

CASE 949-S-19
PRELIMINARY MEMORANDUM
July 18, 2019

Brookens Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Petitioner: Uniti Towers via Agent Trena Prewitt and Victoria Cox, land owner

Request: Authorize the construction and use of a commercial cellular tower with a height of 267 feet as a Special Use in the AG-1 Agriculture Zoning District, with the following waiver:

Authorize a waiver for a commercial cellular tower with a height of 267 feet in lieu of the maximum allowed 200 feet, per the Illinois Counties Code (55 ILCS 5/5-12001.1., effective 7/13/12).

Location: A 3.22 acre tract in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 25, Township 22 North, Range 7 East of the Third Principal Meridian in Brown Township commonly known as the vacant lot located east of the residence with an address of 514 CR 3100N, Fisher

Site Area: 3.2 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Co-petitioner Uniti Towers plans to build a 267 foot tall telecommunications tower on land owned by co-petitioner Victoria Cox. The tower will be built for the purposes of improving AT&T's wireless network service in the area and specifically to increase service quality and coverage for FirstNet (First Responder Network Authority) network services.

The Zoning Ordinance allows "Private or Commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT" to be established with a Special Use Permit in the AG-1 Agriculture Zoning District.

A variance is required for a telecommunications tower over 200 feet in height, per the Illinois Counties Code (55 ILCS 5/5-12001.1, effective 7/13/12).

ILLINOIS STATUTE APPLIES FOR TELECOMMUNICATIONS TOWERS

The Illinois Counties Code (55 ILCS 5/5-12001.1, effective 7/13/12) regulates certain specified facilities of a telecommunications carrier. The statute applies to all facilities established in any county jurisdiction area after the effective date (December 16, 1997) of the amendatory Act of 1997 with respect to telecommunications carriers. The full text of the statute is an attachment to this Preliminary Memorandum. The following has been added to the Summary of Evidence dated July 25, 2019, under Item 6.G.:

-
- (1) The statute limits the authority of a County such that it cannot consider regulations for yards, lot area, lot width, setback, and bulk regulations on lot and building coverage.
 - (2) The statute does not provide for a county requiring a Special Use Permit for a communications tower, but does allow that “any public hearing authorized under this Section shall be conducted in a manner determined by the county board” (*55 ILCS 5/5-12001.1(f)(8)*).
 - a. The “Private or Commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT” use was established in an amendment to the Champaign County Zoning Ordinance under Ordinance 195 adopted on July 12, 1983.
 - b. The Zoning Administrator proposes to resolve this inconsistency via text amendment later in 2019. Any cases heard prior to the approval of said text amendment will still require a Special Use Permit and a Waiver for height as necessary.
 - (3) The statute establishes the following regarding a variance for tower height of over 200 feet: “Unless a height variation is granted by the county board, the height of a facility shall not exceed 75 feet if the facility will be located in a residential zoning district or 200 feet if the facility will be located in a non-residential zoning district.”
 - a. The Illinois Counties Code (*55 ILCS 5/5-12001.1*) requires a variance for telecommunications towers over 200 feet in height; however, the Champaign County Zoning Ordinance does not currently require a Variance for tower height. The Zoning Administrator has determined that a Waiver from the Illinois statute is the appropriate approval mechanism.
 - (4) One public hearing is allowed to grant variations, and the hearing must be completed within 75 days of application submittal. The Board is limited to the following considerations, and cannot consider other matters (*55 ILCS 5/5-12001.1(h)(4)(A) through (E)*):
 - a. Whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;
 - b. Whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;
 - c. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
 - d. Whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and
 - e. The extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial of the Village of Fisher, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ; however, they do receive notice of such cases and they are invited to comment.

The Village has waived its subdivision regulations for the subject property.

- (1) The subject property is not in compliance with the Illinois Plat Act, but the Illinois Counties Code (55 ILCS 5/5-12001.1) does not allow consideration of this for telecommunications towers.
- (2) The subject property owner is working with the P&Z Department to remedy the illegal lots, even though it is not required for the proposed tower.

The subject property is located in Brown Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Residential	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

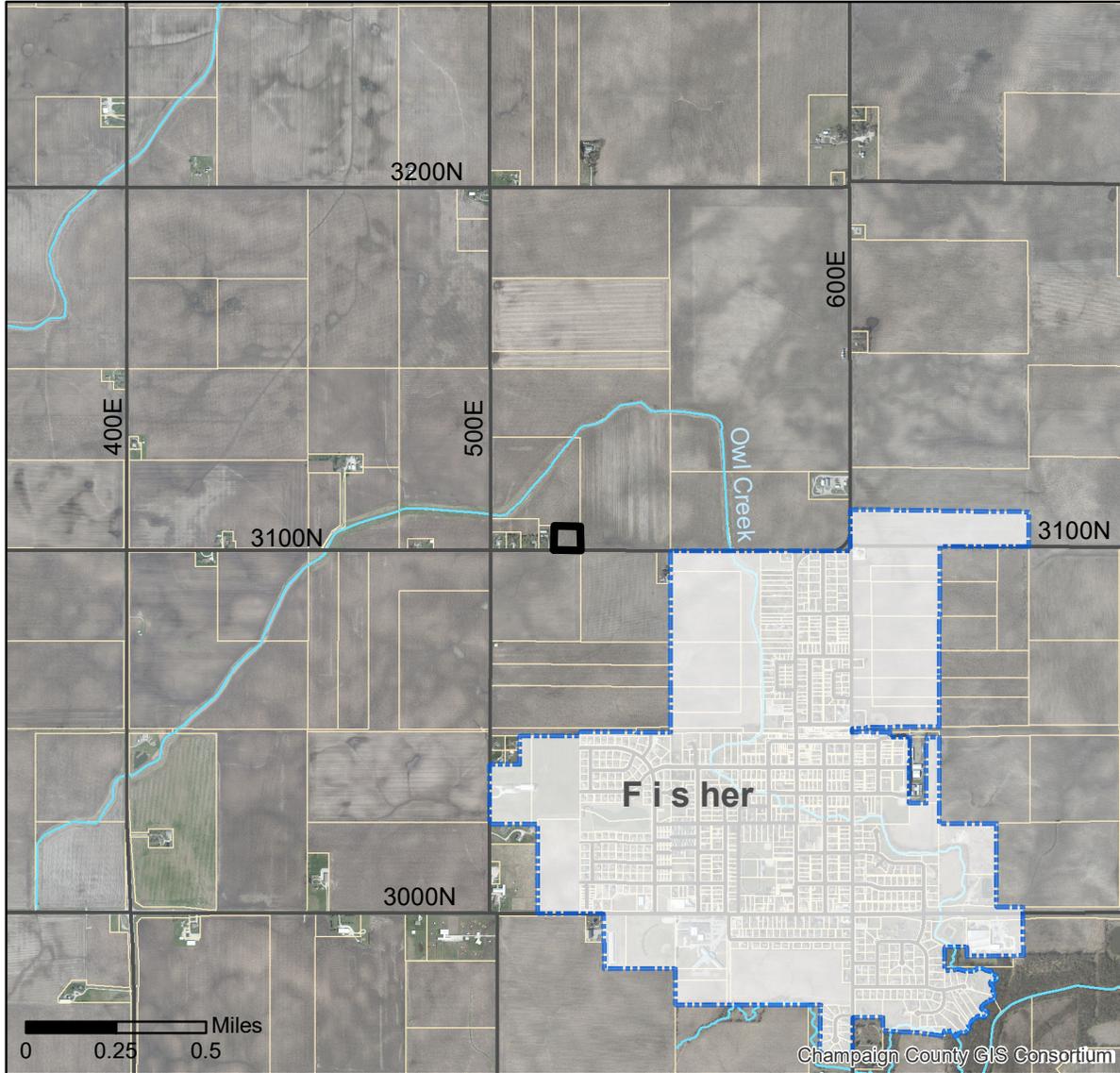
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Preliminary Site Plan received June 13, 2019, including the following sheets:
 - 1: Title Sheet
 - 2: Site Plan
 - 3: Compound Plan
 - 4: Elevation
 - 7: Construction Details (*sheets 5 and 6 not provided*)
 - 10: Utility Plan (*sheets 8 and 9 not provided*)
 - 19: Details (*sheets 11 through 18 not provided*)
 - S1: Survey sheet 1
 - S2: Survey sheet 2
- C Text of the Illinois Counties Code (55 ILCS 5/5-12001.1, effective 07/13/12)
- D Site photos taken July 15, 2019
- E Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated July 25, 2019

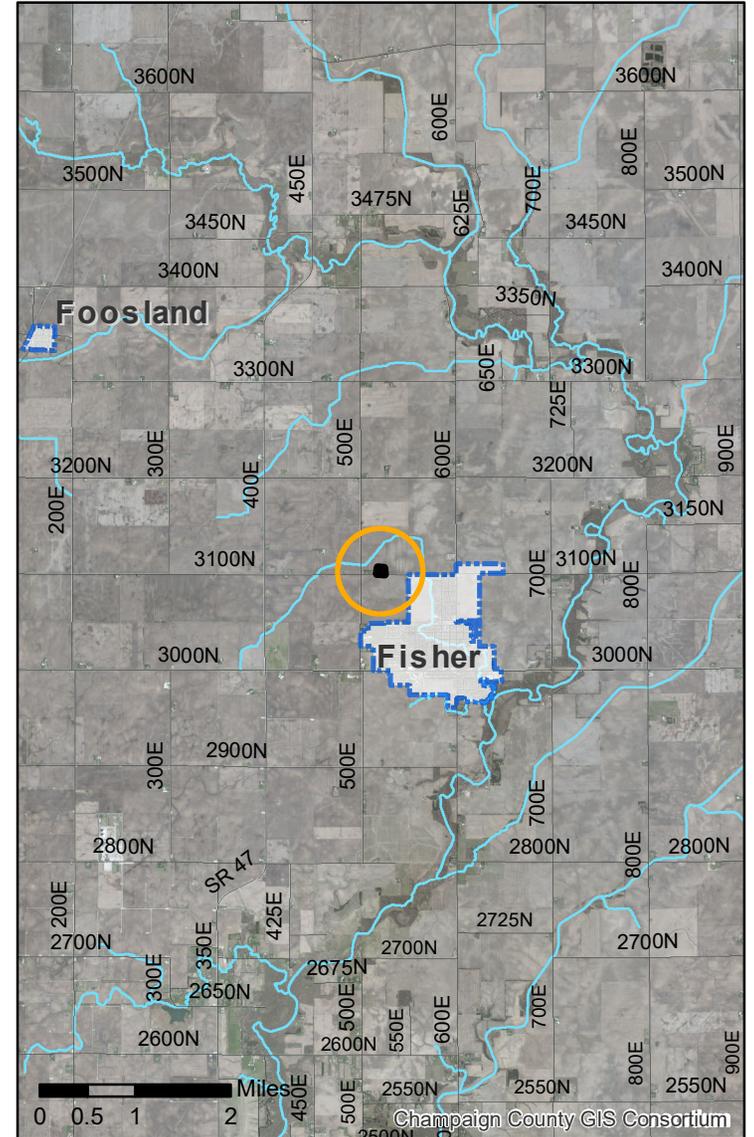
Location Map

Case 949-S-19
July 25, 2019

Subject Property



Property location in Champaign County



Legend

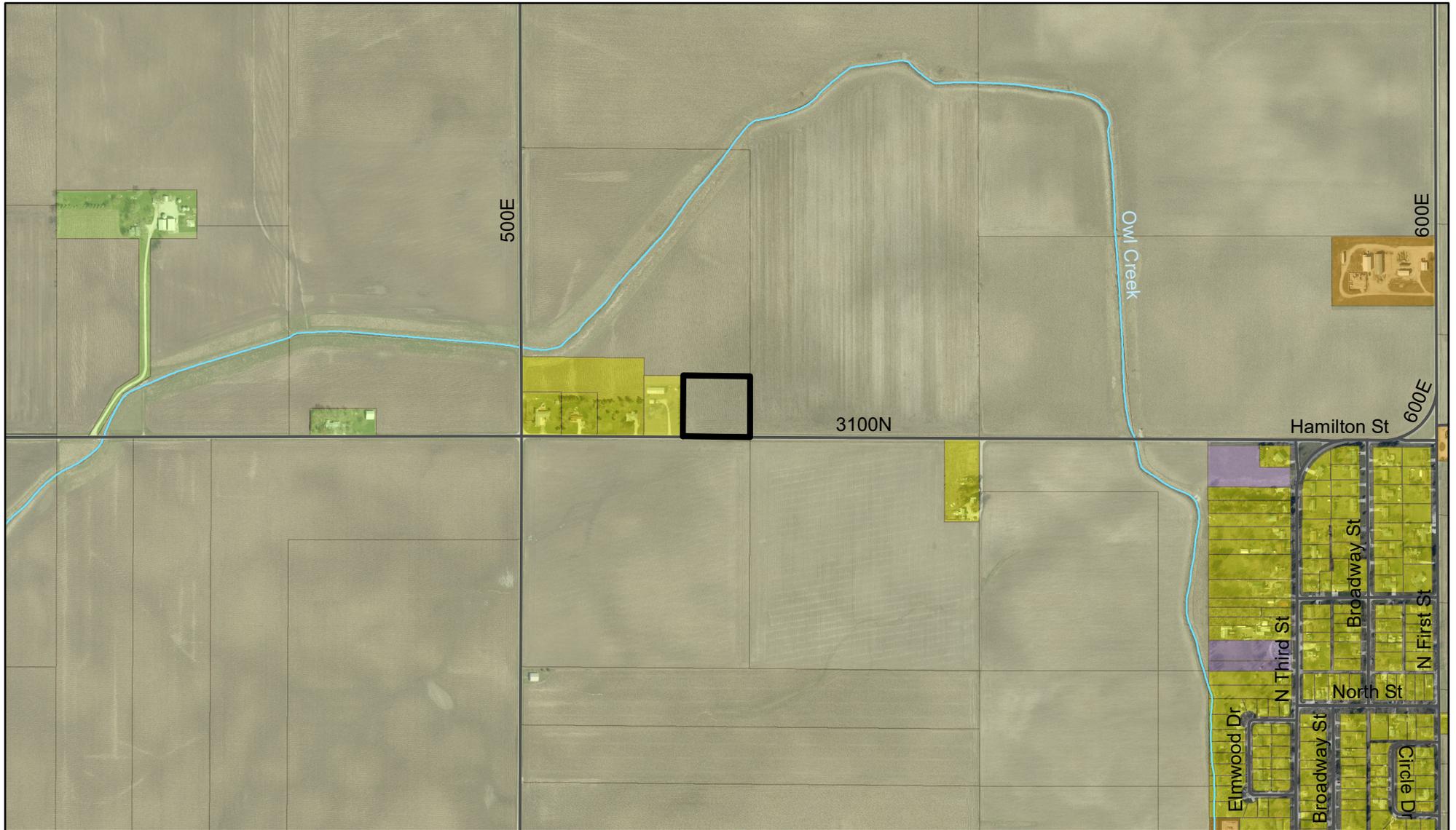
-  Subject Property
-  Municipal Boundary
-  Parcels
-  Streets



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 949-S-19
July 25, 2019



Legend

- | | | |
|------------------|----------------|------------|
| Subject Property | Agriculture | Commercial |
| Streets | Ag-Residential | Tax Exempt |
| Streams | Residential | |

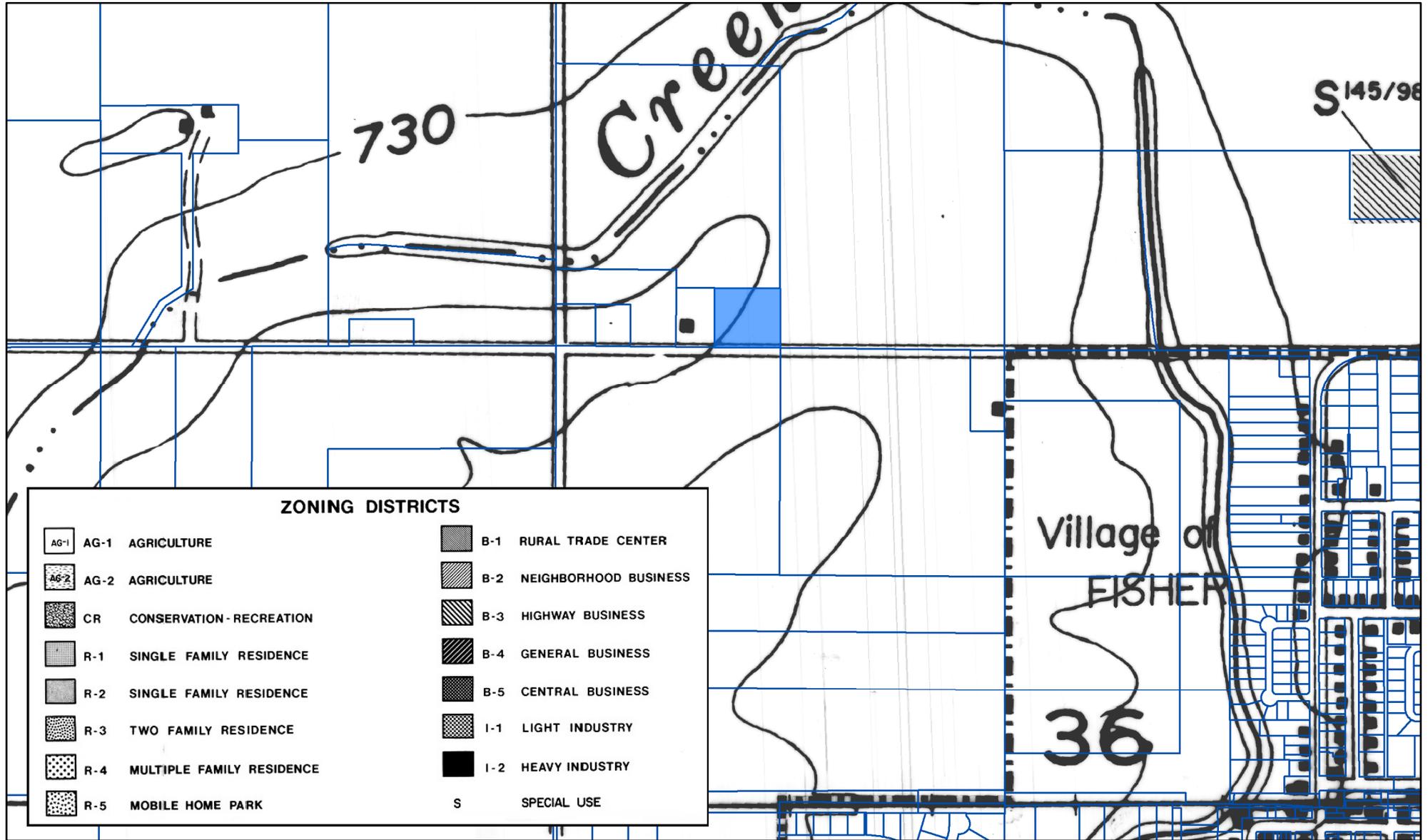
0 200 400 800 Feet



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 949-S-19
July 25, 2019



Legend

- Subject Property
- Parcels

0 200 400 800 Feet





Uniti Towers

RECEIVED

JUN 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT



12851 MANCHESTER ROAD
ST. LOUIS, MO 63131



10802 Executive Center Drive
Benton Bldg., Ste 300
Little Rock, AR 72211
Phone: 501.850.0820



2705 N. Main Street, Omaha, NE 68022
Ph. (402) 289-5040, Fax: (402) 289-5045
AE INC. Project #5557



SITE NAME: FISHER
534 COUNTY RD 3100 N
FISHER, IL 61843

PROJECT SUMMARY

SITE ADDRESS: 534 COUNTY RD 3100 N
FISHER, IL 61843

LATITUDE (NAD 83): 40.3258250 (40° 19' 33.09")
LONGITUDE (NAD 83): 88.3611780 (88° 21' 42.18")

GROUND ELEVATION: 721' NAVD '88

JURISDICTION: CHAMPAIGN COUNTY

JURISDICTION CONTACT: CHAMPAIGN COUNTY

ZONING: AG (AGRICULTURE)

PARCEL/MAP NUMBER: 02-01-25-300-013

PARCEL OWNER: VICTORIA L COX

TOWER OWNER: UNITI TOWERS LLC
10802 EXECUTIVE CENTER DR.
BENTON BLDG., SUITE 300
LITTLE ROCK, AR 72211

STRUCTURE TYPE: SELF SUPPORT

STRUCTURE HEIGHT: 255.0' (AGL)



INDEX OF DRAWINGS

SHEET	DESCRIPTION	REV	DATE
1	TITLE SHEET	A	5/07/19
2	SITE PLAN	A	5/07/19
3	COMPOUND PLAN	A	5/07/19
4	ELEVATION	A	5/07/19
5	EQUIPMENT FRAME LAYOUT & CONSTRUCTION DETAILS	A	5/07/19
6	OUTDOOR CABINETS & GENERATOR DETAILS	A	5/07/19
7	CONSTRUCTION DETAILS	A	5/07/19
8	ANTENNA PLAN AND SCHEDULE	A	5/07/19
9	RRH, ANTENNA AND EQUIPMENT SPECIFICATIONS	A	5/07/19
10	UTILITY PLAN	A	5/07/19
11	HANDHOLE DETAILS	A	5/07/19
12	ELECTRICAL PANEL SCHEDULE, DIAGRAM AND NOTES	A	5/07/19
13	DC/FIBER SYSTEM DIAGRAM	A	5/07/19
14	DC WIRING DIAGRAM	A	5/07/19
15	GROUNDING DIAGRAM & DETAILS	A	5/07/19
16	COMPOUND GROUNDING PLAN	A	5/07/19
17	GROUNDING DETAILS AND NOTES	A	5/07/19
18	GROUNDING DETAILS	A	5/07/19
19	DETAILS	A	5/07/19
20	SURVEY S1		
21	SURVEY S2		

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PROJECT TITLE:
IL5432

FISHER

534 COUNTY ROAD 3100 N
FISHER, IL 61843

PROJECT DIRECTORY

CO-APPLICANTS: AT&T MOBILITY CORPORATION
901 MARQUETTE AVENUE
SUITE 1500
MINNEAPOLIS, MN 55402

UNITI TOWERS LLC
10802 EXECUTIVE CENTER
DRIVE, BENTON BLDG.,
SUITE 300
LITTLE ROCK, AR 72211

PROJECT MANAGEMENT: BUELL CONSULTING INC.
1360 ENERGY PARK DRIVE
SUITE 210
ST. PAUL, MN 55108
(733) 818-8233

A+E FIRM: ASSOCIATED ENGINEERING, INC.
2705 NORTH MAIN STREET
ELKHORN, NE 68022
TOM MEDHI
PHONE: (402) 289-5040
FAX: (402) 289-5045
TMEDHI@AE-PC.COM

SCOPE OF WORK

- HIGH RENT RELOCATION (HRR)
- ALL HRR SITES THAT DO NOT HAVE MICROWAVE WILL HAVE OEM GEAR INSTALLED IN A PURCELL FLX21 CABINET MOUNTED ON A PLATFORM WITH HELICAL LEG SUPPORTS.
 - HRR SITES THAT HAVE "OUTDOOR" MICROWAVE (UP TO FOUR RADIOS) THAT USE CAT5 UP THE TOWER TO THE ODU AT THE MICROWAVE ANTENNA WILL USE THE 80"x80" WIC ON HELICAL SUPPORTS.
 - HRR SITES THAT MEET ONE OR BOTH OF THE CRITERIA BELOW WILL USE A 12'X12' CELLXION PREFABRICATED EQUIPMENT SHELTER (MODEL SATN15) AVAILABLE VIA MATT KARCHER
 - SITE REQUIRES INDOOR MICROWAVE RADIOS THAT USE WAVEGUIDE OR COAXIAL CABLE UP THE TOWER TO THE MICROWAVE ANTENNA.
 - SITE REQUIRES MORE THAN FOUR MICROWAVE RADIOS OF ANY TYPE.
 - FOR SITES IN A FLOOD PLAIN OR WITH OTHER GEOGRAPHIC CHALLENGES, THE EQUIPMENT CABINET/SHELTER CAN HAVE LOCALLY DESIGNED PIERS/HELICAL SUPPORTS.

DIRECTIONS

DIRECTIONS FROM O'HARE INTERNATIONAL AIRPORT:

HEAD SOUTHWEST ON I-190 W 82 FEET, TAKE THE EXIT TOWARD BESSIE COLEMAN DR 0.4 MILES, TURN RIGHT ONTO BESSIE COLEMAN DR 0.2 MILES, USE THE RIGHT LANE TO TAKE THE INTERSTATE 190 RAMP TO INTERSTATE 90/CHICAGO/INTERSTATE 294 0.2 MILES, MERGE ONTO I-190 E 0.7 MILES, TAKE EXIT 1D TOWARD I-294 S/INDIANA/S TOLLWAY 0.4 MILES, MERGE ONTO I-294 S 31.9 MILES, USE THE RIGHT 2 LANES TO TAKE EXIT 7 TO MERGE ONTO I-57 S TOWARD MEMPHIS 99.6 MILES, TAKE EXIT 250 TO MERGE ONTO US-136 W 0.5 MILES, CONTINUE ON US-136 W. DRIVE TO COUNTY RD 3100 N IN BROWN TOWNSHIP 10.4 MILES, MERGE ONTO US-136 W 9.3 MILES, TURN RIGHT ONTO COUNTY RD 500 E 1.0 MILES, TURN RIGHT ONTO COUNTY RD 3100 N, DESTINATION WILL BE ON THE LEFT.

RFDS GENERAL INFORMATION

RFDS NAME: ILL05432
RFDS REVISION: PRELIMINARY
RFDS DATE: 10/03/2018
RFDS ID: 2590924
RF MANAGER: JOHN MCCANN
RF DESIGN MGR: JEFFREY MOTTER

DO NOT SCALE DRAWINGS

THESE DOCUMENTS ARE DRAWN TO SCALE FOR 22X34 SIZE SHEET. DOCUMENTS PRINTED IN 11X17 SIZE SHEET ARE REDUCED TO HALF THE ORIGINAL SCALE. SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME. THESE SITE PLANS SHALL ADHERE TO ALL OF THE REQUIREMENTS CALLED OUT IN THE JURISDICTION PLANNING AND ZONING FOR ANTENNAS AND SUPPORT STRUCTURES. WHERE SITE IS LOCATED.

TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN ILLINOIS

CALL 811 OR 1-800-292-8989

www.illinois1call.com

811 Know what's below.
Call before you dig.

ILLINOIS STATE LAW REQUIRES MIN 3 WORKING DAYS NOTICE BEFORE YOU EXCAVATE.

REVISIONS

REV	DATE	DESCRIPTION	APP'D
A	05/07/19	PRELIM DRAWINGS	MS

SHEET TITLE

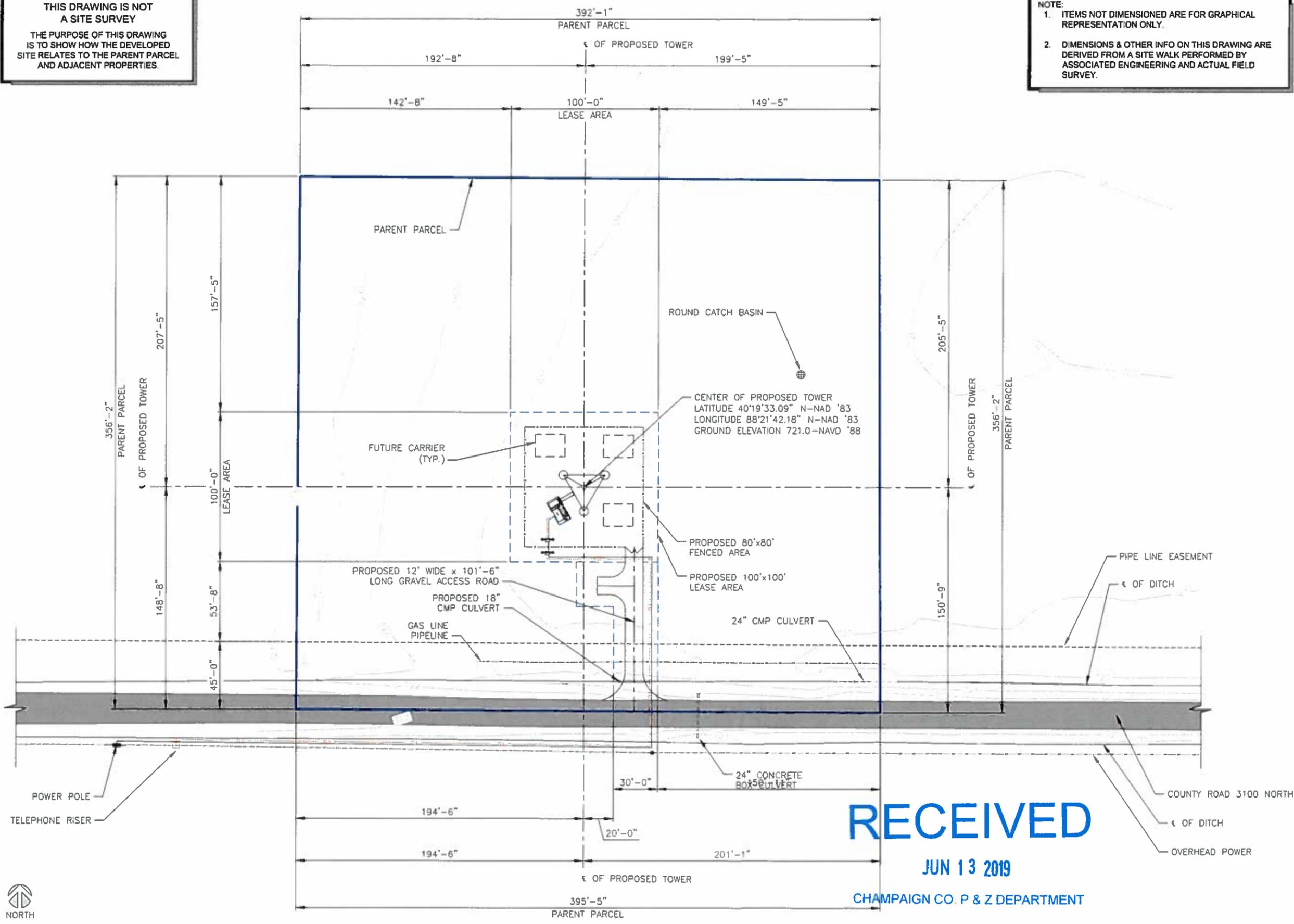
TITLE SHEET

SHEET NUMBER

1

THIS DRAWING IS NOT A SITE SURVEY
 THE PURPOSE OF THIS DRAWING IS TO SHOW HOW THE DEVELOPED SITE RELATES TO THE PARENT PARCEL AND ADJACENT PROPERTIES

NOTE:
 1. ITEMS NOT DIMENSIONED ARE FOR GRAPHICAL REPRESENTATION ONLY.
 2. DIMENSIONS & OTHER INFO ON THIS DRAWING ARE DERIVED FROM A SITE WALK PERFORMED BY ASSOCIATED ENGINEERING AND ACTUAL FIELD SURVEY.



AT&T
 12851 MANCHESTER ROAD
 ST. LOUIS, MO 63131

Uniti Towers
 10802 Executive Center Drive
 Benton Bldg., Ste 300
 Little Rock, AR 72211
 Phone: 501.850.0820

ASSOCIATED Engineering Inc
 2705 N. Main Street, Omaha, NE 68022
 Ph: (402) 289-5040, Fax: (402) 289-5045
 AE INC. Project #5557

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 534 COUNTY ROAD 3100 N
 FISHER, IL 61843

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A	05/07/19	PRELIM DRAWINGS	MS

SHEET TITLE
SITE PLAN

SHEET NUMBER
2

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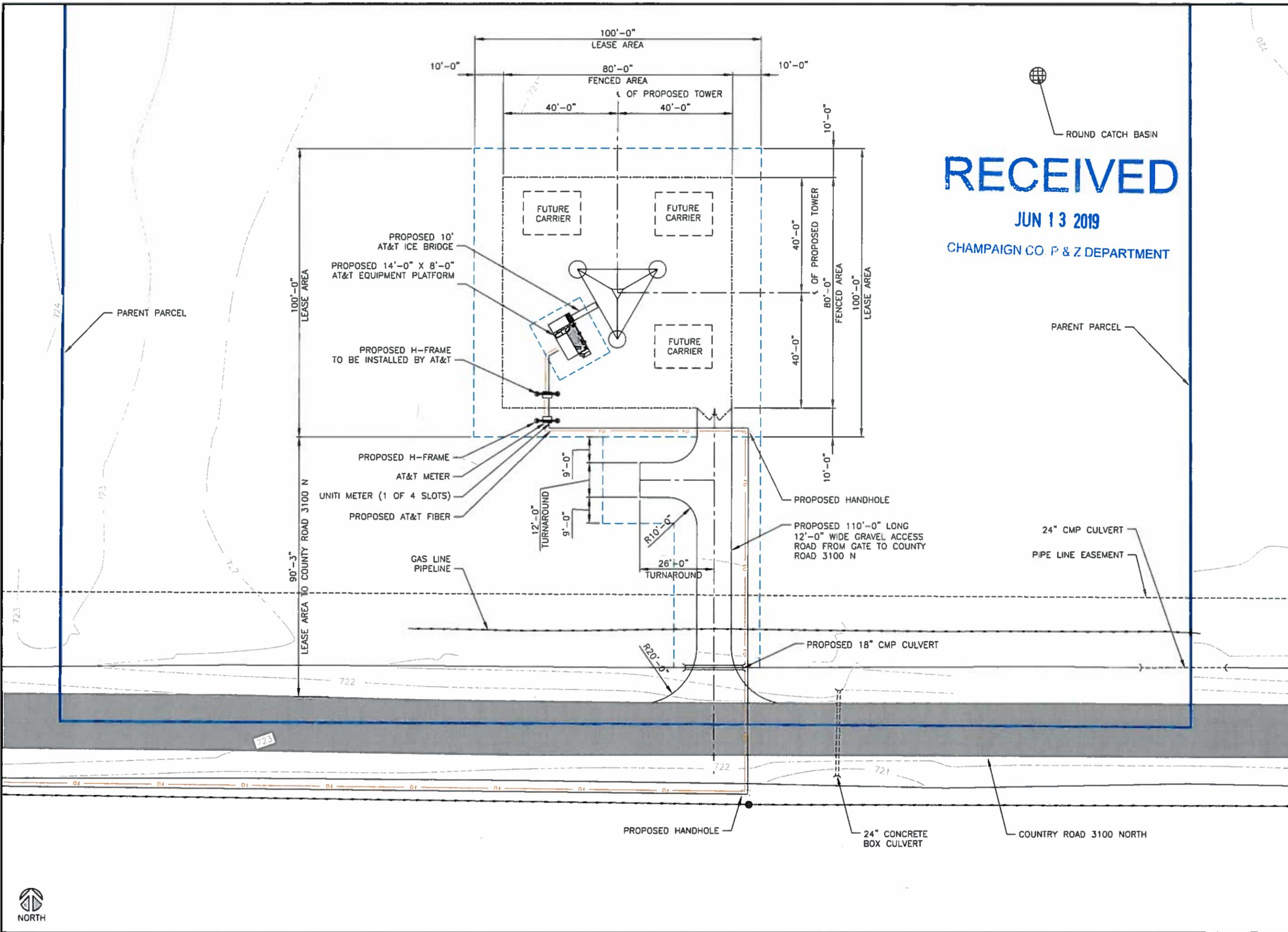
OVERALL SITE PLAN

SCALE: 1/32"=1'-0" (22x34)
 (OR) 1/64"=1'-0" (11x17)

1

Case 949-S-19, ZBA 07/25/19, Attachment B Page 2 of 9

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SHEET TITLE
COMPOUND PLAN

SHEET NUMBER
3



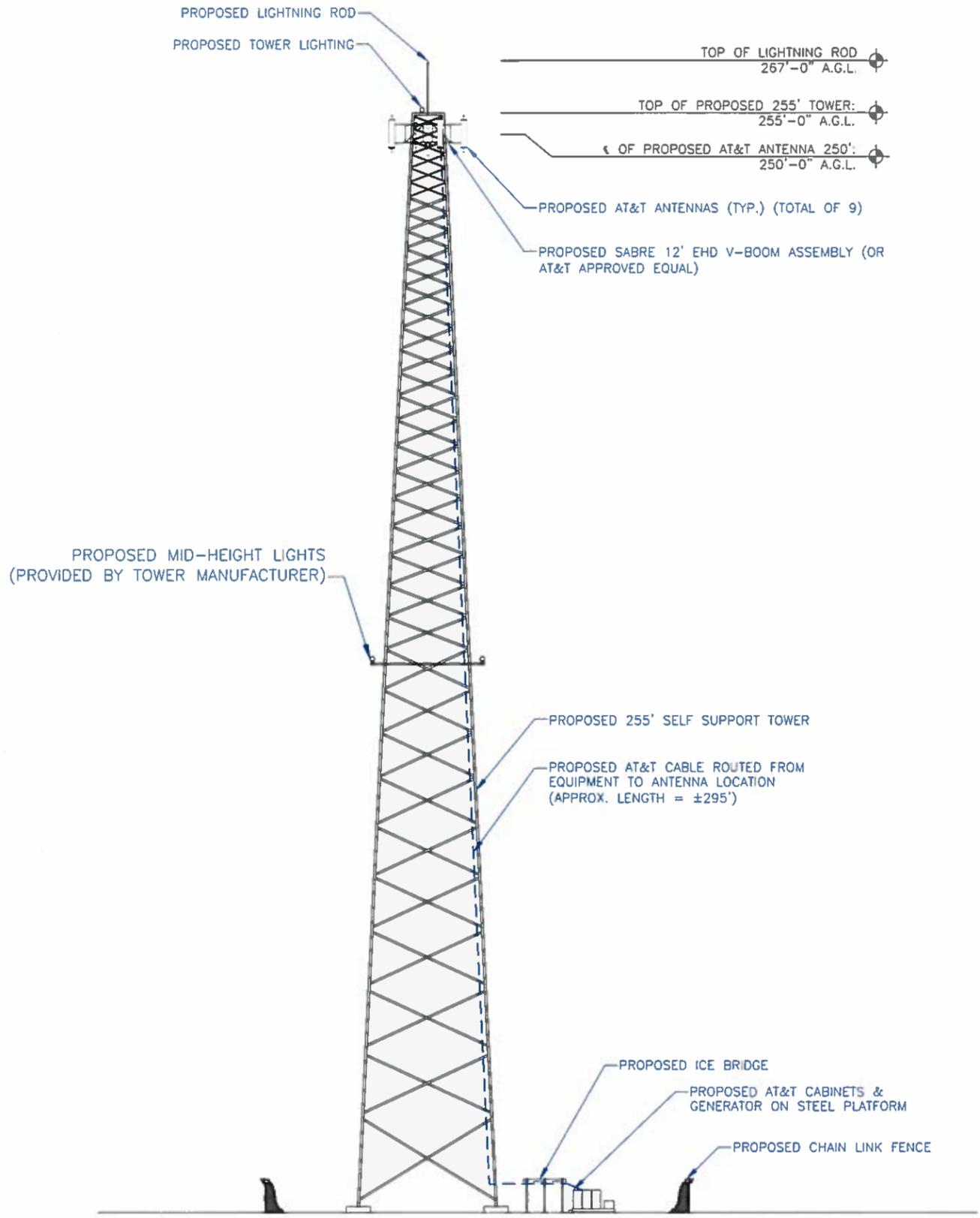
ENLARGED SITE PLAN

SCALE: 1/16"=1'-0" (22x34)
 (OR) 1/32"=1'-0" (11x17)

1

Case 949-S-19, ZBA 07/25/19, Attachment B Page 3 of 9

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TOWER ELEVATION

0 4' 8' 16' SCALE: 1/16"=1'-0" (22x34)
(OR) 1/32"=1'-0" (11x17)

GENERAL NOTES

1. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS.
2. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
4. THE CONTRACTOR SHALL NOTIFY THE AT&T CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
6. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
7. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
8. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES AND NOTIFY UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION AT (800) 892-0123 PRIOR TO EXCAVATION AT SITE.
9. ANY UNDERGROUND UTILITIES OR STRUCTURES THAT EXIST BENEATH THE PROJECT AREA, CONTRACTOR MUST LOCATE IT AND CONTACT THE APPLICANT & THE OWNER'S REPRESENTATIVE.
10. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
11. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO HANDICAP ACCESS REQUIRED).
12. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
13. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.
14. THERE ARE NO COMMERCIAL SIGNS PROPOSED FOR THIS INSTALLATION.
15. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND, FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED ON ANY FILL OR EMBANKMENT.
16. THE SUBGRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
MAXIMUM SOIL LIFTS:
JUMPING JACK - 3"
CROWS FOOT TRENCH ROLLER - 6"
HOE OPERATED VIBRATORY PLATE - 8"
WHEELED VIBRATORY SOIL COMPACTOR - 12"
*LIFT HEIGHTS MAY NEED TO BE ADJUSTED DEPENDING ON SOIL TYPES AND MOISTURE CONTENT.
17. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHICH ARE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AS ALL APPLICABLE AND WHERE REQUIRED FOR THE PROTECTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY UTILITY OWNER. EXTENSIVE CARE SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR PILING DRILLING AROUND OR NEAR UTILITIES.

18. THE AREAS DISTURBED DUE TO CONSTRUCTION ACTIVITY SHALL BE GRADED AND RESTORED PER CODE/ ANDLORD REQUIREMENTS (REFER TO GRADING PLAN).
19. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL, AND COORDINATED WITH THE MUNICIPALITY.
20. UTILITY WARNING TAPE SHALL BE PLACED ABOVE ALL NEW CONDUITS AT MAX 18" DEPTH BELOW GRADE.
21. AT&T CONTRACTOR RESPONSIBILITIES:
 - a. ALL WORK IN THE AT&T LEASED AREA EXCEPT POWER AND TELCO CONDUIT FROM MULTI-GANG METER RACK AND TELCO DEMARC WHICH SHALL BE INSTALLED BY BUILD-TO-SUIT VENDOR.
 - b. INSTALLATION OF WAVEGUIDE SUPPORT FROM AT&T LEASED AREA TO TOWER BASE.
 - c. POWER AND FIBER LINES FROM AT&T GROUND EQUIPMENT TO ANTENNA MOUNT LOCATION ON TOWER.
 - d. AT&T ANTENNAS RACK AND APPURTENANT AT&T EQUIPMENT ON ANTENNA MOUNTING PLATFORM AT RAD CENTER IN ACCORDANCE WITH AT&T RDS.

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SHEET TITLE
ELEVATION

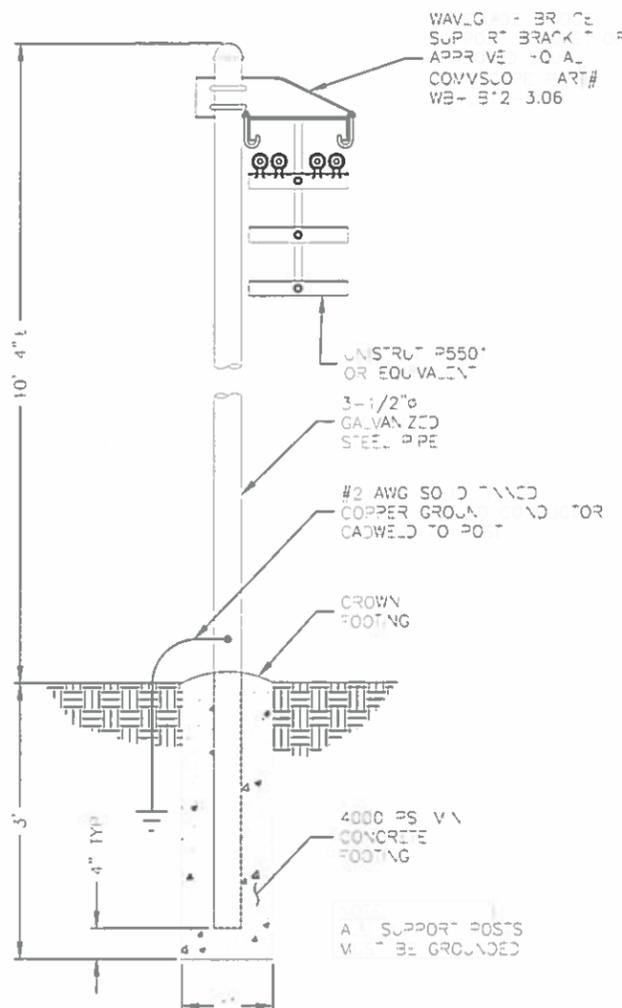
SHEET NUMBER
4

1 NOTES

SCALE
N.T.S. **2**

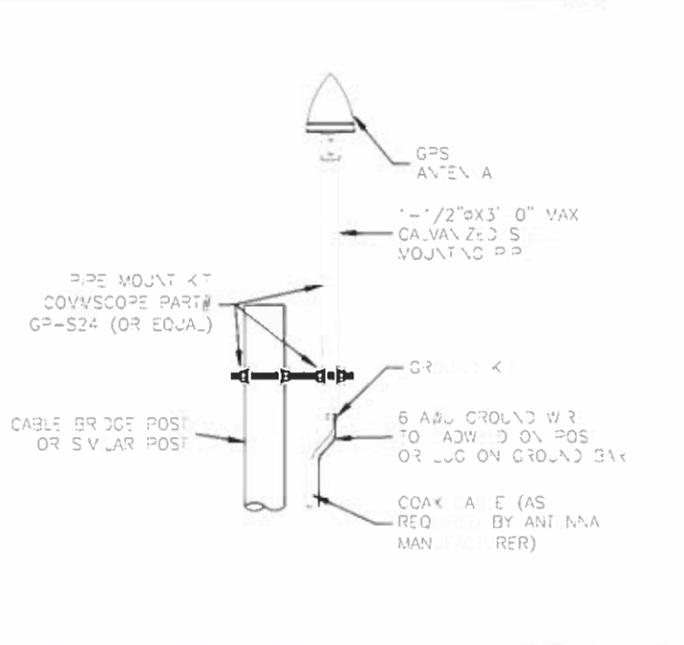
Case 949-S-19, ZBA 07/25/19, Attachment B Page 4 of 9

AT&T CONSTRUCTION



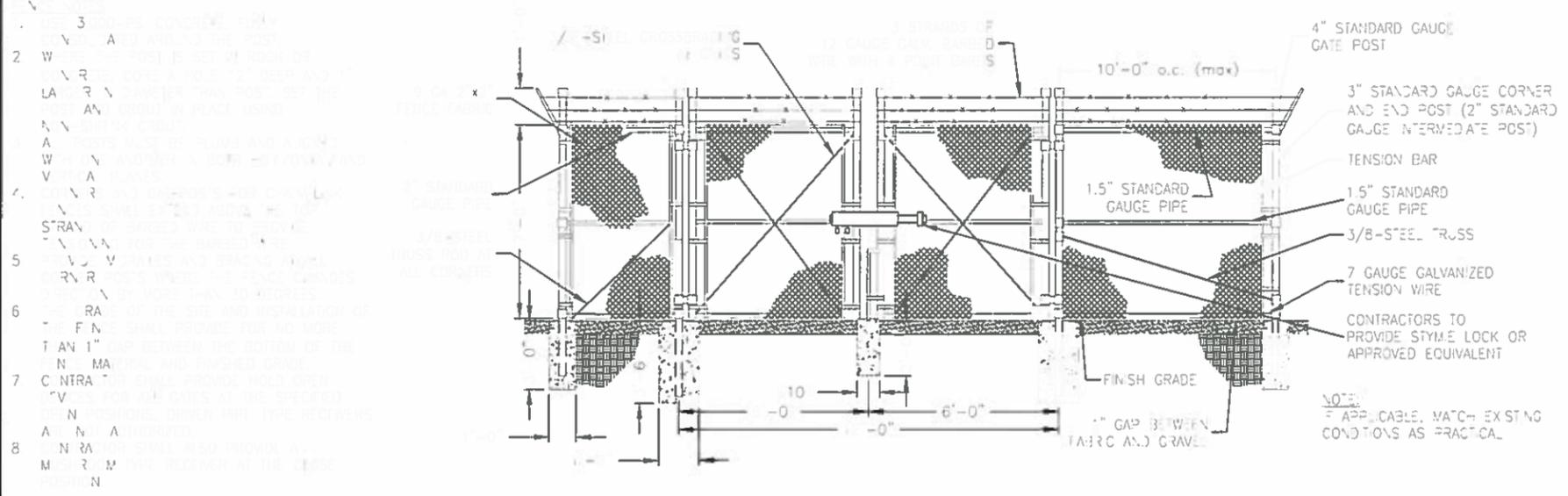
CABLE BRIDGE DETAIL

SCALE N.T.S. 1



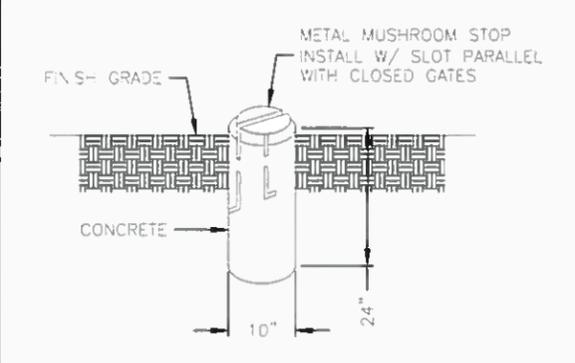
GPS ANTENNA MOUNTING DETAIL

SCALE N.T.S. 6



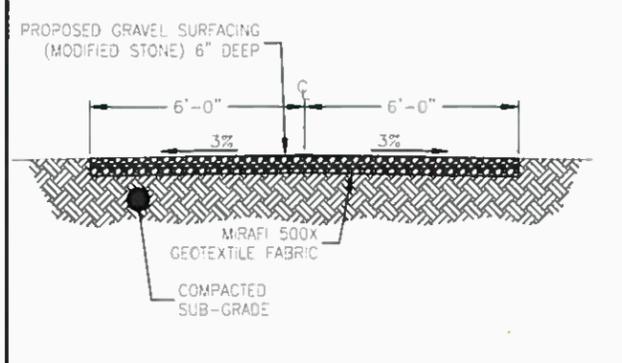
FENCE AND GATE DETAIL

SCALE N.T.S. 2



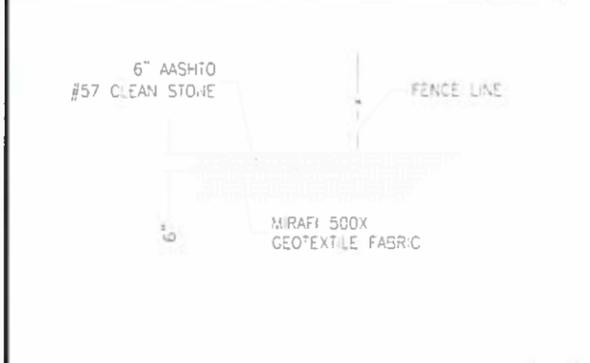
MUSHROOM STOP DETAIL

SCALE N.T.S. 3



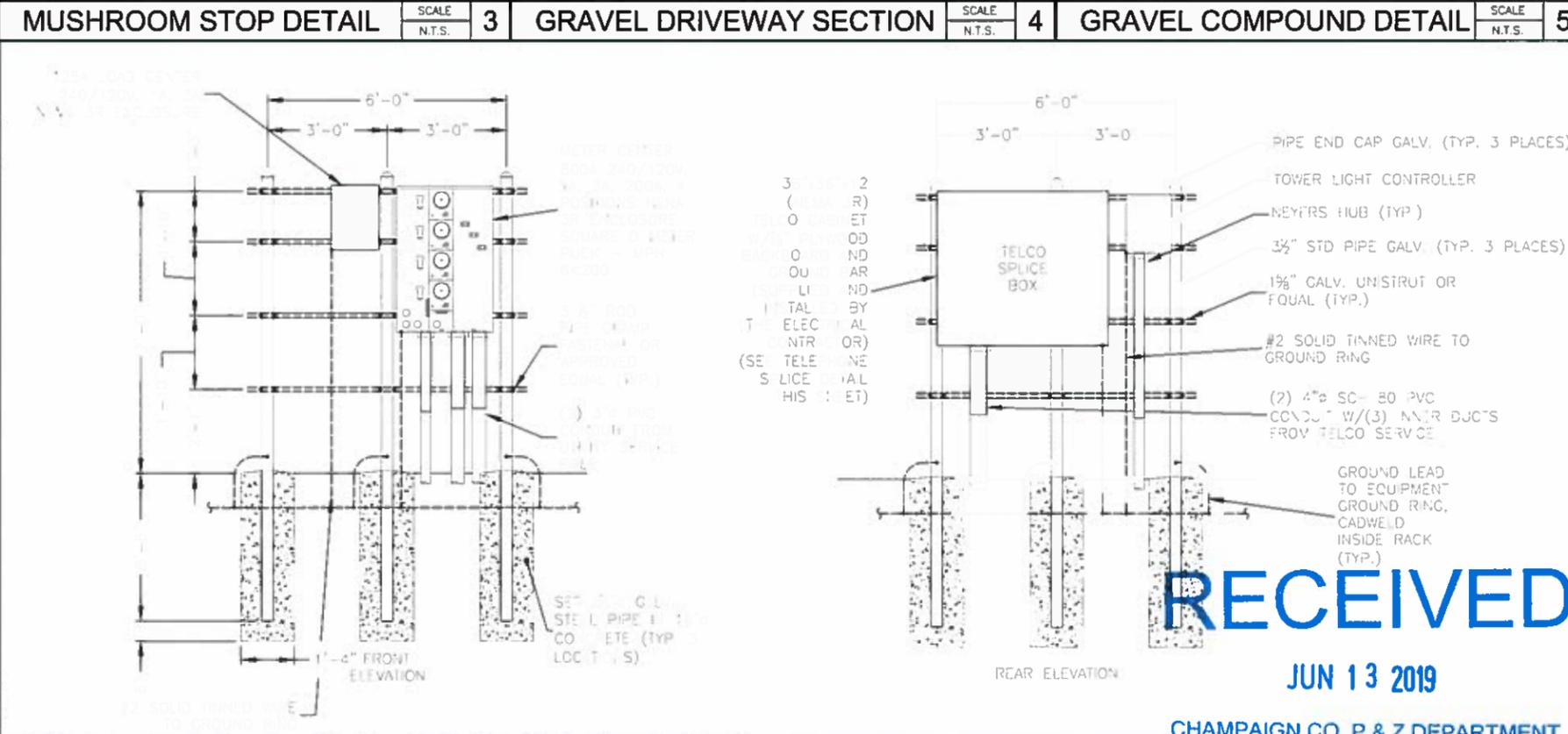
GRAVEL DRIVEWAY SECTION

SCALE N.T.S. 4



GRAVEL COMPOUND DETAIL

SCALE N.T.S. 5



UTILITY H-FRAME DETAIL (GANG METER/TELCO)

SCALE N.T.S. 7



PRELIMINARY
NOT FOR
CONSTRUCTION

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ILLINOIS

PROJECT TITLE:
IL5432

FISHER

534 COUNTY ROAD 3100 N
FISHER, IL 61843

REVISIONS			
REV.	DATE	DESCRIPTION	APP'D
A	05/07/19	PRELIM DRAWINGS	MS

SHEET TITLE
**CONSTRUCTION
DETAILS**

SHEET NUMBER

7

RECEIVED

JUN 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT

THIS DOCUMENT IS THE CREATION, DESIGN, PROPERTY AND COPYRIGHTED WORK OF T-MOBILE WIRELESS. ANY DUPLICATION OR USE WITHOUT EXPRESS WRITTEN CONSENT IS PROHIBITED.

Case 949-S-19-ZBA 07/25/19 Attachment B Page 5 of 9

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CHAMPAIGN CO. P & Z DEPARTMENT



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NOT FOR
CONSTRUCTION

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ILLINOIS

PROJECT TITLE:
IL5432

FISHER

534 COUNTY ROAD 3100 N
FISHER, IL 61843

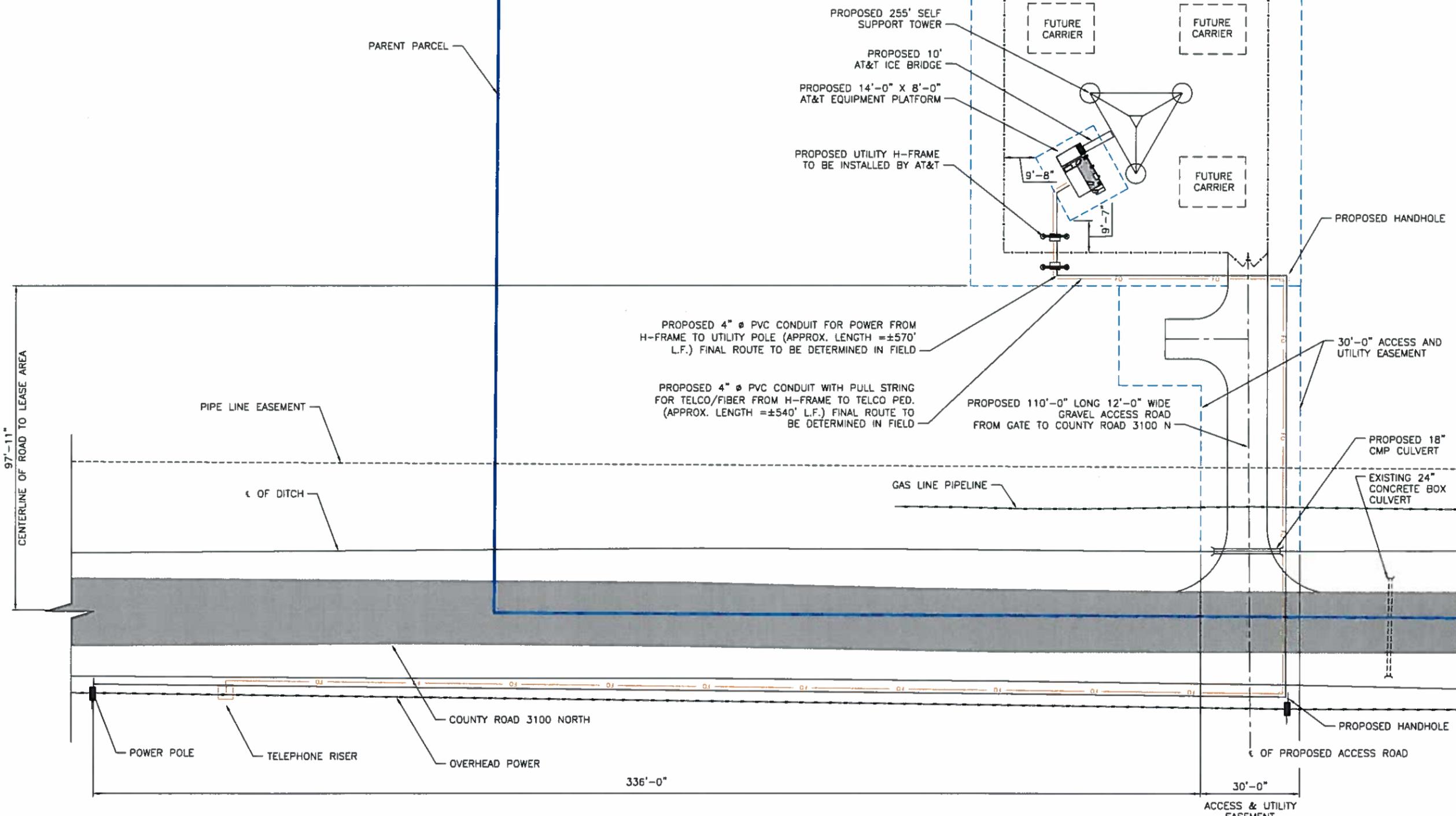
REVISIONS			
REV.	DATE	DESCRIPTION	APP'D
A	05/07/19	PRELIM DRAWINGS	MS

SHEET TITLE

UTILITY PLAN

SHEET NUMBER

10



THIS DOCUMENT IS THE CREATION, DESIGN, PROPERTY AND COPYRIGHTED WORK OF T-MOBILE WIRELESS. ANY DUPLICATION OR USE WITHOUT EXPRESS WRITTEN CONSENT IS PROHIBITED.

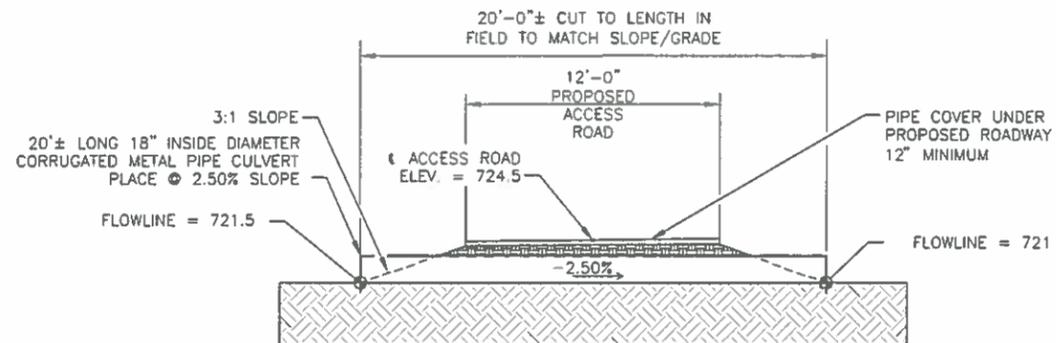
Case 949-S-19, ZBA 07/25/19, Attachment B Page 6 of 9

UTILITY PLAN

SCALE: 1/16"=1'-0" (22x34)
(OR) 1/32"=1'-0" (11x17)



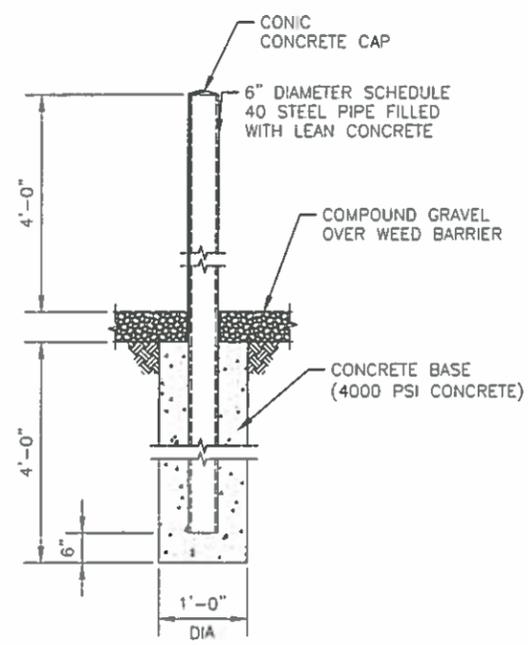
THIS DOCUMENT IS THE CREATION, DESIGN, PROPERTY AND COPYRIGHTED WORK OF T-MOBILE WIRELESS. ANY DUPLICATION OR USE WITHOUT EXPRESS WRITTEN CONSENT IS PROHIBITED.



CULVERT ELEVATION DETAIL

SCALE
N.T.S.

1 BOLLARD DETAILS



SCALE
N.T.S.

2

NOT USED

SCALE
N.T.S.

3

RECEIVED

JUN 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT

12851 MANCHESTER ROAD
ST. LOUIS, MO 63131

10802 Executive Center Drive
Benton Bldg., Ste 300
Little Rock, AR 72211
Phone: 501.850.0820

2705 N. Main Street, Omaha, NE 68022
Ph: (402) 289-5040, Fax: (402) 289-5045
AE INC. Project #5557

**PRELIMINARY
NOT FOR
CONSTRUCTION**

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ILLINOIS

PROJECT TITLE:
IL5432

FISHER

534 COUNTY ROAD 3100 N
FISHER, IL 61843

REVISIONS			
REV.	DATE	DESCRIPTION	APP'D
A	05/07/19	PRELIM DRAWINGS	MS

SHEET TITLE

DETAILS

SHEET NUMBER

19

Case 949-S-19, ZBA 07/25/19, Attachment B Page 7 of 9

SURVEYOR'S NOTE

THE PARENT PARCEL BOUNDARY OF THIS DRAWING IS ILLUSTRATED FROM RECORD INFORMATION AND IS APPROXIMATE.

THE TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED ON JUNE 12 2018.

NOT TO BE USED AS CONSTRUCTION DRAWINGS.

ELEVATION DATUM

ALL ELEVATIONS ARE BASED ON NAVD 88 DATUM.

CONTOURS ARE ILLUSTRATED AT 1.0' INTERVALS.

BM#1) ELEV. 723.14'

DESCRIPTION: RAILROAD SPIKE ON NORTH SIDE OF UTILITY POLE

FLOOD PLAIN INFORMATION

WE HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE MAP AS PREPARED FOR CHAMPAIGN COUNTY, ILLINOIS, COMMUNITY PANEL NUMBER 17019C0153D, DATED OCTOBER 10, 2013 AND FIND THAT THE PROJECT SITE IS IN ZONE X (AREAS OF MINIMAL FLOOD HAZARD)

ZONING DATA

ACCORDING TO THE SITE CANDIDATE INFORMATION PACKAGE THIS SITE IS ZONED: AG-1

SETBACKS:

FRONT: 100'

REAR: 50'

SIDE: 50'

PARCEL NO. 02-01-25-300-014 VICTORIA L COX

EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS

THE TITLE REPORT ISSUED BY AMC SETTLEMENT SERVICES AS FILE NO. 11735955, DATED JUNE 12, 2018 LISTS THE FOLLOWING EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS, THAT ARE MATTERS OF SURVEY, AFFECTING THE PARENT PARCEL UNDER "SCHEDULE B PART II - EXCEPTIONS":

- 8. SUBJECT TO EASEMENT TO CONDUCT EXPLORATORY OPERATIONS, OPTION FOR GAS STORAGE EASEMENT, OIL AND GAS LEASE BETWEEN EARL W. COX AND Lyla J. COX, HIS WIFE, AND UNION HILL GAS STORAGE COMPANY RECORDED 6/16/1959 IN BOOK 624, PAGE 580, CHAMPAIGN COUNTY RECORDS. AFFECTS THE PARENT PARCEL. AFFECTS THE PROJECT SITE. BLANKET IN NATURE.
- 9. SUBJECT TO GAS PIPE LINE EASEMENT FROM EARL W. COX AND Lyla J. COX TO ALLIED GAS COMPANY RECORDED 7/30/1963 IN BOOK 732, PAGE 614, CHAMPAIGN COUNTY RECORDS. AFFECTS THE PARENT PARCEL. AFFECTS THE PROPOSED 30.00' WIDE ACCESS & UTILITY EASEMENT.
- 10. SUBJECT TO NOTICE OF PRESERVATION OF INTEREST IN OIL, GAS OR ASSOCIATED HYDROCARBONS, LIQUID OR GAS BY THE PEOPLES GAS LIGHT AND COKE COMPANY RECORDED 7/28/1980 IN BOOK 1234, PAGE 854, CHAMPAIGN COUNTY RECORDS. AFFECTS THE PARENT PARCEL. AFFECTS THE PROJECT SITE. BLANKET IN NATURE.
- 11. SUBJECT TO GAS STORAGE GRANT, PIPELINE RIGHT OF WAY AND EASEMENT FROM EARL W. COX AND Lyla J. COX, HIS WIFE, TO THE PEOPLES GAS LIGHT AND COKE COMPANY RECORDED 3/29/1974 IN BOOK 1027, PAGE 129, CHAMPAIGN COUNTY RECORDS. AFFECTS THE PARENT PARCEL. AFFECTS PROJECT SITE. EXACT LOCATION UNKNOWN DOCUMENT IS ILLEGIBLE.

LEGAL DESCRIPTION

ALL THAT PARCEL OF LAND IN CHAMPAIGN COUNTY, STATE OF ILLINOIS, AS MORE FULLY DESCRIBED IN DEED DOC # 2005R29861, ID# 02-01-25-300-013, BEING KNOWN AND DESIGNATED AS METES AND BOUNDS PROPERTY.

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH OF THE BASE LINE, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 356.15 FEET ON THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER THENCE WEST 392.10 FEET PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTHERLY 356.14 FEET AT RIGHT ANGLES; AND THENCE EAST 395.42 FEET ON SAID SOUTH LINE TO THE POINT OF BEGINNING; ENCOMPASSING 3.219 ACRES, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

This map was made from the latest best available data and is not to be used for any purpose other than that for which it was made. The user assumes all responsibility for any errors or omissions in this map.

BASIS OF BEARINGS

LATITUDE AND LONGITUDE OF SITE REFERENCE POINT ARE BASED ON THE HARN (HIGH ACCURACY REFERENCE NETWORK) NAD83 (CORS 96)

BEARINGS ARE BASED ON ILLINOIS STATE PLANE, IL EAST 1201 TO ORIENT DRAWING TO TRUE NORTH, ROTATE COUNTERCLOCKWISE 00°01'04.61".

PROPRIETOR

VICTORIA L COX
245 COUNTY ROAD 3100 N
FOOSLAND IL 61845

FISHER
FA#14605573

RECEIVED

JUN 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT

PARCEL NO. 02-01-25-300-011 DENNIS R COX

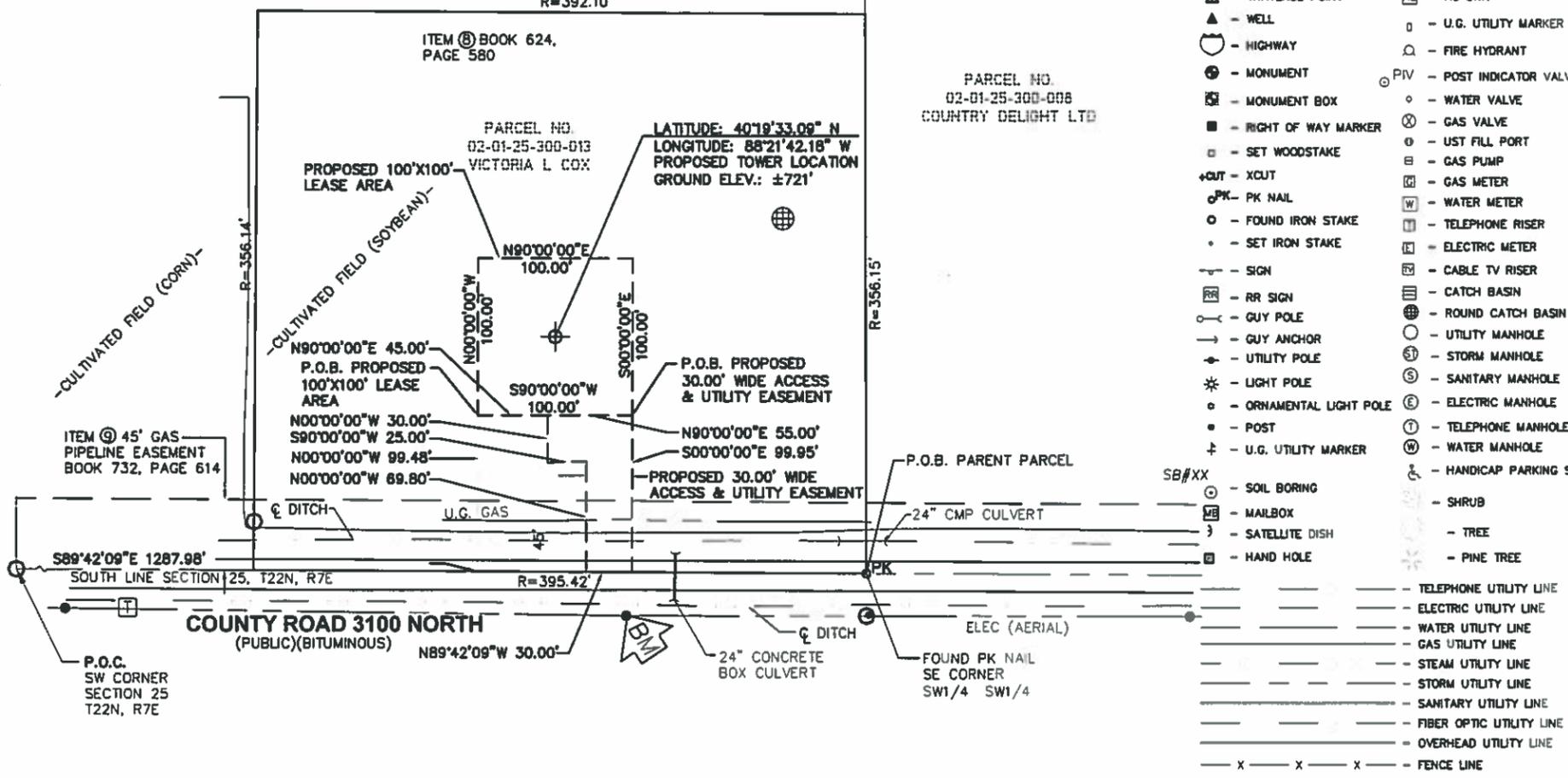
R=392.10'

ITEM (B) BOOK 624, PAGE 580

PARCEL NO. 02-01-25-300-013 VICTORIA L COX

LATITUDE: 40°19'33.09" N
LONGITUDE: 88°21'42.18" W
PROPOSED TOWER LOCATION
GROUND ELEV.: ±721'

PARCEL NO. 02-01-25-300-008 COUNTRY DELIGHT LTD



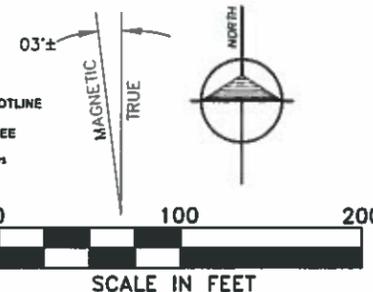
LEGAL DESCRIPTION

PROPOSED 30.00' WIDE ACCESS & UTILITY EASEMENT

A 30.00 foot wide easement in that part of the Southwest 1/4 of Section 25, Township 22 North of the Base Line, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, described as; Commencing at the Southwest Corner of said Section 25; thence South 89°42'09" East 1287.98 feet along the South line of said Section 25; thence North 00°00'00" West 99.48 feet to the southwest corner of a 100'x100' lease area; thence continuing North 00°00'00" West 100.00 feet along the westerly line of said lease area; thence North 90°00'00" East 100.00 feet along the northerly line of said lease area; thence South 00°00'00" East 100.00 feet along the easterly line of said lease area TO THE PLACE OF BEGINNING; thence South 00°00'00" East 99.95 feet to the South Line of said Section 25; thence North 89°42'09" West 30.00 feet along said South line; thence North 00°00'00" West 69.80 feet; thence South 90°00'00" West 25.00 feet; thence North 00°00'00" West 30.00 feet to a point on the southerly line of aforesaid lease area; thence North 90°00'00" East 55.00 feet along said southerly line to the place of beginning of this description.



CALL CHICAGO DIGGERS HOTLINE
1-312-744-7000
OR JULIE, INC. TOLL FREE
1-800-892-0128
REQUIRES MIN. OF 3 WORK DAYS
NOTICE BEFORE YOU EXCAVATE



VICINITY MAP
N.T.S.

LEGEND

- ▲ - TRAVERSE POINT
- ▲ - WELL
- - HIGHWAY
- ⊕ - MONUMENT
- ⊕ - MONUMENT BOX
- - RIGHT OF WAY MARKER
- ⊕ - SET WOODSTAKE
- ✂ - XCUT
- ⊕ - PK NAIL
- - FOUND IRON STAKE
- - SET IRON STAKE
- ⊕ - SIGN
- ⊕ - RR SIGN
- ⊕ - GUY POLE
- ⊕ - UTILITY POLE
- ⊕ - LIGHT POLE
- - ORNAMENTAL LIGHT POLE
- ⊕ - POST
- ⊕ - U.G. UTILITY MARKER
- ⊕ - SOIL BORING
- ⊕ - MAILBOX
- ⊕ - SATELLITE DISH
- ⊕ - HAND HOLE
- ⊕ - AC UNIT
- ⊕ - U.G. UTILITY MARKER
- ⊕ - FIRE HYDRANT
- ⊕ - POST INDICATOR VALVE
- ⊕ - WATER VALVE
- ⊕ - GAS VALVE
- ⊕ - UST FILL PORT
- ⊕ - GAS PUMP
- ⊕ - GAS METER
- ⊕ - WATER METER
- ⊕ - TELEPHONE RISER
- ⊕ - ELECTRIC METER
- ⊕ - CABLE TV RISER
- ⊕ - CATCH BASIN
- ⊕ - ROUND CATCH BASIN
- ⊕ - UTILITY MANHOLE
- ⊕ - STORM MANHOLE
- ⊕ - SANITARY MANHOLE
- ⊕ - ELECTRIC MANHOLE
- ⊕ - TELEPHONE MANHOLE
- ⊕ - WATER MANHOLE
- ⊕ - HANDICAP PARKING SPACE
- ⊕ - SHRUB
- ⊕ - TREE
- ⊕ - PINE TREE
- ⊕ - TELEPHONE UTILITY LINE
- ⊕ - ELECTRIC UTILITY LINE
- ⊕ - WATER UTILITY LINE
- ⊕ - GAS UTILITY LINE
- ⊕ - STEAM UTILITY LINE
- ⊕ - STORM UTILITY LINE
- ⊕ - SANITARY UTILITY LINE
- ⊕ - FIBER OPTIC UTILITY LINE
- ⊕ - OVERHEAD UTILITY LINE
- ⊕ - FENCE LINE

All utilities as shown are approximate locations derived from actual measurements and available records. They should not be interpreted to be in exact location nor should it be assumed that they are the only utilities in the area.

I, Samuel A. Miles, do hereby certify that the drawing shown hereon is a correct representation of a survey performed at and under my direction.

All dimensions shown are in feet and decimal parts thereof.

Given under my hand and seal this 22nd day of April, 2019.

Samuel A. Miles

Samuel A. Miles
Illinois Professional Land Surveyor No. 035.003984
Expires November 30, 2020

Note: This certification only applies to improvements within the lease site and easements as shown hereon.

ILLINOIS REGISTERED DESIGN FIRM
LICENSE NUMBER 184.007034
LICENSE EXPIRES: APRIL 30, 2019

DATE: 06/12/18
SCALE: 1"=100'
UPDATE: ECV041918
PROJECT NO.: 218071.013



1360 ENERGY PARK DRIVE
SUITE 210
SAINT PAUL, MN 55108

FISHER
FA#14605573

Survey Prepared for:

RAMAKER & ASSOCIATES, INC.
855 Community Dr, Sauk City, WI 53583
608-643-4100 www.Ramaker.com
Project Manager: Jame Kaiser

Table with 3 columns: NO., DESCRIPTION, DATE. Includes entries for 'ADDED TITLE REPORT' and 'FINALIZE'.

williams & works
engineers | surveyors | planners
616.224.1500 phone
549 Ottawa Ave NW
Grand Rapids, MI 49503

Form fields for SITE NAME (FISHER), SITE NUMBER, SITE ADDRESS, APPROX. 1200' FROM INTERSECTION OF CR 500 & CR 3100 FISHER, IL 61843, SHEET TITLE (S1), SHEET 1 OF 2.

SURVEYOR'S NOTE

THE PARENT PARCEL BOUNDARY OF THIS DRAWING IS ILLUSTRATED FROM RECORD INFORMATION AND IS APPROXIMATE.

THE TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED ON JUNE 12, 2018.

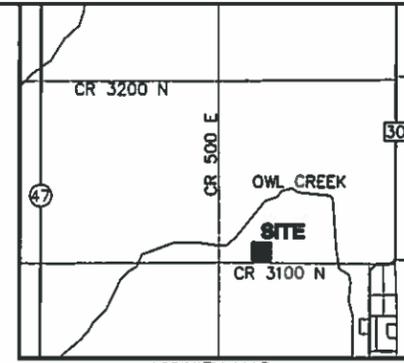
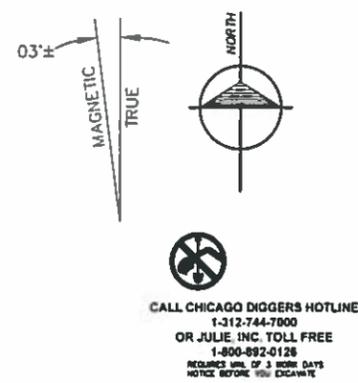
NOT TO BE USED AS CONSTRUCTION DRAWINGS.

**FISHER
FA#14605573**

RECEIVED

JUN 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT



1360 ENERGY PARK DRIVE
SUITE 210
SAINT PAUL, MN 55108

**FISHER
FA#14605573**

Survey Prepared for:
RAMAKER & ASSOCIATES INC.
855 Community Dr. Sauk City, WI 53583
608-643-4100 www.Ramaker.com
Sauk City, WI • Wilmar, MN
Woodcliff Lake, NJ • Bayamon, PR
Project Manager: Jame Kaiser

REVISIONS

NO.	DESCRIPTION	DATE
1	ADD TITLE REPORT	08/21/18
2	FINALIZE	04/18/19

williams&works
engineers | surveyors | planners
http://williams-works.com
616.224.1500 phone
548 Ottawa Ave NW
Grand Rapids, MI 49503

SURVEYED BY:

FISHER

FA #14605573

APPROX. 1200' FROM
INTERSECTION OF
CR 500 & CR 3100N
FISHER, L. 61843

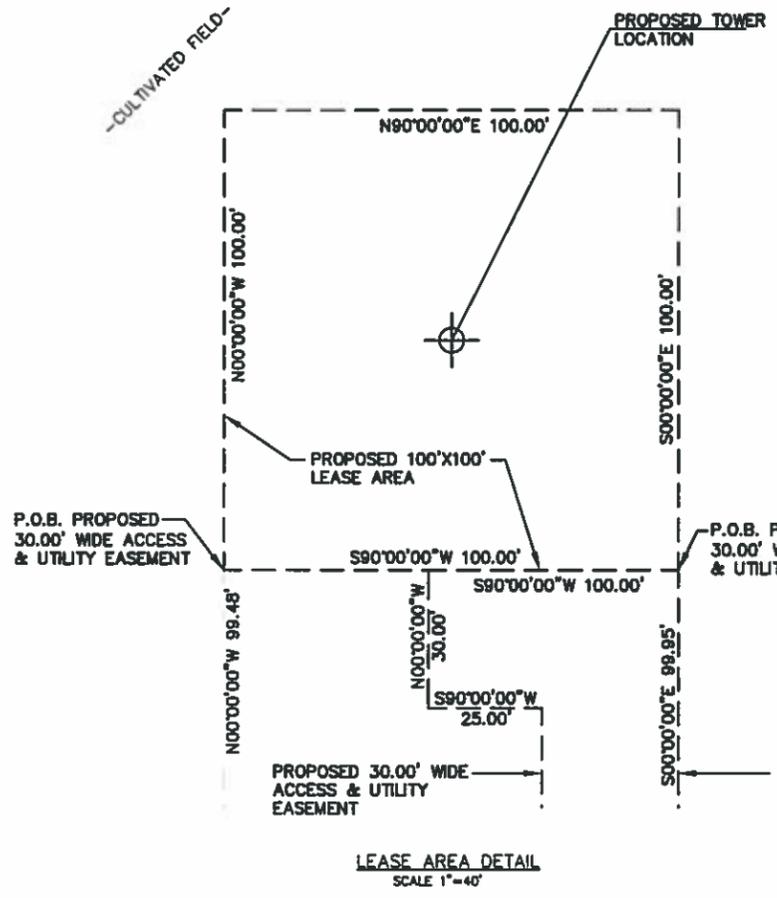
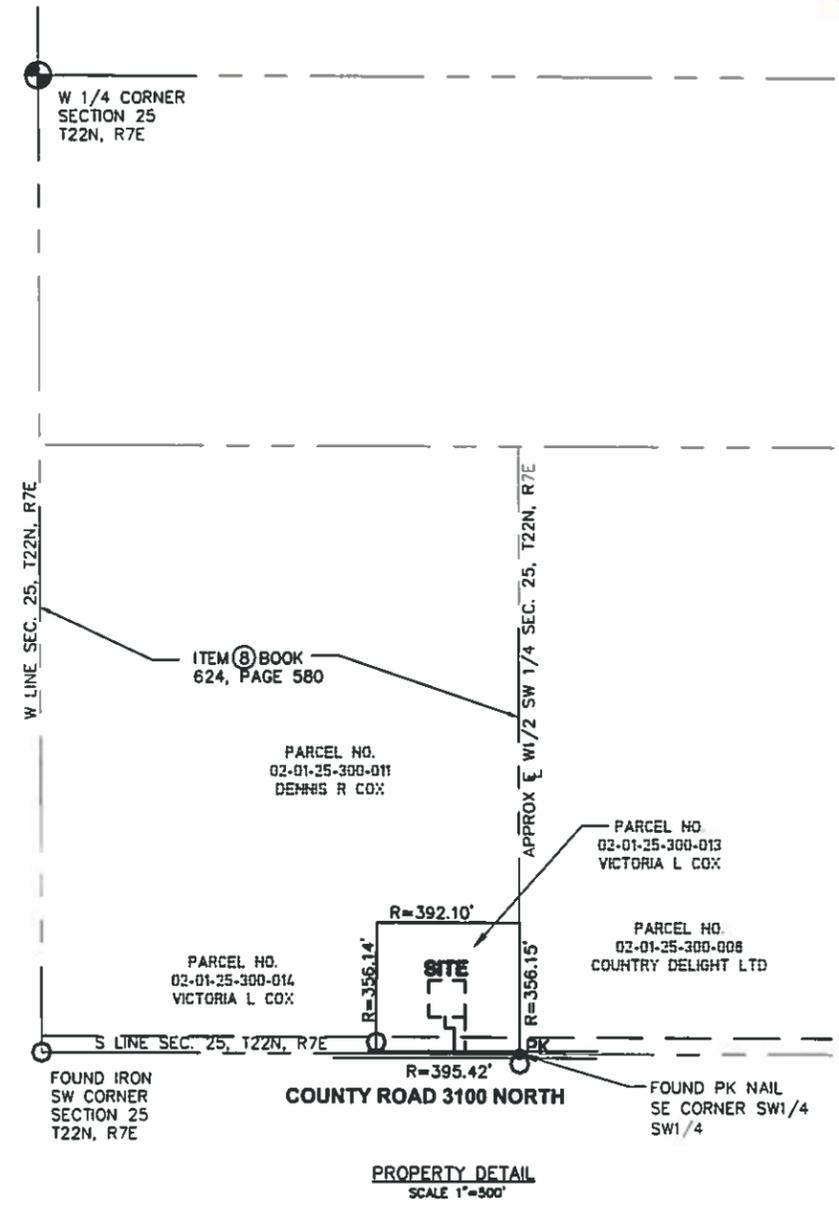
S2

SHEET 2 OF 2

LEGEND

- ▲ - TRAVERSE POINT
- ▲ - WELL
- - HIGHWAY
- ⊕ - MONUMENT
- ⊕ - MONUMENT BOX
- ⊕ - RIGHT OF WAY MARKER
- ⊕ - SET WOODSTAKE
- ⊕ - XCUT
- ⊕ - PK NAIL
- ⊕ - FOUND IRON STAKE
- ⊕ - SET IRON STAKE
- ⊕ - SIGN
- ⊕ - RR SIGN
- ⊕ - GUY POLE
- ⊕ - GUY ANCHOR
- ⊕ - UTILITY POLE
- ⊕ - LIGHT POLE
- ⊕ - ORNAMENTAL LIGHT POLE
- ⊕ - POST
- ⊕ - U.G. UTILITY MARKER
- ⊕ - SOIL BORING
- ⊕ - MAILBOX
- ⊕ - SATELLITE DISH
- ⊕ - HAND HOLE
- ⊕ - AC UNIT
- ⊕ - U.G. UTILITY MARKER
- ⊕ - FIRE HYDRANT
- ⊕ - PIV - POST INDICATOR VALVE
- ⊕ - WATER VALVE
- ⊕ - GAS VALVE
- ⊕ - UST FILL PORT
- ⊕ - GAS PUMP
- ⊕ - GAS METER
- ⊕ - WATER METER
- ⊕ - TELEPHONE RISER
- ⊕ - ELECTRIC METER
- ⊕ - CABLE TV RISER
- ⊕ - CATCH BASIN
- ⊕ - ROUND CATCH BASIN
- ⊕ - UTILITY MANHOLE
- ⊕ - STORM MANHOLE
- ⊕ - SANITARY MANHOLE
- ⊕ - ELECTRIC MANHOLE
- ⊕ - TELEPHONE MANHOLE
- ⊕ - WATER MANHOLE
- ⊕ - HANDICAP PARKING SPACE
- ⊕ - SHRUB
- ⊕ - TREE
- ⊕ - PINE TREE
- ⊕ - EXISTING CONTOURS
- ⊕ - TELEPHONE UTILITY LINE
- ⊕ - ELECTRIC UTILITY LINE
- ⊕ - WATER UTILITY LINE
- ⊕ - GAS UTILITY LINE
- ⊕ - STEAM UTILITY LINE
- ⊕ - STORM UTILITY LINE
- ⊕ - SANITARY UTILITY LINE
- ⊕ - FIBER OPTIC UTILITY LINE
- ⊕ - OVERHEAD UTILITY LINE
- ⊕ - FENCE LINE
- ⊕ - GUARD RAIL

All utilities as shown are approximate locations derived from actual measurements and available records. They should not be interpreted to be in exact location nor should it be assumed that they are the only utilities in the area.



LEGAL DESCRIPTION

PROPOSED 100'X100' LEASE AREA

All that part of the Southwest 1/4 of Section 25, Township 22 North of the Base Line, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, described as; Commencing at the Southwest Corner of said Section 25; thence South 89°42'09" East 1287.98 feet along the South line of said Section 25; thence North 00°00'00" West 99.48 feet TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence continuing North 00°00'00" West 100.00 feet; thence North 90°00'00" East 100.00 feet; thence South 00°00'00" East 100.00 feet; thence South 90°00'00" West 100.00 feet to the place of beginning of this description. Contains 10,000 square feet, more or less.



I, Samuel A. Miles, do hereby certify that the drawing shown hereon is a correct representation of a survey performed at and under my direction.

All dimensions shown are in feet and decimal parts thereof.

Given under my hand and seal this 22nd day of April, 2019.

Samuel A. Miles

Samuel A. Miles
Illinois Professional Land Surveyor No. 035.003984
Expires November 30, 2020

Note: This certification only applies to improvements within the lease site and easements as shown hereon.

DATE: 06/12/18	DWG. BY: E.C.V.
SCALE: N/A	SURVEYED: D.S./N.S.
UPDATE: ECV041919	CHKD BY: S.A.M.
PROJECT NO.: 218071.013	

Excerpt from 55 ILCS 5 Counties Code

Accessed 7/2/19 at www.ilga.gov

(55 ILCS 5/5-12001.1)

Sec. 5-12001.1. Authority to regulate certain specified facilities of a telecommunications carrier and to regulate, pursuant to subsections (a) through (g), AM broadcast towers and facilities.

- (a) Notwithstanding any other Section in this Division, the county board or board of county commissioners of any county shall have the power to regulate the location of the facilities, as defined in subsection (c), of a telecommunications carrier or AM broadcast station established outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect. The power shall only be exercised to the extent and in the manner set forth in this Section.
- (b) The provisions of this Section shall not abridge any rights created by or authority confirmed in the federal Telecommunications Act of 1996, P.L. 104-104.
- (c) As used in this Section, unless the context otherwise requires:
 - (1) "county jurisdiction area" means those portions of a county that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect;
 - (2) "county board" means the county board or board of county commissioners of any county;
 - (3) "residential zoning district" means a zoning district that is designated under a county zoning ordinance and is zoned predominantly for residential uses;
 - (4) "non-residential zoning district" means the county jurisdiction area of a county, except for those portions within a residential zoning district;
 - (5) "residentially zoned lot" means a zoning lot in a residential zoning district;
 - (6) "non-residentially zoned lot" means a zoning lot in a non-residential zoning district;
 - (7) "telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997;
 - (8) "facility" means that part of the signal distribution system used or operated by a telecommunications carrier or AM broadcast station under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware;
 - (9) "FAA" means the Federal Aviation Administration of the United States Department of Transportation;
 - (10) "FCC" means the Federal Communications Commission;
 - (11) "antenna" means an antenna device by which radio signals are transmitted, received, or both;
 - (12) "supporting structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;
 - (13) "qualifying structure" means a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement

structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;

- (14) "equipment housing" means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;
- (15) "height" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;
- (16) "facility lot" means the zoning lot on which a facility is or will be located;
- (17) "principal residential building" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation;
- (18) "horizontal separation distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building;
- (19) "lot line set back distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way; and
- (20) "AM broadcast station" means a facility and one or more towers for the purpose of transmitting communication in the 540 kHz to 1700 kHz band for public reception authorized by the FCC.

- (d) In choosing a location for a facility, a telecommunications carrier or AM broadcast station shall consider the following:
 - (1) A non-residentially zoned lot is the most desirable location.
 - (2) A residentially zoned lot that is not used for residential purposes is the second most desirable location.
 - (3) A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
 - (4) A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

- (e) In designing a facility, a telecommunications carrier or AM broadcast station shall consider the following guidelines:
 - (1) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
 - (2) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.

- (3) No facility should encroach onto an existing septic field.
 - (4) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
 - (5) Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.
 - (6) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph (5) of this subsection (e) shall control over any tree-related regulations imposing a greater burden.
 - (7) Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
 - (8) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.
- (f) The following provisions shall apply to all facilities established in any county jurisdiction area (i) after the effective date of the amendatory Act of 1997 with respect to telecommunications carriers and (ii) after the effective date of this amendatory Act of the 94th General Assembly with respect to AM broadcast stations:
- (1) Except as provided in this Section, no yard or set back regulations shall apply to or be required for a facility.
 - (2) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.
 - (3) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
 - (4) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.
 - (5) No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.
 - (6) A county's review of a building permit application for a facility shall be completed within 30 days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.
 - (7) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.
 - (8) Any public hearing authorized under this Section shall be conducted in a manner determined by the county board. Notice of any such public hearing shall be published at least 15 days before

the hearing in a newspaper of general circulation published in the county. Notice of any such public hearing shall also be sent by certified mail at least 15 days prior to the hearing to the owners of record of all residential property that is adjacent to the lot upon which the facility is proposed to be sited.

- (9) Any decision regarding a facility by the county board or a county agency or official shall be supported by written findings of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.
- (10) Thirty days prior to the issuance of a building permit for a facility necessitating the erection of a new tower, the permit applicant shall provide written notice of its intent to construct the facility to the State Representative and the State Senator of the district in which the subject facility is to be constructed and all county board members for the county board district in the county in which the subject facility is to be constructed. This notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility; (ii) the name, address, and telephone number of the governmental entity authorized to issue the building permit; and (iii) the location of the proposed facility. The applicant shall demonstrate compliance with the notice requirements set forth in this item (10) by submitting certified mail receipts or equivalent mail service receipts at the same time that the applicant submits the permit application.

(g) The following provisions shall apply to all facilities established (i) after the effective date of this amendatory Act of 1997 with respect to telecommunications carriers and (ii) after the effective date of this amendatory Act of the 94th General Assembly with respect to AM broadcast stations in the county jurisdiction area of any county with a population of less than 180,000:

- (1) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:
 - (A) the height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and
 - (B) the horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.
- (2) Unless a facility is permitted under paragraph (1) of this subsection (g), a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph (3) of this subsection (g). The county board may give its approval after one public hearing on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier. If the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.
- (3) For purposes of paragraph (2) of this subsection (g), the following siting considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing:

- (A) the criteria in subsection (d) of this Section;
 - (B) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
 - (C) the benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
 - (D) the existing uses on adjacent and nearby properties; and
 - (E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.
- (4) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented on the siting considerations and the well-reasoned recommendations of any other body that conducts the public hearing.
- (h) The following provisions shall apply to all facilities established after the effective date of this amendatory Act of 1997 in the county jurisdiction area of any county with a population of 180,000 or more. A facility is permitted in any zoning district subject to the following:
- (1) A facility shall not be located on a lot under paragraph (4) of subsection (d) unless a variation is granted by the county board under paragraph (4) of this subsection (h).
 - (2) Unless a height variation is granted by the county board, the height of a facility shall not exceed 75 feet if the facility will be located in a residential zoning district or 200 feet if the facility will be located in a non-residential zoning district. However, the height of a facility may exceed the height limit in this paragraph, and no height variation shall be required, if the supporting structure is a qualifying structure.
 - (3) The improvements and equipment of the facility shall be placed to comply with the requirements of this paragraph at the time a building permit application for the facility is submitted. If the supporting structure is an antenna tower other than a qualifying structure then (i) if the facility will be located in a residential zoning district the lot line set back distance to the nearest residentially zoned lot shall be at least 50% of the height of the facility's supporting structure or (ii) if the facility will be located in a non-residential zoning district the horizontal separation distance to the nearest principal residential building shall be at least equal to the height of the facility's supporting structure.
 - (4) The county board may grant variations for any of the regulations, conditions, and restrictions of this subsection (h), after one public hearing on the proposed variations held at a zoning or other appropriate committee meeting with proper notice given as provided in this Section, by a favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of an application by the telecommunications carrier. If the county board fails to act on the application within 75 days after submission, the application shall be deemed to have been approved. In its consideration of an application for variations, the county board, and any other body conducting the public hearing, shall consider the following, and no other matters:
 - (A) whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;
 - (B) whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;

- (C) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
- (D) whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and
- (E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

No more than one public hearing shall be required.

- (5) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented and the well-reasoned recommendations of any other body that conducted the public hearing.
- (i) Notwithstanding any other provision of law to the contrary, 30 days prior to the issuance of any permits for a new telecommunications facility within a county, the telecommunications carrier constructing the facility shall provide written notice of its intent to construct the facility. The notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility, (ii) the address and telephone number of the governmental entity that is to issue the building permit for the telecommunications facility, (iii) a site plan and site map of sufficient specificity to indicate both the location of the parcel where the telecommunications facility is to be constructed and the location of all the telecommunications facilities within that parcel, and (iv) the property index number and common address of the parcel where the telecommunications facility is to be located. The notice shall not contain any material that appears to be an advertisement for the telecommunications carrier or any services provided by the telecommunications carrier. The notice shall be provided in person, by overnight private courier, or by certified mail to all owners of property within 250 feet of the parcel in which the telecommunications carrier has a leasehold or ownership interest. For the purposes of this notice requirement, "owners" means those persons or entities identified from the authentic tax records of the county in which the telecommunications facility is to be located. If, after a bona fide effort by the telecommunications carrier to determine the owner and his or her address, the owner of the property on whom the notice must be served cannot be found at the owner's last known address, or if the mailed notice is returned because the owner cannot be found at the last known address, the notice requirement of this paragraph is deemed satisfied.

(Source: P.A. 96-696, eff. 1-1-10; 97-242, eff. 8-4-11; 97-496, eff. 8-22-11; 97-813, eff. 7-13-12.)

949-S-19 Site Images



From CR 3100N facing NE – house is west of proposed tower location



From CR 3100N facing NE to proposed tower location

949-S-19 Site Images



From CR 3100N facing NW to proposed tower location and neighboring house



From CR 3100N facing north to proposed tower location

PRELIMINARY DRAFT

949-S-19

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}*

Date: *{July 25, 2019}*

Petitioners: **Uniti Towers via Agent Trena Prewitt and Victoria Cox, land owner**

Request: **Authorize the construction and use of a commercial cellular tower with a height of 267 feet as a Special Use in the AG-1 Agriculture Zoning District, with the following waiver:**

Authorize a waiver for a commercial cellular tower with a height of 267 feet in lieu of the maximum allowed 200 feet, per the Illinois Counties Code (55 ILCS 5/5-12001.1., effective 7/13/12).

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 25, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Victoria Cox, 245 CR 3100N, Foosland, owns the subject property. Uniti Towers will hold a long-term lease on a portion of the subject property. Trena Prewitt, Buell Consulting, is the agent working on behalf of the co-petitioners.
 - A. Uniti Towers, 10802 Executive Center Drive, Benton Building Suite 300, Little Rock, Arkansas, has the following officers: Kenneth A. Gunderman, President and CEO; Mark A. Wallace, CPA Executive Vice President, CFO & Treasurer; Daniel L. Heard, Executive Vice President, General Counsel & Secretary; Blake Schuhmacher, Chief Accounting Officer, Vice President & Controller; Michael Friloux Sr., Vice President & Chief Technology Officer; Ronald J. Mudry, Sr., Vice President & Chief Revenue Officer; and Directors Jennifer S. Banner, Scott G. Bruce, Francis X. Frantz, Kenneth A. Gunderman, and David L. Solomon.
2. The subject property is a 3.22 acre tract in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 25, Township 22 North, Range 7 East of the Third Principal Meridian in Brown Township commonly known as the vacant lot located east of the residence with an address of 514 CR 3100N, Fisher.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial of the Village of Fisher, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ; however, they do receive notice of such cases and they are invited to comment.
 - B. The subject property is located in Brown Township, which does not have a Plan Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. The 3.22 acre subject property is zoned AG-1 Agriculture and is in agricultural production.
 - B. Land to the north, east, and south of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the west of the subject property is zoned AG-1 Agriculture and is residential in use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The preliminary Site Plan received June 13, 2019 includes the following sheets:
 - (1) 1: Title Sheet
 - (2) 2: Site Plan
 - (3) 3: Compound Plan
 - (4) 4: Elevation

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- (5) 7: Construction Details (*sheets 5 and 6 not provided*)
 - (6) 10: Utility Plan (*sheets 8 and 9 not provided*)
 - (7) 19: Details (*sheets 11 through 18 not provided*)
 - (8) S1: Survey sheet 1
 - (9) S2: Survey sheet 2
- B. The following proposed features are shown on Sheets 2 and 3:
- (1) A 100 feet by 100 feet lease area set back approximately 100 feet from the front property line;
 - (2) One 255 foot tall tower centered in the leased area;
 - (3) An 80 feet by 80 feet fenced area within the leased area;
 - a. Sheet 7: Construction Details shows the fence being 7 feet tall plus a one foot tall barbed wire top.
 - (4) One 12 feet wide by 101 feet 6 inches long gravel access road connecting to CR 3100N;
 - (5) One 30 feet wide utility easement surrounding the proposed access road and a turnaround area;
 - (6) One 14 feet by 8 feet AT&T equipment platform;
 - (7) Three areas for future carriers' equipment within the fenced area;
 - (8) One proposed 18 inch culvert crossing under the proposed access drive; and
 - (9) Note the sheets also show an existing gas pipeline easement located 53 feet 8 inches south of the leased area.
- D. There are no previous Zoning Use Permits for the subject property.
- E. There are no previous zoning cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for contractors' facilities both with and without outdoor operations and storage in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

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- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As Applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (4) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (5) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (6) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (7) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.

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- (8) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (9) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (10) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (11) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Section 5.2: Table of Authorized Principal Uses states that “Private or Commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT” can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

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- c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard conditions for "Private or Commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT":
- a. Towers shall conform to the standards of the Federal Aviation Administration, Federal Communication Commission, and the Illinois Department of Transportation, Division of Aeronautics.
 - b. A minimum 6 feet tall wire mesh fence is required.
 - c. The tower must be at least 100 feet away from street centerline, and at least 50 feet from the side and rear lot lines.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special 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 6.

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- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a VARIANCE. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a VARIANCE and the Illinois Counties Code (*55 ILCS/5-12009*) requires that a VARIANCE can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. The Illinois Counties Code (*55 ILCS 5/5-12001.1*) regulates certain specified facilities of a telecommunications carrier. The statute applies to all facilities established in any county jurisdiction area after the effective date (December 16, 1997) of the amendatory Act of 1997 with respect to telecommunications carriers. The full text of the statute is an attachment to the Preliminary Memorandum dated July 18, 2019.
- (1) The statute limits the authority of a County such that it cannot consider regulations for yards, lot area, lot width, setback, and bulk regulations on lot coverage and building coverage.
 - (2) The statute does not provide for a county requiring a Special Use Permit for a communications tower.
 - a. The “Private or Commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT” use was established in an amendment to the Champaign County Zoning Ordinance under Ordinance 195 adopted on July 12, 1983.

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- b. The Zoning Administrator proposes to resolve this inconsistency via text amendment later in 2019. Any cases heard prior to the approval of said text amendment will still require a Special Use Permit and a Waiver for height as necessary.
- (3) The statute establishes the following regarding a variance for tower height of over 200 feet: “Unless a height variation is granted by the county board, the height of a facility shall not exceed 75 feet if the facility will be located in a residential zoning district or 200 feet if the facility will be located in a non-residential zoning district.”
- a. The Illinois Counties Code (*55 ILCS 5/5-12001.1*) requires a variance for telecommunications towers over 200 feet in height; however, the Champaign County Zoning Ordinance does not currently require a Variance for tower height. The Zoning Administrator has determined that a Waiver from the Illinois statute is the appropriate approval mechanism.
- (4) One public hearing is allowed to grant variations, and the hearing must be completed within 75 days of application submittal. The Board is limited to the following considerations, and cannot consider other matters (*55 ILCS 5/5-12001.1(h)(4)(A) through (E)*):
- a. Whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;
 - b. Whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;
 - c. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
 - d. Whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and
 - e. The extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, “**The location was selected based on its ability to support a telecommunications tower, the minimal impact it will have on the surrounding agricultural uses and the optimal location to support AT&T and FirstNet’s coverage needs in the area.**”

PRELIMINARY DRAFT**Case 949-S-19****Page 9 of 19****GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application: **“While the property is zoned AG-1 and is believed to be BEST PRIME FARMLAND, the tower compound should be considered WELL SUITED OVERALL. The site will have no unacceptable negative impacts on the surrounding neighbors and it will be designed and constructed with simple engineering and easily maintained construction methods. It will also be well-suited in all respects with no major defects. We can provide engineer stamped tower drawings as a condition of approval. Also, existing public services are available to support the new tower compound effectively without undue public expense. And lastly, the existing public infrastructure together with proposed improvements are adequate to support the development effectively and safely without any undue public expense. Regardless of the fact that it is WELL SUITED OVERALL, the Illinois state statute (referenced below) does not allow the county to review based on this criteria. The state statute does however state that non-residentially zoned lots, such as is the case for the subject parcel in this project, are the most preferable locations for new towers.”**
 - B. Regarding surface drainage:
 - (1) The subject property is relatively flat, and generally drains to the southeast.
 - C. Regarding traffic in the subject property area:
 - (1) CR 3100N is a two-lane township road that is approximately 22 feet wide.
 - (2) The subject property is located about 0.3 road mile west of the Village of Fisher, 1.1 mile east of IL-47 (CR 400E), and 1 mile north of US 136 (CR 3000N).
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR 3100N had an ADT of 275 near the subject property.
 - a. The petitioner has indicated that there will be no onsite employees, so the proposed tower should not increase traffic volumes.
 - (4) The Brown Township Road Commissioner has been notified of this case and no comments have been received.
 - D. Regarding fire protection on the subject property, the subject property is located approximately 1.3 road miles northwest of the Fisher Fire Station. The Fire Chief was notified of this case and no comments have been received.
 - E. No part of the subject property is located within a mapped floodplain.

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- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of Drummer silty clay loam 152A, Peotone silty clay loam 330A, and Elliott silty clay loam 146B2, and has an average LE of 93.
- G. Regarding outdoor lighting on the subject property:
- (1) The petitioner stated in their application: “Minimal lighting will only be installed for security and safety purposes and will be shielded to reduce glare. Per the FAA, the tower will have lighting as required by the FAA, but no more than is required.”
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) No wastewater treatment will be necessary for the proposed tower.
- I. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“The proposed tower project conforms with all applicable regulations and standards and also preserves the essential character of the AG-1 district. It will be an unmanned facility with no impact on the surrounding agricultural lands or uses.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) “Private or commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT” are authorized with a Special Use Permit in the AG-1, AG-2, B-3, B-4, B-5, I-1, and I-2 Zoning DISTRICTS.
 - (2) Regarding parking on the subject property for the proposed Special Use:
 - a. No parking is required for the proposed tower, per the Illinois Counties Code (55 ILCS 5/5-12001.1).
 - C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - (1) The proposed project is exempt from the Storm Water Management Plan requirement because the impervious area will be less than 16%.
 - (2) The proposed project is exempt from the LDEC requirement because it is not in the MS4 jurisdictional area and will disturb less than 10,000 square feet of land.
 - E. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.

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- F. Regarding the Subdivision Regulations, the subject property is located in the Village of Fisher subdivision jurisdiction and the Village has waived its subdivision regulations.
- (1) The subject property is not in compliance with the Illinois Plat Act, but the constraints of the Illinois Counties Code (*55 ILCS 5/5-12001.1*) do not allow consideration of this for telecommunications towers.
 - (2) The subject property owner is working with the P&Z Department to remedy the illegal lots, even though it is not required for the proposed tower.
- G. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
- (1) “Private or commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT” are authorized with a Special Use Permit in the AG-1 Agriculture Zoning District.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. Section 5.2: Table of Authorized Principal Uses states that “private or commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT” can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states, “The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. The subject property is not within a flood hazard area.
 - b. The subject property is exempt from the Champaign County *Storm Water Management and Erosion Control Ordinance*.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

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- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. Soils on the subject property are BEST PRIME FARMLAND. The proposed addition will remove approximately 13,000 square feet (0.3 acre) from agricultural production.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

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The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed addition will remove approximately 13,000 square feet (0.3 acre) from agricultural production.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: “N/A.”
 - B. The property is currently in agricultural production and has no structures.

RELATED TO THE WAIVER, GENERALLY REGARDING 55 ILCS 5/5-12001.1(h)(4)(A)

12. Generally regarding the finding that, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage:
- A. The Petitioner has testified on the application, “**In this specific case, AT&T requires this location with a tower of 267' in height as it is the minimum height needed in order to sufficiently provide adequate coverage and service to the area for both their customers and for FirstNet.**”

RELATED TO THE WAIVER, GENERALLY REGARDING 55 ILCS 5/5-12001.1(h)(4)(B)

13. Generally regarding the finding that the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier:
- A. The Petitioner has testified on the application, “**We believe the only conditions that are quite unique in this case is the requirement for a maximum lot size of 3 acres. This is not a common provision and the state statute was written in a way to specifically prefer larger lot sizes. Strict application of this regulation would result in a hardship for Uni**

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and AT&T as the only nearby lots under 3 acres in size have residential buildings located on them with inadequate space for a tower compound.”

- B. The 3.22 acre subject property is larger than the maximum allowed 3 acres on Best Prime Farmland, which requires a VARIANCE from the Zoning Ordinance. The Illinois Counties Code (*55 ILCS 5/5-12001.1*) does not allow consideration of lot size in the approval process for telecommunications towers. The Zoning Administrator has determined that the owners of the subject property can apply for that VARIANCE should they need a building permit in the future for construction not related to the tower.

RELATED TO THE WAIVER, GENERALLY REGARDING 55 ILCS 5/5-12001.1(h)(4)(C)

14. Generally regarding the finding that a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant:
- A. The Petitioner has testified on the application, **“No adverse effects on public safety will result from any aspects of the facility's design or proposed construction. On the contrary, public safety will be improved in the area with the greater coverage provided by FirstNet, the exclusive nationwide mobile network for first responders.”**

RELATED TO THE WAIVER, GENERALLY REGARDING 55 ILCS 5/5-12001.1(h)(4)(D)

15. Generally regarding the finding that there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility:
- A. The Petitioner has testified on the application, **“As stated previously, both users of AT&T's services and first responders, in their use of FirstNet, will see improved coverage and capacity in the area as a result of this new installation.”**

RELATED TO THE WAIVER, GENERALLY REGARDING 55 ILCS 5/5-12001.1(h)(4)(E)

16. Generally regarding the finding regarding the extent to which the design of the proposed facility reflects compliance with subsection (e) of the statute:
- A. The Petitioner has testified on the application, **“As stated previously, the facility will be in full compliance with subsection (e) above.”**
- B. Subsection (e) of the Illinois Counties Code (*55 ILCS 5/5-12001.1*) provides guidelines for telecommunications facilities; the full text can be found as an attachment to the Preliminary Memorandum dated July 18, 2019. P&Z Staff review of this subsection indicated that the proposed tower facility design follows the guidelines.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

There are no proposed special conditions.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received June 13, 2019
2. Preliminary Site Plan received June 13, 2019, including the following sheets:
 - 1: Title Sheet
 - 2: Site Plan
 - 3: Compound Plan
 - 4: Elevation
 - 7: Construction Details (*sheets 5 and 6 not provided*)
 - 10: Utility Plan (*sheets 8 and 9 not provided*)
 - 19: Details (*sheets 11 through 18 not provided*)
 - S1: Survey sheet 1
 - S2: Survey sheet 2
3. Preliminary Memorandum dated July 18, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Preliminary Site Plan received June 13, 2019, as listed above
 - C Text of the Illinois Counties Code (*55 ILCS 5/5-12001.1, effective 07/13/12*)
 - D Site photos taken July 15, 2019
 - E Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated July 25, 2019

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FINDINGS OF FACT FOR CASE 949-S-19

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **949-S-19** held on **July 25, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **IS** necessary for the public convenience at this location as identified in Finding 6. below.
2. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare as identified in Finding 6. below.
- 3a. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} IS NOT REQUIRED TO** conform to the applicable regulations and standards of the DISTRICT in which it is located, per *55 ILCS 5/5-12001.1*. (effective 7/13/12).
- 3b. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} IS NOT REQUIRED TO** preserve the essential character of the DISTRICT in which it is located per *55 ILCS 5/5-12001.1*. (effective 7/13/12).
4. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} IS NOT REQUIRED TO BE** in harmony with the general purpose and intent of the Ordinance per *55 ILCS 5/5-12001.1*. (effective 7/13/12).
5. The requested Special Use **IS NOT** an existing nonconforming use.
6. Regarding the waiver:
 - a. Authorize a waiver for a commercial cellular tower with a height of 267 feet in lieu of the maximum allowed 200 feet, per the Illinois Counties Code (*55 ILCS 5/5-12001.1*., effective 7/13/12) and consistent with the following considerations identified in *55 ILCS 5/5-12001.1(h)*:
 - (A) But for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility **{WILL / WILL NOT}** be less available, impaired, or diminished in quality, quantity, or scope of coverage.
 - (B) The conditions upon which the application for variations is based **{ARE / ARE NOT}** unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier.
 - (C) A substantial adverse effect on public safety **{WILL / WILL NOT}** result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant.
 - (D) There **{ARE / ARE NOT}** benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility.

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- (E) The extent to which the design of the proposed facility reflects compliance with subsection (e) of Section 5-12001.1.

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

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FINAL DETERMINATION FOR CASE 949-S-19

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 949-S-19 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Uniti Towers and Victoria Cox**, to authorize the following:

Authorize the construction and use of a commercial cellular communications tower with a height of 267 feet as a Special Use in the AG-1 Agriculture Zoning District.

SUBJECT TO THE FOLLOWING WAIVER:

Authorize a waiver for a commercial cellular tower with a height of 267 feet in lieu of the maximum allowed 200 feet, per the Illinois Counties Code (55 ILCS 5/5-12001.1., effective 7/13/12).

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date