



Legislation Details (With Text)

File #: 24-0324 **Version:** 2 **Name:** Fox Valley Park District / 1010 Lebanon St / Conditional Use

Type: Ordinance **Status:** Passed

File created: 4/23/2024 **In control:** City Council

On agenda: 6/25/2024 **Final action:** 6/25/2024

Title: An Ordinance Granting a Conditional Use Permit for a Telecommunication Facility (4211) Use on the Property Located at 1010 Lebanon Street

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit "A" - Legal Description - 2024-05-23 - 2024.185, 2. Exhibit "B" - Memorandum of Agreement - 2024-05-23 - 2024.185, 3. Land Use Petition and Supporting Documents - 2024-04-23 - 2024.185, 4. Affidavit and Supporting Documents - 2024-04-23 - 2024.185, 5. Antenna Construction Plans - 2024-04-23 - 2024.185, 6. Photo Simulations - 2024-04-23 - 2024.185, 7. Facility Locations - 2024-06-17 - 2024.185, 8. Site and Service Coverage Maps - 2024-06-14 - 2024.185, 9. Property Parcel Maps - 2024-05-23 - 2024.185, 10. Legistar History Report - 2024-06-07 - 2024.185

Date	Ver.	Action By	Action	Result
6/25/2024	2	City Council		
6/18/2024	2	Committee of the Whole		
6/12/2024	2	Building, Zoning, and Economic Development Committee	recommended for approval	Pass
6/5/2024	1	Planning and Zoning Commission	Forwarded	Pass

TO: Mayor Richard C. Irvin

FROM: Planning and Zoning Commission

DATE: June 7, 2024

SUBJECT:

An Ordinance Granting a Conditional Use Permit for a Telecommunication Facility (4211) Use on the Property Located at 1010 Lebanon Street (Fox Valley Park District - 24.0324 / AU34/1-24.185-CU - SB - WARD 4) (PUBLIC HEARING)

PURPOSE:

The Petitioner, the Fox Valley Park District, is requesting approval of a Conditional Use for a Telecommunication Facility on the property located at 1010 Lebanon Street, which includes the construction of a one hundred, twenty-five (125) foot tall monopole for improved wireless coverage and accessibility.

BACKGROUND:

The Subject Property is zoned P, Park and Recreation District, and is approximately nine and a half (9.5) acres. The Fox Valley Park District owns and maintains the Subject Property, which is otherwise

known as Lebanon Park. The existing Lebanon Park contains three (3) baseball fields, a basketball court, a picnic pavilion, and open space for other recreational activities. The Virgil L. Gilman Nature Trail runs through the southern portion of the Subject Property. The Comprehensive Plan designates the Subject Property as Conservation, Open Space, Recreation, and Drainage.

The Petitioner is requesting approval of a Conditional Use for a telecommunication facility. The details of the request include construction of a one hundred, twenty-five (125) foot tall monopole, and which is also designed to integrate outfield lighting for the easternmost baseball field. The lighting fixtures are shown at a height of thirty-five (35) feet, which allows for outfield lighting. In addition, the proposed monopole maintains a galvanized steel finish, which is consistent with the City's requirements and the industry standard, and also allows for the structure to be carefully integrated into the surrounding environment.

The proposal also includes the construction of an approximately nine hundred (900) square foot accessory maintenance facility. The proposed telecommunication facility is to be built along the Subject Property's frontage on Lafayette St, and includes a new access point for use by the telecommunication facility's maintenance staff. The maintenance facility is screened along its perimeter with adequate landscaping, as well as a six (6) foot tall, open, powder coated aluminum fence.

DISCUSSION:

Based on the criteria listed below, the proposed Conditional Use for a telecommunication facility is required, or is found to satisfy certain standards, per the City of Aurora's Code of Ordinances, Section 19, Chapter III:

1) The height of the monopole, which is 125 feet, exceeds the maximum permitted height of the structure allowed via an Administrative Review (Sec. 19-70(b)(2)), which is one hundred (100) feet.

2) The separation distance of the communications facility from residential structures, which is approximately one hundred, nine (109) feet, is less than the minimum separation requirement of five hundred (500) feet. (Sec. 19-68(p)(1).b)

3) The Petitioner has provided detailed drawings and visualizations indicating how the proposed monopole and accessory maintenance facility are designed to have the effect of reducing or eliminating visual obtrusiveness, as follows (Sec. 19-68(f)(1)-(3)):

- The Petitioner is proposing a galvanized steel finish, which is consistent with the industry standard.
- The Petitioner is proposing an accessory maintenance facility that is integrated to, and consistent with the existing park, and is also screened from the adjacent residential neighborhood.
- The antenna and supporting electrical and mechanical equipment are of a neutral color that is compatible with the supporting structure, which reduces the monopole's unobtrusiveness as much as possible.

4) The Petitioner has provided a written affidavit indicating there is a limited availability of suitable existing towers, other structures, or alternative technology (Sec 19-68(n)). The written affidavit indicates this limited availability is based on code requirements from the Village of Montgomery, as well as existing conditions, that result in limited availability of services to Aurora's residents.

PUBLIC HEARING:

Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff

has received inquiries regarding the nature of the proposal, in addition to an inquiry questioning if this proposal is necessary.

FINDINGS OF FACT:

1) Will the establishment, maintenance or operation of the conditional use be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare?

Staff feels that, because the Petitioner has provided the required documentation, in addition to undergoing review for compliance by the City of Aurora, the FAA, the FCC, as well as other third part review, the establishment, maintenance, or operation of the conditional use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2) Will the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood; factors including but not limited to lighting, signage and outdoor amplification, hours of operation, refuse disposal areas and architectural compatibility and building orientation?

Staff feels the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood. Staff feels the proposal is adequately incorporated into the existing Lebanon Park by utilizing the baseball field's lighting system, and will otherwise have no impact on the park or surrounding residential neighborhood.

3) Will the establishment of the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

Staff feels that establishment of the conditional use, which is being incorporated to part of Lebanon Park's existing baseball field and surrounding park property, will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

4) Will the proposal provide for adequate utilities, access roads, drainage, and/or other necessary facilities as part of the conditional use?

Staff feels the proposal, which includes the necessary utilities and a new access point on the Subject Property's Lafayette St frontage, is adequate.

5) Does the proposal take adequate measures, or will they be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets?

Staff feels the proposal takes adequate measures to provide ingress and egress, which is evident in the access that is proposed to allow for maintenance of the telecommunication facility. Staff does not feel the proposed access point will have any noticeable impact on traffic in the surrounding public streets.

6) Does the conditional use in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the commission?

Staff feels the conditional use does, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the commission.

POLICIES AND GUIDELINES:

The Staff's Evaluation and Recommendation are based on the following Physical Development Policies:

- 14.0 (4): To encourage quality site design throughout the City of Aurora.
- 14.1 (1): To foster future growth in the city that does not contribute to deterioration in either existing developments or a reduction in the City's ability to provide adequate services.
- 22.1 (5): To recognize the unique characteristics of individual neighborhoods and promote their positive attributes.

RECOMMENDATIONS:

The Planning and Zoning Commission recommended APPROVAL of the ordinance granting a Conditional Use for a Telecommunication Facility use on the property located at 1010 Lebanon Street.

ATTACHMENTS:

- Exhibit "A" - Legal Description
- Exhibit "B" - Memorandum of Agreement
- Land Use Petition and Supporting Documents
- Affidavit and Supporting Documents
- Antenna Constructions Plans
- Photo Simulations
- Property Parcel Maps

- cc: Building, Zoning, and Economic Development Committee:
Alderman Patricia Smith, Chairperson
Alderman Shweta Baid, Vice Chairperson
Alderman Michael B. Saville
Alderman William "Bill" Donnell
Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Granting a Conditional Use Permit for a Telecommunication Facility (4211) Use on the Property Located at 1010 Lebanon Street

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a

home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Fox Valley Park District, is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A"; and

WHEREAS, by petition dated April 23, 2024, Fox Valley Park District filed with the City of Aurora a petition "Requesting approval of a Conditional Use for a Telecommunication Facility (4211) use on the property located at 1010 Lebanon Street" in the form of Exhibit "B" attached hereto, and have been duly submitted to the Corporate Authorities of the City of Aurora for review for the property described in Exhibit "A"; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on June 5, 2024, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on June 12, 2024, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended APPROVAL of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning and Zoning Commission, finds that the proposed Conditional Use is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: In accordance with Sec. 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article V of Chapter 34 of the Code of Ordinances, City of Aurora, a Conditional Use permit is hereby granted for a Telecommunication Facility Use for the real estate property legally described in Exhibit "A".

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a

Telecommunication Facility Use and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said Conditional Use.

Section Seven: That the petitioner agrees to sign the Memorandum of Agreement attached hereto as Exhibit "B" within fourteen (14) days from the date of passage of this Ordinance and that said Conditional Use permit is granted.

Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the Conditional Use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Article V of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of P, Parks and Recreation District and upon termination of the use of said property for a Telecommunication Facility Use, this Conditional Use permit shall terminate and the classification of P, Parks and Recreation District shall be in full force and effect.

Section Eleven: That this Telecommunication Facility Use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.