

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 / 202 S. Broadway Avenue, Urbana-Champaign Independent Media Center)**

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, or other appropriate safety protections of the tower from vehicular and related traffic, 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.

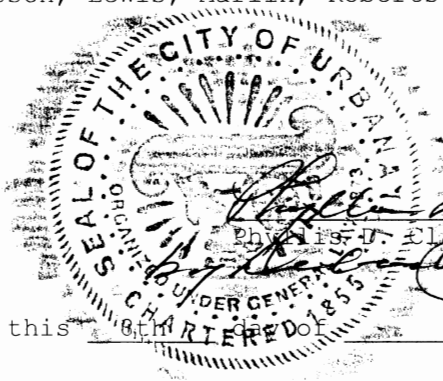
Section 2. The City Clerk is directed to publish this Ordinance in  
pamphlet form by authority of the Corporate Authorities. This Ordinance  
shall be in full force and effect from and after its passage and publication  
in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois  
Compiled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

PASSED by the City Council this 4th day of April,  
2011.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 4th day of April,  
2011.

*Phyllis W. Clark*  
Phyllis W. Clark, City Clerk  
*[Signature]*  
Deputy Clerk  
*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor