



# City of Aurora

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

## Legistar History Report

**File Number: 19-0715**

<b>File ID:</b> 19-0715	<b>Type:</b> Ordinance	<b>Status:</b> Agenda Ready
<b>Version:</b> 2	<b>General Ledger #:</b>	<b>In Control:</b> Building, Zoning, and Economic Development Committee
<b>File Name:</b> Insite & T-Mobile / 1201 W. New York Street / Alternative Tower / Special Use Revision - Telecommunication Facility		<b>File Created:</b> 08/14/2019
		<b>Final Action:</b>

**Title:** An Ordinance Granting a Special Use Permit for a Telecommunication Facility (4211) Use on Lot 1 of the West Aurora High School Subdivision, located at 1201 West New York Street (Insite & T-Mobile - 19-0715 / AU20/2-19.011-Su/R - SB - Ward 2019.011) (PUBLIC HEARING)

**Notes:**

**Agenda Date:** 09/25/2019

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" - Legal Description - 2019-09-11 - 2019.011.pdf, Exhibit "B" - Memorandum of Agreement - 2019-09-11 - 2019.011.pdf, Property Research Sheet - ID #54431-54432 - 2017-07-12 - 2019.011.pdf, Site Plan - 2019-08-12 - 2019.011.pdf, Tower Photo Simulations - 2019-08-12 - 2019.011.pdf, Inventory of Existing T-Mobile Aurora Sites - 2019-08-12 - 2019.011.pptx, 3rd Party Affidavit and Exhibits - 2019-08-12 - 2019.011.pdf, T-Mobile Removal Letter - 2019-08-12 - 2019.011.pdf, Franchisee Permits Letter - 2019-08-12 - 2019.011.pdf, School Colocation Affidavit - 2019-08-12 - 2019.011.pdf, Land Use Petition and Supporting Documents - 2019-08-12 - 2019.011.pdf, Legistar History Report - 2019-09-11 - 2019.011.pdf, Findings of Facts - 2019-09-12 - 2019.011.pdf

**Enactment Number:**

**Planning Case #:** AU20/2-19.011-Su/R

**Hearing Date:**

**Drafter:** sbroadwell@aurora-il.org

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1 Committee of the Whole 08/20/2019 Forward to Planning Council Planning Council 08/27/2019

**Action Text:** This Petition was Forward to Planning Council to the Planning Council

1 Planning Council 08/27/2019

**Notes:** Representative Present: Ray Shinkle

*Good morning everyone. My name is Ray Shinkle. I'm with a company called Insite and we are representing T-Mobile this morning. I'm sure most of you, if not all of you, saw the package and I've been working closely with Steve over the last several months. T-Mobile needs a new antenna facility to improve their coverage in and around this area. It is mostly residential and there is nothing really existing for us to co-locate on except the football field at Aurora West High School. It is similar to a co-location, but unfortunately because it is part of the visual landscape, it's not strong enough to hold an antenna array. So what we are proposing to do is swap out one of the light poles and replace it with a stronger monopole style that will look very similar to the other three existing light poles there and have the antenna array right above the football field lights. The carriers have done this at a number of high schools across the Chicagoland area and I believe you have one at Aurora Central High School in Aurora.*

*Mr. Sieben said that was about 5 of 6 years ago. It is the exact same thing.*

*Mr. Shinkle said correct, the exact same thing. They didn't have to go through zoning.*

*Mr. Sieben said they did. They went through a Special Use.*

*Mr. Shinkle said they did?*

*Mr. Sieben said yes.*

*Mr. Shinkle said okay. I wasn't sure of that. But it is identical. What we tried to explain with the application is whenever you are building these types of towers, ideally you want to build them for future carriers, but there is an aesthetic element here that we are trying to maintain and if you build the tower a lot taller than the other light poles, it doesn't look symmetrical, so what we are proposing is to keep it as close to the existing light poles there. Then the other three light poles will be available for co-location. The other carriers, if it is Verizon, or AT&T, they will come in and mirror what we have done. So you do have a co-location element to this. It is co-location friendly. The School District submitted a letter saying that they have every intent of allowing other carriers to come, but in order to maintain symmetry we felt it was important to keep it as similar to the existing light poles as possible because we don't know if another carrier is ever going to come. We maintain most of the setbacks, except there's one resident to the northwest where we just don't meet that 500 foot setback. But it is pretty ideal. You're really a good distance away from the surrounding residential homes. We think it is a great site and we hope that you are excited about it.*

*Mr. Sieben said you are attempting to put it internal to the school property. It is not right on the edge up by Plum. I think where you have to put it you're kind of maxed out as far as distance to residential and it should blend in with other lights. It will be a little taller.*

*Mr. Shinkle said the photo simulations does a nice job of giving you an idea of what it is going to look like. Like I said, this is not an unusual proposal. It does exist in Aurora and surrounding communities. I'm sure everyone in this room has one of these phones and they really depend on it. You should see all these high school kids. They walk around looking at their phones. They are almost going to blow up in their hands. There is definitely a need for coverage and this is the only way that we are able to do it. I'm here to answer any questions that you have. I think the application is pretty thorough, but if there is anything I can do to prep for the public hearing, please let me know.*

*Mr. Sieben said you are working with Steve on the notices, so this will go to the September 18th Planning Commission. It is a public hearing.*

*Mr. Shinkle said correct. I'm working with Steve closely and then getting everything back by Friday, if not sooner.*

- 1 Planning Council 09/03/2019  
**Notes:** *Mr. Broadwell said the Petitioner was here last week and he gave us a pretty good discussion about the nature of this proposal. There's nothing really new to add there. Otherwise, they are just moving through the public notice process pretty easily.*
- 1 Planning Council 09/10/2019 Forwarded Planning Commission 09/18/2019 Pass

**Action Text:** A motion was made by Mr. Broadwell, seconded by Mrs. Morgan, that this agenda item be Forwarded to the Planning Commission, on the agenda for 9/18/2019. The motion carried by voice vote.

**Notes:** *Mr. Broadwell said the Petitioner was here a few weeks ago. He gave a background there, so there is nothing really new to add. The signs have been posted for the public hearing so the public notice process is completed. Right now the only thing left is to make a motion to vote this out for the September 18th Planning Commission unless Engineering has anything to add.*

*Mr. DuSell said I don't know. I wasn't informed on it. I'm not sure if we've even received a submittal yet for it.*

*Mr. Broadwell said I think they are just going through the Special Use right now, so there are no Engineering requirements.*

*Mr. DuSell said okay.*

*Mr. Broadwell said I make a motion to vote this out for the September 18th Planning Commission. Mrs. Morgan seconded the motion. The motion carried unanimously.*

- 2 Planning Commission 09/18/2019 Forwarded Building, Zoning, and Economic Development Committee 09/25/2019 Pass

**Action Text:** A motion was made by Mr. Chambers, seconded Mrs. Anderson, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 9/25/2019. The motion carried.

**Notes:** *Mr. Broadwell said this is a Special Use for a Telecommunication Facility at the West Aurora High School. Some details of this proposal include the installation of the telecommunication facility, which is in the form of an antenna array and then also the equipment shed at the base of the pole. The light pole itself will be a 120 foot tall light pole. They are going to replace one of the existing light poles near the football field and just build a new pole and add the antenna array on top of that. If you have any questions about the legislative history, you can see that in the Property Research Sheet. We do have a Petitioner here from Insite and T-Mobile who is requesting the Special Use. You can see in your Legistar packet kind of a site plan and elevations of the proposal. That will explain everything here. A few of the details of the proposal in regard to the telecommunications Special Use is that the tower itself does not exceed the 150 foot maximum allowed under an Administrative Review, which is one of the requirements for the Special Use. That the facility is also not within the separation that's required from other similar telecommunication facilities, which I think the closest telecommunication tower is approximately 3,300 feet and it also does not encroach the minimum required setback, which is the total height of the telecommunication facility to the property line. You can also see in your Legistar packet that the Petitioner has submitted documentation that the tower will be designed in a way that eliminates any visual intrusiveness. Again, it is just attached to the very top of the light pole, so unless you are looking at it directly you won't notice that there is an antenna right there. In regard to the Special Use itself, one of the things that I tried to do here in the staff report is outline the requirements that it is meeting to necessitate the Special Use. The first one is that if the tower is less than 500 feet from the closest residential structure/residential district then they need to apply for the Special Use, which is why we are here today. This tower is approximately 450 feet from the nearest residential property. So that is the first. The second is the availability of suitable existing communication facilities or other structures. The Petitioner has demonstrated that the construction of the facility will meet the needs to cover the need for improved data coverage and infrastructure for this area in Aurora, which is why this site was chosen.*

*The Petitioner was sworn in.*

*My name is Ray Shinkle. My address is 1089 Orwentsia Court in Naperville, Illinois. I am here with Insite representing T-Mobile. Steve did a nice job in his staff report kind of summing everything up and I'm sure most of you are familiar with these types of facilities, so I'll try and be brief and then answer any questions you have. T-Mobile is here basically to keep up with the demand for seamless wireless coverage. Though they launched their network in the late 90's, they are constantly working with their sales and marketing team and their engineering team to see where customer complaints or demands are coming from or where the network might be struggling with a lot of data. As you all know, and probably everyone in this room has got one of these phones, it has really become part of our lifestyle. It is not just a matter of making phone calls. It is texting, e-mailing. This is now almost our prime camera source, so we are testing and uploading photos and videos to social media and accessing the Internet, so it is a tremendous strain on the network. You also have more and more people cutting their landlines and using this as their only source of communication, so it is very important that T-Mobile keep up with the demand not only for the daily activities of the residents of Aurora, but also for the health and safety of the public knowing that over 70% of 911 calls are made from wireless devices. So you have a troubled area where you have surrounding sites with sectors pointing into the area right around Aurora West High School. It is getting a tremendous amount of wireless traffic and we are co-located, T-Mobile is co-located, on towers and rooftops surrounding this area, but those sectors are getting close to being maxed out at certain times of the day, so the only way to offload that traffic is to add another site in the area in order to keep up with that demand. One of the challenges that you have as you get into a lot of these areas is we are already in the commercial or industrial areas where we are trying to penetrate and improve coverage near the residential areas. There is typically not a lot of existing structures. Nobody wants a new tower, so we look for existing towers, rooftops, water tanks, anything where we can co-locate. We didn't have that luxury here, but what we did have are the existing light poles at the Aurora West High School, which are already part of the visual landscape. This has been a very popular design that adds a minimal impact, but has a big impact for the wireless coverage and is something that the city just approved recently in the last 2 or 3 years with Aurora Catholic High School at Stuart Football Field, a very similar design that Verizon erected and there are other high schools where we have augmented the light poles and just put the antennas on top. You saw in the staff report and the application that it definitely has an impact on the coverage and solves the issue for T-Mobile. Having it be a School District is kind of a win/win situation. Not only is it kind of in harmony with the code as far as close to being a co-location, but also solves T-Mobile's coverage area and then also the rent revenue goes back to the community, so it is nice. I'm here to answer any questions that you have regarding T-Mobile's site selection process or the site that we've designed and presented to you tonight.*

*Mr. Gonzales said I have a question for you. So the towers that are being put up and the new antennas, are these 4G or are they 5G networking?*

*Mr. Shinkle said I think it will be a mix of both. It is probably going to be 4G and 5G. They will be prepping for the future. 5G is something that is coming so now they are going to build it for new sites and all existing sites are being upgraded as well.*

*Mr. Gonzales said is any additional buildout or change to the control boxes going to happen if it goes into the 5G?*

*Mr. Shinkle said no. That is all within the lease area, so that is already built for that capability.*

*Mrs. Owusu-Safo said I have a question. I'm familiar with seeing these in commercial or maybe industrial areas. Is there any frequency exposures that is of concern since it is at a high school and children and so forth?*

*Mr. Shinkle said to answer your question, no. This site will be well below the permissible level set by the FCC. It is a requirement for T-Mobile, but these antennas do exist all around. You'd be surprised to see how close. You probably drive by these sites every day and don't realize how close they are, but we are well within, probably within a mile of existing sites all surrounding this. Again, you have*

Aurora Catholic High School as one of those sites. You have Waubonsie High School with a cell tower right on campus right behind it. I could go through almost all the high schools. There is so much wireless activity. If they don't have an antenna facility on campus they have one probably right across the street serving it. This has really become part of the landscape and necessity in order for these phones to work.

Chairman Pilmer said I just have a quick question for staff. So the Petition is for atop 1 light pole, but with the co-location is there an opportunity to expand that to all 4?

Mr. Broadwell said there is the opportunity for co-location.

Mr. Sieben said I believe though your question, the co-location would be on the one. Ray maybe you can answer that regarding co-location.

Mr. Shinkle said yes, that's a really good question. What we are proposing is kind of a stealth facility. The idea is to blend in with the other light poles that are there. What we've done at a number of other high schools in order to keep the symmetry is to keep the tower height as close to the other light poles as possible and if another carrier were to come and express the same interest, the School District would then lease another one of the light poles at the same height in order to keep it symmetrical. If you build one light pole to hold 4 additional carriers, you're talking about going from 120 feet to 180 feet and it just kind of loses that aesthetic that we are looking for here. I provided a picture of other high schools where we've done this and it's been very successful. Then the revenue does go back to the School District as well.

Mr. Sieben said Mr. Chairman I think your question was could they go on other light poles around the field. The answer would be no without a new Special Use.

Chairman Pilmer said they would have to come back to do pole #2, pole #3 and pole #4?

Mr. Sieben said yes.

Chairman Pilmer said thank you.

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

I'm Joe Lusk. I'm representing my mom at 1111 Charles Street, which is 3 houses from the high school. Ray explained that it is a 30 year lease. What percentage then is increments from the 30 years for increase? Is anybody else from T-Mobile, can they have Verizon go on the tower too or is it just T-Mobile itself? They have said at one time for West Aurora they were going to expand to the west. Does it have any implications for expansion of the parking lot with this operation? This money goes all to West Aurora High School for them to disperse as needed, is that correct? Do we have to go to the School Board to find out how much money and what they are going to do with the money?

Chairman Pilmer said well you may. That might be something the Petitioner will have to answer. We'll try to answer as many of these as possible with the help of staff and the Petitioner to answer them.

Mr. Shinkle said to answer your questions regarding the revenue, yes that would have to be, I would imagine the School Board. It's all public information so anyone could go address the School Board or FOIA the School Board to find out, but it is a 5 year agreement with 5 renewals, so it is a 30 year agreement. As far as the financials and how the School District is going to distribute that money I have no idea, so that would be something that would have to be addressed with the School Board, but our lease agreement is with the School District, not with West Aurora High School. As far as expansion, I know that we spent months on working on a design and making sure that this is something that would work for the School District. I don't think the football stadium is going anywhere, so I imagine the light poles are pretty safe. I can't imagine that they would be looking to take that down.

Chairman Pilmer said then can you just explain the co-locating again?

Mr. Shinkle said again, what the School District and T-Mobile have designed is this tower is for T-Mobile only. But they wrote a letter and submitted it with the packet that any other carriers, whether it is Verizon, AT&T or Sprint, if they have the same coverage issue and desire to co-locate on campus, they will agree to lease one of the other light poles and mirror what T-Mobile has designed in order to keep it symmetrical. That application will have to go through the same process that T-Mobile is going through, but again, it's in harmony with the code that keeps it symmetrical and we think keeps it a stealth design versus a 200 foot tower and hope that someone comes along.

The public input portion of the public hearing was closed.

Mr. Broadwell said staff would recommend approval of the Ordinance granting a Special Use Permit for a Telecommunication Facility use on Lot 1 of the West Aurora High School Subdivision located at 1201 W. New York Street.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Cameron, Mr. Chambers, Mr. Divine, Mrs. Duncan, Mr. Elsabee, Mr. Gonzales, Mrs. Owusu-Safo, Mr. Reynolds

NAYS: None

PASS: Mrs. Head

#### FINDINGS OF FACT

1. Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mr. Chambers said yes and these are listed in the staff report.

2. Does the proposal represent the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question?

Mr. Reynolds said it is a good use for the subject property.

3. Is the proposal consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mr. Reynolds said again, it is a good use for the property.

4. Will the proposal maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question?

Mrs. Owusu-Safo said there should be no impact to traffic due to this proposal.

5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?

Mrs. Anderson said there should be no effect.

6. Does the proposal take adequate measures or will they be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and not substantially increase the congestion in the public streets?

Mr. Chambers said this should not have any adverse effect on any of the traffic flow or traffic patterns.

9a. Will the special use not preclude the normal and orderly development of improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?

Mr. Cameron said there should be no effect.

9b. Is the special use in all other respects in conformance to the applicable regulations in 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 Plan Commission?

Mr. Chambers said yes.

14a. Are the goals set forth in Section 19-65 being better served by allowing a height of the proposed communications facility above what is allowed as an Administrative Review (Sec. 19-70)?

Chairman Pilmer said I would say these goals have been met.

14b. Are the goals set forth in Section 19-65 being better served by allowing a reduction in the separation of the communications facility from residential structures and/or residential district boundaries (Sec. 19-68, p.1)?

Chairman Pilmer said again, there is a Special Use within 500 feet of residential, but I would overall say these goals have been met.

14c. Are the goals set forth in Section 19-65 being better served by allowing a reduction in the separation of the communications facility from other communication facilities?

Chairman Pilmer said I would say yes.

14d. Are the goals set forth in Section 19-65 being better served by allowing a reduction in the facility setback requirement from any adjoining lot?

Mrs. Owusu-Safo said I believe it met the setback requirements.

14e. Are the goals set forth in Section 19-65 being better served with a design of the communications facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness?

Mrs. Head said yes, those goals were met.

14f. Is there the availability of suitable existing communications facilities, other structures, or alternative technologies not requiring the use of towers or structures that would better serve the goals of the article?

Chairman Pilmer said I think they are repurposing existing structures that are in place and will have minimal change to the surrounding area.

Mr. Broadwell said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, September 25, 2019, at 4:00 p.m. on the fifth floor of this building.

Aye: 10 At Large Cameron, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, SD 204 Representative Duncan, Fox Valley Park District Representative Chambers, At Large Owusu-Safo, At Large Gonzales and At Large Elsbree  
Abstain: 1 SD 129 Representative Head

**Legistar History Report Continued (19-0715)**

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3 Building, Zoning, and      09/25/2019  
Economic Development  
Committee

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