to look into having longer dwell times at intersections versus less along the corridor. She mentioned that City staff may ask their consulting experts to see what they think.

Acting Chair Otto closed the case and continued it to the next regular meeting of the Plan Commission.

## **7. OLD BUSINESS**

### **Update to the Plan Commission's Official Bylaws**

Acting Chair Otto opened this item on the agenda. Jeff Engstrom, Interim Planning Manager, stated that City staff had incorporated the Plan Commission's suggestions and changes into the bylaws from the Study Session held at the previous meeting on December 4, 2014. According to the Bylaws, the Plan Commission cannot vote on the updated bylaws at this meeting; however, they can vote on them at the next regular meeting.

Mr. Hopkins stated that the language in Article VII.3 had been changed and should be underlined to reflect the changes.

Mr. Fell wondered if they should add language about selecting an Acting Chairperson to the Order of Business. Mr. Engstrom replied that he would check with the Legal staff to see if this is necessary.

Acting Chair Otto closed this item and continued it to the next regular meeting of the Plan Commission.

## **8. NEW BUSINESS**

There was none.

## **9. AUDIENCE PARTICIPATION**

Carol McKusick talked about the following:

- Bylaws – The draft bylaws dated 12/18/14 do not show underline/strikeout of all the changes made by the Plan Commission at the Study Session on December 4, 2014.
- Maria Byndom and Tyler Fitch are absent tonight. With the new commissioners, does this mean that they now have ten people on the Plan Commission? Mr. Engstrom replied no, they only have nine members as Bernadine Stake gave her resignation at the end of the meeting on December 4, 2014.
- Bylaws – Excused Absences. Acting Chair Otto explained that when a member knows that they cannot attend a meeting and contact City staff to let them know, then it is considered an excused absence.

- Section XVIII.17 of the Code of Ordinances mentions that no more than two members of the Plan Commission can live in the Extra-Territorial Jurisdictional (ETJ) Area. Mr. Otto told her that he only lives three blocks from the City Building.
- Allowing someone to speak uninterrupted is a good thing because if the person speaking messes up, then it is on them and they cannot blame the Plan Commission.
- Board of Government Information – All the commissions in the City would have to follow the same public comment regulations, such as having a clock available to a speaker so they know when their time begins and how much time they have left, the use of cards if someone wishes to speak, etc.

**10. STAFF REPORT**

There was none.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

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Jeff Engstrom, Secretary  
Urbana Plan Commission