



## Legislation Text

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**File #:** 19-0715, **Version:** 3

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**TO:** Mayor Richard C. Irvin

**FROM:** Planning Commission

**DATE:** September 19, 2019

**SUBJECT:**

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 4) (PUBLIC HEARING)

**PURPOSE:**

The Petitioner, Insite & T-Mobile, is requesting approval of a Special Use Revision for a Telecommunication Facility (4211) use on Lot 1 of the West Aurora High School Subdivision, located at 1201 West New York Street, which includes the installation of a new telecommunication facility, in the form of an antenna array, on top of a one hundred twenty (120) foot tall light pole at the West Aurora High School football field.

**BACKGROUND:**

The subject property is currently zoned P(S), Park and Recreation District with a Special Use Planned Development district zoning. The subject property is approximately forty-six (46) acres, and is Lot 1 of the West Aurora High School subdivision. Additional information on the legislative history can be found in the attached Property Research Sheet.

The Petitioner, Insite & T-Mobile, is requesting approval of a Special Use for a Telecommunication Facility use on Lot 1 of the West Aurora High School subdivision. The details of the request include installation of an antenna array to the top of one of the light poles at the West Aurora High School football field.

The Petitioner has provided a proposal for a telecommunication facility that does not exceed the one hundred-fifty (150) maximum otherwise allowed under an Administrative Review; the facility is not found to be within the minimum separation required between any other similar telecommunication facilities; and the facility does not encroach the minimum required setback which is the total height of the telecommunication facility and light pole; and, the Petitioner has submitted documentation that the proposed telecommunication facility will be designed in a way that eliminates visual obtrusiveness.

With this application, the Petitioner is seeking a Special Use to construct this telecommunication facility, based on the following factors granted in such instances, pursuant to the Aurora Municipal Code, Chapter 19, Article III, Sec. 19-71(b):

1) Separation of the communications facility from residential structures and/or residential district boundaries. (Sec. 19-71.b.b) The Special Use process allows for the Petitioner to seek a tower which is less than five hundred (500) feet from the closest residential structure and/or residential district. This Petitioner is making this Special Use request as the proposed telecommunication facility is approximately four hundred-fifty (450) feet from a residential structure located to the northwest of its location.

2) Availability of suitable existing communication facilities, other structures, or alternative technologies not requiring the use of towers or structures. (Sec. 19-68.n) The Petitioner has demonstrated that the construction of the proposed telecommunication facility will allow for Insite & T-Mobile to provide improved data coverage and infrastructure for surrounding business and customer communications.

### **DISCUSSION:**

Staff has reviewed the Special Use petition and have sent comments back to the Petitioner on those submittals. The Petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff has received public inquiries requesting additional information as to the nature of this petition.

### **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 Commission recommended APPROVAL of the 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.

### **ATTACHMENTS:**

Exhibit "A" Legal Description  
Exhibit "B" Memorandum of Agreement  
Site Plan  
Tower Photo Simulations  
Inventory of Existing T-Mobile Aurora Sites  
3rd Party Affidavit and Exhibits  
T-Mobile Removal Letter  
Franchisee Permits Letter

School Collocation Affidavit  
Land Use Petition and Supporting Documents  
Legistar History Report

Legistar Number: 19-0715

cc: Building, Zoning, and Economic Development Committee  
Michael B. Saville, Chairperson  
Sherman Jenkins, Vice Chairperson  
Alderman Carl Franco, Member  
Alderman Robert J. O'Connor, Member  
Alderman Juany Garza, Member



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

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

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, School Dist #129 (west Aurora), 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 August 12, 2019, Insite & T-Mobile filed with the City of Aurora a petition requesting approval of a Special Use Revision for a Telecommunication Facility (4211) use on Lot 1 of the West Aurora High School Subdivision, located at 1201 W. New York Street and related required documents as attached hereto; and

WHEREAS, after referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on September 18, 2019, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on September 25, 2019, 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 Commission, finds that the proposed Special Use Revision is not contrary to the purpose and intent of Ordinance Number 3100, being the Aurora Zoning Ordinance.

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 Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, and pursuant to AZO Section 10.5 and Section 4.2-3 and City Code Article III., Chapter 19, Section 19-71 a Special Use permit is hereby granted for a Telecommunication Facility (4211) use for the real estate property legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Telecommunication Facility (4211) 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 special 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 Special Use permit is granted specifically.

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 special 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 Section 10.6 of Ordinance Number 3100, being the Aurora Zoning Ordinance.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of P(S) Park and Recreation District with a Special Use and upon termination of the use of said property for a Telecommunication Facility (4211) use, this Special Use permit shall terminate

and the classification of P(S) Park and Recreation District with a Special Use shall be in full force and effect.

Section Eleven: That this Telecommunication Facility (4211) use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.