

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

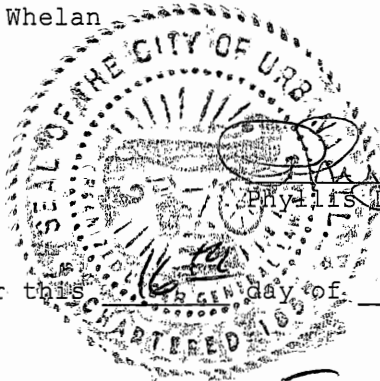
Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 7th day of February,
2005.

AYES: Alix, Chynoweth, Hayes, Patt, Wyman

NAYS: Roberts, Whelan

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of February,
2005.

Tod Satterthwaite
Tod Satterthwaite, Mayor