

AN ORDINANCE APPROVING A SPECIAL USE PERMIT

(To Allow the Installation of a Telecommunications Antenna with Tower in the B-4, Central Business Zoning District, 202 South Broadway Avenue - Plan Case No. 1961-SU-05)

WHEREAS, The Champaign - Urbana Independent Media Center has petitioned the Urbana Plan Commission in Case No. 1961-SU-05 for a Special Use Permit to install a radio Antenna with Tower at 202 South Broadway Avenue; and

WHEREAS, subject property is located in Urbana's B-4, Central Business Zoning District; and

WHEREAS, the Zoning Ordinance Article V, Section V-11.Q.1.b states that Antennas with Towers in the B-4, Central Business zoning district require Special Use Permit review; and

WHEREAS, all applicable development regulations will be met, including those involving setbacks, signage, parking, drainage, and vehicular access considerations; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the impact of the proposed development on surrounding properties; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on October 20, 2005 concerning the petition filed by the petitioner in Plan Case No. 1961-SU-05; and

WHEREAS, on October 20, 2005, the Urbana Plan Commission voted 8 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, subject to the conditions as outlined in Section 1 herein; and

WHEREAS, the approval of the Special Use Permit, with the conditions 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 a radio Antenna with Tower at 202 South Broadway Avenue in the B-4, Central Business Zoning District with the following conditions upon approval:

1. The design, installation, and operation of the tower and antenna shall be in accordance with all applicable city, state, and Federal laws and regulations.

2. The completed installation of the temporary ballast mount tower and antenna will be in substantial conformity with the submitted engineering diagram attached and identified as Exhibit "E".

3. Within two years from the date of the Special Use Permit approval the applicant shall submit written evidence from the Illinois State Historic Preservation Office that the undertaking has undergone Section 106 historic review.

4. If after two years from the date of the Special Use Permit approval the applicants have been unable to meet Condition 3 herein, the Special Use Permit shall come under administrative review by the Zoning Administrator who may determine that the special use be further reviewed by the Plan Commission and City Council or otherwise be brought into conformity.

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 side 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, then 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.

Parcel No.: 92-21-17-212-004

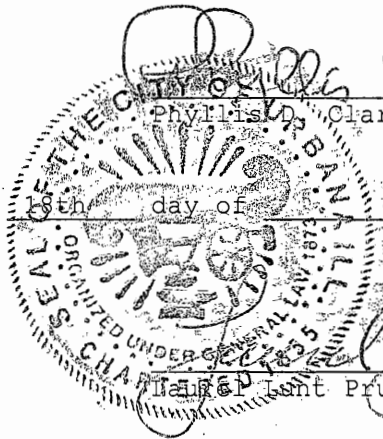
Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes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

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

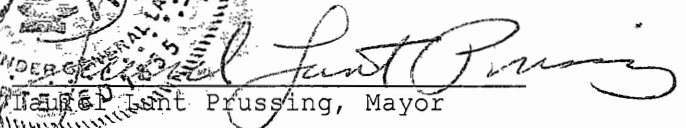
AYES: Barnes, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:


Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 18th day of November,
2005 .


James J. Prussing, Mayor