

AGENDA # 1

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: December 12, 2007	
TITLE: Amending Sections 31.05(2)(b) and 31.11 of the Madison General Ordinances to remove the prohibition on relocating or replacing advertising street graphics.	REFERRED:	
	REREFERRED:	
	REPORTED BACK:	
AUTHOR: Alan J. Martin, Secretary	ADOPTED:	POF:
DATED: December 12, 2007	ID NUMBER:	

Members present were: Lou Host-Jablonski, Chair; Todd Barnett, Bonnie Cosgrove, Jay Ferm, John Harrington, Bruce Woods, Richard Wagner and Marsha Rummel.

SUMMARY:

At its meeting of December 12, 2007, the Urban Design Commission **RECOMMENDED REJECTION** of the ordinance amendment. Appearing on behalf of the project were Chris Eigenberger, Jason Saari and Scott Pettewski, all representing Adams Outdoor Advertising. Brad Murphy, Director of the Planning Division and Matt Tucker, Zoning Administrator provided a presentation in response to the Commission's previous request at that the Commission (at its meeting of November 7, 2007) relevant to the following:

- Location of existing billboards within the City.
- Number of billboards relocated since 1987, for what reasons; especially development.
- Maps where billboards are located versus potential locations within the expansion areas (Urban Design Districts and annexed lands).

The maps as displayed and presented provided a comparison of existing billboards within the City and adjoining communities within Dane County in conjunction with zoning districts in which they are allowed; with the alternate map providing details as to location of replacement billboards as proposed in Urban Design Districts and annexed lands. In summary, there have been a total of 63 billboards eliminated due either to redevelopment or development with the allowance for 11 replacements and 5 new based on the settlement between Adams Outdoor and the City of Madison of 1993. Following the presentation the Commission noted the following:

- If the no advertisement zone is expanded, is it considered "a taking" requiring a buy out? Murphy responded that it would not be a taking but would not require any removal of existing billboards.
- Is there any neighborhood association notification required of potential new billboards within the expansion areas? Murphy: Not required.

Testimony by various representatives of the outdoor advertising industry by Scott Pettewski, Jason Saari and Chris Eigenberger, general manager of Adams Outdoor Advertising emphasized the following:

- Not a lot of areas annexed since 1987 that provide more areas to allow for signs. The ordinance does not add to the number of signs in Madison; can make existing signs look nicer.

- The fundamentals behind the ordinance provide for the viability of business going forth based on long-term agreements with property owners, allows relocation and removal when in conflict with redevelopment plans.
- In Urban Design Districts, districts grow and expand and exist in commercial corridors, where ordinance allows for growth and relocation.
- The settlement of 1993 took 16 years to fulfill the allocation for 5 new billboards and 11 replacement billboards, a basis for projection for cap and replace would be about 1-2 per year, based on past history.
- The ordinance amendment addresses an aesthetic issue, signs will be nicer.
- As an indication of value for economic development, 300 businesses subscribe to Adams Outdoor Advertising services. It is the main industry to reach mass audience with simple message and provides branding for a business and product.

Following the testimony the Commission continued discussion as follows:

- There is a striking similarity between proposed expansion/relocation areas and Urban Design Districts where the Commission has a statutory authority to review aesthetics.
- Question the need to change existing ordinance, especially issue with all places where they can go, a visual blight.
- The value of the ordinance amendment was questioned for the City as a whole.
- The issue with the public benefit was questioned, as well as cost for clutter. The cost to society is visual blight.
- Question the need for a cap and replace provisions when the existing level, number and condition of billboards can be maintained.
- Bothered about billboards moving into design districts, don't see anything that appeals to high standards in Urban Design Districts.
- Issue with allowing improvements above 50% of the value of an existing billboard, will allow billboards to be modified with digital technology. A possibility with the elimination of the "non-conforming" restrictions within the current ordinance.
- The intent of the City to eliminate billboards with the ordinance as exists should be evaluated as valid or not.
- The original ordinance that exists is more prohibitive, but compromise is provided since, based on the litigation of 1993, should not try to change intent of original ordinance.
- The way proposed ordinance is written is unacceptable.
- Current ordinance is what was wanted and shall be kept; should be direction to continue on.

ACTION:

On a motion by Woods, seconded by Rummel, the Urban Design Commission **RECOMMENDED REJECTION** of the ordinance changes and to keep the ordinance as written. The motion included an emphasis that the Urban Design Commission strongly and strenuously recommended non-adoption of the proposed ordinance, noting that the proposed ordinance contradicts the intent of the original ordinance. The motion was passed on a vote of (8-0). Following the motion to reject, the Commission noted the following:

- Billboards detract from aesthetics of the City. Don't see reason to allow to change.
- The opportunity is there for developers and outdoor advertising companies to agree to the removal of signs.
- Allowance provides for placement in areas where not allowed. No notification process to involve neighbors or neighborhoods.

- Compromises have already been made with original ordinance, therefore no need to provide for any additional.
- Unfair to allow placement of billboards in other areas of City where people understood their non-allowance.
- The ordinance amendment benefits a small group of people at a detriment to a large group of people.
- The existing ordinance is what was wanted and what should be kept.
- Industry needs to bring a lot more to the table to consider ordinance amendment.
- The amendment provides for billboard surprise. New billboards in neighborhoods outside of a neighborhood process.