



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: March 17, 2008
Subject: **MOTION** to support opposition to the proposed Schmitt Billboard on Scott-Troy Road

List of committees that have reviewed: At its meeting on April 14, the Community Development Committee reviewed a proposal by Alderman John Drolet to formally oppose the proposed Jack Schmitt billboard on Scott-Troy Road. After discussion, the Committee agreed with Alderman Drolet's position and recommended 3-1 to formally oppose the proposed billboard.

Background:

Jack Schmitt is proposing construction of a 300 sq. ft. billboard on unincorporated property he owns located on Scott-Troy Road. The project is being reviewed by the St. Clair County Zoning Board of Appeals, which voted to approve the billboard 6-1 at its April 14th meeting. The billboard goes to the full County Board for a vote on April 28, 2008.

If this motion is approved, a letter will be sent to the County Board expressing the City Council's opposition. Prior to the Zoning Board meeting, staff submitted a statement of opposition to the billboard to Mike Mitchell, Director of Planning and Zoning for St. Clair County, which is provided below:

I wanted to briefly present to you our concerns about the proposed Jack Schmitt's billboard on Scott-Troy Road. First, I just want to be clear that we fully support Jack Schmitt and his business here in O'Fallon and want him to be as successful as possible in our community. However, we have aldermen that live in that area of town who are opposed to the proposed billboard, as well as some of the residents in their neighborhood, because they are concerned about setting a precedent for future billboards along the 158 corridor expansion.

In general, our position is not supportive of the billboard as proposed. We are concerned about (1) the 300' sq' ft' size and the lighting associated with it, (2) it's proposed location being on a 2-lane roadway rather than on the Interstate which would be much more suitable for a billboard, and (3) potential negative impacts on residential properties located within O'Fallon to the north as well as east across Scott-Troy Road. Additionally, O'Fallon's sign ordinance prohibits commercial advertising off-site from where the business is located unless expressly granted a variance by the Council. Billboards are clearly off-site commercial advertising and would not otherwise be permitted in O'Fallon.

As you know, given the constitutional protections granted for free speech by the first amendment, there is no way government can control the content of the message being advertised on this billboard. Consequently, over the long term, any number of commercial products or services could be advertised that might be offensive to the neighbors or the general community standard.

We appreciate your time and consideration of our concerns, and we ask that you make this available to the Zoning Board of Appeals prior to the hearing on the billboard this evening. If you have any questions, please do not hesitate to contact me.