



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director/City Planner

**DATE:** February 3, 2005

**SUBJECT:** Case No. 1919-SU-04, Request for a Special Use Permit to install an *Equipment Enclosure* within 100 feet of a residential zone or land use at 809 West Illinois Street in Urbana's R-4 Medium Density Multiple Family Residential Zoning District.

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### **Introduction**

This case is a request by Cingular Wireless for a Special Use Permit to install an *Equipment Enclosure* within 100 feet of a residential zone or land use, to serve a proposed rooftop cell antennae at 809 West Illinois Street. The subject property is located in the R-4 Medium Density Multiple Family Residential Zoning District.

The Special Use Permit review is required for the equipment enclosures only and not for the antenna itself. Urbana Zoning Ordinance Article V, Section V-11.P.2.c, allows antennas on existing multi-family structures as an administratively approved accessory use. Section V-11.Q.1.d allows the placement of an *Equipment Enclosure* within 100 feet of a residential zone or land use in the R-4 Zoning District under the provisions of Special Use Permit review. The Zoning Administrator has determined that the antennae itself meets the criteria for administrative approval, but that a Special Use Permit is necessary for the equipment enclosure.

At the January 20, 2005 public hearing the Plan Commission voted unanimously to forward the case to City Council with a recommendation for approval of the Special Use Permit.

### **Background**

#### **Location of Enclosure**

The site is on the southeast corner of Lincoln Avenue and Illinois Streets. There are two three-story buildings located on the lot numbered 807 and 809 W. Illinois. The two buildings are separated by a 16-foot space where there is currently a sidewalk, landscaping and bicycle parking. The equipment enclosures are proposed to be located within this area at the southeast corner of the western building at 809 West Illinois Street (see photos).

The electrical equipment is relatively compact and will be mounted inside three cabinets. Cables would extend from the top of the rooftop antenna structure down to the cabinets inside an "L" shaped lease area

surrounding the southeast corner of the building. The area will cover a portion of lawn and two bushes will be removed. The petitioner will install a security fence to surround the lease area. (See site diagram)

A condition of approval has been included that ensures the existing function of the space between the buildings will be preserved and nothing will obstruct pedestrian access.

### **Equipment Enclosures and Antennas**

At issue in this particular case is not the location or appropriateness of *antennas* but rather the appropriate location for an *enclosure* to contain electrical equipment to service the antennas. The Urbana Zoning Ordinance defines *Equipment Enclosure* as:

*“A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless or other communication signals. Associated equipment includes, but is not limited to, air conditioning, backup power supplies, and emergency generators.”*

Urbana Zoning Ordinance Article V, Section V-11.P.2.c, allows *antennas* as an administratively approved accessory use on existing multi-family structures of eight or more units.

If the petitioner’s equipment were located inside a multifamily building, on the roof of the building, or otherwise attached to the building than, under the provisions of the Urbana Zoning Ordinance, it could be permitted under administrative review along with the antennae.

### **Site Design**

The “L” shaped lease area is 190 square feet in area and measures 24 feet long on the long axis between the buildings, 13 feet long on the short axis facing the parking lot and 6 feet deep from the edge of the sidewalk to the building face. The three cabinets inside the area are each 4 feet 3 inches wide, 5 feet 3 inches tall, and 3 feet deep.

The proposed equipment is similar in size to some types of mechanical equipment and enclosures commonly found in residential areas. Items of this type include air conditioners, garden sheds, and trash dumpster enclosures. The proposed enclosures do not have the drawbacks of air conditioners because they will be silent at all times, nor will they emit odors as trash dumpsters do. The service requirements of the equipment are limited so they will not have regular patterns of daily or weekly vehicular traffic visits. The proposed location is for all purposes identical to where the landowners might choose to install an array of air conditioning heat pumps.

In discussion at the January 20 hearing the petitioner’s representative indicated that there was a change made to the site plan submitted. He stated the support tray holding the cables that run from the enclosures to the antennas on the roof would be moved to a position between the buildings, and that the cabinets between the buildings would be moved a little closer to the sidewalk. He stated the cabinets would not encroach in to the sidewalk. The Commission considered this change and determined that as a condition of approval a modified site plan should be submitted.

Staff has received the revised site plans from the petitioner and reviewed them. A copy of the revised plan is attached to this memo.

## **Discussion**

### **Requirements for a Special Use Permit**

According to Section VII-6 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the three criteria listed below. On January 20, 2005 the Urbana Plan Commission concurred with the staff analysis of the criteria.

- 1. That the proposed use is conducive to the public convenience at that location.*

The proposed use is conducive to the public convenience because it would facilitate the operation of cell telephone service to residential and business customers in the area.

- 2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed use should not pose a detriment to the district in which it is proposed to be located or any adjoining properties. The addition of the cabinets will not have a significant visual impact on the neighbors to the south and will not be visible from other locations. The proposed equipment is similar in size to some types of mechanical equipment and enclosures commonly found in residential areas. The enclosure cabinets should not generate noise, traffic, or any other influence that other equipment like air conditioners or dumpsters could.

- 3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

An *Equipment Enclosure* is permitted as a Special Use in the R-4, Medium Density Multiple Family Zoning District. The proposed facility is designed to meet applicable regulations and standards of the Urbana Building Safety Division. Should the Special Use Permit be granted, the petitioner will be required to obtain a building permit to erect the equipment enclosures. The building permit application will be reviewed to demonstrate complete compliance with the provisions of the Special Use Permit as well as all other applicable codes and ordinances.

## **Summary of Findings**

At the public hearing on January 20, 2005 the Plan Commission adopted the following findings:

1. The proposed facility is conducive to the public convenience because it would facilitate the operation of cell telephone service to residential and business customers in the area.
2. The proposed use should not pose a detriment to the district in which it is proposed to be located or to

any adjoining properties. The enclosure cabinets should not generate noise, traffic, or any other influence.

3. The proposed use is consistent with the zoning designations of the subject site and the surrounding area.
4. The proposed use is compatible with the existing land use pattern of the general area.
5. The proposed location of the equipment enclosures will preserve the existing pedestrian and bicycle facilities located in the space between the two buildings.

## Options

The Urbana City Council has the following options in this case:

1. Approve the Special Use Permit request;
2. Approve of the Special Use Permit request with any additional conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance;
3. Deny the request for a Special Use Permit.

## Recommendation

Based on the evidence presented in the discussion above, and at the public hearing conducted on January 20, 2005, Plan Commission recommends that the City Council **APPROVE** the proposed special use permit in Plan Case No. 1919-SU-04 for the reasons articulated above and with the **following conditions**. Staff concurs with the recommendation.

1. **The construction, location and orientation of the equipment enclosure shall be in general conformance to the site plan submitted with the petition and attached hereto. The top of the antenna shall not extend beyond 35 feet from ground level.**
2. **The equipment enclosures shall not encroach into the existing sidewalk or bicycle parking areas.**
3. **That the petitioner submits an updated site plan showing the changed location of the cable tray and that the new plan substantially maintain the site planning elements shown on the plans presented.**

Attachments:

Proposed Ordinance  
Draft Minutes of January 20, 2005 Plan Commission Meeting  
Staff Memo Plan Case # 1919-SU-04

Exhibit A: Location Map  
Exhibit E: Aerial Photo  
Exhibit F: Site Photos  
Exhibit G: REVISED Site Plan  
Exhibit H: Special Use Application

Prepared by:

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Paul Lindahl, Planner I

Cc:

Cingular Wireless  
Attn: Michael Doran  
2500 Colt Road  
Springfield, IL 62707

Sterling Management, LLC  
Attn: David Barr  
1710 S. Neil Street  
Champaign, IL 61820

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ORDINANCE NO. 2005-02-018

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To allow the installation of an Equipment Enclosure within 100 feet of a residential zone or land use at 809 West Illinois Street in Urbana's R-4 Medium Density Multiple Family Residential Zoning District / Plan Case No. 1919-SU-04)

WHEREAS, Cingular Wireless has submitted an application in Plan Case No. 1919-SU-04 to consider a request for a Special Use Permit to allow the installation of an Equipment Enclosure within 100 feet of a residential zone or land use at 809 West Illinois Street; and

WHEREAS, all applicable development regulations are intended to be met by the petitioner; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on January 20, 2005 concerning the petition filed by the petitioner in Plan Case No. 1919-SU-04; and

WHEREAS, on January 20, 2005, the Urbana Plan Commission voted 5 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit; and

WHEREAS, in order to minimize the impact of the proposed development on surrounding properties specific conditions of approval are hereby imposed as permitted under the requirements of the Urbana Zoning Ordinance and identified in Section 1 below; and

WHEREAS, the approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit Procedures, and with the general intent of that Section of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the installation of an Equipment Enclosure within 100 feet of a residential zone or land use on the subject parcel at 809 West Illinois Street with the following conditions upon approval:

1. The construction, location and orientation of the equipment enclosure shall be in general conformance to the site plan submitted with the petition and attached hereto. The top of the antenna shall not extend beyond 35 feet from ground level.
2. The equipment enclosures shall not encroach into the existing sidewalk or bicycle parking areas.
3. That the petitioner submits an updated site plan showing the changed location of the cable tray and that the new plan substantially maintain the site planning elements shown on the plans presented.

LEGAL DESCRIPTION:

Lots 1 and 2 Mizell's Replat of Lot 16 and Lot 17 being part of Campbell and Kelly's addition to Urbana.

PERMANENT PARCEL #s: 92-21-17-151-009

LOCATED AT: 807-809 W. Illinois Avenue, Urbana, Illinois

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication

in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2005.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Tod Satterthwaite, Mayor



**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2005, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "To allow the installation of an Equipment Enclosure within 100 feet of a residential zone or land use at 809 West Illinois Street in Urbana's R-4 Medium Density Multiple Family Residential Zoning District / Plan Case No. 1919-SU-04)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** January 20, 2005

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** John Cooper, Laurie Goscha, Michael Pollock, Marilyn Upah-Bant, Don White

**MEMBERS EXCUSED:** Lew Hopkins, Randy Kangas, Bernadine Stake

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services, Paul Lindahl, Planner I; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Dick Brazee, Michael Doran, Ann Reisner

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

The meeting was called to order at 7:34 p.m., the roll call was taken, and a quorum was declared.

**2. CHANGES TO THE AGENDA**

There were none.

**NOTE:** Chair Pollock took a moment to welcome John Cooper to the Plan Commission.

**3. APPROVAL OF MINUTES**

Mr. White moved to approve the minutes from the January 6, 2005 meeting of the Plan Commission as presented. Ms. Upah-Bant seconded the motion. The minutes were approved by unanimous voice vote.

**4. COMMUNICATIONS**

There were none.

## 7. NEW PUBLIC HEARINGS

### **Plan Case # 1919-SU-05: Request for a Special Use Permit to install an equipment enclosure within 100 feet of a residential zone or land use at 809 West Illinois Street in Urbana's R-4, Medium Density Multiple Family Residential Zoning District.**

Paul Lindahl, Planner I, presented this case to the Plan Commission. He began by giving a description of the proposed site and of the surrounding properties noting the zoning and land use of each. He talked about the proposed equipment enclosures and antennas and showed on the Elmo equipment where the equipment enclosures would be placed. He defined "equipment enclosure" according to the Urbana Zoning Ordinance. He discussed the requirements of placing cellular antennas and reviewed the requirements of a special use permit according to Section VII-6 of the Urbana Zoning Ordinance that pertained to the case. He read the options of the Plan Commission and presented staff's recommendation, which was as follows:

*Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommended that the Plan Commission recommend approval of the proposed special use permit to the City Council with the following conditions:*

- 1. The construction, location and orientation of the equipment enclosure shall be in general conformance to the site plan submitted with the petition and attached to the written staff report. The top of the antenna shall not extend beyond 35 feet from ground level.*
- 2. The design, installation, and operation of the equipment enclosure and associated cellular equipment shall be in accordance with all applicable city, state and federal codes and ordinances.*
- 3. The equipment enclosures shall not encroach into the existing sidewalk or bicycle parking areas.*

Mr. Pollock asked if the conduit, which went up the building and across the building to an antenna, had already been administratively approved. Mr. Lindahl replied yes. The special use permit was for the equipment enclosure.

Mr. Pollock inquired if there was a 35-foot height limit for the antenna. Mr. Lindahl stated that was correct. The entire structure on top of the building was about 8 to 10 feet tall.

Michael Doran, representative for Cingular Wireless, noted that there were a few minor changes to the proposal. The cabling would run up behind the cabinets and not straight up the wall. Thus, there would be a 1-1/2 foot distance between the back of the cabinet and the wall. Also, there was a drain spout that would need to be relocated to another location on the building.

Mr. Pollock asked if it would be moving further in between the two buildings from the corner of the building. Mr. Doran stated that the cabinets would be moved a little further out. He did not have new drawings to show this change, because the change was made earlier that day. Mr. Pollock questioned whether the cabinets would encroach into the sidewalk. Mr. Doran said no. Mr. Pollock pointed out that if the Plan Commission decided to approve the special use permit,

they could approve it conditionally on Cingular Wireless providing an amended site plan to the City Council.

Ms. Goscha believed that the special use permit met the criteria requirements. It appeared that this was the only place that the equipment enclosure and antenna could go. Given the fact that it would be located near multi-family residential and a parking lot, it would not really injure any of the adjacent properties in terms of their views. If anyone, she believed that it would be injurious to the property owner because of how it would block the views from the windows of the garden apartments. Lastly, it appeared to conform to the applicable regulations and standards of the district.

She would agree to approve the special use permit request along with conditions 1 and 3. However, she did not feel it was the position of the Plan Commission to be enforcing building safety, so it did not seem to her that they should recommend that the petitioner comply with codes in condition #2. She suggested adding another condition that an updated site plan, which showed the correct location of the cable tray or cable routing, be provided.

Mr. Pollock inquired if there was a reason for condition #2 to be included in staff's recommendation. Mr. Lindahl stated that it was one of those boilerplate things that staff tends to include whenever they add conditions. Elizabeth Tyler, Director of Community Development Services Department, added that it was a level of comfort. However, Ms. Goscha was correct. Condition #2 would need to be complied with anyway. It was a way to confirm that it met the special use permit criteria in the Zoning Ordinance. It did not need to be a condition.

Ms. Goscha moved that the Plan Commission forward this case to the City Council with a recommendation for approval as had been presented with the following conditions: 1) Condition #1 as outlined in the written staff report, 2) Condition #3 as outlined in the written staff report, and 3) that the City receive an updated site plan showing the correct layout of the cable tray and maintains the existing planning elements shown in the current site plan. Mr. White seconded the motion. Roll call was as follows:

Ms. Goscha	-	Yes	Mr. Pollock	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes
Mr. Cooper	-	Yes			

The motion was passed by unanimous vote.

## 12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 9:00 p.m.

Respectfully submitted,

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Rob Kowalski, Secretary  
Urbana Plan Commission



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Paul Lindahl, Planner I

**DATE:** January 13, 2005

**SUBJECT:** Case No. 1919-SU-04, Request for a Special Use Permit to install an *Equipment Enclosure* within 100 feet of a residential zone or land use at 809 West Illinois Street in Urbana's R-4 Medium Density Multiple Family Residential Zoning District.

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### **Introduction**

This case is a request by Cingular Wireless for a Special Use Permit to install an *Equipment Enclosure* within 100 feet of a residential zone or land use, to serve a proposed rooftop cell antennae at 809 West Illinois Street. The subject property is located in the R-4 Medium Density Multiple Family Residential Zoning District.

The Special Use Permit review is required for the equipment enclosures only and not for the antenna itself. Urbana Zoning Ordinance Article V, Section V-11.P.2.c, allows antennas on existing multi-family structures as an administratively approved accessory use. Section V-11.Q.1.d allows the placement of an *Equipment Enclosure* within 100 feet of a residential zone or land use in the R-4 Zoning District under the provisions of Special Use Permit review. Pursuant to the Urbana Zoning Ordinance, the Plan Commission must recommend approval or denial of the special use and forward it to City Council for action.

### **Background**

#### **Description of the Site and Surrounding Properties**

The site is an approximately one-half acre lot on the south east corner of Lincoln Avenue and Illinois Streets. The lot is 151 feet wide fronting Illinois Street and 147 feet deep along Lincoln Avenue.

There are two three-story buildings located on the lot numbered 807 and 809 W. Illinois. There are twelve apartment units in 809 W. Illinois and eleven apartment units in 807 W. Illinois. Each structure has one basement level half underground and two upper stories. Both buildings face north to Illinois Street and have entrances at the front and rear.

Each building is located approximately fifty-five feet from the Illinois Street property line and forty-four feet from the rear lot line.

The two buildings are separated by a 16-foot space where there is currently a sidewalk, landscaping and bicycle parking. The equipment enclosures are proposed to be located within this area at the south end of the building (see photos). Parking is to the rear of the lot and is accessible from Lincoln Avenue and a narrow exit drive to Illinois Street.

The immediate area includes single-family homes, rental houses, institutional uses, and apartment buildings.

The following is a summary of surrounding zoning and land uses for the subject site:

**Zoning and Land Use Table\***

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
<b>Subject Property</b>	R-4, Medium Density Multiple Family Residential	Apartment Buildings	Medium Density Residential
<b>North</b>	R-5, Medium High Density Multiple Family Residential	Church Parking Lot	High Density Residential
<b>South</b>	R-4, Medium Density Multiple Family Residential	Residential house	Medium Density Residential
<b>East</b>	R-4, Medium Density Multiple Family Residential	Residential house	Medium Density Residential
<b>West</b>	R-5, Medium High Density Multiple Family Residential	University landscape area	Institutional

\* (Please refer to the attached Zoning, Existing Land Use, and Future Land Use maps for further information.)

**Equipment Enclosures and Antennas**

At issue in this particular case is not the location or appropriateness of *antennas* but rather the appropriate location for an *enclosure* to contain electrical equipment to service the antennas. The Urbana Zoning Ordinance defines *Equipment Enclosure* as:

*“A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless or other communication signals. Associated equipment includes, but is not limited to, air conditioning, backup power supplies, and emergency generators.”*

Urbana Zoning Ordinance Article V, Section V-11.P.2.c, allows *antennas* as an administratively approved accessory use on existing multi-family structures of eight or more units. The top of the antenna must not exceed 35 feet from the ground level at the base of the building. This height requirement is consistent with the height requirement for structures in the district.

The current standard of design in cell antennas is an array of paddle like structures approximately eight feet tall mounted vertically on the wall of a building or extending from the roof. The petitioner will mount their antennas of this type on a frame on the roof of the subject property. Depending on the type of antennae:

radio, television, microwave, or cell telephone, the equipment to serve the antennae can vary in size. When such equipment is located on the ground the sheds or cabinets they occupy will vary in size and when required the security-fenced enclosure surrounding them is again sized accordingly.

The electrical equipment for the petitioners cell telephone antennas is relatively compact and will be mounted inside three cabinets each 4 feet 3 inches wide, 5 feet 3 inches tall, and 3 feet deep. The equipment enclosures are proposed to be located two feet from the building. Cables would extend from the top of the rooftop antenna structure down to the three equipment enclosure cabinets located at the southeast corner of the western building of 809 West Illinois Street.

### **Location of Enclosure**

The “L” shaped lease area surrounding the southeast corner of the building is 163 square feet in area and measures 19 feet long on the long axis between the buildings, 13 feet long on the short axis facing the parking lot and 6 feet deep from the edge of the sidewalk to the building face.

The area will cover a portion of lawn and two bushes will be removed. Inside the area will be the three cabinets for the cell equipment and an “H” frame for other electrical power connections. The petitioner will install a security fence to surround the lease area. The lease area is located approximately 38 feet from the south property line across the parking lot. (See site diagram)

A condition of approval has been included that ensures the existing function of the space between the buildings will be preserved and nothing will obstruct pedestrian access.

The reduction in open space on the lot by the placement of the enclosure and 163 square foot lease area is negligible. The Open Space Ratio on the lot still exceeds the required minimum of 0.35 by over 50%.

If this equipment were located inside a multifamily building, on the roof of the building, or otherwise attached to the building than, under the provisions of the Urbana Zoning Ordinance, it could be permitted under administrative review along with the antennae.

## **Discussion**

### **Staff analysis**

The petitioner has determined that this particular location is within an area that will meet the technical requirements for placement of a cell antenna. Antennas must be placed in areas that over lap as well as receive and transmit effectively. A second constraint is that an antenna must be (potentially) permissible in that zoning district. Third, there must be a landowner willing to lease the property. The subject location meets all those criteria.

Given the constraints stated the question for staff review in this instance is whether the placement of the enclosures as proposed in the site plan meet the intent of the Special Use provisions of the zoning code to not “... be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.”

The proposed equipment is similar in size to some types of mechanical equipment and enclosures commonly found in residential areas. Items of this type include air conditioners, garden sheds, and trash dumpster

enclosures. The proposed enclosures do not have the drawbacks of air conditioners because they will be silent at all times, nor will they emit odors as trash dumpsters do. The service requirements of the equipment are limited so they will not have regular patterns of daily or weekly vehicular traffic visits. The proposed location is for all purposes identical to where the landowners might choose to install an array of air conditioning heat pumps.

Visually the cabinets are less appealing than the shrubs they would displace. However the landowner has no requirement to provide shrubs in that location for any reason. The cabinets would be located on the rear of the building and would be visible only to adjacent properties to the south. The appearance of the cabinets will not have a significant impact to those properties because those neighbors already look across a parking lot. Staff feels that it cannot reasonably be said that the aesthetics of a view across a parking lot is significantly impacted by the addition of the cabinets. Staff feels that the location of the enclosure as proposed will not have an injurious or detrimental impact on the district or the public.

### **Requirements for a Special Use Permit**

According to Section VII-6 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

- 1. That the proposed use is conducive to the public convenience at that location.*

The proposed use is conducive to the public convenience because it would facilitate the operation of cell telephone service to residential and business customers in the area.

- 2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed use should not pose a detriment to the district in which it is proposed to be located or any adjoining properties. The addition of the cabinets will not have a significant visual impact on the neighbors to the south and will not be visible from other locations. The proposed equipment is similar in size to some types of mechanical equipment and enclosures commonly found in residential areas. The enclosure cabinets should not generate noise, traffic, or any other influence that other equipment like air conditioners or dumpsters could.

- 3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

An *Equipment Enclosure* is permitted as a Special Use in the R-4, Medium Density Multiple Family Zoning District. The proposed facility is designed to meet applicable regulations and standards of the Urbana Building Safety Division. Should the Special Use Permit be granted, the petitioner will be required to obtain a building permit to erect the equipment enclosures. The building permit application will be reviewed to demonstrate complete compliance with the provisions of the Special Use Permit as well as all other applicable codes and ordinances.



## **Consideration**

The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Plan Commission shall make a recommendation to the City Council for or against the proposed special use, and may also recommend such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting;
8. Any other conditions deemed necessary to affect the purposes of this Ordinance.

## **Summary of Findings**

1. The proposed facility is conducive to the public convenience because it would facilitate the operation of cell telephone service to residential and business customers in the area.
2. The proposed use should not pose a detriment to the district in which it is proposed to be located or any adjoining properties. The enclosure cabinets should not generate noise, traffic, or any other influence.
3. The proposed use is consistent with the zoning designations of the subject site and the surrounding area.
4. The proposed use is compatible with the existing land use pattern of the general area.
5. The proposed location of the equipment enclosures will preserve the existing pedestrian and bicycle facilities located in the space between the two buildings.

## **Options**

The Plan Commission has the following options for recommendations to the City Council regarding Plan Case No. 1919-SU-05:

1. Recommend approval of the Special Use Permit request, without any additional conditions.

2. Recommend approval of the Special Use Permit request, with any conditions deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.
3. Recommend denial of the request for a Special Use Permit.

## **Staff Recommendation**

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend **approval** of the proposed special use permit in Plan Case No. 1919-SU-05 to the City Council as presented for the reasons articulated above with the **following conditions**:

- 1. The construction, location and orientation of the equipment enclosure shall be in general conformance to the site plan submitted with the petition and attached hereto. The top of the antenna shall not extend beyond 35 feet from ground level.**
- 2. The design, installation, and operation of the equipment enclosure and associated cellular equipment shall be in accordance with all applicable city, state and federal codes and ordinances.**
- 3. The equipment enclosures shall not encroach into the existing sidewalk or bicycle parking areas.**

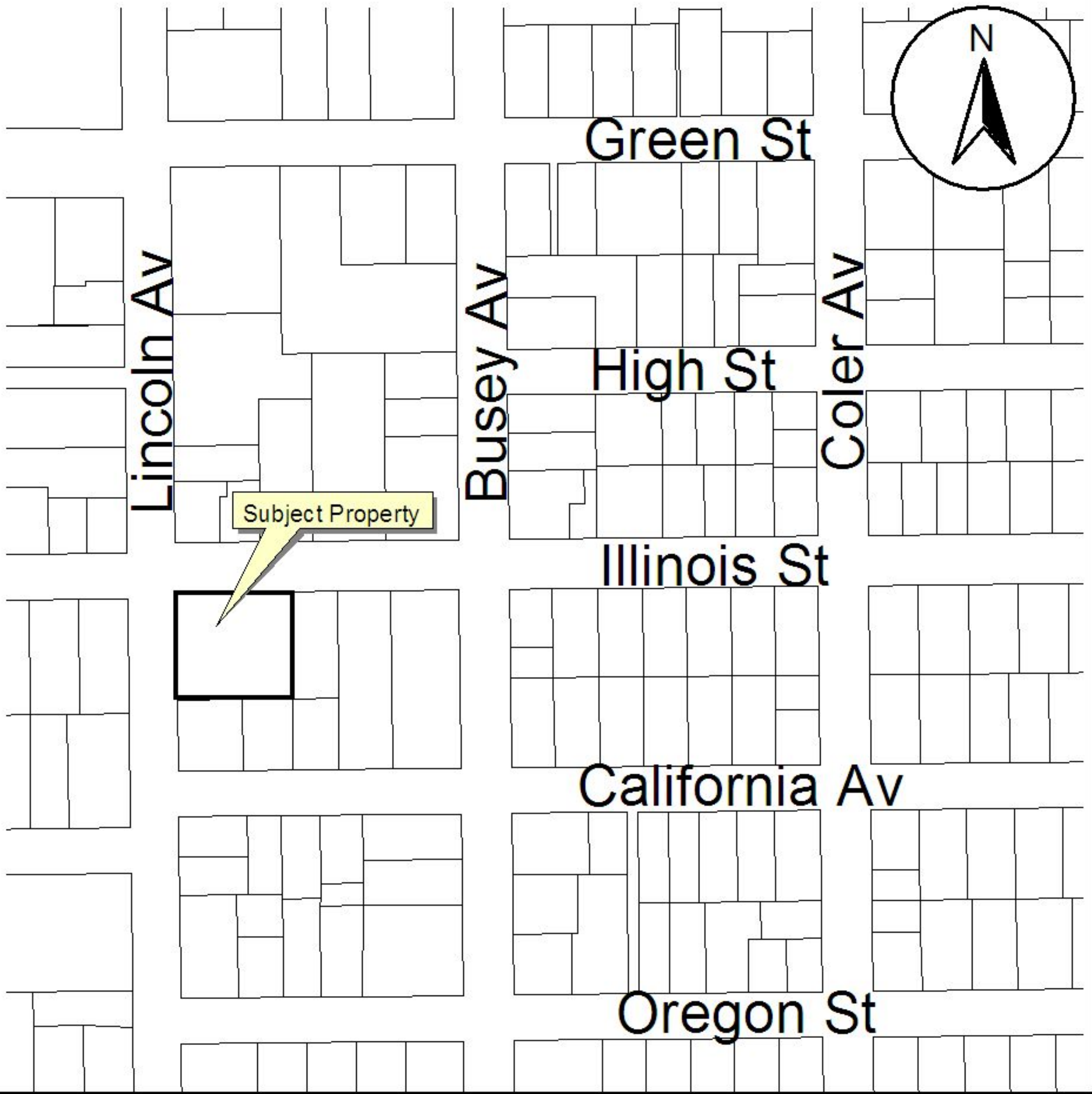
Attachments:      Exhibit A, Location Map  
                         Exhibit B, Zoning map  
                         Exhibit C, Existing Land Use map  
                         Exhibit D, Future Land Use map  
                         Exhibit E, Aerial Photo  
                         Exhibit F, Site Photos  
                         Exhibit G, Schematic Site Plan  
                         Exhibit H, Special Use Application

Cc:

Cingular Wireless  
Attn: Michael Doran  
2500 Colt Road  
Springfield, IL 62707

Sterling Management, LLC  
Attn: David Barr  
1710 S. Neil Street  
Champaign, IL 61820

# Exhibit "A": Location Map



Plan Case: 1919-SU-05  
Antenna Equipment Enclosure  
Within 100 feet of Residential Zone  
Petitioner: Cingular Wireless  
Location 809 W. Illinois Street

Prepared January 6, 2005 by Community Development Services - pal



# Exhibit "E": Aerial Photo



Plan Case: 1919-SU-05  
Antenna Equipment Enclosure  
Within 100 feet of Residential Zone  
Petitioner: Cingular Wireless  
Location 809 W. Illinois Street

Prepared January 13, 2005 by Community Development Services - rkg



# Exhibit "F": Site Photos



View from Illinois at 807 and 809 W. Green



View at lease area corner of 809 W. Illinois



View south from Illinois Street sidewalk at space between buildings.



View north toward Illinois Street, lease area at left.



View east from Lincoln to parking. Lease area includes bush on left.



View between 807 and 809 south past lease area to parking lot.