



City of Aurora

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Legistar History Report

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In Control: Planning & Development Committee

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File Name: World Class Wireless / N. of Diehl, W. of Eola Road / Final Plat

Final Action:

Title: A Planning and Development Committee Resolution Approving the Final Plat for World Class Wireless Subdivision, Unit 1, located at the northwest corner of Diehl Road and Eola Road (World Class Wireless, LLC - 18-0532 / NA06/4-18.091-Fsd - TV - Ward 10)

Notes:

Agenda Date: 07/26/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Final Plat - 2017-07-17 - 2018.091.pdf, Land Use Petition and Supporting Documents - 2018-06-19 - 2018.091.pdf, Property Research Sheet - 72631.pdf, Address Plat - 2018-07-09 - 2018.091.PDF, Plat of Survey - 2018-06-19 - 2018.091.pdf, CCR's - White Oak Business Park - 2018-06-19 - 2018.091.pdf, Legistar History Report - 2018-07-11 - 2018.091.pdf

Enactment Number:

Planning Case #: NA06/4-18.091-Fsd

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	06/26/2018	referred to	Planning Council			
	Action Text:		This Petition was referred to to the Planning Council				
1	Planning Council	07/03/2018					
	Notes:	<i>Representatives Present: Derrick Gooch and Bruce Goldsmith</i>					

I'm Bruce Goldsmith, representing World Class Wireless, with Derrick Gooch from World Class Wireless. We've been talking to the city, I guess, for 2 years about this and we've always contemplated a lot about 2 plus acres. It turns out to be about 2.8 acres where we have our transmission facility currently installed and leaving the balance of the site for development. So what

this does is it has a temporary access road, which allows the city access under the licensing provisions for towers. This is a pole. So the city has access to the site through this easement, which comes off where the curb cut is, or will be, along Diehl where the median cut currently is with Diehl Road. That's going to be the only access point. We assume when the site is developed it will probably all end up in pavement and we'll just be preparing our easement so we can get to the site.

Mr. Sieben said one question before we get to the question you want to ask. What is the status of the building and the fencing and the landscaping?

Mr. Goldsmith said so to finish that project, we are waiting for our provider to get a right-of-way permit from the city and also working on the internal design of the facility to get access to our provider so that we can get into it.

Mr. Sieben said has that just been submitted like within the last week, a right-of-way permit?

Mr. Gooch said it would have been recently. That's one piece. I don't mean to say we are only waiting on the city. It would have been recently. I don't have the exact date.

Mr. Sieben said it was within the last week, I believe.

Mr. Gooch said at most it would have been 2 weeks ago just because we've been having discussions with them. In addition to that, we've got our own internal technical considerations. Those two things coupled, the idea is that we would finish the site completely from a technical standpoint and make sure all the right-of-way work is done and so then when we go and put all the beautification in and trees that doesn't have to get undone.

Mr. Sieben said I was wondering what came first because I saw the permit in and then my comment was well are they done with their building.

Mr. Goldsmith said we have landscaping and a fence to do. We can't do that until we get the connection.

Mr. Sieben said until you finish the connection.

Mr. Gooch said right and then we've still got to work through the exercise to take down the temporary structure.

Mr. Sieben said since you guys are on the record stating that's the process, Zoning can sign off on our portion of it. I believe Engineering and IT have a sign off on it also.

Mr. Feltman said so we would be looking at just an access drive and a right-of-way permit. The contractor that's going to do the driveway just needs to be licensed and bonded.

Mr. Gooch said it is the same contractor that did the work. Just as an aside, we've already issued a P.O. to them. On the paperwork side, they are waiting to go, waiting on us essentially once we work through our technical issues and the fiber issue to say okay yes we can go and do this work. Once they actually start that work, it is roughly about 3 weeks, depending on the weather, to get the drive done and get the fencing up and get the plantings in.

Mr. Sieben said okay so Steve we'll sign off on it with the condition that that work will be done once this work is completed. Then, obviously, you guys will have the rest of the property up for sale? Is that my understanding?

Mr. Gooch said it is actually currently up for sale.

Mr. Goldsmith said the key, of course, is to be able to sell a lot, so we just need to get through this process.

Mr. Sieben said I believe this is set for the July 18th Planning Commission.

Mr. Goldsmith said would that get us to full approval by the end of July or are we still going to be a week short?

Mr. Sieben said you would end at P&D and then there is an appeal period for 5 days, but yes.

Mrs. Morgan said it will go to P&D on July 26th. You won't go to Committee of the Whole because it is a 5th week, so it would be over before Committee of the Whole.

Mr. Goldsmith said so the 5 day appeal period would be off the 26th?

Mrs. Morgan said yes.

Mr. Goldsmith said on the comments it was that we were to have IDOT and the County sign the plat. Our surveyor said no, the State law is that unless you seek access from a County or State road you don't need either of them to sign. Of course, IDOT has no jurisdiction because it is the Tollway anyway. We are not seeking access to Eola. Obviously we are not seeking access to I-88, so we've only put on the city signing off and we think that's correct.

Mr. Feltman said the only thing that I think when we had talked was with the Tollway there is the access restriction.

Mr. Goldsmith said right, which is why we only have one curb cut, which is more than 500 feet from the ramp.

Mr. Feltman said correct and that was all negotiated and that access was granted, but is there an actual access limitation easement?

Mr. Goldsmith said I've never done a title search to figure that out. I know that that was the deal with the city when we did the ramps because I had the same issue on the north side.

Mr. Feltman said correct.

Mr. Goldsmith said but I don't know that the Tollway ever bothered to record a restriction. I think it comes down to it is just like I've had issues on Farnsworth being near the ramp and the city won't, unless the Tollway allows you, the city won't allow you to have a curb cut. I think it is kind of self-regulated. I don't think that the Tollway records these restrictions.

Mr. Sieben said so did Tracey talk to you guys about this issue at all? You said Tracey said if Engineering was okay with it, in so many words, I can't speak for her.

Mr. Goldsmith said it came down to she wanted a certification from the surveyor that's not required, which we gave her, but I thought that was overkill because it is obvious that we are not seeking access to either of those places. Beyond that, there is a State statute that says unless you are seeking access you don't need approval from any other governmental authority.

Mr. Feltman said correct. Well IDOT clearly does not make sense.

Mr. Goldsmith said I understand. The requirement was IDOT and DUDOT, and obviously DUDOT has nothing to say because we are not accessing Eola.

Mr. Feltman said but you are adjacent to it.

Mr. Sieben said to the intersection, correct?

Mr. Goldsmith said yes. So we did give you a certification which says that based on State statute, and by the way the engineer gave examples from the Premium Outlet Mall, he's got 20 example of places

along I-88 where neither the Tollway or the County has signed off on it where it is a city street.

Mr. Feltman said well to be honest with you, we did see a concept plan that they were trying to gain access between the full and the interchange.

Mr. Goldsmith said you mean somebody else met?

Mr. Feltman said yes.

Mr. Goldsmith said the concern I have is you go to DUDOT with something that they don't have anything to sign off on and they are going to ask why are you asking us to sign it. I would just as soon avoid that.

Mr. Sieben said well if anyone asks for a curb cut they would have to come to them anyway, right? We're not anticipating that happening.

Mr. Goldsmith said well there are 2 detention ponds.

Mr. Feltman said there is no way you can do it.

Mr. Sieben said there is no way. The reason it came up, I think, was fire related when we were dealing with some potential users.

Mr. Beneke said when you have a larger facility there then you may need 2 accesses. The water main would come off Eola.

Mr. Goldsmith said but that's your issue about fire.

Mr. Beneke said I don't know if that affects what you guys talked about. In the future, that may need to be provided.

Mr. Goldsmith said if you put a pointer in the west end, if this lot develops and your only access point is the main point, you probably will want a, because of the detention pond, the only other place you can really put it is near the ramp and you just put an emergency with a crash gate.

Mr. Beneke said I'm actually looking at Eola over here.

Mr. Feltman said you can't do it on Eola. There is grade change here...

Mr. Sieben said you're talking about here?

Mr. Goldsmith said they are talking about there. I'm talking about way at the far west end.

Mr. Feltman said there is no way that can work.

Mr. Sieben said if you remember, we had some DST's with a potential user and you guys were looking at maybe an additional fire access only to Diehl Road as separated as possible.

Mr. Beneke said if the building is over 124,000, they are going to have to have two accesses. That's the only concern I would throw into the conversation is that if that affects you or not and honestly that's got to be looked at in the future.

Mr. Goldsmith said it depends if our buyer has a building that big and then he'd have to decide how to deal with it.

Mr. Beneke said I know there was concern about doing something, whether the Tollway would grant something on the ramp or somewhere close to it, which I'm guessing they won't, so there's going to be a lot of questions that are going to have to be answered in the future.

Mr. Feltman said well the one concept plan that was thrown out, which was completely ridiculous, they were coming into the corner of the intersection, which didn't make any sense. So we talked about maybe trying to have a gated access somewhere between...

Mr. Beneke said fire only.

Mr. Feltman said somewhere between the Tollway access drive and the full drive.

Mr. Beneke said as far west as we can get, I think, is what we were looking at.

Mr. Goldsmith said I can't imagine the Tollway would object to a fire access, but that's for another day.

Mr. Sieben said and you are not going to have much separation, but at least it will be a second one. So we agree no IDOT, but you don't know about DUDOT.

Mr. Feltman said can probably strip that off. My one thought is just look at (inaudible). Like you said, maybe we just self-regulate it.

Mr. Goldsmith said nobody can come in and get another curb cut unless you approve it. When we get a prospect and they come through, if they have a building that big, they'll have to meet that requirement. You'll have to work with them. I suspect you'll convince the Tollway to do it at that point. Otherwise, it could be a series of smaller buildings and you won't have the issue. The second plat is an address plat, which is just a question of you assigning numbers to it. We just need Engineering to assign addresses.

Mr. Thavong said Roopa and Tracey have been working on it. They looked at it anyway.

Mr. Goldsmith said because I think we are 2300, so it will be something like that.

Mr. Sieben said is what you submitted without IDOT and DUDOT?

Mr. Goldsmith said it is. Then that was the question for our resubmittal. So you need an electronic copy and 4 hard copies?

Mrs. Morgan said we only need 2 hard copies.

Mr. Thavong said Bruce before you resubmit could we take a look at it first? I know Tracey has sent you comments. Engineering hasn't had a chance to look at it yet, but I'll take a look at it today.

Mr. Goldsmith said just let us know. Anything we have to modify we have time to do it, but with the holiday we don't have a lot of time to deal with it.

Mr. Thavong said I'll take a look at it today and then I'll get you comments.

1	Planning Council	07/10/2018	Forwarded	Planning Commission	07/18/2018	Pass
	Action Text: A motion was made by Mr. Sieben, seconded by Mr. Minnella, that this agenda item be Forwarded to the Planning Commission, on the agenda for 7/18/2018. The motion carried by voice vote.					
	Notes: Mr. Sieben said this will be going to the July 18 Planning Commission. I will make a motion to move this to the July 18th Planning Commission. Mr. Minnella seconded the motion. The motion carried unanimously.					
2	Planning Commission	07/18/2018	Forwarded	Planning & Development Committee	07/26/2018	Pass
	Action Text: A motion was made by Mr. Chambers, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 7/26/2018. The motion carried.					
	Notes: 15 Our next item is a Planning and Development					

16 Committee Resolution approving the final plat for
17 World Class Wireless Subdivision, Unit 1, located
18 at the northwest corner of Diehl Road and Eola
19 Road by World Class Wireless LLC, Ward 10.
20 MS. VACEK: Good evening. The
21 subject property is currently vacant with the
22 exception of a small communication facility and
23 equipment building which is located at the
24 southeast corner of the property, just west of

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1 the detention pond.
2 The Petitioner is requesting approval of a
3 final plat for World Class Wireless Subdivision,
4 Unit 1. The details of the request include
5 subdividing the property to create a 2-lot
6 subdivision. Lot 1 consisting of 22.123 acres
7 will be for a future ORI use development and Lot
8 2 consisting of 2.842 acres contains a
9 communication facility and the detention facility
10 for the subject property.

11 That's really it in a nutshell. I can turn
12 it over to the Petitioner if you have anything
13 else to add.

14 MR. GOLDSMITH: Good evening. Bruce
15 Goldsmith from the Dykema Law Firm representing
16 World Class Wireless. I was almost going to say
17 I was speechless, but I can tell you a little
18 bit: And that is World Class Wireless is in the
19 high-speed trading business. So it has a
20 communication facility on the smaller lot that
21 connects directly to the building across the
22 street that's owned by Sirius I.

23 So the purpose of the smaller lot is just
24 to have a legal lot to contain the communication

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1 facility and the detention pond. The larger lot
2 is being positioned for development. As you
3 might know from looking at the plat, the west
4 side is the ramp going onto I- 88. The east side
5 is Eola Road. It's a substantial development
6 parcel. And World Class Wireless has been
7 marketing the property. But without having a lot
8 to market, it's harder to sell. So by
9 resubdividing, we are able to put a lot out on
10 the marketplace. And that's the purpose of this.

11 I am happy to answer any questions.

12 CHAIRPERSON TRUAX: Questions for the
13 Petitioner?

14 (No questions.)

15 MR. GOLDSMITH: Thank you.

16 CHAIRPERSON TRUAX: We need a staff
17 recommendation.

18 MS. VACEK: Staff would recommend an
19 approval of the Planning and Development
20 Resolution approving the final plat for World
21 Class Wireless Subdivision, Unit 1, located at

22 *the northwest corner of Diehl Road and Eola Road.*
23 *CHAIRPERSON TRUAX: You've heard the*
24 *Staff recommendation. The wishes of the*

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1 *Commission?*
2 *MR. CHAMBERS: Move for approval.*
3 *MS. ANDERSON: Second.*
4 *CHAIRPERSON TRUAX: It's been moved*
5 *and seconded. Would you call the roll, please.*
6 *MS. JACKSON: Mrs. Anderson?*
7 *MS. ANDERSON: Yes.*
8 *MS. JACKSON: Mr. Cameron?*
9 *MR. CAMERON: Yes.*
10 *MS. JACKSON: Mr. Chambers?*
11 *MR. CHAMBERS: Yes.*
12 *MS. JACKSON: Mrs. Cole?*
13 *MS. COLE: Yes.*
14 *MS. JACKSON: Mr. Divine?*
15 *MR. DIVINE: Yes.*
16 *MS. JACKSON: Mrs. Head?*
17 *MS. HEAD: Yes.*
18 *MS. JACKSON: Mr. Reynolds?*
19 *MR. REYNOLDS: Yes.*
20 *CHAIRPERSON TRUAX: Motion carries.*
21 *MS. VACEK: And this will be next*
22 *heard at the Planning and Development Committee*
23 *here at City Hall on July 26th up at the Fifth*
24 *Floor Conference Room at 4:00 p.m.*

Aye: 7 At Large Cameron, At Large Cole, Aurora Twnshp Representative
Reynolds, At Large Anderson, Fox Metro Representative Divine, Fox
Valley Park District Representative Chambers and SD 129
Representative Head
