

STAFF REPORT

Decatur City Plan Commission

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| Hearing Date | December 7, 2023 |
| Case No. | 23-10 |
| Property Location | 1321 North Oakland Avenue |
| Request | Variance in the provisions of the Zoning Ordinance to allow the placement of a three-sided Off-Premise Sign (Billboard) in between Pershing Road and the Sangamon River on IL Route 48 and in a right-of-way, boulevard or other publicly-owned space |
| Petitioner | Robinson Outdoor Advertising |
| Representative | Delbert Riehn |

BACKGROUND

The site is located at 1321 North Oakland Avenue and is zoned B-2 Commercial District.

The developer is requesting the following variances: 1) To allow the billboard to be placed in between Pershing Road and the Sangamon River on IL Route 48; 2) To allow for a three-sided billboard. The Zoning Ordinance only allows for one or two-sided billboards; and 3) To allow the billboard to be placed in a right-of-way, boulevard, or other publicly owned space. The developer intends to convey the Route 48 property to the city while maintaining a perpetual easement to gain access for maintenance of the Route 48 Billboard.

If approved the developer intends to construct a 12-foot by 24-foot three sided digital off-premise sign (billboard).

Surrounding Land Use and Zoning

| <i>Direction</i> | <i>Existing Land Use</i> | <i>Zoning</i> | <i>Comprehensive Plan</i> |
|------------------|--------------------------|---------------|---------------------------|
| Subject Property | Commercial | B-2 | Retail |
| North | Commercial, IL 48 | B-2, B-1 | Retail |
| South | Commercial | B-2 | Retail |
| East | Commercial | B-1 | Retail |
| West | Commercial | B-2 | Retail |

STAFF ANALYSIS

The surrounding zoning and existing land uses are commercial uses. The Macon County and Decatur Comprehensive Plan shows this area as Retail. The proposed variance would be compatible and consistent with the surrounding zoning and existing and future land uses.

The site located at 1321 North Oakland Avenue is a unique intersection which dictates the need for a three-sided billboard. The petitioner is also proposing to deed the property to the City to maintain it as public space through a development agreement which will be considered and voted on by City Council. This is why the public property variance was required.

The site is located within a Commercial area and granting a variance for the proposed sign (billboard) should have no adverse effect on the general area or the city as a whole.

STAFF RECOMMENDATION

Staff recommends approval of the variance request with the following conditions:

1. Off-premise electronic message unit signs located in all permitted zoning districts shall be static, constant and steady in nature. Off-premise electronic message unit signs shall not scroll or travel, flash, grow, melt, x-ray, up or down, bounce, inverse, roll, twinkle, snow or present pictorials or other animation. Displayed messages shall not change at a rate greater than one (1) message per every ten (10) seconds.
2. Off-premise electronic message unit signs shall adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring residential uses. The spillover at any property line shall not exceed 0.5 foot-candles.
3. All off-premise electronic message unit signs must be connected to the Emergency Communications Systems which may override any display at any time.

PLAN COMMISSION ACTION

Section XXIX. requires the Plan Commission to hold a public hearing on a variance request, and then forward its report and recommendation to the City Council for a final decision. A motion to forward Case 23-10 to the City Council by the Plan Commission with a recommendation of approval is warranted.

This report constitutes the testimony and recommendation of the Planning and Development Division, Economic and Community Development Department, City of Decatur.

Joselyn Stewart
Senior Transportation and Land Use Planner

ATTACHMENTS

1. Petition
2. Location and Zoning Map

**City of Decatur, Illinois****PETITION FOR REZONING***Petition before the Mayor, City Council and Members of the Plan Commission of Decatur, Illinois*

Economic and Urban Development Department
One Gary K. Anderson Plaza
Decatur, Illinois 62523-1196

424-2793
FAX 424-2728

Please Type**SECTION ONE: PETITIONER / OWNER / REPRESENTATIVE INFORMATION**

| | | | | | |
|-----------------------|------------------------------|--------------|--------------|---------------|-------------------------|
| Petitioner | Robinson Outdoor, LLC | | | | |
| Address | 50 Robinson Industrial Drive | | | | |
| City | Perryville | State | MO | Zip | 63775 |
| Telephone | 573-768-8100 | Fax | 573-547-1075 | E-mail | n.kueker@robinsonoutdo |
| Property Owner | City of Decatur | | | | |
| Address | 1 Gary K. Anderson Plaza | | | | |
| City | Decatur | State | IL | Zip | 62523 |
| Telephone | 217-424-2700 | Fax | | E-mail | j.kindseth@decaturil.go |
| Representative | Delbert Riehn | | | | |
| Address | 50 Robinson Industrial Drive | | | | |
| City | Perryville | State | MO | Zip | 63775 |
| Telephone | 573-768-1802 | Fax | 573-547-1075 | E-mail | d.riehn@robinsonoutdo |

SECTION TWO: SITE INFORMATION


| | | | | | | |
|--|--|---|------------------------------|--------------------------------|------------------------------|---|
| Street Address | "Route 48 Property" | | | | | |
| Legal Description | the parcel of real property at the intersection of Illinois Route 48 and North Oakland Ave in Macon County, Decatur, Illinois and having an assessor's parcel ID number (PIN) 04-12-09-285-001 | | | | | |
| Present Zoning | <input type="checkbox"/> R-1 | <input type="checkbox"/> R-2 | <input type="checkbox"/> R-3 | <input type="checkbox"/> R-5 | <input type="checkbox"/> R-6 | Is this property a Planned Unit Development? <input type="checkbox"/> YES Approval Date: _____ <input type="checkbox"/> NO |
| | <input type="checkbox"/> B-1 | <input checked="" type="checkbox"/> B-2 | <input type="checkbox"/> B-3 | <input type="checkbox"/> B-4 | <input type="checkbox"/> O-1 | |
| | <input type="checkbox"/> M-1 | <input type="checkbox"/> M-2 | <input type="checkbox"/> M-3 | <input type="checkbox"/> PMR-1 | | |
| Please list all improvements on the site: | | | | | | |
| Size of Tract | <input type="checkbox"/> SF <input type="checkbox"/> AC | | | | | |

SECTION THREE: REQUESTED ACTION

| | | | | | | |
|----------------------------|---|------------------------------|------------------------------|--------------------------------|------------------------------|--|
| Rezone Property To: | <input type="checkbox"/> R-1 | <input type="checkbox"/> R-2 | <input type="checkbox"/> R-3 | <input type="checkbox"/> R-5 | <input type="checkbox"/> R-6 | Will this property be a Planned Unit Development? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| | <input type="checkbox"/> B-1 | <input type="checkbox"/> B-2 | <input type="checkbox"/> B-3 | <input type="checkbox"/> B-4 | <input type="checkbox"/> O-1 | |
| | <input type="checkbox"/> M-1 | <input type="checkbox"/> M-2 | <input type="checkbox"/> M-3 | <input type="checkbox"/> PMR-1 | | |
| Other: | X Requested Variances in proposed Development Agreement | | | | | |

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| Section Three Continued | |
| Purpose | <i>Please state the purpose of the proposed rezoning.</i> |
| Developer intends to construct a 12-foot by 24-foot three sided digital off-premise sign (billboard) as shown in Exhibit B Billboard Renderings. | |

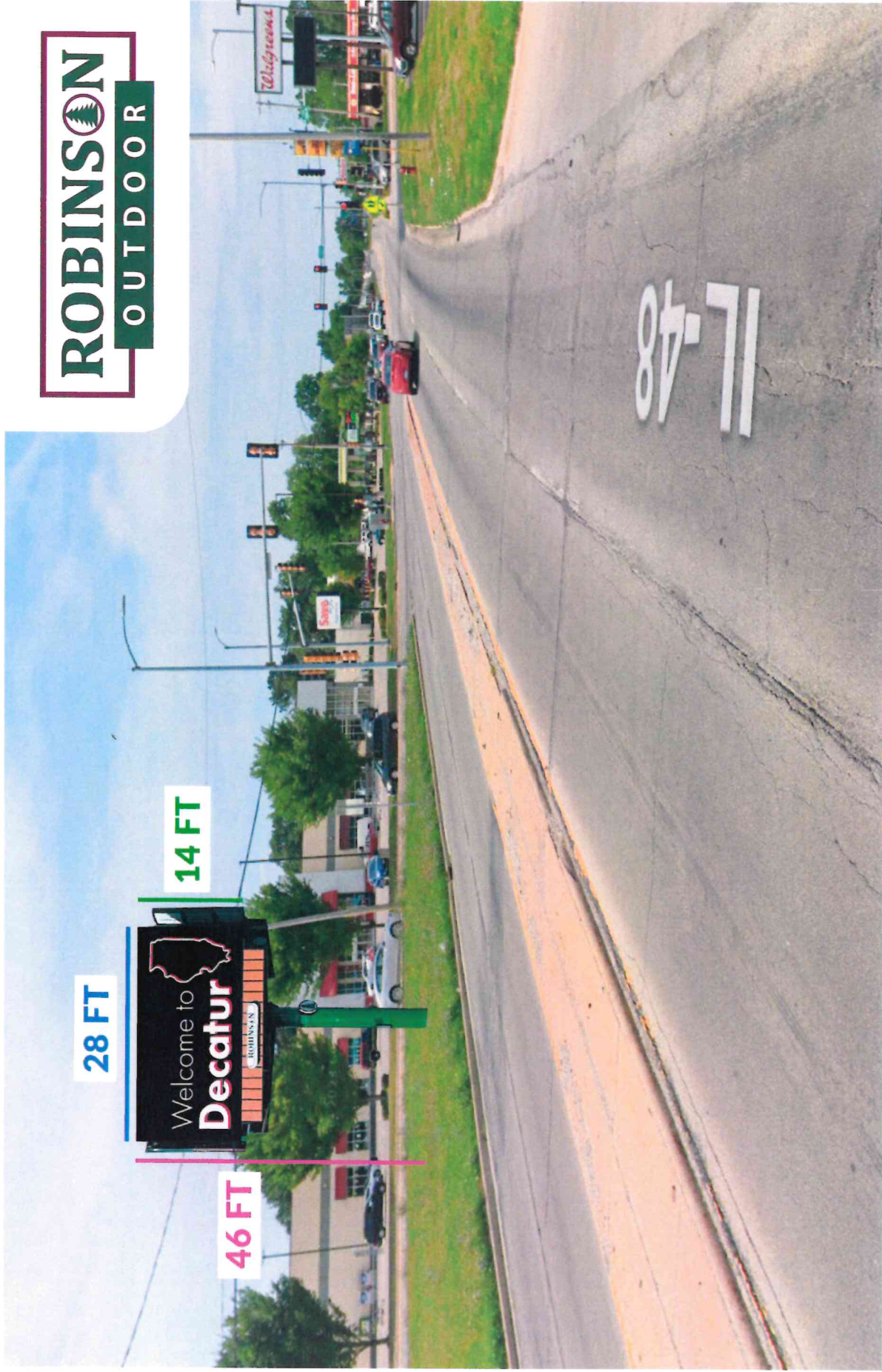
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| SECTION FOUR: JUSTIFICATION | |
| <i>The petitioner submits to the City Plan Commission and City Council the following facts (additional pages may be attached):</i> | |
| <p>2.2.1. Developer is requesting a variance from Section XXVI.F.9.k of the City's Zoning Ordinance to allow the billboard to be placed in between Pershing Rd and the Sangamon River on IL Route 48.</p> <p>2.2.2. Developer is requesting a variance from Section XXVI.F.9.a of the City's Zoning Ordinance to allow for a three-sided billboard. The Zoning Ordinance only allows for one or two -sided billboards.</p> <p>2.2.3. Developer is requesting a variance from Section XXVI.B.10 of the City's Zoning Ordinance to allow the billboard to be placed in a right-of-way, boulevard or other publicly-owned space.</p> <p>Developer intends to convey the Route 48 Property to the City while maintaining a perpetual easement to gain access for maintenance of the Route 48 Billboard. Proof of liability insurance and indemnification of the City for placement of this billboard on publicly-owned property is shown on Exhibit D.</p> | |

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| SECTION FIVE: CERTIFICATION | |
| | To be placed on the agenda of the regular meeting on the first Thursday of the month at 3:00 PM in the City Council Chambers, petition must be received on the first Thursday of the preceding month. Failure of the petitioner or the petitioner's representative to attend the Plan Commission hearing may result in items being tabled. Incomplete or erroneous petitions may delay items being heard by the Plan Commission. |
| Petitioner's Signature |  |
| Date | 11.29.23 |

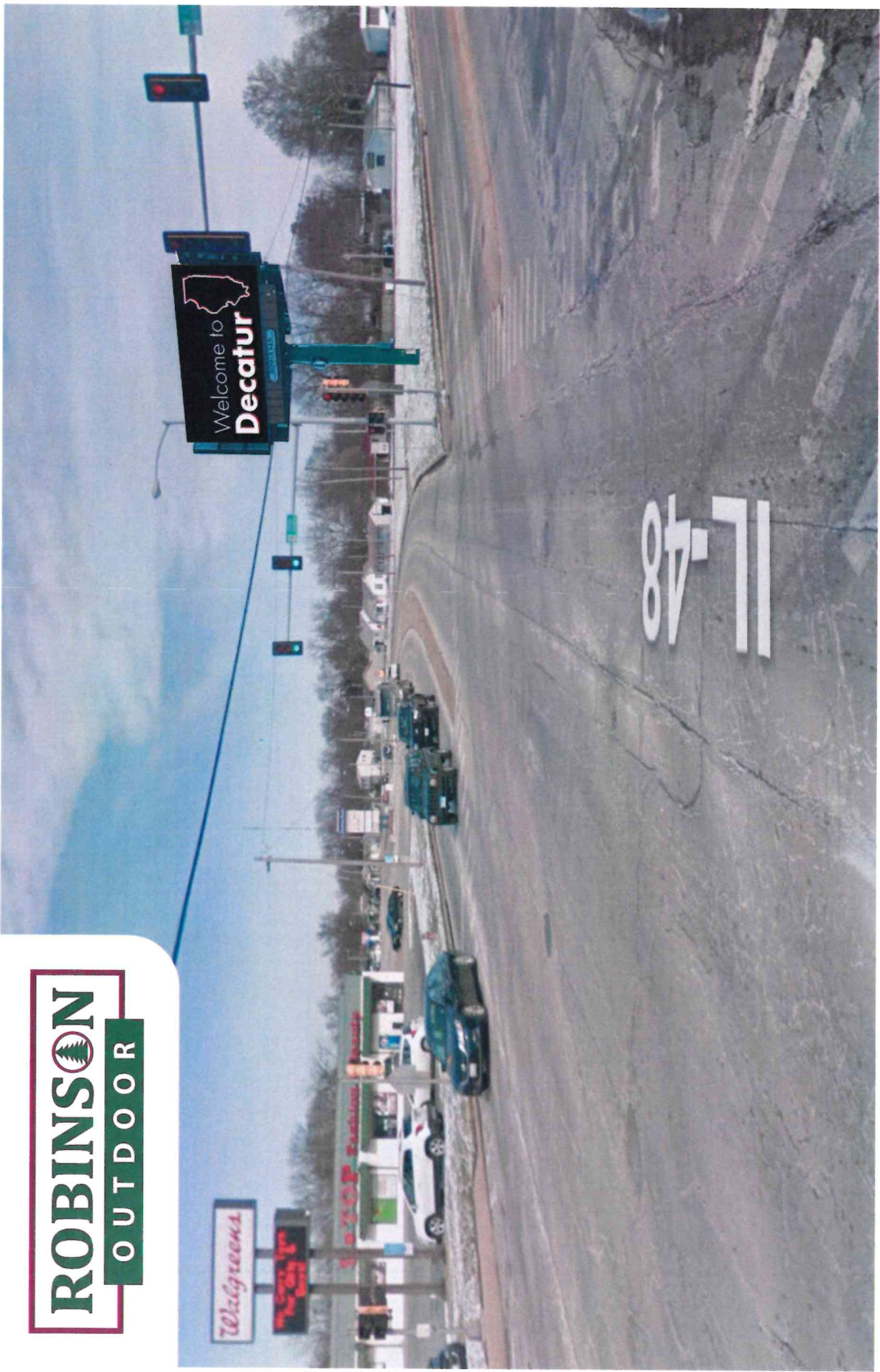
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|--|--|
| NOTES: | |
| <ol style="list-style-type: none"> 1. Please forward this completed form and attachments to the Economic and Urban Development Department, Third Floor, Decatur Civic Center. Please make checks payable to the City of Decatur. See Schedule "A" for fees. 2. Signature of this petition grants permission to City staff to place a sign, indicating a request for zoning action, on the subject property at least 10 days prior to the Decatur City Plan Commission hearing. Said sign will be removed within 15 days of final action by City Council. 3. In the event a petition for rezoning is denied by the Council, another petition for a change to the same district shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Council or the City Plan Commission after showing a change of circumstances which would warrant a renewal. 4. All petitions before the Decatur City Plan Commission are reviewed through the Development Technical Review (DTR) Process. Please consult the DTR Brochure for information related to this process. | |

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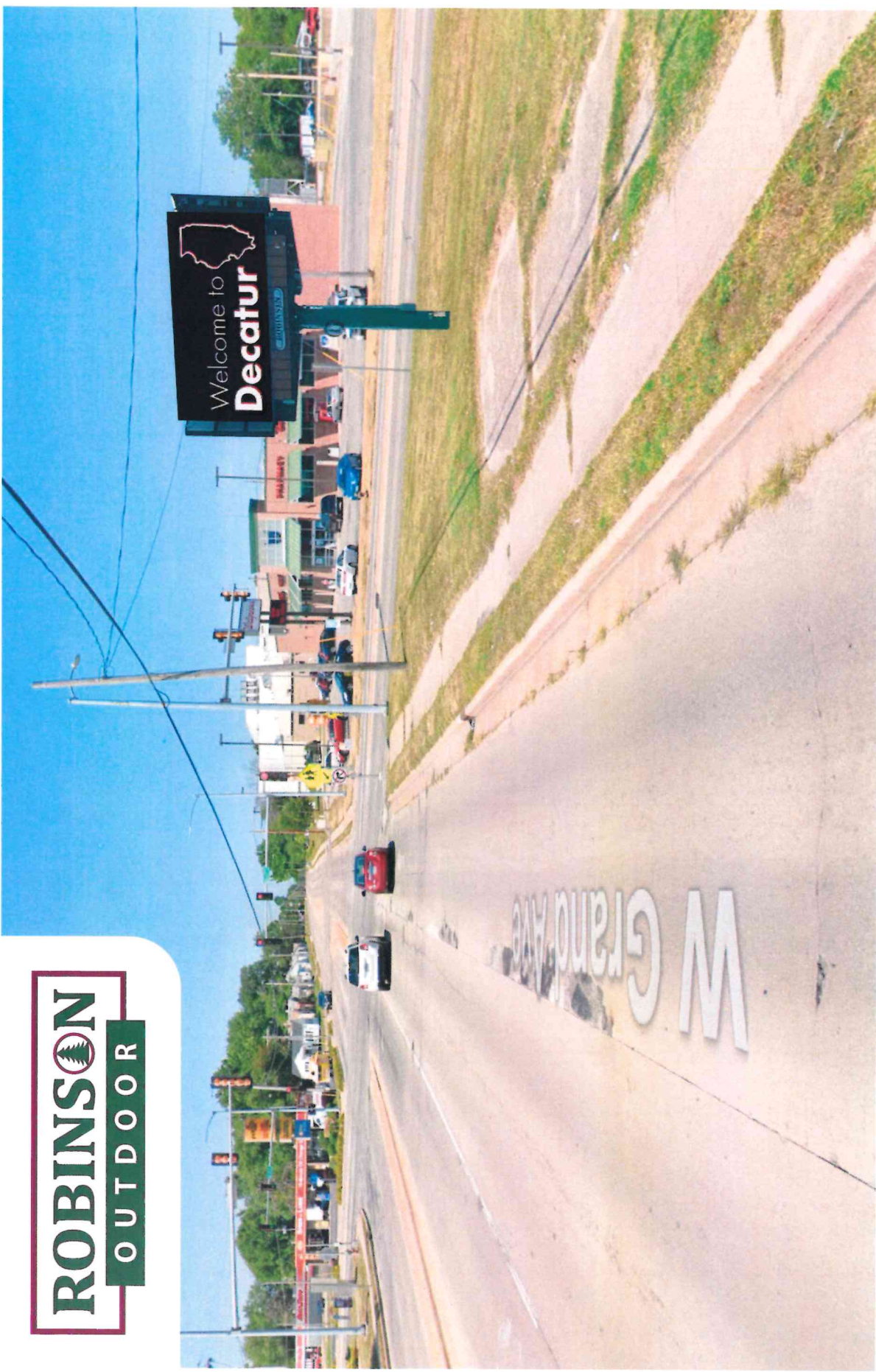
| OFFICE USE ONLY | |
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| Date Filed | |
| By | |



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