

**DRAFT MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, JULY 19, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Chairman Bullington, Mr. Brown, Mr. Butts, Ms. Meek, Mr. Schultz and Mr. Veitengruber

Members absent: None

Also present: Mr. George Boyle, Assistant Corporation Counsel
Tom Dabareiner, Community Development Director
Ms. Katie Simpson, City Planner

At 4:00PM, Mr. Dabareiner called the roll. With six members in attendance, a quorum was present.

PUBLIC COMMENT: None.

MINUTES: The Board reviewed the minutes from May 17, 2017. A motion to approve the minutes was made by Mr. Brown; seconded by Ms. Meek. The minutes were **approved** by a 6-0 voice vote.

Z-22-17 Consideration, review and approval of the petition for a variance submitted by Matthew Mink for the property located at 1532 N. Hershey Rd to allow an additional parking space in the require front yard in the R-1C, Single Family Residential District

Chairman Bullington introduced Case Z-22-17. Matthew Mink, 1532 N. Hershey Road, was sworn in. Mr. Mink explained the difficulties in exiting the driveway and the lack of nearby parking on the street. He added he has a single car garage and noted he had a permit for a 3 foot wide expansion previously and that this addition will allow a full added car width to park.

Ms. Simposn presented the staff report, noting staff is recommending in favor of the petition. She showed a photo of the existing property and neighborhood, zoned R-1C, and included some SketchUp drawings to show how the cars would fit and not impact the neighbors. She stated the property is located on a curve for a very busy Hershey Drive. Ms. Simpson reviewed the standards and the favorable recommendation stems from the proliferation of existing added driveways. She noted there were no records of a variances granted for the other driveways but they could have been allowed at the time of construction many years ago.

Mr. Butts confirmed the absence of on-street parking. Mr. Schultz noted his site visit suggests more driveways are double-wide than are single.

Chairman Bullington noted Exhibit 1, which contains two emails received by staff. Both emails asked that the ZBA not approve the request.

The petition to for a variance to allow the additional parking space at 1532 N. Hershey was **approved** with a 6-0 vote with the following: Mr. Brown—yes; Mr. Butts—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

Mr. Butts motioned to accept staff’s findings as the findings of the board; seconded by Ms. Meek. The motion was **approved** 6- 0, unanimously by voice vote.

SGN-01-17 Consideration, review and approval of a text amendment to Chapter 3, Section 6.9 of the City of Bloomington Municipal Code to allow for the installation of LED signs on publicly funded, not-for-profit transit vehicles.

Chairman Bullington introduced SGN-01-17 and recognized the City as the petitioner. Mr. Dabareiner explained that sign ordinance amendments must be considered and recommended to the City Council by the ZBA. He explained that staff is recommending in favor of an amendment that would allow LED signs of 8 square feet in size placed on government funded, not for profit transit buses. He noted that Connect Transit made the initial inquiry and he praised Connect Transit for asking first, as did the petitioner in Z-22-17, as opposed to doing it and asking for permission after the fact. He noted that the Supreme Court has made a number of changes in the recent past and consideration of this amendment should avoid discussion of the message in the signs, but focus us on size, location and materials. He added that the entire sign ordinance will come under review for amendments later this year.

Mr. Dabareiner continued that the current sign ordinance is clear in prohibiting portable electronic signs. He showed a photo of a sample 8 square feet LED sign on a Grayline tour bus. He provided the draft text, which states, “The use and display of portable electronic signs is prohibited, except for permanent LED signs no larger than 8 square feet on publicly funded, not-for-profit transit vehicles.” Mr. Dabareiner noted that unlike other matters coming before the ZBA, with sign amendments there are no clear standards to consider, so the Purpose and Intent behind sign amendments was used. He ran through staff’s rationale leading to the favorable recommendation, emphasizing the public benefit of proposed text and the agreement among many that the signs if used as proposed would not be traffic distraction.

Mr. Brown asked about frequency the sign would change; Mr. Dabareiner stated that the signs would change every 8 seconds, which is less frequent than what currently allowed. Mr. Butts stated that this would update the sign code given new technology, adding that the prior prohibition is old technology. Mr. Boyle clarified if the safety determination applies only to this scenario; Mr. Dabareiner stated that this was determined by City safety personnel with regard only to this bus use. Mr. Schultz asked if there could be multiple signs on a bus; Mr. Dabareiner stated that there could be multiple signs of this type totaling 8 square feet, as the proposed amendment is written.

Steve Rasmussen, Assistant City Manager, spoke in favor of the proposal and provided additional background on how it came about. He noted that Connect Transit will be taking on new Metavan services. He clarified that the City would not be receiving any of the revenues from the advertising on these buses. He stated that Normal believes their ordinance allows this activity, which would result in switching the signs on and off as a bus crossed the border, unless this amendment is passed.

Mr. Bruce Meeks stated he owns a business called All To See, which is a digital billboard. He became aware of this discussion at a city council meeting. He stated the update of the code is needed but he wants electronic signage allowed on more than public buses. He described his business which includes an electronic sign 191” measured diagonally. He believes the proposal is too narrowly tailored for public transit and should be allowed for all business. He described some of the activities he could do. Ms. Simpson stated that some of his examples could be done with a permit today. In response to Mr. Boyle’s question, Mr. Meeks stated he is opposed to the new signage as proposed, unless it is allowed for all.

Mr. Mike McCurdy, Chairman of Connect Transit’s board of trustees, stated this amendment will generate revenue to help a cash-strapped agency. He state the delay by the City has cost Connect Transit tens of thousands of dollars already. There was general discussion about the advertising content and Mr. McCurdy explained the policy. Mr. Isaac Thorne, Interim General Manager for Connect Transit, stated they do not allow political ads. Mr. McCurdy noted Connect Transit has included advertising for many years and this is simply getting an ordinance that will allow it on a new medium. Mr. Thorne stated they expect to make about \$250,000 per year once this is up and running. Mr. Boyle noted this is relevant to a legitimate public interest.

Mr. Dabareiner stated that staff intends on revising the entire sign ordinance beginning later this year and that the City has a contract with a consultant waiting to be signed. He added there is some urgency regarding this change because of the Connect Transit interest.

Mr. Butts stated that the ZBA’s role is limited because the ZBA is sending a recommendation to the City Council, adding the ZBA is not adopting the ordinance for the City. Mr. Brown clarified what he is to use for guidance in making a decision; Mr. Dabareiner stated the purpose and intent from the ordinance was used to formulate the guidance. Ms. Meek asked if anything precludes more changes in the future to the sign code to address Mr. Meeks’ questions; Mr. Dabareiner answered that other changes will occur in the future.

Chairman Bullington motioned to approve the amendment and request that the City Council address other amendments issues raised by Mr. Meeks at that time; seconded by Mr. Butts. After discussion regarding the word “address” Chairman Bullington amended his motion to approve and requests that the City Council consider other amendments to the sign ordinance related to allowing LED signs on vehicles; amended motion seconded by Mr. Butts. Approved 4-2, as follows: Chairman Bullington—yes; Mr. Butts—yes; Mr. Brown—no; Ms. Meek—yes; Mr. Schultz—yes; Mr. Veitengruber—no.

OTHER BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT:

Mr. Butts motioned to adjourn; seconded by Mr. Brown. Approved by voice vote. The meeting was adjourned at 5:02PM.

Respectfully submitted
Tom Dabareiner, AICP
Secretary