

## NOTICE OF PUBLIC HEARING

Please take notice that on January 22, 2014, at 6:00 p.m., in the New Berlin Village Hall, the Village of New Berlin Plan Commission will conduct a public hearing regarding a proposed telecommunications antenna to be located on land legally described below and commonly known as 14790 Old State Route 54, New Berlin, IL. The land is owned by the Sangamon County Fair and Agricultural Association, and its present use is as a parking lot for the Sangamon County Fair.

The proponent of the antenna, AT&T through its consultant, CIS Communications Consultants, LLC, seeks:

- (a) a special use permit to site the antenna in an area zoned Residential;
- (b) a variation of property line setback requirements, namely, allowing a 100 foot setback from the property line to the south (the railroad) in lieu of a 142.5 foot setback as required by the Telecommunications Ordinance;
- (c) a variation of setback requirements relating to proximity to residences, from 570 feet (three times the height of the tower) to 421 feet (2.2 times the height of the tower);
- (d) a variation of the size limitation for an equipment building, from 225 square feet to 336 square feet.

A copy of the application for special use and variations is available at the Village Hall for inspection. The public is invited to attend and be heard with respect to these matters.

Dated: December 23, 2013

BY ORDER OF MARSHA SWEET  
Chair, Village of New Berlin Zoning Board of Appeals

### LEGAL DESCRIPTION OF CELL TOWER SITE

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A STEEL PIPE AT THE NORTHEAST CORNER OF LOT 24 OF WOLF'S ADDITION TO THE VILLAGE OF NEW BERLIN; THENCE SOUTH 0°21'36" EAST, ALONG THE EAST LINE OF SAID LOT, 110.37 FEET, MORE OR LESS, TO A POINT

ON A LINE THAT IS 75.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LOTS 19 THROUGH 24, BOTH INCLUSIVE, OF SAID WOLF'S ADDITION TO THE VILLAGE OF NEW BERLIN; THENCE SOUTH 89°45'49" WEST, ALONG SAID PARALLEL LINE, 430.00 FEET TO A POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°45'49" WEST 50.00 FEET; THENCE NORTH 0°14'11" WEST, PERPENDICULAR TO THE LAST DESCRIBED COURSE, 50.00 FEET; THENCE NORTH 89°45'49" EAST 50.00 FEET; THENCE SOUTH 0°14'11" EAST 50.00 FEET THE POINT OF BEGINNING, ALL IN SANGAMON COUNTY, ILLINOIS, AND CONTAINING 2,500 SQUARE FEET THEREIN.

Sent Hearing Notices  
to: { Josh Smith  
12/24/13 { Doug Cantrell  
Farmer's Elevator  
Sent to Zoning Board  
copy of public hearing  
& info from John  
1/3/14  
(sent

(65 ILCS 5/11-13-1.1) (from Ch. 24, par. 11-13-1.1)

Sec. 11-13-1.1. The corporate authorities of any municipality may in its ordinances passed under the authority of this Division 13 provide for the classification of special uses. Such uses may include but are not limited to public and quasi-public uses affected with the public interest, uses which may have a unique, special or unusual impact upon the use or enjoyment of neighboring property, and planned developments. A use may be a permitted use in one or more zoning districts, and a special use in one or more other zoning districts. A special use shall be permitted only after a public hearing before some commission or committee designated by the corporate authorities, with prior notice thereof given in the manner as provided in Section 11-13-6 and 11-13-7. Any notice required by this Section need not include a metes and bounds legal description of the area classified for special uses, provided that the notice includes: (i) the common street address or addresses and (ii) the property index number ("PIN") or numbers of all the parcels of real property contained in the area classified for special uses. A special use shall be permitted only upon evidence that such use meets standards established for such classification in the ordinances, and the granting of permission therefor may be subject to conditions reasonably necessary to meet such standards. In addition, any proposed special use which fails to receive the approval of the commission or committee designated by the corporate authorities to hold the public hearing shall not be approved by the corporate authorities except by a favorable majority vote of all aldermen, commissioners or trustees of the municipality then holding office; however, the corporate authorities may by ordinance increase the vote requirement to two-thirds of all aldermen, commissioners or trustees of the municipality then holding office.

(Source: P.A. 97-336, eff. 8-12-11.)

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## CERTIFICATE OF PUBLICATION IN THE NEW BERLIN BEE

STATE OF ILLINOIS  
COUNTY OF SANGAMON, SS  
VILLAGE OF NEW BERLIN

The undersigned, Joseph Michelich, publisher of the NEW BERLIN BEE, a secular newspaper of general circulation in said county, printed and published in the aforesaid Village of New Berlin, county of Sangamon and state of Illinois, does hereby certify that a notice of which the annexed is a true copy has been regularly published in said newspaper one time each week for one successive weeks.

The first publications of said notice was on the 3rd day of January, A.D., 20 14 and the last publications was on the 3rd day of January, A.D., 20 14. And the undersigned does further certify that the said NEW BERLIN BEE, has been and was regularly published in said village, county and state for at least six months prior to the first publication of said notice.

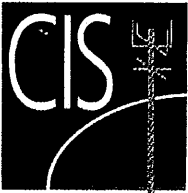
In Witness whereof the undersigned publisher as aforesaid has hereunto set his hand and seal on this 3rd day of January, A.D., 20 14.

*Joseph Michelich*  
Publisher

Subscribed and sworn to before me this 3rd day of January, A.D., 20 14.

*Erin K Bidleman*  
Notary Public

OFFICIAL SEAL  
ERIN K BIDLEMAN  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES 02/15/16



COMMUNICATIONS, LLC

TELECOMMUNICATIONS SITE ACQUISITION & CONSTRUCTION

November 25, 2013

Mr. John M. Myers  
Rabin & Myers, P.C.  
1300 S. 8<sup>th</sup> Street  
Springfield, IL 62703

**RE: IL5360 New Berlin – Petition for Communications Tower Special Use**

Mr. Myers,

I have included for your review all of the requested items for AT&T's proposed telecommunications tower at 14790 Old Route 54 in the Village of New Berlin, Illinois. Please let me know the hearing dates once they are determined, and certainly feel free to call me with any additional questions you may have on the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'William W. Jenkins'.

William W. Jenkins (BJ)  
Vice President  
CIS Communications, LLC

**VILLAGE OF NEW BERLIN, ILLINOIS**  
**PETITION FOR COMMUNICATIONS TOWER SPECIAL USE**

TO: New Berlin Planning Committee and  
Village Board  
Village Hall  
New Berlin, IL 62561

Date: \_\_\_\_\_

(DO NOT WRITE IN THIS GRACK - FOR OFFICE USE ONLY)

Date Set for Hearing \_\_\_\_\_

Fee \$ \_\_\_\_\_

Notice Published \_\_\_\_\_

Date Paid \_\_\_\_\_

Newspaper \_\_\_\_\_

Notice Mailed to Adjacent Landowners \_\_\_\_\_

Notice Posted on Subject Property \_\_\_\_\_

Planning Committee Recommendation Date \_\_\_\_\_

Village Board Action Date \_\_\_\_\_

~ Approve Chairman's Initials \_\_\_\_\_

~ Denied

~ Deny

~ Approved (Ordinance No. \_\_\_\_\_)

~ Approve with Modification

**INSTRUCTIONS TO APPLICANTS:** All information required by this Application must be completed and submitted herewith.

NAME OF APPLICANT: New Cingular Wireless PCS, LLC c/o CTS Communications, LLC

ADDRESS OF APPLICANT: 749 Old Ballas Road, Creve Coeur, MO 63141

PHONE NUMBER: 314-569-2275 (H) \_\_\_\_\_ (W)

Interest of Applicant in the Subject Property (if not owner): Long term ground lease for a telecommunications tower.

- 1. This application must be filed with an accurate legal description and a plat map of the property drawn to scale not less than one (1) inch equals Two Hundred (200) feet.

LEGAL DESCRIPTION See attached survey of property.  
Lot, Block, Subdivision, Metes and Bounds- may be on attachment

2. Street Address 14790 Old Route 54, New Berlin, IL 62670

3. Area of land re-zoning requested for: 2500 square feet.

4. (a) Present Zoning District Classification of subject and adjacent properties (show zone district boundaries on plat): Residential

(b) Requested New Zoning District Classification of Adjacent Property: Residential (No Change)

5. Present use of Property: Vacant Field used for Fair parking.

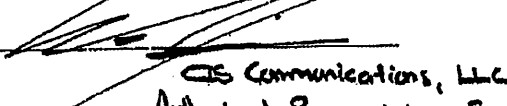
Proposed use of Property: Telecommunications Tower

6. Names, addresses and phone numbers of all owners of record:

① Sangamon County Fair and Agriculture Association, an Illinois  
not for profit corporation c/o Steve Walter - 217-488-2685

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. A special use permit is requested for the subject property. A statement of the applicant's described reasons and factual information supporting the requested special use is attached, together with the information required by the Wireless Telecommunications Tower Ordinance

DATE: 10/25/13 SIGNATURE:   
CS Communications, LLC  
Authorized Representative for  
New Chapter Wireless PCS, LLC

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**OWNERS' CONSENT**

*[This part need be signed only if the applicant is different from the owner or if there is more than one owner of record]*

I consent to this requested special use.

SANGAMON County FAX  
Steve Walter  
PRESIDENT      11-20-13



## **Village of New Berlin, Illinois Communications Tower Special Use Addendum**

### **Section 43-1-5 General Requirements**

- (a) – The property is currently vacant and is used by the Sangamon County Fairgrounds for overflow parking. Applicant requests that the proposal be considered an accessory use so development of a principal structure(s) is not limited should property owner choose to do so in the future.
- (b) – The lot size and property boundaries are detailed in the attached survey.
- (c) – The attached exhibit details all known sites within a 1 mile radius of the Village limits.
- (d1) – The tower will maintain a galvanized steel finish subject to any FAA or other governmental requirements.
- (d2) – The current site is a vacant field that is used for overflow fair parking. The site as proposed will fit into the natural surroundings.
- (d3) – Not applicable.
- (e) – The tower will not be artificially lighted unless required by the FAA or any other governmental jurisdiction.
- (f) – The tower will be kept within the standards required by the FAA, FCC, and any other governmental jurisdiction with authority to regulate the tower.
- (g) – The tower will be built according to the codes and standards required by the Village of New Berlin. The applicant will provide a set of construction drawings to the Village and a building permit will be obtained prior to construction.
- (h) – Not applicable.
- (i) – The applicant is under the jurisdiction of the FCC and is willing to provide copies of any documentation related to the proposal.
- (j) – Applicant will work with the Village to provide appropriate notice and such notice procedure shall be at the discretion of the Village.
- (k) – Only small signs related to the identification of the tower, FAA registration number, FCC registration number, etc. shall be posted at the site.
- (l) – Building and equipment are discussed in section 43-1-9 of this addendum.
- (m) – The applicant is only seeking approval for this proposal and does not have any intention to construct another tower inside the Village limits at this time.

**Section 43-1-8(b) Special Use Permits - Towers (Requested Variations)**

(4i) – Applicant is requesting that the Plan Commission relieve applicant from this requirement as it relates to the south property line. The proposed 190' tower (not including lightening rod and antenna tip height) will only be 100' from the south property line whereas 75% of the tower height is equal to 142.5'. The south property line adjoins a railroad track.

(5ib – Single & Duplex Units) – Applicant is requesting that the Plan Commission relieve the applicant from this requirement as it relates to the surrounding single family houses. The proposed 190' tower (not including lightening rod and antenna tip height) would require a setback to residential structures of 570' which is 300% of the height of the tower. There are three residences within this radius and they are 454', 421', and 516' in distance from the base of the tower as shown in the included plans.

(5ib – Vacant Platted Land) – To applicants knowledge there is no land that has been platted for a subdivision in the vicinity of the proposed tower.

(5ib – Vacant Un-Platted Land) – The proposed tower location is greater than 100% of the height of the tower away from vacant un-platted residential property in the Village.

(5ib – Existing Multifamily Units) – The proposed tower location is greater than 100% of the height of the tower away from any multifamily units.

(5ib – Non-Residentially Zoned Lands) – The proposed tower location meets this requirement as no additional setback is required.

(5ila – Tower to Tower Setback) – The nearest tower is approximately .5 miles (~2600') northwest of the proposed tower location. The proposed tower is a monopole type structure greater than 75' and the nearest structure as described above is a lattice. The two towers are setback a distance greater than the required 1500'.

(6) – The tower will be enclosed by a 6' chain link security fence.

(7i & 7ii – Landscaping) – The tower is located in the middle of a vacant field that is used for parking. Applicant requests relief from the landscaping requirement as it would not be conducive to the area.

**Section 43-1-9**

(c) – Applicants shelter will be approximately 336 square feet in size, although it will be less than 15' in height as required by the ordinance. Applicant seeks relief from this requirement as a larger building is needed to house their telecommunications equipment.

AT&T Mobility Corporation  
Construction & Engineering  
930 National Parkway, 4<sup>th</sup> Floor  
Schaumburg, IL 60173



November 7, 2013

John M. Myers  
Rabin & Myers, P.C.  
1300 S. Eight St.  
Springfield, IL 62703

Re: AT&T Site ID: IL5360  
14790 OLD RTE 54 AKA ILLINOIS ST  
New Berlin, IL 62670  
FAID : 12763058

To Whom It May Concern,

AT&T proposes to construct a new mobile service support structure in your jurisdiction as indicated in the accompanying application(s) for the above mentioned site.

In support of its application(s), and pursuant to the requirements by the jurisdiction, New Cingular Wireless PCS LLC attests to the following:

- Applicant attests that the proposed tower will accommodate additional carriers, additional antennas and future carriers;
- Applicant attests to providing backhaul/fiber network for the proposed tower.

Sincerely,

Donco Koceski  
Sr. Real Estate & Construction Manager  
New Cingular Wireless PCS LLC d/b/a AT&T  
Mobility

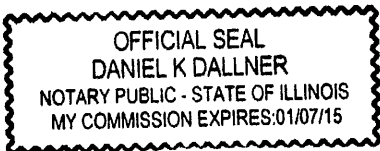
STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the State of Illinois, hereby certify that Donco Koceski, Sr. Real Estate & Construction Manager for New Cingular Wireless PCS LLC, known to me to be the same person who signed the foregoing attestation, personally appeared before me this day and acknowledged that, pursuant to his authority, he signed said attestation as his free and voluntary act of said entity, for the uses and purposes therein stated.

Witness my hand and official seal the 7th day of November, 2013.

Notary Public  
1-7-15

My commission expires





Co Rd-1a S

USCC

Berlin

Co Hwy 9c

8

Old-Jacksonville-Rd

Link-Rd

Waverly-Rd

GTP

Crown Castle

Illinois RR

Illinois RR

New Berlin

Bates

Loam-Bates-Rd

ATC

Co-Rd-15

72

10

Enhancement

R0

36

© 2013 Google

Google

Imagery Date: 5/15/2012 39°43'50.31" N 89°55'26.77" W elev 657 ft eye alt 4

1993



**Norfolk Southern Corporation**  
Real Estate and Contract Services  
1200 Peachtree Street  
12<sup>th</sup> Floor  
Atlanta, Georgia 30309  
Telephone: 404 897-3071

**Rose M. Zawistowski**  
Property Services Agent

January 6, 2014

RE: Construction of a Telecommunications Tower in New Berlin, IL

Dear Mr. Jenkins:

Please be advised that Norfolk Southern Railway Company has no objections to the proposed construction of a 190' monopole telecommunications tower by AT&T in the City of New Berlin, IL near NS ROW.

Regards,

A handwritten signature in black ink that reads "Rose M. Zawistowski". The signature is written in a cursive, flowing style.

Rose M. Zawistowski  
Property Services Agent