



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, PhD, FAICP, Director

DATE: March 31, 2011

SUBJECT: Plan Case No. 2137-SU-11: A request by Urbana-Champaign Independent Media Center for a Special Use Permit to construct a 100-foot radio transmission tower at 202 S Broadway Avenue in the B-4, Central Business Zoning District.

Introduction

The Urbana-Champaign Independent Media Center (UCIMC), WRFU-LP 104.5 FM submitted an application (attached) on January 28, 2011 for a Special Use Permit to construct a 100-foot radio transmission tower at their facility at 202 S Broadway Avenue, Urbana, Illinois. Currently, the UCIMC has a roof-mounted radio antenna with a height above ground level of 65 feet. They are requesting permission to construct a permanent freestanding radio transmission tower with a height of 100 feet on the south side of their building, adjacent to the north-east portion of Lincoln Square Village. A copy of the site plan is attached. The subject property is owned by the Urbana-Champaign Independent Media Center Foundation and is zoned B-4, Central Business. A Special Use Permit for construction of a radio transmission tower is required by Section XIII-1.R of the Urbana Zoning Ordinance.

According to the applicant, listeners in areas to the north and west of downtown have problems receiving WRFU-LP 104.5 FM. The proposed tower would allow listeners in those areas to receive the signal. If approved, the existing roof-mounted antenna would be removed.

The proposed radio transmission tower is a self-supporting lattice style tower. It is six feet seven inches wide at the base and one foot six inches wide at the top. As it is self-supporting, it will not require guy wires. See attached application for tower plans.

At their March 24, 2011 meeting, the Urbana Plan Commission voted 6 ayes and 1 nay to forward the case to City Council with a recommendation for approval.

Background

In May of 2005, the Urbana-Champaign Independent Media Center Foundation purchased 202 S Broadway Avenue from the United States Postal Service. UCIMC purchased the building to house a community media and arts center that includes a community radio station, a media training facility, a

performance venue, a public access computer center, a computer help desk, and an art gallery and artist studios. In addition, the Post Office remains in the building.

According to their mission statement, the Urbana-Champaign Independent Media Center is a grassroots organization committed to using media production and distribution as tools for promoting social and economic justice in the Champaign County area.

Description of the Site and Surrounding Properties

The subject property is located at the southeast corner of the intersection of Elm Street and Broadway Avenue in downtown Urbana. Surrounding the subject site are the Champaign County Courthouse, a parking lot, Lincoln Square Village, and the Urbana Landmark Hotel. The zoning and future land use designations for both the subject site and the surrounding properties are Central Business.

Zoning and Land Use Table

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

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Subject Property	B-4, Central Business	Community Media & Arts Center	Central Business
North	B-4, Central Business	Champaign County Courthouse	Central Business
South	B-4, Central Business	Lincoln Square Village Shopping Mall	Central Business
East	B-4, Central Business	City-owned Parking Lot	Central Business
West	B-4, Central Business	Urbana Landmark Hotel	Central Business

Resolution in Support of Expanding Low Power FM Radio Service

On March 16, 2009, the Urbana City Council passed Resolution No. 2009-03-014R (Exhibit F) supporting the expansion of low-power FM radio service. The resolution states that the availability of local and democratically controlled media outlets is essential to promoting citizen participation in public affairs, ensuring rapid responses to natural disasters, overcoming historic inequalities in access to the means of communication and strengthening a vibrant democracy.

Comments from the Historic Preservation Commission

According to the Urbana Zoning Ordinance, Section XII-3, F.11, one of the powers and duties of the Historic Preservation Commission is to review and comment on Special Use Permit applications for properties adjacent to local historic landmarks.

On March 2, 2011, the Historic Preservation Commission reviewed the Special Use Permit application and provided comments on:

- The visual impact of a taller tower.
- A possible precedent for approving a tall tower downtown.
- Necessity of 100-foot height for the tower.
- Investigation of possible alternate sites.

For further information, please see the attached meeting minutes.

Comments from the Plan Commission

On March 24, 2011, the Plan Commission held a public hearing for the Special Use Permit application. Three representatives from the U-C Independent Media Center and four members of the public spoke in favor of the application. The owner of Lincoln Square Village spoke in opposition to the application due to the potential negative visual impact on Lincoln Square Village and the downtown area. Following public input, several Commissioners also expressed concerns regarding a negative visual impact of the proposed tower, but all but one felt that the needs of the radio station and the benefits to the community outweighed the negative impact. The Plan Commission voted to forward the application to City Council with a recommendation for approval by a vote of 6 ayes and 1 nay. For further information, please see the attached meeting minutes.

Discussion

Staff Analysis

The petitioner states that the proposed tower is necessary because the existing tower structure is insufficient to carry the radio signal to listeners in areas to the north and west. Under its Federal Communications Commission license, the existing tower was installed as a temporary measure until such time as the UCIMC was ready to install a permanent freestanding tower. Because the radio station is a low-power FM station, locating the antenna on another existing tower is not a viable option for the applicant. In order to transmit the signal to an off-site antenna, the UCIMC would need to install at least one microwave link which would make the project financially infeasible. The applicant states that this would also make maintenance for the antenna more difficult and expensive and would limit their effectiveness under emergency conditions because each relay would require its own backup power supply. In addition, this option might require keeping the existing roof-mounted tower to establish a “line of sight” connection to the off-site antenna. As locating the antenna on another property is not a viable option for them, the UCIMC is proposing to install a tower on their property in a manner that impacts the surrounding properties and neighborhood as little as possible.

The proposed tower would be located on the least visible area of the property, between the IMC building and the northeast portion of Lincoln Square Village. At ground level, views of the tower will be blocked by adjacent structures to the north, east, and south. The only view of the base of the tower from ground level will be from the west where the base of the tower will be visible to people using the north entrance to Lincoln Square Village. Consequently, the lower third of the tower will be blocked from public view, other than from the north entrance of Lincoln Square Village and from some windows in the Urbana Landmark Hotel.

Although the proposed 100-foot tower would not be highly visible at ground level, it would be visible above the skyline. For comparison purposes, the Champaign County Courthouse clock tower is 135 feet in height. The Urbana Landmark Hotel and the bell tower at the First United Methodist Church at 304 S Race Street both reach approximately 70 feet in height. The building at 115 West Main Street and County Plaza at 102 E Main Street are approximately 60 feet in height. The UCIMC's existing radio transmission tower, located on the roof of their building, is 65 feet in height. The City of Urbana telecommunications monopole located east of the City Building at 400 S Vine Street is approximately 120 feet in height. While the tower would be taller than most of the surrounding structures, its narrow width will limit its visual impact. In addition to photos of skyline views found in Exhibit E, the IMC included simulated photos with their application as supporting evidence that the tower would not be detrimental.

Another point to consider is that the proposed free-standing tower would replace the existing roof-mounted tower. Although the proposed tower is taller, it is free-standing and not roof-mounted. A free-standing tower would be preferable in historic preservation terms for the old Post Office building.

To address the question of whether allowing the tower would set a precedent, staff believe it would not as it is allowed only with a special use permit. Each special use permit is taken on a case-by-case basis, considering a unique set of facts. Also, low power radio stations are limited by the FCC.

Towers

The following zoning requirements relate directly to towers and to towers requiring a Special Use Permit. It is important to note that these requirements were implemented in response to the rise of personal wireless service, competing telephone service providers, and the resulting proliferation of private towers and antennae being constructed throughout Urbana. Consequently, some required submittals and review standards may not be applicable to this review. For instance, the applicants are not being required to submit an inventory of their existing towers which could provide part of a network for signal transmission.

The Zoning Ordinance does not impose a maximum height or minimum required setback for towers in the B-4, Central Business zoning district although such restrictions are included for other zoning districts (Section XIII-1.E.8). In terms of aesthetics, the Zoning Ordinance requires that the tower site, to the extent possible, be screened with live plantings and include evergreen vegetation with a minimum height of six feet. If a chain link fence is used, it must be screened with evergreen vegetation that will reach a height of six feet within one year of planting. According to the Zoning Ordinance, these requirements can be waived under certain circumstances. Additionally, the Zoning Ordinance requires towers to maintain a galvanized steel finish or, if it is to be painted, a neutral color.

Section XIII-1.R.4 includes a number of additional factors for the Plan Commission and the City Council to consider in granting special use permits for towers:

- a) Height of the proposed tower;
- b) Proximity of the tower to residential structures and residential district boundaries;
- c) Nature of uses on adjacent and nearby properties;
- d) Surrounding topography;
- e) Surrounding tree coverage and foliage;
- f) Proposed ingress and egress; and

g) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this Article.

Section XIII-1R.6 requires security fencing:

Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Plan Commission may recommend or the City Council may waive such requirements, as it deems appropriate.

Section XIII-R.7 states landscaping requirements:

Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided however, that the Plan Commission may recommend or the City Council may waive such requirements if the goals of this ordinance would be better served thereby.

- a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
- b) In locations where the visual impact of the tower would be minimal, the Plan Commission may recommend and the City Council may waive the landscaping requirement.
- c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide a sufficient buffer.

Consideration

The City Council must 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 City Council may impose 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 the 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 effect the purposes of this Ordinance.

Requirements for a Special Use Permit

According to Section VII-4 of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

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

The proposed use would be conducive to the public convenience at this location. The existing roof-mounted tower, installed in the Fall of 2005, was a temporary measure until such time that the UCIMC was ready to construct a permanent tower. The roof-mounted tower has a height of 65 feet. According to the applicant, the proposed tower would improve the reception of WRFU for listeners in areas to the north and west of downtown who currently have difficulty receiving the signal. The poor reception is due to the radio transmission signal being blocked by taller buildings to the north and west of the subject site. WRFU-LP is a low-power FM radio station regulated by the Federal Communications Commission (FCC). Its transmitting power is limited to 100 watts from an antenna whose center can be no more than 100-feet high. The UCIMC is proposing a 100-foot tower, the maximum allowable by the FCC, to serve as much of Urbana-Champaign as possible. Listeners of WRFU would benefit from the proposed tower, in particular in the areas that currently do not receive the signal.

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 or detrimental to the public welfare.

The proposed use will not be injurious to the public welfare. The IMC has to meet FCC public safety requirements regarding the tower's potential impact on neighboring properties and would have to mitigate any interference it created. The UCIMC has selected a location for the proposed tower that would lessen the impact on surrounding property. The proposed location is on the south side of the Independent Media Center building, between the building and the northeast portion of Lincoln Square Village which has no windows or doors near the proposed location. The proposed tower would be visible from the north entrance to Lincoln Square Village and from some of the rooms in the Urbana Landmark Hotel. (See Exhibit E for photos of the proposed location.) The subject site is located in the B-4, Central Business zoning district which allows radio transmission towers with no required setback or maximum height. The lower third of the tower would be screened from public view other than from the north entrance to Lincoln Square Village.

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.

Towers are permitted in the B-4 Central Business zoning district under Special Use Permit review. The proposed facility is designed to meet applicable regulations and standards of the Urbana Building Code as well as applicable Federal Communications Commission regulations. Should the Special Use Permit be granted, the petitioner will be required to obtain a building permit to erect the tower and antenna. The building permit application will be reviewed to demonstrate compliance with the provisions of the Special Use Permit as well as all other applicable codes and ordinances.

Additionally, Special Use Permits for towers must show that the base is securely fenced and that the facilities be visually screened with landscaping. The City Council, however, waive the landscape screening or fencing requirements if the goals of the Zoning Ordinance would otherwise be better served (Section XIII-1.R.7). City staff recommends such a waiver because the tower would only be visible at ground level from the west and would be installed in an area that is currently entirely paved. Such a location would not provide a hospitable environment for vegetation. In addition, the narrow dimension of the tower, the neutral color, and the low profile antenna would limit its visual impact while adding trees or other landscaping could actually increase its visibility.

Summary of Findings

1. Towers are permitted in the B-4 Central Business zoning district under Special Use Permit review.
2. The proposed use is conducive to the public convenience because it would improve the reception of WRFU-LP 104.5 FM for listeners in areas to the north and west of downtown. The proposed tower is located at the center of the community to reach the majority of the urbanized area and because low-power radio stations are required to be so located.
3. The proposed use should not pose a detriment to the district in which it is proposed to be located or any adjoining properties. The tower is located on the least visible side of the UCIMC building and will be screened from ground-level view in every direction other than directly to the west.
4. The proposed tower will be designed to meet applicable regulations and standards of the Urbana Building Safety Division as well as applicable Federal Communications Commission regulations.
5. The proposed tower will only be visible at ground level from the west and will be installed in an area that is currently entirely paved. Such a location would not provide a hospitable environment for vegetation and adding trees or other landscaping could actually increase the tower's visual impact.
6. At their March 24, 2010 meeting, the Urbana Plan Commission in a vote of 6 ayes and 1 nay recommended that City Council approve the proposed rezoning.

Options

The Urbana City Council has the following options regarding Plan Case 2137-SU-11:

1. Approve the Special Use Permit request, with or without the proposed waiver;
2. Approve with additional specified conditions; or
3. Deny the Special Use Permit request.

Recommendation

Based on the analysis and findings presented herein, the Urbana Plan Commission and staff recommend that the City Council approve the proposed Special Use Permit **with the following conditions**:

1. The tower location shall closely conform to the submitted site plan attached as Exhibit B. Any significant deviation from the approved site plan will require an amendment to the Special Use Permit, including further review by the Urbana Plan Commission and approval by the Urbana City Council.
2. In accordance with Section XIII-1.E.2 of the Zoning Ordinance, the applicant shall submit a site survey of the subject property indicating that the tower will not encroach on adjoining lots, easements, or utilities.
3. A minimum six-foot tall security fence, as well as appropriate anti-climbing measures, as determined by the Zoning Administrator, be constructed and maintained as part of the tower.
4. The design, installation, and operation of the radio transmission tower shall be in accordance with all applicable city, state, and Federal codes, ordinances, and regulations, including health and safety regulations required by the Federal Communications Commission.
5. In accordance with Federal and State laws and regulations, as well as private preservation covenants, the applicant shall submit the proposal to the Illinois State Historic Preservation Officer for review and approval. City of Urbana building permits will not be issued until the City receives documentation of such approval.
6. If the tower is no longer being used, the applicant shall remove the tower within 180 days. Failure to remove an abandoned tower within said 180 days shall be grounds for the City to cause removal of the tower at the owner's expense.
7. The applicant shall remove the existing roof-mounted tower.

And with the following waiver from standard Special Use Permit requirements for telecommunication towers:

1. A waiver from the landscape screening requirements for telecommunication towers, as authorized by Zoning Ordinance Section XIII-1.R.7, and based on the tower only being visible at ground level from the west and the fact that the tower will be installed in an area that is currently entirely paved.

Prepared by:

Rebecca Bird, Planner I

Exhibits:

- A. Location & Land Use Map
- B. Zoning Map
- C. Future Land Use Map
- D. Application with proposed site plan and tower plans
- E. Site Photos
- F. Resolution No. 2009-03-014R

cc: Mike Lehman, rebelmike@earthlink.net
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Tatyana Safronova, tsafro@gmail.com
Jim Webster, jim@websterappraisals.com
Wade Franklin, lincolnsquare@areaww.com

ORDINANCE NO. 2011-04-018

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Allow the Construction of a Radio Transmission Tower in the B-4, Central Business Zoning District - Plan Case 2137-SUP-11 / Urbana-Champaign Independent Media Center, 202 S Broadway Avenue)

WHEREAS, the Urbana-Champaign Independent Media Center has petitioned the City for a Special Use Permit to construct a 100-foot tall radio transmission tower at 202 S Broadway Avenue in the B-4, Central Business Zoning District; and

WHEREAS, towers are permitted in the B-4 Central Business zoning district under Special Use Permit review; and

WHEREAS, the proposed use is conducive to the public convenience because it would improve the reception of WRFU-LP 104.5 FM for listeners in areas to the north and west of downtown; and

WHEREAS, the proposed use should not pose a detriment to the district in which it is proposed to be located or any adjoining properties; and

WHEREAS, proposed tower will be designed to meet applicable regulations and standards of the Urbana Building Safety Division as well as applicable Federal Communications Commission regulations; and

WHEREAS, the proposed tower will only be visible at ground level from the west and will be installed in an area that is currently entirely paved and such a location would not provide a hospitable environment for vegetation and adding trees or other landscaping could actually increase the tower's visual impact; and

WHEREAS, the conditions placed on the approval in Section 1 herein are reasonable and intended to insure compliance with City requirements; and

WHEREAS, the Urbana Zoning Ordinance, Section XIII-1, authorizes the City Council to waive certain tower requirements given specific circumstances; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on March 24, 2011 concerning the petition filed by the petitioner in Plan Case No. 2137-SU-11; and

WHEREAS, on March 24, 2011, the Urbana Plan Commission voted 6 ayes and 1 nay to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions and with the waiver provided herein; and

WHEREAS, approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-4 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 establishment of a radio transmission tower in the B-4, Central Business Zoning District with the following conditions upon approval:

1. The tower location shall closely conform to the submitted site plan attached as Exhibit 1. Any significant deviation from the approved site plan will require an amendment to the Special Use Permit, including further review by the Urbana Plan Commission and approval by the Urbana City Council; and
2. In accordance with Section XIII-1.E.2 of the Zoning Ordinance, the applicant shall submit a site survey of the subject property indicating that the tower will not encroach on adjoining lots, easements, or utilities; and

3. A minimum six-foot tall security fence, as well as appropriate anti-climbing measures, as determined by the Zoning Administrator, be constructed and maintained as part of the tower; and

4. The design, installation, and operation of the radio transmission tower shall be in accordance with all applicable city, state, and Federal codes, ordinances, and regulations, including health and safety regulations required by the Federal Communications Commission; and

5. In accordance with Federal and State laws and regulations, as well as private preservation covenants, the applicant shall submit the proposal to the Illinois State Historic Preservation Officer for review and approval. City of Urbana building permits will not be issued until the City receives documentation of such approval; and

6. If the tower is no longer being used, the applicant shall remove the tower within 180 days. Failure to remove an abandoned tower within said 180 days shall be grounds for the City to cause removal of the tower at the owner's expense; and

7. The applicant shall remove the existing roof-mounted tower;

And with the following waiver from standard Special Use Permit requirements for telecommunication towers:

1. A waiver from the landscape screening requirements for telecommunication towers, as authorized by Zoning Ordinance Section XIII-1.R.7, and based on the tower only being visible at ground level from the west and the fact that the tower will be installed in an area that is currently entirely paved.

LEGAL DESCRIPTION:

Tract 1:

Lots 55 and 56 of the Original Town of Urbana, and the West Half of the alley known as Thorn Alley lying on the East side of said Lot 56, as per plat recorded in Deed Record "A" at page 33, in Champaign County, Illinois.

Tract 2:

Lot 57 of the Original Town of Urbana, and the East Half of the alley known as Thorn Alley lying on the West side of said Lot 57, as per plat recorded in Deed Record "A" at page 33, in Champaign County, Illinois.

Tract 3:

The North Half of that portion of Cherry Alley, being the east-west alley between Elm Street and Green Street in the City of Urbana, Illinois, described and bounded as follows, as per Ordinance Vacating Certain Alleys recorded January 6, 1964 in Book 747 at Page 45 as Document 706612:

Commencing at the point where the North line of Cherry Alley intersects with the East line of Broadway Street, thence East along the North line of said alley 38 feet, thence South to the South line of said Alley, thence West along the South line of said alley to the East line of Broadway Street, thence North along the East line of Broadway Street to the point of beginning, in Champaign County, Illinois.

Tract 4:

The North half of that portion of Cherry Alley, being the east-west alley between Elm Street and Green Street in the City of Urbana, Illinois, described and bounded as follows, as per Ordinance Vacating a Portion of an Alley recorded March 13, 1964 in Book 752 at Page 393 as Document 709540 and recorded March 20, 1964 in Book 753 at Page 159 as Document 709879:

Commencing at the point where the North line of vacated Cherry Alley intersects with the East line of Broadway Street, thence East along the North line of said alley 38 feet to the point of beginning, thence East along the North line of said alley 2 feet, thence South to the South line of said alley, thence West along the South line of said alley 2 feet, thence North to the point of beginning, in Champaign County, Illinois.

PERMANENT PARCEL No.: 92-21-17-212-004.

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 _____, 2011.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2011.

Laurel Lunt Prussing, Mayor

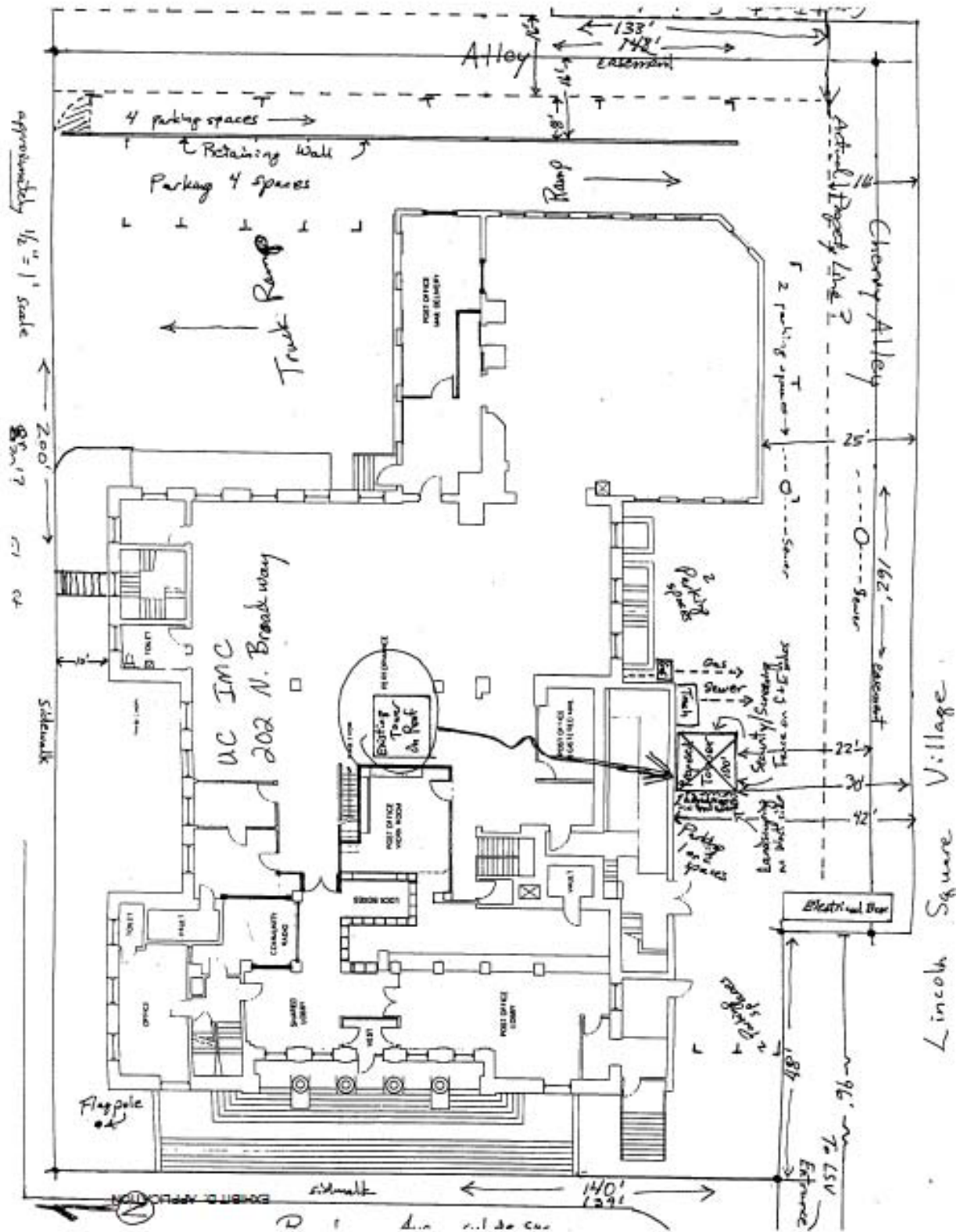
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

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

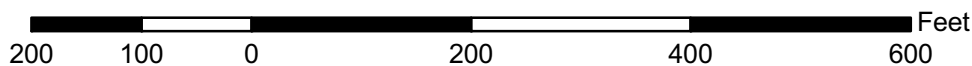
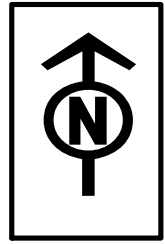
I certify that on the ____ day of _____, 2011, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE APPROVING A SPECIAL USE PERMIT (To Allow the Construction of a Radio Transmission Tower in the B-4, Central Business Zoning District - Plan Case 2137-SUP-11 / Urbana-Champaign Independent Media Center, 202 S Broadway Avenue) 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 _____, 2011, 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 _____, 2011.


EXHIBIT 1: Site Plan



Location & Existing Land Use Map



Plan Case: 2137-SU-11
 Subject: Special Use Permit to construct 100-foot radio transmission tower
 Location: 202 S Broadway Ave, Urbana
 Petitioner: U-C Independent Media Center

 Subject Property
 COM Commercial
 APT MF Apartment

Zoning Map



Plan Case: 2137-SU-11

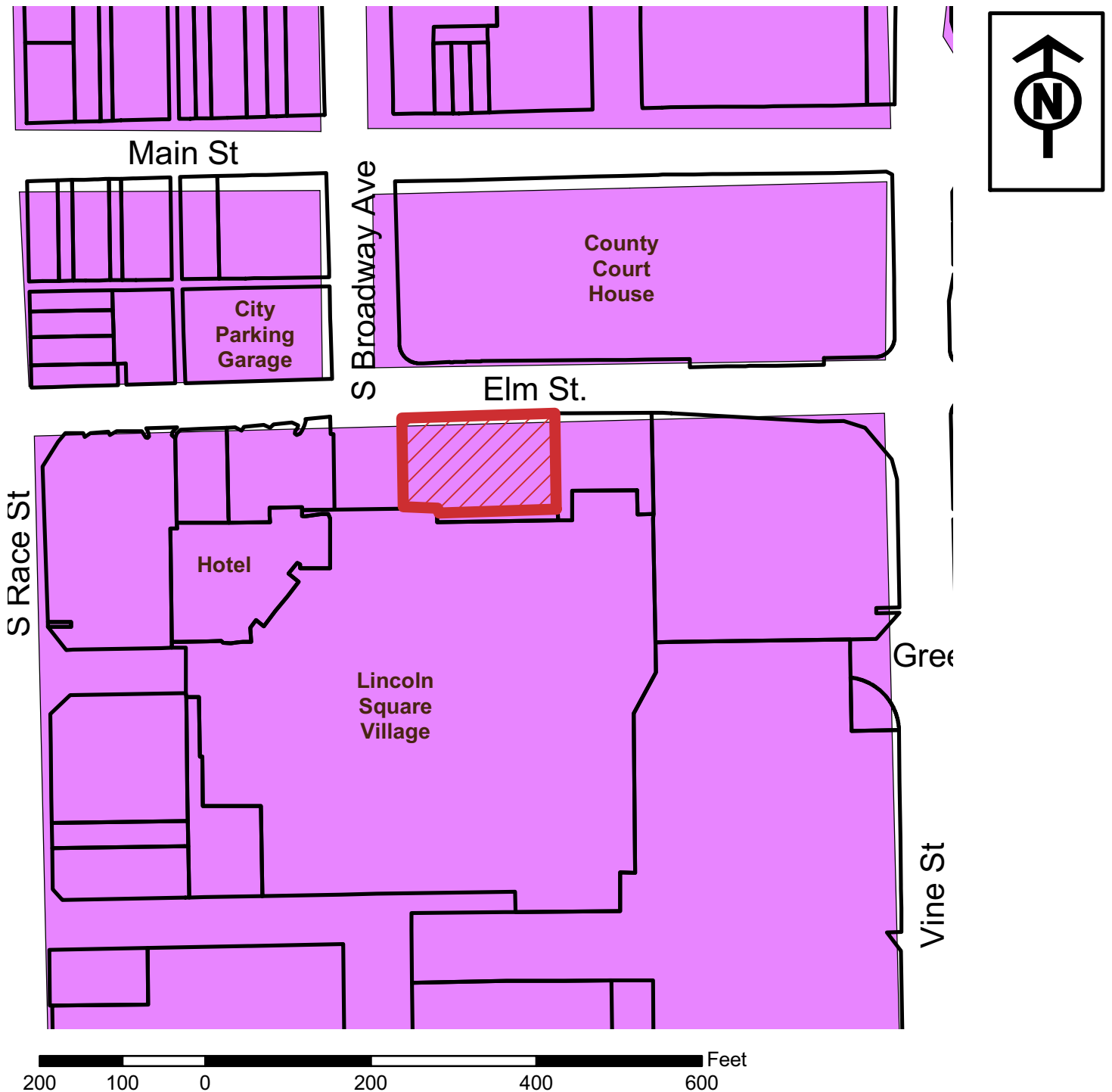
Subject: Special Use Permit to construct 100-foot radio transmission tower

Location: 202 S Broadway Ave, Urbana
Petitioner: U-C Independent Media Center



 Subject Property

 B4-Central Business

Future Land Use Map



Plan Case: 2137-SU-11
Subject: Special Use Permit to construct 100-foot radio transmission tower
Location: 202 S Broadway Ave, Urbana
Petitioner: U-C Independent Media Center

-  Subject Property
-  Central Business



Application for Special Use Permit

Plan Commission

APPLICATION FEE - \$175.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 01-28-2011 Plan Case No. 2137-SU-11
 Fee Paid - Check No. 3297 Amount \$175.00 Date 01-28-2011

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section _____ of the Urbana Zoning Ordinance to allow *(Insert proposed use)* _____ on the property described below.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Urbana-Champaign Independent Media Center Phone: 217-344-8820
 Address (street/city/state/zip code): 202 S. Broadway, Urbana, IL 61801
 Email Address: rebel.mike@earthlink.net Project Phone #: 217-344-5609

2. PROPERTY INFORMATION

Location of Subject Site: 202 S. Broadway, Urbana, IL 61801
 PIN # of Location: 9221-17-212-004
 Lot Size: 200' X 140' approx. (24,693 SF)
 Current Zoning Designation: B-4, Central Business
 Current Land Use (vacant, residence, grocery, factory, etc): Community Media + Arts Center
 Proposed Land Use: same, add permanent tower for radio station (WRFU-LP, 104.5 FM)
 Legal Description: attached

3. CONSULTANT INFORMATION

Name of Architect(s): Phone:

Address (street/city/state/zip code):

Email Address:

Name of Engineers(s): *per attached tower drawings* Phone:
(by manufacturer)

Address (street/city/state/zip code):

Email Address:

Name of Surveyor(s): Phone:

Address (street/city/state/zip code):

Email Address:

Name of Professional ~~Site Planner~~(s): *[currently out for bid]* Phone:
Geo-Engineering

Address (street/city/state/zip code):

Email Address:

Name of Attorney(s): Phone:

Address (street/city/state/zip code):

Email Address:

4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

attached

Explain how 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 or detrimental to the public welfare.

attached

Explain how 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.


attached

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



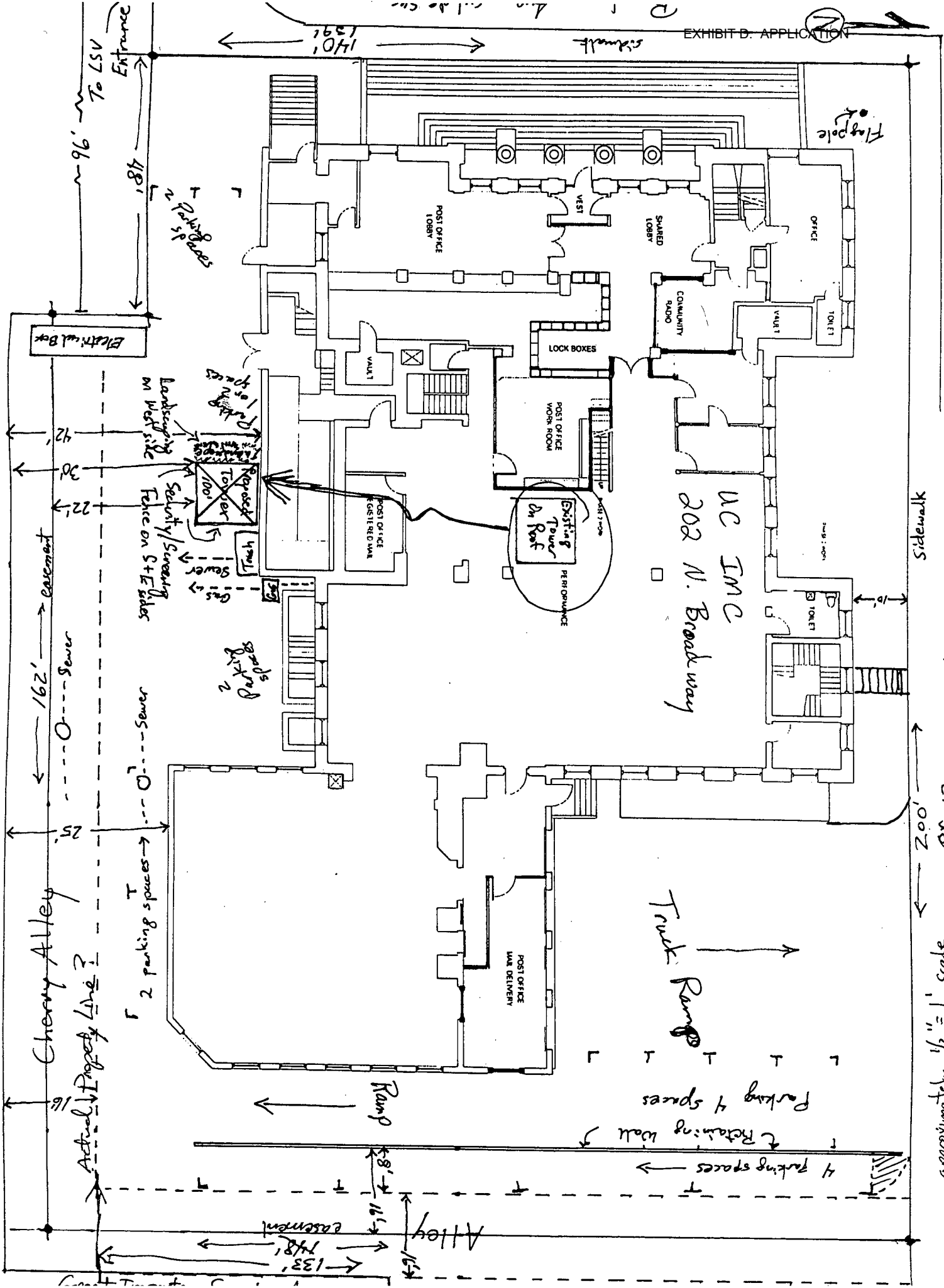
Applicant's Signature

Jan. 29, 2011
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Lincoln Square Village



approximately 1/2" = 1' scale

UC IMC, WRFU-LP 104.5 Permanent Antenna Tower Draft

Mike Lehman

4. Reasons for Special Use Permit

Explain how the proposed use is conducive to the public convenience at the location of the property.

UC IMC's application for a special use permit to locate and construct a permanent tower for the broadcasting antenna of WRFU-LP 104.5 FM is driven largely by the requirements of its FCC license and the limitations they impose on serving those located in its service area. The most important one here is that the location of the station cannot be moved farther than 5.6 km (~3.5 miles) from the location specified in the original LPFM license application.

Just as large a constraint on placing an antenna at another site are the laws of physics. WRFU is a low-power FM radio service whose effective transmitting power is strictly limited to no more than 100 watts (ERP or effectively the power of a single light bulb) from an antenna whose center is no more than 100 feet above the surrounding area.

What does this mean about possible use of alternative broadcasting locations for a radio station intended to primarily serve Urbana and nearby areas with a station location in the center of downtown Urbana?

First, WRFU cannot move to a tower located at the edge of town and "broadcast into" Urbana. The FCC strictly limited LPFM service to keep it local. The objective of building an antenna at the full FCC permitted height of 100 feet (the current, temporary antenna is at 65 feet) is to increase WRFU's ability to serve its audience in Urbana and beyond. This allows the line-of-sight signals of FM radio to directly reach more receivers. An antenna at the full permitted height also avoids much of the blocking effect of buildings near the current/proposed tower location, as well as overcoming the blocking effect of large buildings on campus that many potential listeners to the west are unable to overcome. Locating an antenna anywhere outside the downtown Urbana area would most likely lead to a loss in WRFU's ability to serve its core audience because of the inherent limitations placed on it by the FCC and the laws of physics.

Second, the tower for the antenna must also protect occupants of a building it is placed on from RF radiation (it's tiny, but present close by), within the 100 feet limit for antenna height. To install the antenna on another, taller building, yet still be higher, would require the alternate location to be no higher than ~80 feet. The actual antenna would have to be on the roof and raised above any occupied space so that a separation of more than 15 feet is maintained. Thus, some otherwise suitable locations are likely too tall in order to meet FCC regulations for our LPFM license.

Third, listeners in areas to the north and west of downtown often have problems receiving WRFU. The proposed tower would allow listeners there to be reached by "peeking over" several nearby buildings that currently screen WRFU's signal. These areas of weak

reception house historically underserved populations, as well as being in increasingly dense, high growth areas of the city. It is to both the city's and the station's advantage that those living there enjoy the services of a community-based radio service.

Fourth, even if an otherwise suitable site were located, if it were used, it could still require that some sort of tower remain on the roof of the old downtown Post Office building. Remote transmitter sites require some form of studio-to-transmitter link. Providing a reliable connection often depends on a dedicated microwave link, which requires a line-of-site view between the studio location in the IMC building and the remote site. This would likely require some sort of tower remain on top of the IMC building. One goal of this project is to remove the current tower from the roof of our historic building, improving its appearance and more closely matching its expected profile. While the temporary tower is properly engineered, it still sits on top of a nearly century old roof structure, which UC IMC invested \$30,000 in rehabilitating when it purchased the building in 2005. It is important to eventually remove the present tower from the roof and not need it at all by building the new tower on the ground behind the building, rather than having to utilize the present on-roof tower to support a studio-to-transmitter link to a relocated, remote transmitter site.

Fifth, while WILL provides programming from Urbana and is a reliable source of emergency information, WRFU is presently the only other radio station located in and broadcasting programming that focuses on our community. Like all broadcasters, WRFU provides an emergency alert system (EAS) signal to its listeners. In an emergency, WRFU's services require little support in terms of power. A single small emergency generator or other portable power source would restore WRFU to the air in the event of a power failure. Those here during the 1990 Valentine's Day ice storm will understand. This is also a reason why an on-site antenna for broadcasting is important, as any remote transmitting location introduces complexities in order to maintain service in the event of an emergency, especially with power outages.

Sixth, the IMC is likely to be a community node on the broadband fiber network. WRFU has an ongoing history of broadcasting events at the IMC and locations elsewhere in the community. WRFU's broadcast radio service provides a gateway to expand and leverage the possibilities for community use of the capacity provided by this important community investment. For instance, it may one day be possible for residents of Urbana with limited mobility to broadcast their shows live from their homes without ever being in the studio via a broadband connection. Similarly, students at school might be able to broadcast on WRFU from their campus via broadband.

Seventh, WRFU is purposefully designed as a sustainable project that requires very limited financial support, providing equitable access to media while supplementing diversity of choice in community media. Despite these very limited resources and a virtually all-volunteer organizational structure, WRFU continually fundraised with the assistance and generosity of dedicated members of the Urbana community, taking longer than we'd hoped, but finally achieving the goal of being able to construct the new tower at UC IMC's location in downtown Urbana.

Eighth, WRFU provides community radio service via its central location in downtown Urbana that is easily accessible to the Main St. downtown district, Lincoln Square Village, and the weekly Farmer's Market. While the plan is to currently place only the WRFU transmitter on the new tower, WRFU and UC IMC are open to creative additional use of the tower for other services that support community, non-profit, and public uses.

We believe this solution for the station's needs is manifestly conducive to public convenience. We also believe that there are no better solutions and know that any possible other solution would impose an additional layer of cost on the project that would delay the project and result in solutions that would undermine important parts of the public convenience that would otherwise be available if this special use permit were granted.

Explain how 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 or detrimental to the public welfare.

First, UC IMC recognizes that the proposed location is in a historically-sensitive area of our community. Relocating the temporary tower from the roof is needed to better present the façade of our historical building and its contextual surrounding area, as well as to relieve potential long-term wear and tear on the building's roof. The foundation excavation will be conducted so that any historical data is preserved, preferably in a manner that involves hands-on experience for those interested in what might be uncovered. Several surrounding buildings easily surpass the proposed tower height. The most significant is the county courthouse, whose bell tower is 135 feet high. Due to the limited sight lines in the built-up downtown area, actual views of the tower are more limited than otherwise would be obvious in less dense areas. From almost any direction, the tower will remain either blocked to vision by other buildings or will be largely concealed by being shorter and located in such relationship to other buildings that it will not be obtrusive. The actual antennas anticipated for use on the tower will be the 2-bay array on the current tower, relocated to the top of the new tower. These will protrude above the top of the new tower by about 5', with a short static/lighting spike above that for about 4'. Total height with the antennas in place should be no more than 110', with more than 99% of the visual signature no higher than 100'.

Second, the actual tower footprint is well-screened up to about 35' from those viewing, walking, or driving through the downtown area by surrounding buildings by its location in the service alley/fire lane. By ordinance, appropriate screening of the base of the tower is required for esthetic and safety reasons and UC IMC presumes those needs will specifically and appropriately addressed in the process of permitting.

Third, while the tower will be erected on a zero-lot line basis, this seems to be presumed permissible use since it is not prohibited in the locations designated as B-4 zoning, in contrast to more restrictive requirements on permitted tower location in other zoning designations.

Fourth, the tower will be self-supporting and require no guy wires. Engineering certification will be handled through the tower manufacturer and the tower construction contractor, as required and permitted. The tower chosen has a wind rating of 90 mph. UC IMC is insured for liability and the tower will be covered in the applicable policies. In the remote possibility of a failure, the tower is small enough and the surrounding buildings substantial enough to limit consequences. A failure would be confined to UC IMC in most directions. The other possible direction of a failure could impact Lincoln Square Village, but even there would involve only the upper two-thirds of the tower and impact area would be toward generally less-populated parts of that structure.

Fifth, WRFU is required to log all interference complaints and was specifically required to work with those experiencing interference in the first year of the station's operation. The only complaint received was interference experienced in the speakers of a secretary transcribing records at the county courthouse. The problem was rectified by swapping speakers with those of another employee, which totally resolved the problem. Since such interference is due to proximity to the near-field strength of the signal, raising the permanent antenna to ~35 feet above its current height should place the minute possibility of interference from WRFU's signal further away from any potentially sensitive electronics.

Explain how 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.

First, since it is not specifically prohibited under B-4 zoning, this sort of special use in a high-density area is anticipated by zoning requirements. UC IMC feels that the specifics offered here of the anticipated minimal impact should address most concerns. The proposal is open to appropriate and constructive critique in the permitting process.

Second, while people don't often think of a connection between post offices and community radio stations, there is a strong relationship between these forms of access to the media in the United States. The nation's founders originally established postal subsidies for printed matter, because they considered facilitating such interchange was an obligation of government in order to encourage cultivation of real democracy. While these subsidies eventually faded away for periodicals, some just relatively recently, community radio serves many of the same functions of promoting a healthy interchange of ideas, which printed matter did in a technologically simple era. UC IMC has invested its resources into building a community media and arts center. We see this project as meeting the mission originally anticipated for the post office as an institution, revised to meet the needs of the twenty-first century. It is an appropriately adaptive reuse that will contribute to the organizational capital and stability needed to preserve the historical old downtown post office building itself and enhance and add value to the many other amenities of the downtown Urbana area.

CHICAGO TITLE INSURANCE COMPANY EXHIBIT D: APPLICATION
COMMITMENT FOR TITLE INSURANCE
SCHEDULE A (CONTINUED)

ORDER NO.: 1253 000830671 CHA

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

Tract 1:

Lots 55 and 56 of the Original Town of Urbana, and the West Half of the alley known as Thorn Alley lying on the East side of said Lot 56, as per plat recorded in Deed Record "A" at page 33, in Champaign County, Illinois.

Tract 2:

Lot 57 of the Original Town of Urbana, and the East Half of the alley known as Thorn Alley lying on the West side of said Lot 57, as per plat recorded in Deed Record "A" at page 33, in Champaign County, Illinois.

Tract 3:

The North Half of that portion of Cherry Alley, being the east-west alley between Elm Street and Green Street in the City of Urbana, Illinois, described and bounded as follows, as per Ordinance Vacating Certain Alleys recorded January 6, 1964 in Book 747 at Page 45 as Document 706612:

Commencing at the point where the North line of Cherry Alley intersects with the East line of Broadway Street, thence East along the North line of said alley 38 feet, thence South to the South line of said Alley, thence West along the South line of said alley to the East line of Broadway Street, thence North along the East line of Broadway Street to the point of beginning, in Champaign County, Illinois.

Tract 4:

The North Half of that portion of Cherry Alley, being the east-west alley between Elm Street and Green Street in the City of Urbana, Illinois, described and bounded as follows, as per Ordinance Vacating a Portion of an Alley recorded March 13, 1964 in Book 752 at Page 393 as Document 709540 and recorded March 20, 1964 in Book 753 at Page 159 as Document 709879:

Commencing at the point where the North line of vacated Cherry Alley intersects with the East line of Broadway Street, thence East along the North line of said alley 38 feet to the point of beginning, thence East on the North line of said alley 2 feet, thence South to the South line of said alley, thence West along the South line of said alley 2 feet, thence North to the point of beginning, in Champaign County, Illinois.



Our tower

- Free-standing TITAN™ Self-Support Towers need only minimal footprint area
- Heights ranging from 24 ft. (7.3 m) to 96 ft. (28.8 m)
- Lightweight, commercial-duty
- Ideal for ISP and SCADA
- Survives up to 100mph, depending on height and model



Model Designation:	T200	T300	T400	T500	T600		
Part Number:	4.95.0202.000	4.95.0302.000	4.95.0402.000	4.95.0502.000	4.95.0602.000	4.95.0702.000	4.95.0802.000
Includes 4" anchor stub legs for concrete, splice hardware, 6" antenna mounting pipe, angle frames, and u-bolt assembly in top section.							
Allowable antenna area in ft ² at 70/85/100 mph wind*	Survival no ice	Round: Flat:					
	Survival 1/2" ice	Round: Flat:					
Suggested List Price	\$86						
Shipping Dimensions (LxWxH")	101x						
Shipping Weight (lbs)	2						

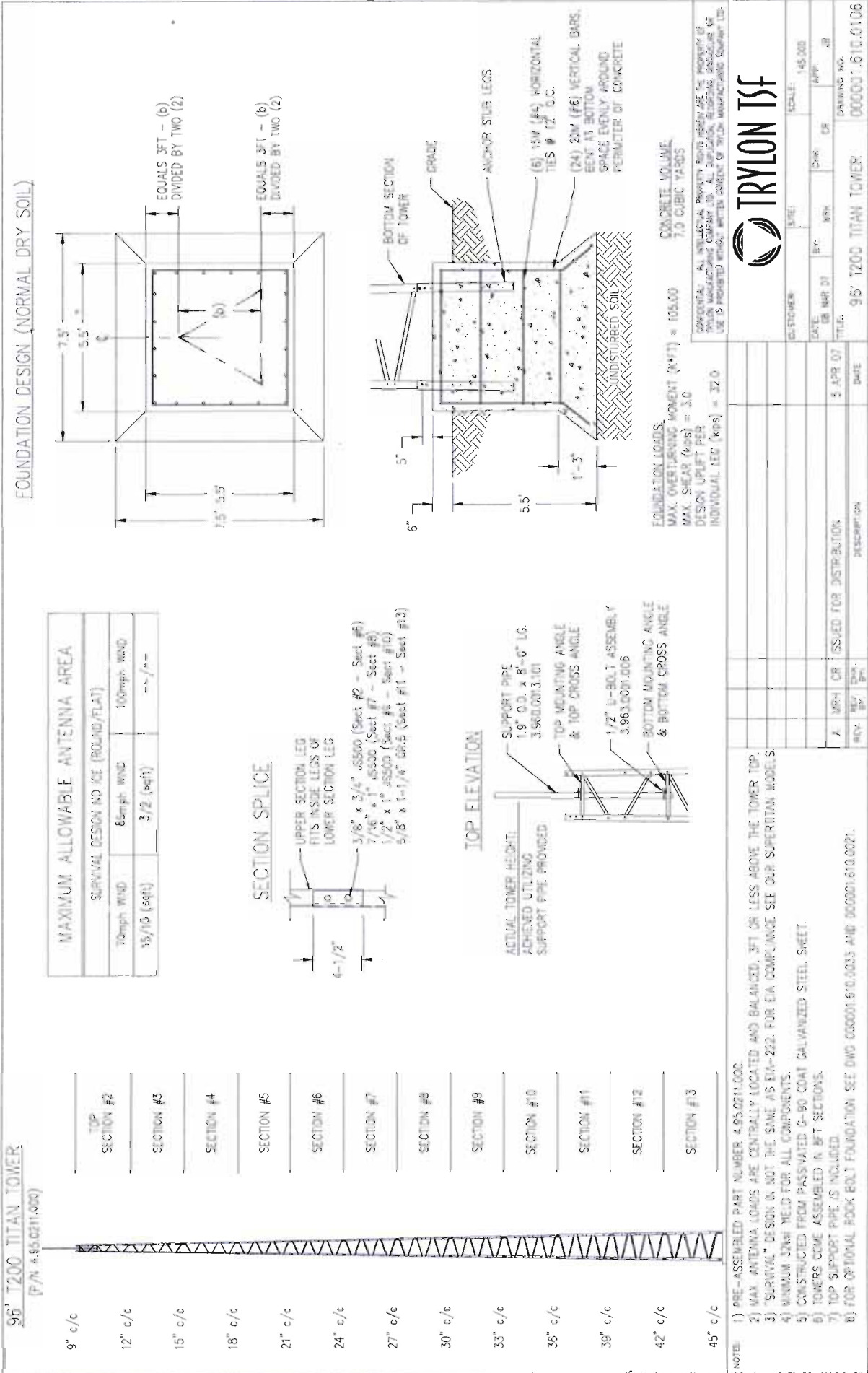
*Based on the antenna load being centrally located and balanced 3" or less above the tower top ("-" indicates tower failure).

Common Accessories



Accessory:	T200	T300	T400	T500	T600	T700	T800
Safety Rail System <i>with trolley and karabiner</i>	4.97.0500.224 \$756.00	4.9					
Anti-Climb Shield <i>set of 3</i>	4.92.0104.000 \$424.00	4.9					
Tower Grounding Kit <i>with #6 copper wire</i>	4.91.0101.000 \$146.00	4.9					
Side Mount (Top Section) <i>with 2 angle frames, clip angles, u-bolt assemblies, and 6" pipe</i>	4.84.1141.000 \$151.00	4.8					
Base Foot Weldments <i>set of 3</i>	4.82.0105.000 \$293.00	4.8					
Rock Bolts <i>with nuts & flat washers 3-pak</i>	4.80.0100.100 \$243.00	4.8					
Lighting Kits <i>with cable</i>	4.03.0103.000 \$1,238.00	4.9					

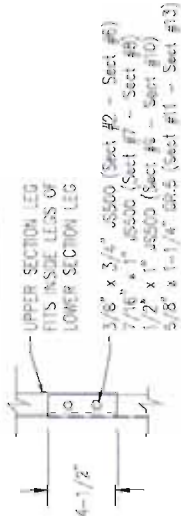
For more TITAN Accessories and Replacement Parts, see pages 15 to 24.



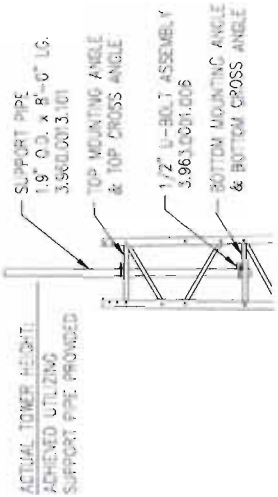
FOUNDATION DESIGN (NORMAL DRY SOIL)

MAXIMUM ALLOWABLE ANTENNA AREA	
SURVIVAL DESIGN NO ICE (ROUND/FLAT)	
Trough Wind	8 mph WIND
15/10 (seft)	3/2 (seft)
	10 mph WIND
	1-1/2 (seft)

SECTION SPLICE



TOP ELEVATION



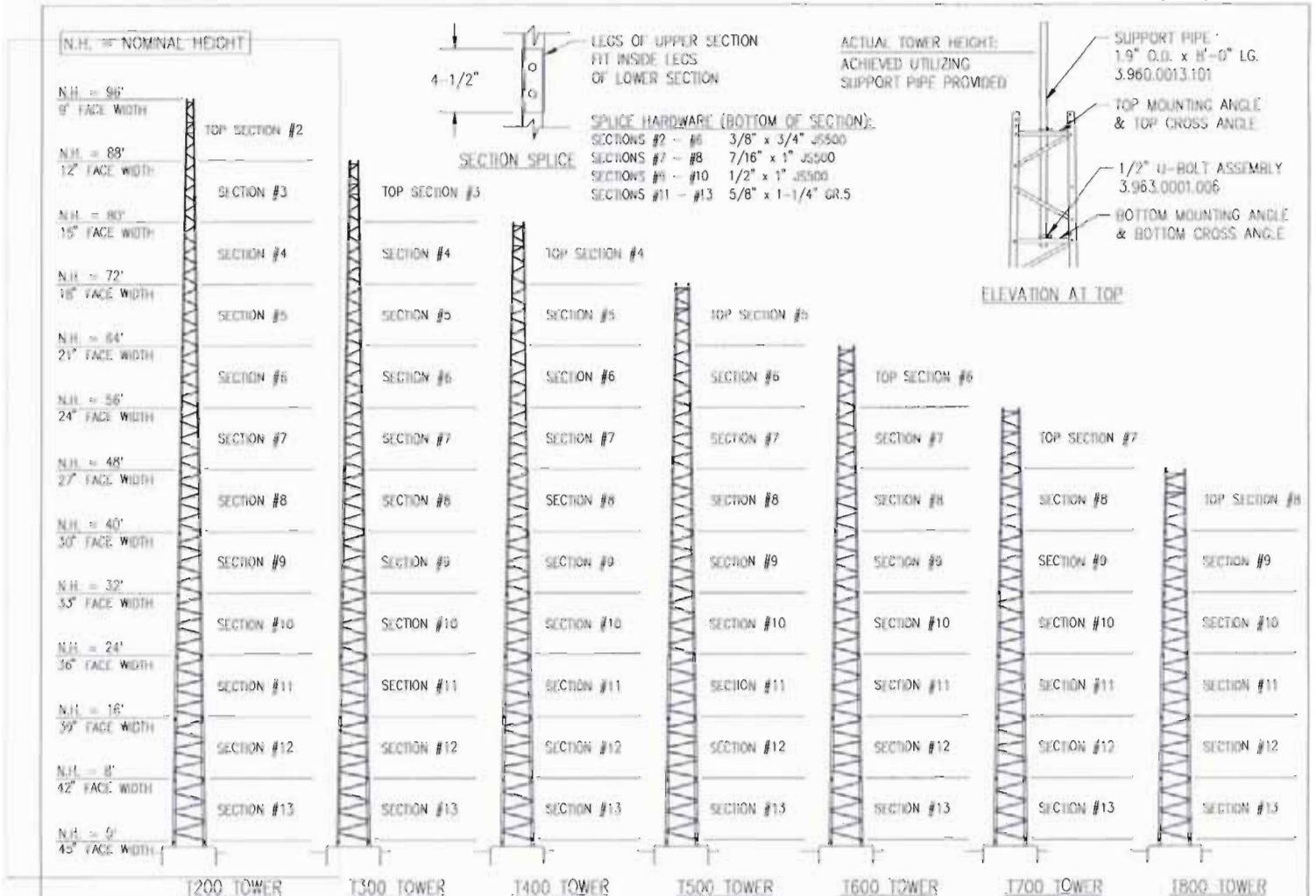
- NOTE:
- 1) PRE-ASSEMBLED PART NUMBER 4.95.0211.000
 - 2) MAX ANTENNA LOADS ARE CENTRALLY LOCATED AND BALANCED, 3FT OR LESS ABOVE THE TOWER TOP.
 - 3) "SURVIVAL" DESIGN IS NOT THE SAME AS EIA-223. FOR EIA COMPLIANCE SEE OUR SUPERINTANT MODELS.
 - 4) MINIMUM TOWER WIND FOR ALL COMPONENTS.
 - 5) CONSTRUCTED FROM PASSEVATED G-90 COAT GALVANIZED STEEL SHEET.
 - 6) TOWERS COME ASSEMBLED IN 8 FT SECTIONS.
 - 7) TOP SUPPORT PIPE IS INCLUDED.
 - 8) FOR OPTIONAL ROCK BOLT FOUNDATION SEE DWG 000001.610.0033 AND 000001.610.0021.

FOUNDATION LOADS:
 MAX. OVERTURNING MOMENT (K*FT) = 105.00
 MAX. SHEAR (KIPS) = 3.0
 DESIGN UPLIFT PER INDIVIDUAL LEG (KIPS) = 32.0
 CONCRETE VOLUME: 7.0 CUBIC YARDS

TRYLON TSE

SCALE: 1/4" = 1'-0"

DATE: 5 APR 07
 DRAWN BY: JRF
 CHECKED BY: JRF
 TITLE: 96' T200 TITAN TOWER
 DRAWING NO.: 000001.610.0106



- 1) ALL TOWER HEIGHTS SHOWN ARE NOMINAL. ACTUAL TOWER HEIGHT ACHIEVED UTILIZING SUPPORT PIPE.
- 2) ALL TOWERS ARE TRIANGULAR IN CROSS SECTION.
- 3) CONSTRUCTED FROM PASSIVATED G-90 COAT PRE-GALVANIZED STEEL SHEET.
- 4) SHEET GAUGES 8 THROUGH 16.
- 5) MINIMUM 32 KSI YIELD FOR ALL COMPONENTS.
- 6) 60-DEGREE ANGULAR LEGS WITH 90-DEGREE ANGULAR CROSS BRACING FOR MAXIMUM STRENGTH.
- 7) DIAGONAL MEMBERS ARE INSTALLED AT A SHALLOW ANGLE FOR CLIMBING.
- 8) THE MIDDLE OF DIAGONAL MEMBERS ARE DESIGNED TO SUPPORT A CLIMBER OF MAXIMUM 200 POUNDS.
- 9) HIGH QUALITY GRADE 5 BOLTS WITH J5500 PROTECTIVE FINISH.
- 10) HIGH TOLERANCE SLIP-FIT SPLICES ENSURE PROPER ALIGNMENT.
- 11) TOWERS ARE AVAILABLE IN PRE-ASSEMBLED 8-FOOT SECTION OR AS KNOCK-DOWN SECTIONS.
- 12) KNOCK DOWN TOWERS MUST BE PROFESSIONALLY ASSEMBLED WITH THE USE OF THE PROPER ASSEMBLY JACS.
- 13) KNOCK-DOWN TOWERS ARE IDEAL FOR LARGE QUANTITY REQUIREMENTS WHERE FREIGHT COST IS A MAJOR FACTOR.
- 14) TOWERS MAY BE CONSTRUCTED USING ANY PORTION OF THE TWELVE, 8-FOOT SECTIONS WHICH COMPRISE THIS STRUCTURE. FOR EXAMPLE, THE TOP 64 FEET MAY BE CHOSEN TO SUPPORT A SMALL ANTENNA LOAD OR THE BOTTOM 64 FEET COULD BE SELECTED TO SUPPORT A LARGER ANTENNA LOAD.
- 15) PLEASE REFER TO OUR "TOWERCAL" PROGRAM TO DETERMINE THE RIGHT TOWER FOR YOUR REQUIREMENTS.

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A	JAC	BCP	GENERAL REVISIONS	03 OCT 00
REV.	REV. BY:	CHK. BY:	DESCRIPTION	DATE

NOTES:



CUSTOMER:	SITE:	SCALE:	30.000
DATE: 26 JAN 00	BY: BCP	CHK:	APP:
TITLE: TITAN SELF-SUPPORT OVERVIEW			DRAWING NO. 000001.610.0001



Medium Power

**Broadband
FM Circular
Polarization
Antenna
Antena de
FM Banda Ancha
Polarizacion Circular**



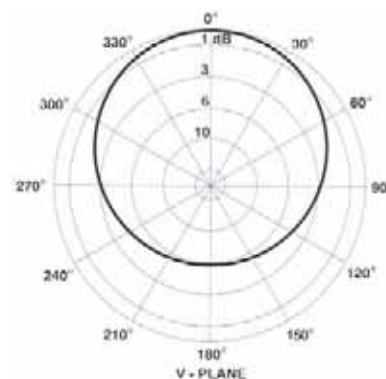
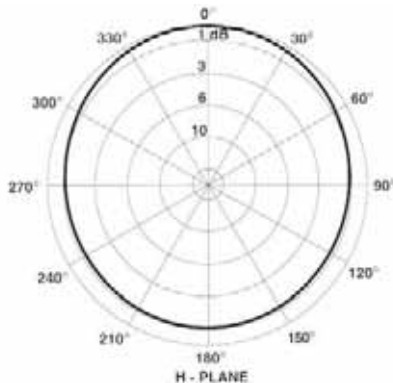
This antenna, constructed completely of stainless steel, offers circular polarization for better coverage especially in urban areas. In order to facilitate and decrease shipping costs, this model is simple to break down and reassemble when ready to be installed. It is insulated with Teflon, and with the appropriate connector has a maximum input of 2 kw.

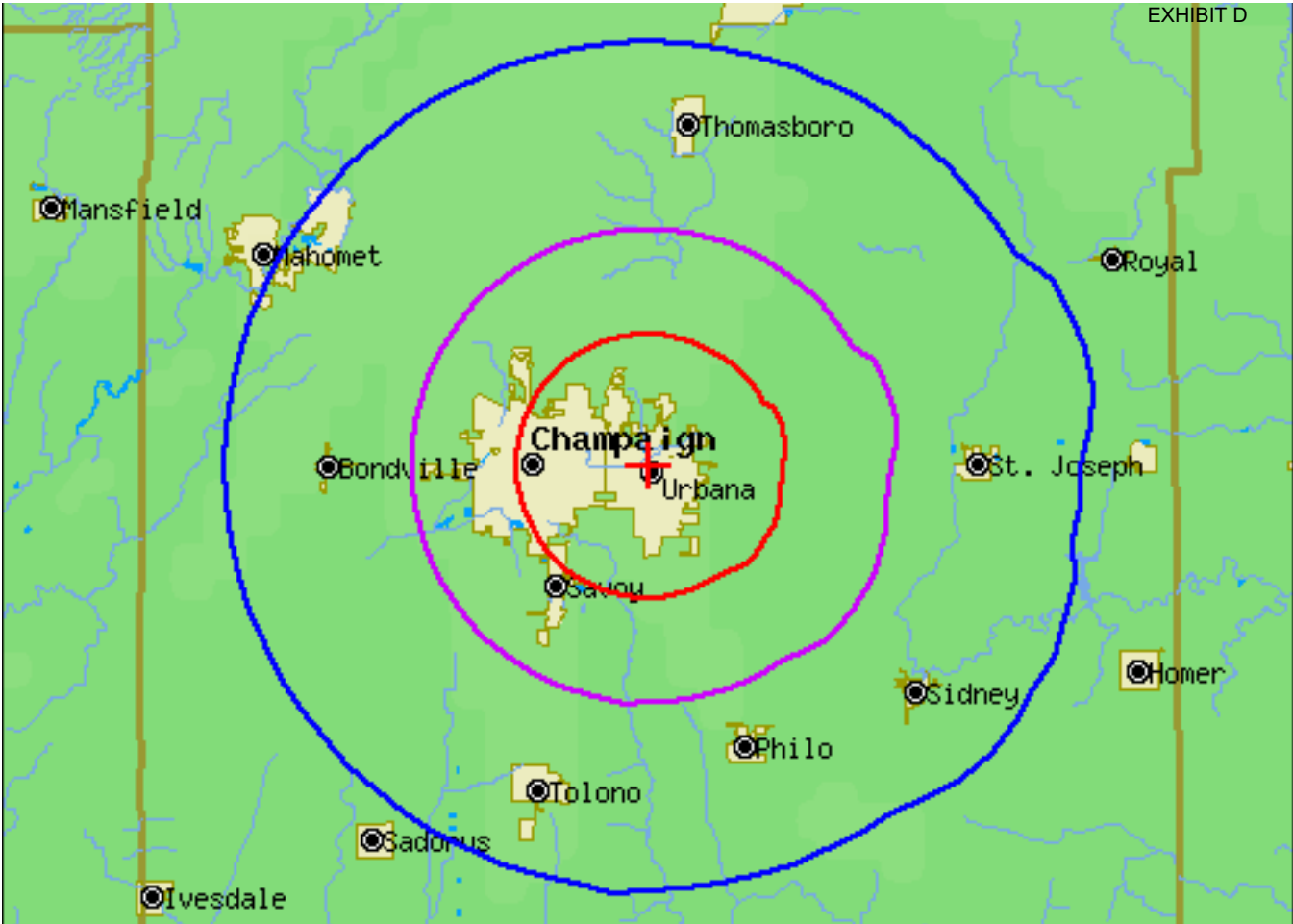
Esta antena, fabricada completamente de acero inoxidable, le ofrece polarización circular para mejor alcance, especialmente en zonas urbanas. Para facilitar y desminuir los costos de transportación, este modelo es fácil de desarmar y volver a montar tan pronto que la quiera instalar. Está aislada con Teflon, y con el conector apropiado tiene una entrada máxima de 2 kw.



TECHNICAL SPECIFICATIONS

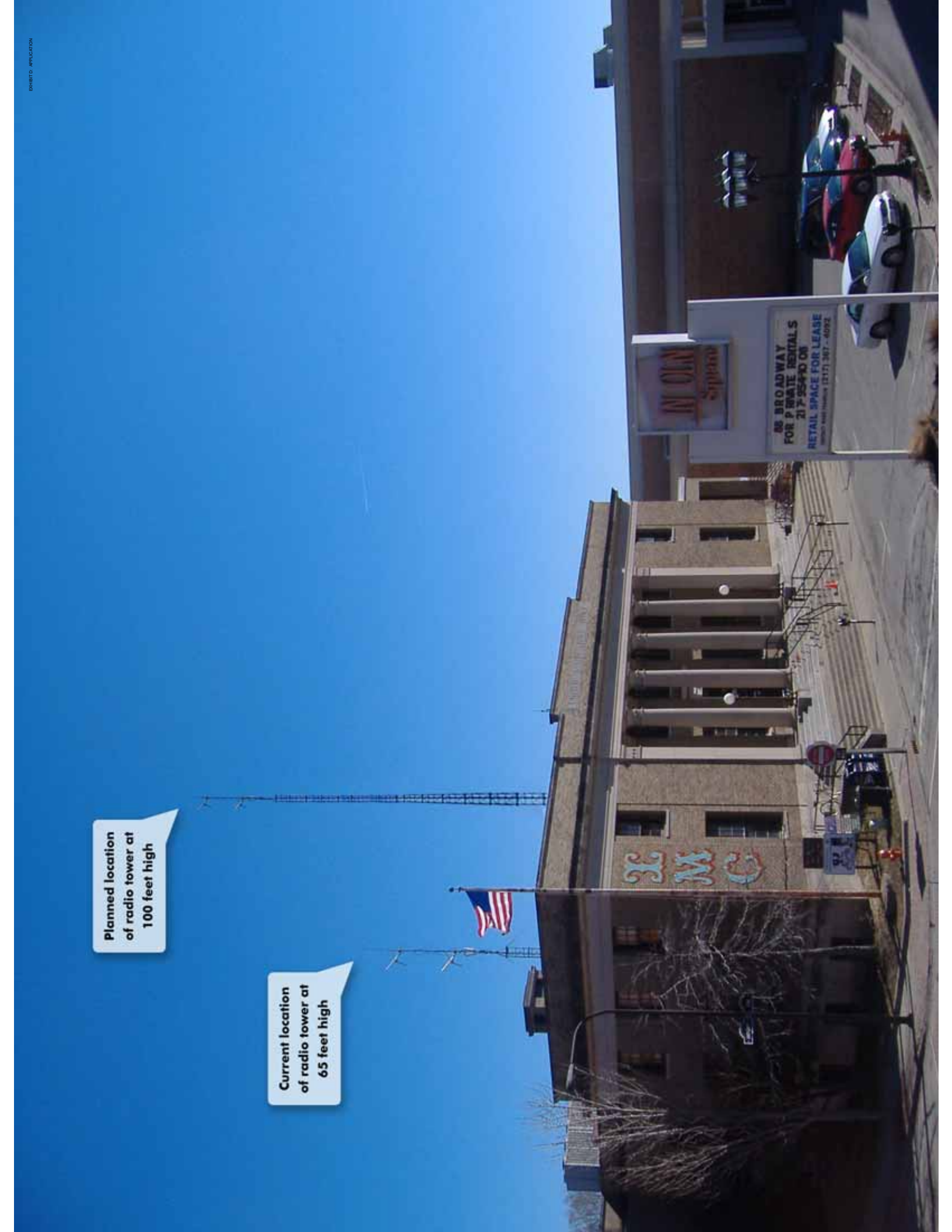
Antenna type	circular polarization dipole	Front-to-back ratio	3 dB
Frequency range	87.5 - 108 MHz	Lightening protection	all parts grounded
Bandwidth	16 MHz	Max wind velocity	119 mph (190 km/h)
Impedance	50 ohms	Wind load	53 Lbs (24 kg)
Connectors	N type (1 kw) - 7/8 type (2 kw)	Wind surface	1.1 ft ² (0.10 m ²)
Power rating	2000 Watts max	Materials (external)	stainless steel
VSWR	< 1.3	Mounting	from 2" to 4"
Polarization	vertical and horizontal	Weight	23.1 Lbs (10.5 kg)
Gain	- 3 dBd (referred to half-wave dipole)	Dimensions	58"×32"×32" (1450×800×800mm)
H plane	omnidirectional ±1.5 dB (with a 4" mast)	Packing	72"×6"×6" (1500×152×152mm)
V plane	omnidirectional ±3 dB (with a 4" mast)		





**Planned location
of radio tower at
100 feet high**

**Current location
of radio tower at
65 feet high**



Planned location
of radio tower at
100 feet high

Current location
of radio tower at
65 feet high



Planned location
of radio tower at
100 feet high

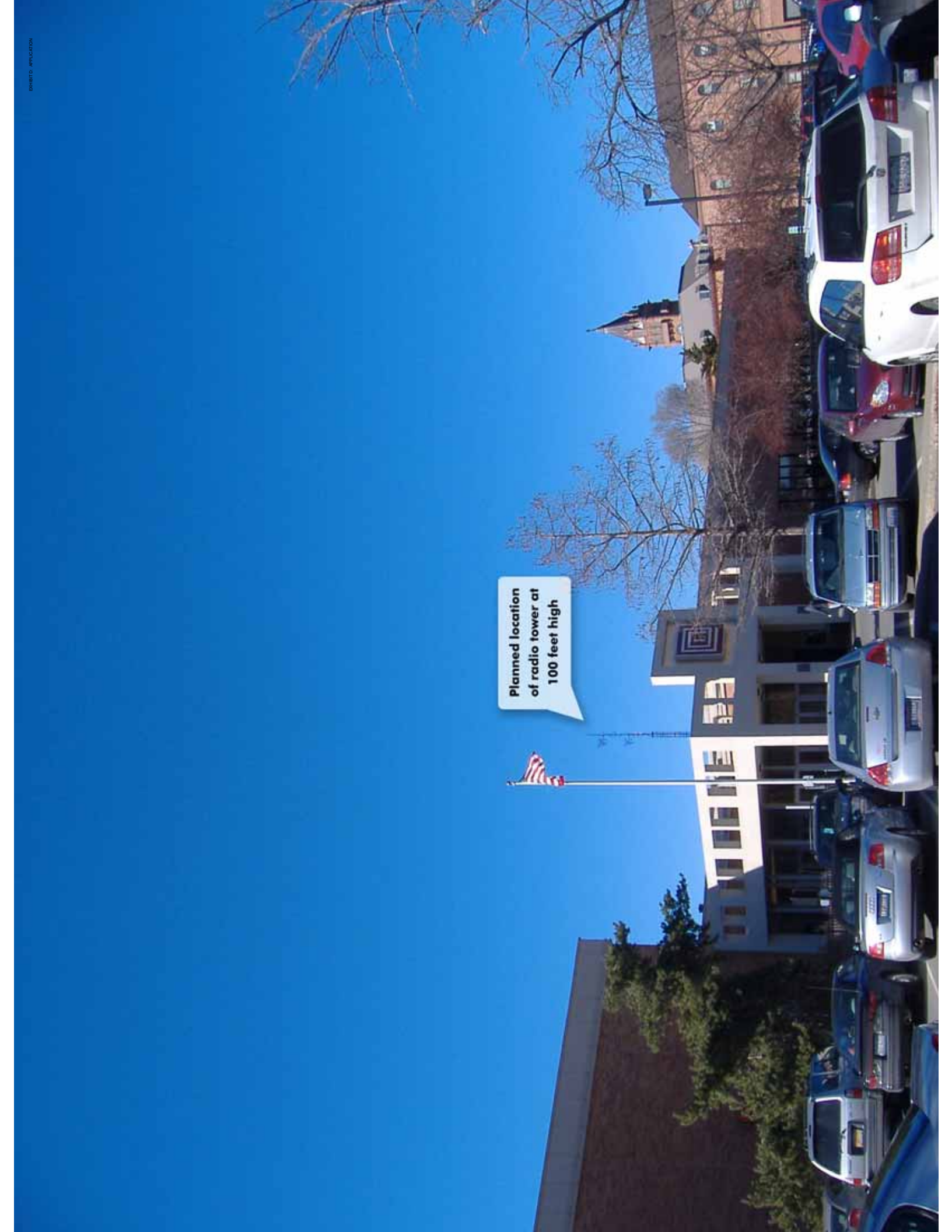


Exhibit E. Site Photos

1. Urbana-Champaign Independent Media Center, 202 N Broadway Ave



Front (west) façade, with existing roof-mounted radio transmission antenna visible

2. South elevation, proposed location of radio transmission tower





View from north entrance of Lincoln Square

3. Northwest Portion of Urbana-Lincoln Hotel



North entrance to Lincoln Square Village, only ground-level views of proposed tower

4. Skyline Views



View from Main Street would be mainly obscured by other structures



View from Cunningham and University Avenues, could be visible but only just



View from Elm and Vine Streets, will be visible

COPY

Passed: March 16, 2009

RESOLUTION NO. 2009-03-014R**A RESOLUTION IN SUPPORT OF EXPANDING
LOW POWER FM RADIO SERVICE**

WHEREAS, the passage of the Telecommunications Act of 1996 led to increased ownership consolidation in the commercial radio industry; and

WHEREAS, in January 2000 the FCC, responding to overwhelming public pressure against ownership consolidation of the radio airwaves, and the resulting homogenization of the broadcast content, created the Low-Power FM (LPFM) service, allowing community groups to launch non-commercial, 100-watt radio stations in order to increase diversity of programming; and

WHEREAS, in December 2000 Congress, under intense pressure from corporate broadcasters, passed the Radio Broadcasting Preservation Act, severely curtailing the new LPFM service, with the result that 80% of opportunities for new stations were lost; and

WHEREAS, urban areas were particularly affected by this Act, with the result that, of the fifty largest American cities, only one now qualifies to receive an LPFM license; and

WHEREAS, the availability of local and democratically controlled media outlets is essential to promoting citizen participation in public affairs, ensuring rapid responses to natural disasters, overcoming historic inequalities in access to the means of communication and strengthening a vibrant democracy; and

WHEREAS, the City of Urbana is home to an LPFM station, WRFU, which airs a wide range of public affairs and arts programming, supports and promotes locally originated music, and provides opportunities for myriad community members and groups to produce content and reach audiences; and

WHEREAS, all other Americans deserve the chance to benefit from the same LPFM service which benefits Urbana.

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

That the City of Urbana urges Congress and the FCC to restore the LPFM service to its original mandate, and to do all within their power to ensure that license applications are processed quickly, and that citizens are given the opportunity to access the public airwaves.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Federal Communications Commission.

PASSED by the City Council this 16th day of March, 2009.



Phyllis E. Clark
Phyllis E. Clark, City Clerk
Robert [unclear]
[unclear] Deputy Clerk

APPROVED by the Mayor this 27th day of March, 2009.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: March 24, 2011

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Andrew Fell, Ben Grosser

STAFF PRESENT: Robert Myers, Planning Manager; Rebecca Bird, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Jacob Barton, Ricardo Diaz, Joe Futrelle, Mayi Gere, David Gehrig, Bob Illyes, Mike Lehman, Don McClure, Jr., Raymond Morales, Migiko Nishikawa, Judith Pond, Alison Ruyle, Russell Rybicki, Tatyana Saponova, Dan Sedgwick, Susan Taylor, Don Thorsen, James Webster

CHANGES TO THE AGENDA

Chair Pollock requested a change to the agenda. Plan Case No. 2137-SU-11 was officially opened at the March 10, 2011 meeting and continued to this meeting due to lack of a quorum. He asked that this item be moved on the agenda to “Continued Public Hearings.” With no objections from the Plan Commission the agenda was revised.

COMMUNICATIONS

- An Updated List of Conditions for Plan Case No. 2137-SU-11 was distributed by City staff to Plan Commission members.

CONTINUED PUBLIC HEARINGS

Plan Case No. 2137-SU-11: A request by Urbana-Champaign Independent Media Center for a Special Use Permit to construct a 100-foot radio transmission tower at 202 South Broadway Avenue in the B-4, Central Business Zoning District

Rebecca Bird, Planner I, presented this case to the Plan Commission. She began by explaining the purpose for the proposed Special Use Permit request to allow the construction of a 100-foot

radio transmission tower. She gave a brief history of the building and described the zoning and current land uses of the proposed site and of the surrounding properties. She reviewed the comments from the Historic Preservation Commission. She discussed staff's findings and reviewed the requirements for a special use permit according to Section VII-4 of the Urbana Zoning Ordinance. She read the options of the Plan Commission and presented staff's recommendation as listed in the handout distributed prior to the start of the hearing.

Mr. Otto wondered if the Historic Preservation Commission only provided comments or were they suppose to vote on this case. Ms. Bird said that they were asked to simply provide comments. Three of the five Historic Preservation Commission members present thought the proposed tower would have a detrimental impact in the downtown area. But two members thought it would not have much of an impact.

Chair Pollock asked City staff to clarify what was meant when Ms. Bird said that the City Council supports the radio station. Ms. Bird said that Resolution No. 2009-03-014R, which was passed by the Urbana City Council on March 16, 2009, supports the expansion of low-power FM radio service. At the time, the Federal Communications Commission (FCC) was considering increasing the number of low-frequency FM community radio stations that they would allow to exist in any particular area. The FCC came before the Urbana City Council and sought support, which they received.

Chair Pollock noticed that there were not going to be any lights on the proposed 100-foot tower. He questioned whether this might be a safety issue with helicopters coming to and from Carle Foundation Hospital. Ms. Bird explained that any tower shorter than 200 feet is not required to have lights on it.

Ms. Burris wondered if City staff had asked the East Elm Street residents how they felt about the proposed tower. Ms. Bird replied that City staff sent out notices to properties within 300 feet of the proposed site so the East Elm neighborhood was not directly notified. When she went into the neighborhood to see how visual the existing tower, she found that because of the tree canopy one can only see the tower when standing in the middle of the street.

Mr. Otto asked Chairman Pollock whether he should abstain since he was a participant in a show during the first year of the radio station's operation. Chair Pollock replied that if Mr. Otto felt he had a conflict of interest, then he should abstain from voting on this case, but the decision is his.

With no further questions for City staff, Chair Pollock opened the hearing up for public comments and/or questions.

Ricardo Diaz, of 1002 East Main Street in Urbana, mentioned that he produces two Spanish speaking shows at the Urbana-Champaign Independent Media Center (UCIMC). It is a community station meaning that anyone with about an hour of training can go on the air. Training involves learning the FCC rules and the basic operation of the board.

One of his shows is an extension for the University of Illinois, and they try to reach people at the University of Illinois, and the second show tries to reach others who are non-university groups in the area. He supports the proposed special use permit to allow construction of a 100-foot tower.

He talked about the regulations. IMC Staff is interested in safeguarding the downtown area, especially the IMC Building, which is one of the reasons why the antenna needs to shift from the top of the roof to a freestanding tower. It will be safer and more secure and for them a better way of managing an antenna on top of the roof. The proposed tower will increase the visibility; however, it will be in an alley and most of it will be covered.

The proposed tower will benefit the community, because the existing signal does not reach much of their intended audience. He asked the University of Illinois to help him sponsor both a physical survey of where the signal reaches and an actual person survey to see how many people are listening. They also helped him fill out a pre-tower and a post-tower application.

Although there is a regional Spanish language paper that publishes every fifteen days, but it does not cover very much local news. They do not have a television station, and there is only one radio station in Spanish that reaches in the area, which is transmitted out of the Village of Rantoul.

In order to determine whether the IMC antenna could be placed on an existing structure, Mr. Diaz surveyed every antenna within the line of sight of the IMC Building with a global positioning system (GPS) device. The best signal and the best line of sight is to the downtown Champaign area, where there happens to be lots of radio antennas. The existing tower does not reach most of the signals due to the size of the tower. Increasing the height of the tower by 35 feet will help more people to access direct information from the only station in which there is regular Spanish programming.

Mike Lehman, of 608 East Green Street in Urbana, is the President of the IMC. He stated that the IMC Staff has looked at other alternatives. They are all more costly and more difficult. They are planning to upgrade the alert systems and want to increase the tower to be able to make more people aware when there are tornados in the area, etc.

The Historic Preservation Commission would prefer not to have a tower in the area near the historic landmark, Urbana Landmark Hotel. However, you can look at postcards from all around the country and see big courthouses or post offices with radio towers next to them. Someone looking out of the hotel will see a tower which will be a little taller than the existing ones. However, people on the street will probably not even notice it. Most people do not typically look up. The bottom 35 feet of the proposed tower will be screened by the surrounding buildings so he believes it will not be obtrusive to the character of the neighborhood.

IMC definitely needs the proposed tower to extend their signal. With the proposed tower, the signal will reach a lot more people. As far as this case setting a precedent, there could conceivably be two to four new radio towers constructed in Champaign County over the next ten years, and none of them will be constructed in Downtown Urbana. It is just not how the low-power FM radio works.

Tatyana Saprionova, of 510 South Elm Street in Champaign, is a volunteer with the IMC. She stated that she has a weekly radio show where she interviews people from around town about their lives and what they are doing. She produced as evidence simulated images of how visible the proposed tower would be from the top of the parking garage diagonally across the street.

In terms of precedent, Ms. Saprionova spoke on the Federal laws mandating regulations on radio towers. In December of 2010, Congress passed a Local Community Radio Act allowing even more low power FM stations. So, the act basically freed up the public airways to allow more low-power FM stations. If other local non-profit agencies, like churches or schools, want to have low-power radio stations, then they now have a greater opportunity to do so. Low-power FM allows organizations like the IMC to reach the community relatively cheaply and on their own terms without relying on advertisers or on media corporations.

WRFU is a progressive community radio station run by local volunteers and committed to social justice. She presented letters from current and past volunteers in support of the proposed tower. WRFU focuses on public affairs issues and the arts. They air opinions and debates in an open and diverse forum that focuses on educating and empowering the public. People only need an idea to start up their own show. IMC Staff train new people on how to operate the sound boards and teach them about FCC regulations. With a new tower, they will reach more listeners and potential volunteers.

Mr. Fitch questioned whether another business/service could co-locate on the proposed tower. Mr. Lehman believes that the IMC would be open to this idea. If they don't have a radio engineer then they will have to pay someone to get connected to the proposed tower. Otherwise, there would be no reason to have another tower. It would be very difficult to add another antenna to the City's tower, because there are already several antennas on it. Having a separate tower for non-commercial use in the downtown area is actually an amenity in terms of the business community.

As far as the building, when they first bought the Post Office building, they wondered if the IMC would be a suitable reuse of the building. The key to historic preservation is to have users in the building that want to invest in the building and take care of it. If you don't have users wanting to take care of it then it will fall apart. IMC takes great interest in the historic nature of their building.

Ms. Bird pointed out that any additional users would have to come back to the Plan Commission and City Council for review and approval.

Ms. Upah-Bant inquired as to why the IMC doesn't make use of someone else's tower. Mr. Lehman answered by saying that it has to be line of sight, so they can point their antenna at another antenna. They might have to keep a tower around anyway depending on where you point the antenna. The other thing is that they cannot be any higher than 100 feet Height Above Average Terrain (HAAT). The proposed antenna will actually be just a little above and a little below because it will be a two-bay antenna. Basically, this means that they cannot be any higher

than this, but if they go on top of another building, then they must be at least fifteen feet above the top of the building for the RF protection factor. So, alternative towers are not available.

Mr. Diaz added that because they only produce a 100-watt signal, the tower needs to be located in the center of the listening area. The other issue is the cost. In order to co-exist on another tower they would have to pay rent, and they would also have to raise the equipment on top of their roof to be able to send the signal to the tower. He referred to the map showing the coverage pattern for WRFU-FM. The red line shows the area that they presently cover with the existing tower. The purple line shows the area they estimate to reach with the proposed 100-foot tower.

The simple solution seems to be to construct a 100-foot ground based-tower rather than co-exist on someone else's tower. The FCC does not require a modification of the present license if they keep the tower on their property.

Mr. Hopkins inquired as to how tall the City's tower is. Mr. Myers guessed 60 to 70 feet but he will research this question. Mr. Lehman feels it is even taller.

Chair Pollock wondered why the City of Urbana was reviewing this case before the Illinois Historic Preservation Agency (IHPA) made a decision. Ms. Bird said that it really doesn't matter what order the steps are taken in. The City of Urbana has the final say because we are the ones that will be issuing the building permit.

With no further questions for the applicants or City staff, Chairman Pollock opened the meeting to comments from the public.

James Webster, owner of Lincoln Square in Urbana, said he wants to be a good neighbor. He has heard a lot of good things during this hearing, and he certainly does not want to step in the way of the admission that the IMC group is trying to accomplish. However, as the property owner he has interest of what happens to the Lincoln Square Mall.

He expressed his concern about the effect the proposed 100-foot radio tower would have on his property. He suggested that the IMC construct the proposed tower on the east side of their property, but Ms. Bird explained that the purpose for locating the tower on the south side was to make the bottom of the tower less visible. Everyone acknowledges that a tower is not very slightly and not aesthetically pleasing, and he feels that as people enter the north entrance of the mall, they will be able to see the tower. He also believes it is not appropriate for the downtown area. He serves on the Downtown Plan Update Steering Committee and does not agree that this would be the kind of improvement desired for downtown. Another small concern of his is if the tower would fall, which he doubts would happen, but it could fall on his building.

He remarked that his main concern is the visual appearance of the proposed tower. He was surprised to hear that the State of Illinois is not concerned with the sight lines. When Lincoln Square went through the process of being nominated as a historic landmark, he had to revise his redevelopment plans to construct a second and third floor. The Illinois Historic Preservation Agency was concerned that the rooftop addition would change the existing sight lines. He is

concerned that if they do construct a second and third floor for apartments, then the proposed tower might impact his ability to market them.

Mr. Hopkins asked for clarification on what Mr. Webster's main concern is. Mr. Webster replied that his main concern is the ground level view from the north entrance and sight line appearance from future floors.

Mr. Fitch inquired as to whether there are any kinds of screening that would make Mr. Webster feel better about that aspect of the proposed tower. Mr. Webster said that he does not know. City staff made a good point in that it is not very feasible or practical to provide vegetation given the paved area around the proposed tower.

Bob Illyes, of 810 South Elm Street in Champaign, mentioned that the City of Champaign has a radio station which carries locally produced shows called WEFT. One of the reasons that WRFU was proposed was because WEFT does not have the capacity to support the number of local shows that people would like to air. He is a little surprised by the discussion of the appearance of the proposed tower. The tower will be in an alley. The alley features a couple of boxes with heavy equipment in them and a dumpster. He believes that no one looks down the alley, and they would not see the proposed tower in the alley. The part of the tower that would appear above the roofline would be very narrow, and most people would not even notice it.

David Gehrig, of 304 West Elm Street in Urbana, mentioned that he served on the Urbana City Council. He reiterated what Ms. Bird had said regarding Resolution No. 2009-03-014R. It is a sign of broad support on the City Council for the concept of low-power FM radio and celebrating the fact that we have this community provided resource which is available for all members of the community. He suspects that the City Council would lean towards approval of the proposed Special Use Permit request.

Jacob Barton, of 906 South Maple Street in Urbana, stated that he has a musical radio show on WRFU. It is run by local, experimental composers of experimental music. They invite composers on to talk about their music and try to stimulate conversations as an educational component to it. He talked about the training process. He has friends in Downtown Champaign that cannot listen to his show because they do not receive a signal for the station. He supports the proposed tower.

Raymond Morales, of 903 North Lincoln Avenue in Urbana, spoke in favor of the proposal. He agreed in that the tower would be placed in an alley and very few people look down an alley. He has been with IMC for five years and never even knew where the existing tower was located. People coming from the Vine and Elm Streets intersection is where the best view of the tower would be and yet that is where the least amount of traffic is in the community. IMC is the most accessible radio station he has ever experienced. He hopes that with the proposed tower, IMC will be able to reach out to a larger listening area and bring more vitality to the Downtown Urbana community in doing so.

With no further input from the audience, Chair Pollock closed the public input portion of the hearing and asked for any Plan Commission discussion and/or motion(s).

Mr. Myers interjected that he wanted to suggest a possible small change which could deal with the visual impacts. The City of Urbana requires a screen fence to be placed around the bottom of most towers. He asked if instead of screening the tower base, a screen fence were to be constructed closer to the north entrance of Lincoln Square Mall. This would block the field of vision of people exiting the north entrance of the mall. However, both the IMC and the Mall owner would need to be in agreement as this screen would not be built on IMC property.

Mr. Otto said he noticed that there is already a small unpaved area between the alley and the north entrance to Lincoln Square. Possibly an evergreen hedge could be planted there.

Mr. Hopkins questioned if the alley is really an alley in the sense of a City right-of-way. Ms. Bird answered that part of the alley has been vacated and part of it is still City right-of-way. Mr. Hopkins responded that by blocking off the alley completely, it will create a significant security issue because the alley would become invisible from anywhere. Ms. Bird also noted that there is an entrance on the south side of the IMC for the Urbana Bike Project.

Mr. Fitch said he walked around the IMC Building and did not even notice the existing tower on top of the roof. He does not feel the proposed tower would be as obtrusive as some people fear.

Ms. Burris stated that she does not feel the proposed tower will help to revitalize the area. She has noticed the existing tower on the roof because she is the type that looks up in the sky. She supports the radio station and sees where it is a value to the community, but at the same time she does not want a tower of any type in the Downtown Urbana area.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2137-SU-11 to the City Council with a recommendation for approval including the seven conditions and one waiver as provided in tonight's handout.

Mr. Hopkins commented that understands the concern about towers. In certain circumstances, he feels that towers can be overpowering such as having high tension wires on the huge stands going through residential neighborhoods, but he does not feel that is what the proposed case is. He looked for the existing tower and noticed it for the first time today. One of the ways to think about this is as historical depth, but it is also a kind of downtown development depth. If we want to keep the old Post Office Building and we want to turn downtown Urbana into a place where people are going to be (which is crucial to Lincoln Square as well), then he sees this as another element of what does a downtown of a place like Urbana look like and what is included in it now. He believes the proposed tower would be okay in this context.

Ms. Stake seconded the motion.

Ms. Upah-Bant agreed with Ms. Burris's comments in that she does not like the proliferation of towers, but she is convinced in this case that the IMC needs their own tower. Also, she does not hear a lot of objection to the proposed tower from the public so she feels she can support it.

Chair Pollock stated that he as Ms. Upah-Bant is torn about this case. In reviewing the Historic Preservation Commission comments, he noticed that if they would have taken a vote it would have been a very narrow “no”. He also serves on the Downtown Plan Update Steering Committee that is revising the Downtown Strategic Plan. A historic feeling and nature of the downtown is the focus of virtually everything the Committee has discussed. Although he is not strongly supportive of the proposed tower, he also sees it as not being very obtrusive. He does not feel the reasons for denying it outweigh the reasons for approval so he will vote to support it.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Burris	-	No			

The motion was approved by a vote of 6 ayes to 1 nay.

Mr. Myers reported that this case would go before the Urbana City Council on April 4, 2011.