



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Legistar History Report

File Number: 15-00553

File ID: 15-00553	Type: Ordinance	Status: ATS Review
Version: 3	General Ledger #:	In Control: Planning & Development Committee
		File Created: 06/18/2015

File Name: Fox Valley Park District / Lincoln Park / Telecommunications Facility / Special Use	Final Action:
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Title: An Ordinance Granting a Special Use Permit for a Telecommunication Facility Use on the Property located at 800 Marseillaise Place

Notes:

Agenda Date: 08/27/2015

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description 2015-08-14 - 2015.042.pdf, Exhibit "B-1" Final Plan - 2015-08-12 - 2015.042.pdf, Exhibit "B-2" Landscape Plan - 2015-08-12 - 2015.042.pdf, Exhibit "B-3" Elevations - 2015-08-12 - 2015.042.pdf, Exhibit "B-4" Fire Access Plan - 2015-08-12 - 2015.042.pdf, Exhibit "C" Memorandum of Agreement - 2015-08-14 -2015.042.pdf, Property Research Sheet - 2015-02-18 - 2015.042.pdf, Land Use Petition and Supporting Documentation - 2015-06-17 - 2015.042.pdf, Plat of Survey - 2015-06-17 - 2015.042.pdf, Legistar History Report - 2015-08-12 - 2015.042.pdf

Enactment Number:

Planning Case #: AU21/3-15.042-Su

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	06/23/2015	referred to	DST Staff Council (Planning Council)	07/07/2015		
	Action Text: This Petition was referred to to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	06/30/2015					
	Notes: Mr. Sieben said so this is located adjacent to the building in Lincoln Park. This is at the corner of Russell and Lakewood. Right on the north side of Lakewood there is Holy Angels School. This is right along the railroad tracks. To the east is Shetland Industrial Park. To the west is the rest of Lincoln Park. So Vergie do you want to explain who you are representing and then who the initial tenant						

would be?

Representative Present: Virginia Roth

Ms. Roth said I work for SureSite. We represent American Tower. We have a lease with the Park District for a 50 by 50 foot area at Lincoln Park. It would be a stealth flagpole. Our initial tenant would be T-Mobile and there is space within the pole for 2 additional carriers in the future.

Mr. Sieben said what is the height of the tower?

Ms. Roth said 110 at the top.

Mr. Seiben said and the intent is to put an American flat and then like a Park District flag or a State flat potentially on it.

Ms. Roth said in the drawings we did propose that.

Mr. Seiben said and you were approved by the Fox Valley Board back at the beginning of June. Is that correct?

Ms. Roth said yes.

Mr. Sieben said originally there was a Special Use approved literally, I think, about 200 feet to the southeast on the Shetland site just south of the building you see there on the east side of the railroad tracks and at that time it was T-Mobile that had petitioned, or a consultant on behalf of T-Mobile. Do you want to just explain, because I had you check on that, what the status of that was, why they are looking here instead?

Ms. Roth said yes. We've been in contact with that landlord again. They do not have the space to accommodate American Tower. T-Mobile had negotiated for space. American Tower's business plan is for a 50 by 50 foot area and they cannot accommodate that.

Mr. Sieben said so it was too small where it was originally approved?

Ms. Roth said yes.

Mr. Sieben said so what we said we would do, if this site gets approved, is then the city would go ahead and put into motion the rescinding of that Special Use.

Ms. Phifer said so we are going to make those concurrent.

Mr. Seiben said correct.

Mr. Feltman said there were really no utility issues, so I don't think Engineering is really going to have any review or comments on this.

Mr. Krientz said we just wanted to maintain for fire just a fire lane access to the building on that whole entire length of the lane. We wanted to make sure that was addressed.

Mr. Beneke said if you are fencing it off or whatever, we need to make sure we have a gated lockbox.

Mr. Krientz said a gated lockbox, a fence and that it is secured and access to it. That's where our comments were.

Mr. Wiet said isn't there a nursery right there?

Mr. Seiben said the existing building is in the grey there. So what they are doing is they are just doing a little drive off the end of the parking lot, the looped parking lot there, so it will be between the parking lot and the railroad tracks.

Mr. Wiet said and the tower just in the middle of it?

Mr. Sieben said correct. Do you want to describe the fencing?

Ms. Roth said I think at our meeting with Mike Erickson he said that they would talk about it, but I think in the drawings it is a vinyl fence with a swing gate.

Mr. Sieben said and then you'll have landscaping around it?

Ms. Roth said yes. The landscaping too, I think they are going to work with the Park District with their little mini arboretum that they are going to plant.

Mr. Sieben said we don't have a date for you yet. Tracey will be back from vacation next week, so we'll take a look at it and then we will work with you on a tentative date and get the notices.

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|---|---|--|-----------|--|------------|------|
| 1 | DST Staff Council
(Planning Council) | 07/07/2015 | | | | |
| | Notes: | <i>Mr. Sieben said we will be looking at this and sending out any comments and then we will be looking at some tentative dates for this.</i> | | | | |
| 1 | DST Staff Council
(Planning Council) | 07/14/2015 | | | | |
| | Notes: | <i>Mrs. Vacek said I will be reviewing this in the next week or so.</i> | | | | |
| | | <i>Mr. Sieben said we sent a comment about the fence this morning.</i> | | | | |
| 1 | DST Staff Council
(Planning Council) | 07/21/2015 | | | | |
| | Notes: | <i>Mrs. Vacek said I will be reviewing this this week.</i> | | | | |
| 1 | DST Staff Council
(Planning Council) | 07/28/2015 | | | | |
| | Notes: | <i>Mrs. Vacek said I'm finishing up my comments on this one and this should go out today or tomorrow.</i> | | | | |
| 1 | DST Staff Council
(Planning Council) | 08/04/2015 | | | | |
| | Notes: | <i>Mrs. Vacek said I sent out comments. I'm just waiting for revisions. They had a couple of questions, so I answered them.</i> | | | | |
| 1 | DST Staff Council
(Planning Council) | 08/11/2015 | Forwarded | Planning
Commission | 08/19/2015 | Pass |
| | Action Text: | A motion was made by Mrs. Vacek, seconded by Mr. Feltman, that this agenda item be Forwarded to the Planning Commission, on the agenda for 8/19/2015. The motion carried by voice vote. | | | | |
| | Notes: | <i>Mrs. Vacek said I sent comments out on this. This is moving to the August 19th Planning Commission, so I do make a motion to move this forward. There may be conditions depending on the resubmittal that I get today. Mr. Feltman seconded the motion. The motion carried unanimously.</i> | | | | |
| 2 | Planning Commission | 08/19/2015 | Forwarded | Planning &
Development
Committee | 08/27/2015 | Pass |
| | Action Text: | A motion was made by Mrs. Cole, seconded by Mr. Engen, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 8/27/2015. The motion carried. | | | | |
| | Notes: | <i>Mrs. Vacek said the Petitioner is seeking a Special Use to allow for the construction of a new telecommunication tower within the Park Zoning District at Lincoln Park. The Petitioner is proposing to construct a 110 foot stealth communication facility, which will accommodate 3 carriers on that facility. The tower will double as a flagpole with a U.S. flag at the top and one additional flag below it, which can be used by the Fox Valley Park District. The proposed facility and associated equipment will be located within a 50 by 50 enclosed area at the southwest corner of the existing parking lot just north of the existing building and will have a 6 foot board on board wood fence with a mixture of shrubs and evergreens surrounding it. I will turn it over to the Petitioner unless you have some questions for me.</i> | | | | |

The Petitioner was sworn in.

Good evening. My name is Virgie Roth and I am representing SureSite, the applicant who has filed on behalf of American Tower to propose the stealth facility in Lincoln Park. Basically, what Tracey had said is what I was going to tell you. It is a 110 foot pole to provide for 3 carriers. The area, the leased ground area, is a 50 by 50 foot area. We have worked with the Park District and, I believe, the Planning Commission to provide for fencing and landscaping to their liking.

Vice Chairman Truax said you have not worked with the Planning Commission to do that. You may have worked with the city staff to do that, but I'm just making that correction.

Mrs. Cole said the lighting, will this go directly up on the flag then?

Ms. Roth said I believe there are standards for lighting the American flag and the tower.

The public input portion of the public hearing was opened. The witnesses were sworn in.

I'm Marvin Wehler, 244 S. Elmwood. The pole indicates some communication things hanging on it. What does that mean? How many things? What does it look like? The other question is lighting as a flag. Does it light from the ground or on the pole itself? If it lights from the ground, that's going to be quite a light up 110 feet. We'd like to know what kind of effect it might have on local communication; our TV, our telephones, any of those things, what relationship might we expect. You said that there are going to be evergreens around the board on board fence. How big of evergreens are we talking about and what kind, tall ones, short ones? What varieties are we talking about? This is located over next to the building I understand near the railroad tracks so that it is kind of out of the way, it is not in the middle of the park, which I was concerned with. So the location seems to be reasonable. If we could get answers to these other questions we'd be fine.

Vice Chairman Truax said we will answer all the questions at the same time, so if the next person would like to give testimony, I believe we do it row by row, but we can try to keep track.

My name is Roberta Camp and I live at 805 Gleason Avenue, so I'm right on the border of the park. I have a couple of concerns. First of all, the address said 800 Marseillaise, which would in my estimation would have put it in the middle of the park, so that's not the correct address according to the letter I received. Secondly, if the park is zoned for parks and recreation, if you are opening it up to a Special Use Permit, what else is that opening it up to? I'd like to see the zoning remain as parks and recreation for the City of Aurora. Thank you.

Mr. Seiben said real quick regarding the address, I believe the building that's on the property is 800 Marseillaise, so it makes no sense. I don't know why it's Lakewood.

Ms. Camp said I'm 805 and I walked it out and that would be in the middle of the park.

Mr. Sieben said so I think that's were that address is coming from.

Hello. My name is Marsha Thom. We live at 837 Gleason. I guess I was also concerned about the address. I was thinking it was, it is over toward the other side of the park, but you're saying it's over by the greenhouse?

Mr. Sieben said correct. It is just to the east of the greenhouse by the tracks. Tracey will pull up the site plan here, so it is up at the northeast portion of the park.

Ms. Thom said I wondered if there is any kind of noise that would be emitted from this, a buzz, a hum. I understand there is new technology and everything, but is there any sort of danger for people in the area, radiation or something like that? I guess is it more the safety of it. Do you have an example of this flagpole in the area? Is that a flagpole over by the outlet mall?

Mrs. Vacek said yes.

Ms. Thom said thank you, that answers that question. I wanted to know what it looked like. I guess everyone else has kind of addressed the same questions. I do have questions that everyone else have brought forward. Thank you for your time.

My name is Karen Nickels. My husband Jerry and I live at 910 Kenilworth, within sight of the park. We've lived there for 19 years and we've lived in the neighborhood for 30 years. Alderman Donnell had told us that there was a comparable sort of tower located at the Vaughan Center and Jerry and I drove there recently and looked at it and we thought it looked more like a smoke stack from a factory than a flagpole. It is immense if this is the same size. The Alderman told us it would be 110 feet tall and several feet in diameter and that's certainly what the tower at the Vaughan Center looked like and we thought that looked way to immense for a neighborhood and a park that's supposed to look green and be an open recreational space. We are also concerned as to whether a Special Use Permit would open the door in the future to a tower that is more intrusive looking with arms on it. Would it open the door to multiple towers in the park? We wonder if any other locations have been considered other than this park in the middle of a residential neighborhood. Thank you for the opportunity to address you.

Mr. Sieben said I can address the Vaughan Center Tower. The tower at the Vaughan Center is not comparable. That is actually a regular more of an industrial cell tower. This was specifically done to look more like a flagpole, so they are not comparable, this one and that one. This Special Use is very specific. It is only for this one tower for this one location for this look. If there were any additional towers proposed in the park, it would have to come back through a public hearing.

Mr. Wehler said why is the park being considered for this? Is there another location? Is this a specified place or it has some advantages? To whom? Who is footing the bill?

My name is Mark Thom and I live at 837 Gleason Avenue. The only question I do have is there a PDF available so one could pull it up on their computer that we could actually read all the prints, get all the diameters and sizes and dimensions and total layout instead of just a very quick overview?

Vice Chairman Truax said I don't think you can pull it up, but I think we can certainly have staff get you a copy, a printed copy of it.

Mr. Thom said I assume this is going to be a print, 30 some pages, possibly more.

Mrs. Vacek said I'll answer that. This is work product right at the moment, so I can only give him an 8½ by 11 sheet. I can give him the whole 30 pages, but I believe it can only be an 8½ by 11 pursuant to the FOIA requirements, Freedom of Information Act requirements. Once this gets approved, then I can give him an 11 by 17, so it is not going to be that much bigger, but then I can give him that one once it is approved. He can certainly come in and view everything.

Mr. Thom said that answers the question.

The public input portion of the public hearing was closed.

Vice Chairman Truax said I'm going to ask the Petitioner to respond to my list of questions, at least, and maybe you have one of your own. How many things are hanging from the pole?

Ms. Roth said there will be nothing visible from the pole. You will just see a flagpole. All of the antennas are encased within the flagpole. If you can see in the drawings, it is a pole that goes straight up. The antennas are encased. All you will see is the pole and the flags.

Vice Chairman Truax said there was a question about lighting the flag at 110 feet. Is it up-lit?

Ms. Roth said I believe it is up-lit from the ground. I looked at drawings. I think it is on page A1A where it shows that a light is installed. It says new photo cell light for flag furnished and installed by American Tower. There are 3 of them.

Vice Chairman Truax said what is the effect on local communications? I guess that means will cell phones be affected?

Ms. Roth said the reason we are looking to add this new site is to off load some of the surrounding sites and this will provide better coverage for people. The first carrier on the tower is T-Mobile, so for anyone with T-Mobile services this will probably provide better services for them.

Vice Chairman Truax said I suspect the question was is this going to interfere with anyone's cell phone on Internet or anything like that?

Ms. Roth said no. They are not designed for that nor to interfere with emergency communications or anything like that.

Mr. Seiben said and do you want to just explain that this could also have 2 additional carriers on it?

Ms. Roth said it could. There is room on the tower for 2 additional carriers in the future. I don't know that they are negotiating with anybody right now, but there is room for 2 additional carriers.

Vice Chairman Truax said but 2 additional carriers doesn't mean any difference in how the tower looks is that correct?

Ms. Roth said that is correct.

Vice Chairman Truax said what kind of evergreens are we talking about in the landscape plan?

Mrs. Vacek said there are firs, pines, and spruces and they are 6 feet tall.

Vice Chairman Truax said noise emission from the tower?

Ms. Roth said there should be none.

Vice Chairman Truax said any danger to the community?

Ms. Roth said there should be none.

Vice Chairman Truax said we talked about the comparable tower at the Vaughan Center. Who is footing the bill?

Ms. Roth said American Tower. It is their project.

Mrs. Anderson said why this location specifically?

Ms. Roth said I believe how it works is T-Mobile contacts them and says do you have a tower, can you find me a place. They give us a search ring for the area that they need to improve coverage and this is in the area where they need to improve coverage or to off load other sites and so that's how it was selected.

Vice Chairman Truax said and presumably the Park District is receiving funding for allowing this to be on public property?

Ms. Roth said correct.

Vice Chairman Truax said those are, I think, the questions that we heard from our folks here. Are there any other questions from the Planning Commission for the Petitioner?

Mr. Cameron said what is the diameter of the tower?

Ms. Roth said that I do not know. I was trying to locate that in my e-mail. I don't have that measurement right now.

Mr. Cameron said that would be something you should get for us. Also, wasn't there some mention in the information we received that there had been a site selected but it wasn't of sufficient size that was 100 to 150 feet away from this one?

Ms. Roth said that's correct.

Mr. Cameron said that had been approved.

Ms. Roth said that's correct. American Tower needs a 50 by 50 foot area. The space available at the neighboring property is 20 by 30.

Mr. Engen said just following up on, you said you had 3 lights that will be illuminating the pole. How intense is that or why is it mounted on the ground rather than up near the flag area?

Mrs. Cole said I think that's where they are all located. The flags that are lit up, they are all lit up from the ground, I think so, the ones I can remember seeing are.

Mr. Sieben said yes they are.

Mr. Cameron said I think the reason for the 3 lights is so you can use very concentrated lights and you get it from 3 sides and you can illuminate it up. Generally the idea is to also illuminate the tower itself than just a flag up in the middle of the sky.

Ms. Roth said and just for reference it is for U.S. Code Section 6 that we follow for the time and occasions to display the flag and that's what American Tower would follow.

Vice Chairman Truax said so there is no way of guessing from your notes the diameter of the tower? It does seem to be a fairly simple question.

Ms. Roth said I think they provided the elevations. Let me just double check the drawings.

Mr. Cameron said Tracey, didn't you say this was similar to the one at the outlet mall?

Mrs. Vacek said at the COP, yes.

Mr. Cameron said do you have any idea what the size on that is?

Mrs. Vacek said unfortunately I don't. I was just trying to see here too. I was looking at my things to see.

Vice Chairman Truax said if not, perhaps we can find that.

Ms. Roth said I can supplement that information.

Mr. Sieben said obviously the number is in there somewhere.

Mr. Sieben said it appears it is not more than 3 feet in diameter. That would be the maximum, but I don't have that number. It is somewhere in the data. I would think the Petitioner could find that.

Mrs. Vacek said staff would recommend conditional approval of the Ordinance granting a Special Use Permit for a telecommunications facility use on the property located at 800 Marseillaise Place with the following condition:

1. That at the request of the Fox Valley Park District that the fence have a decorative lattice cap.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Engen

AYES: Mrs. Anderson, Mr. Cameron, Mrs. Cole, Mr. Divine, Mr. Engen, Mr. Reynolds

NAYS: None

FINDINGS OF FACT

1. Will the establishment of the proposed Special Use be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare?

Mrs. Anderson said the Petitioner stated that there will not be any endangerment to the public or health.

2. Will the establishment of the proposed Special Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

Mr. Engen said the Special Use should not be injurious to others there because of its location and where it is close to the Fox Valley building that they have there close to the railroad, so it is off and it is not going to effect the park area where people will be using it.

3. Will the establishment of the proposed Special Use substantially diminish/impair property values within the neighborhood?

Mr. Reynolds said the Special Use will not diminish or impair property values, again because of the location.

4. Will the establishment of the proposed Special Use impede the normal and orderly development and improvement of surrounding properties for uses permitted by their respective zoning districts?

Mr. Engen said this Special Use should not impede the normal development of other projects or properties in that area.

5. Are adequate utilities, access roads, drainage and other necessary facilities provided or shown as being proposed on the site plan for the proposed Special Use?

Mr. Engen said everything is in place. I think they could hook up with their utilities from the Fox Valley

Park District there.

6. *What effect will the proposed Special Use have on traffic or general area? Has ingress and egress been designed to minimize congestion in the public streets? (For automobile intensive uses (including but not limited to gas stations, car washes, and drive through facilities): if there is a concentration of similar uses within 1000 feet of said subject property, there should be consideration as to the negative impact on the traffic patterns and congestion in the area.)*

Mrs. Cole said this should have no effect whatsoever on traffic in the area.

7. *Does the proposed Special Use conform in all other respects to the applicable regulations of the zoning district in which it is located, except as such regulations are modified pursuant to the Plan Commission recommendations?*

Mr. Engen said this Special Use does conform to all its applicable regulations.

Mrs. Vacek said this will next be heard at the Planning and Development Committee on August 27, 2015, at 4:00 p.m. in the 5th floor conference room of this building.

Ms. Roth said we have a similar site in DuPage County and I have those measurements, which may be similar. The top diameter will be 34 inches and at the bottom the tower's diameter will be 46.085 inches.

Aye: 6 At Large Cameron, At Large Cole, Aurora Twnshp Representative Reynolds, At Large Anderson, At Large Divine and At Large Engen
