



City of Aurora

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Legistar History Report

File Number: 24-0367

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| File ID: 24-0367 | Type: Resolution | Status: Agenda Ready |
| Version: 2 | General Ledger #: | In Control: Building, Zoning, and Economic Development Committee |
| File Name: C1 Chicago - Aurora I & Chicago - Aurora II, LLC / 2905 Diehl Road / Conditional Use for Telecommunications Facility | | File Created: 05/10/2024 |
| | | Final Action: |

Title: An Ordinance Granting a Conditional Use Permit for a Telecommunication Facility Use and the establishment of modified standards on Lot 1 of Cyrusone Subdivision - Phase 2 located at 2905 Diehl Road

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal description - 2024-05-17 - 2023.450, Exhibit "B" Memorandum of Agreement - 2024-05-17 - 2023.450, Presentation - 2024-05-22 - 2023.450, Site Plan - 2024-05-02 - 2023.450, Setback Plan - 2024-05-02 - 2023.450, Landscape Plan - 2024-05-02 - 2023.450, Tower Elevations - 2024-05-02 - 2023.450, Color Photo Simulations - 2024-05-02 - 2023.450, Inventory of Existing Towers - 2023-10-16 - 2023.450, Backhaul Network Letter - 2024-05-02 - 2023.450, Traffic Control Plan - 2024-05-02 - 2023.450, Structural Design Report - 2024-05-02 - 2023.450, Structural Engineer and Design Notes - 2024-05-02 - 2023.450, Unit Base Foundation Summary - 2024-05-02 - 2023.450, Affidavit Letter for Co-Location - 2024-05-02 - 2023.450, Affidavit Letter for Franchises - 2024-05-02 - 2023.450, Affidavit Letter via Third Party - 2024-05-02 - 2023.450, Land Use Petition and Supporting Documents - 2023-10-16 - 2023.450

Enactment Number:

Planning Case #: NA08/1-23.450-CU

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

History of Legislative File

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|---|--------------------------------|------------|-----------|--|------------|------|
| 1 | Planning and Zoning Commission | 05/22/2024 | Forwarded | Building, Zoning, and Economic Development Committee | 05/29/2024 | Pass |
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Action Text: A motion was made by Mr. Roberts, seconded by Mrs. Gonzales, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 5/29/2024. The motion carried.

Notes: *Mrs. Vacek said good evening. Tracey Vacek, Senior Planner with the Zoning and Planning Division. The Subject Property is currently the site of CyrusOne Data Center Campus which is located at the southwest corner of Diehl and Eola Road. The property is currently zoned as ORI (C), Office, Research, and Light Industrial with a Conditional Use for a telecommunications facility. The existing tower is completely full and cannot structurally hold any additional antennas. Therefore, the Petitioner is requesting approval of a Conditional Use for an additional telecommunication facility on the Subject Property. The request includes the construction of a 300-foot tower directly south of the existing 350-foot tower on the east side of the building along Eola Road. The Conditional Use for the tower is required as it is within the I-88 Technology Corridor. In addition with the Conditional Use, the Petitioner is also requesting the establishment of modified standards by waiving or reducing the burden on the application pursuant to Chapter 19. With that, I'm going to turn it over to the Petitioner as they will go into a little bit more detail of...umm...as they have a presentation, unless there's any questions for me.*

Chairman Pilmer said any questions of Staff? If the Petitioner would like to come forward, I will...is anyone else going to speak on the Petitioner's...alright, good.

Mr. Whitaker said if we want to swear everybody in...

Chairman Pilmer said yeah, I'll swear everyone in...

Mr. Whitaker said a whole group here...

Chairman Pilmer said at this time...

Mr. Whitaker said I'll have them stand up and...

Chairman Pilmer said sure, alright. I'll do that at this time. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Whitaker said I do.

Chairman Pilmer said thank you.

Mr. Whitaker said good evening. Russ Whitaker, Rosanova and Whitaker. Here this evening on behalf of CyrusOne as the owner of the data center campus that Tracey mentioned. A little background: Special request this evening relates to the approximately 48-acre data center campus Tracey mentioned is located at 2905 Diehl Road. Campus is owned by CyrusOne. CyrusOne is a leading data center developer and operator who specializes in delivering state of the art digital infrastructure solutions across the globe. CyrusOne is a private Dallas-based company with 32 data centers across the country and over 50 under ownership globally. The aerial image we'll look at next here depicts the image, the nature of the improvements on the campus today. Three core data center buildings...let's see if I can kinda use a hand here to identify...so, Building 1 located at the hard corner. This was...this portion of the property was originally developed by a third-party. It was acquired in 2016 by CyrusOne and has been operated as a data center since that time. Building 2, which is immediately next door, was built by CyrusOne. This building is what I think you would recognize the CyrusOne Data Center as, right? It's this image, I think, as we have historically driven up and down 88, everyone's seen this building and identified that CyrusOne name. The building...again, it's the large glass and metal façade that makes the building very recognizable along that south façade...err...north façade. I would note that the glass façade correlates the primary entrance to the campus in the multi-tenant office space that operates in support of the larger data center operation. Building 3, then, is the newer building western-most on the site kind of buried, not necessarily noticeable from surrounding right-of-way. This building was just completed last year. Amazingly, the building is fully leased...umm...due to extraordinary growth and demand for space. So, easy to identify buildings in a 2-D aerial like that, but...uhh...when we go to 3-Ds, some of the other components of the...uhh...of the space kinda come to life here.

So, the goal is to provide you some perspective of other campus improvements, because of course,

we've got a companion case right after this. So, when we look at this image front and center, you see the existing 350-foot communication tower. To the left of Building 1 here, you see an electrical substation. I would note this...this electrical substation was constructed for the sole purpose of providing power to the data center campus. In this image, I would also point out that there is a lot of ancillary equipment...umm...that is mission critical to the operation of the data center. Much of this...much of this equipment relates to either sophisticated cooling systems or back up power generation to ensure consist operation of critical infrastructure 24 hours a day, 7 days a week, 365 days a year. I would just note that there are di...a variety of things around the campus from generators to cooling towers to rooftop cooling equipment. We called out the electrical substation before, and then as you run around the campus, you get to different configuration of some...umm...generators on the side of the building and different cooling equipment on the top of that Building 3.

So, this evening, the request is...uhh...is limited, but essential to the continued operation of the campus. Specifically, we're seeking a Special Use to construct a second communication tower on the data center campus. The site plan depicts here the location of that second tower. As Tracey mentioned, existing tower is located in this location. So, you can kinda see the square pad, and then the triangle, the white triangle located on that darker pad. That is the existing tower the triangle represents the structure of the tower. The square representing the...the structure, the foundation that the tower sits on. So, immediately south, we have the new tower being located...umm...that's sort of darker scale. I'm showing that it's a new improvement. Exact same type structure...umm...of the existing tower, sole exception that this tower is 50 feet shorter than the existing...uhh...350-foot tower. So, tower we are proposing is now a 300-foot tall tower.

This is a close-up of that area of the campus...umm...right off of Diehl Road...uhh...or I'm sorry, off of Eola Road. You can see the building off sort of the left-hand side of the image. You see the existing tower, you see the proposed tower, and what we're showing here is some bridging that connects between the 2 towers.

I'm not going to get into details regarding individual tenants or businesses...uhh...business that is conducted within the data center. The nature of the design is critical to the operation and compliance with applicable federal laws. What we're...what we're trying to do here is get these towers relative proximity to the data center because the proximity of these towers and the ability to communicate directly into the data center is important for data relay times. The configuration location of the towers creates a symmetrical alignment allowing the operator to ensure that antennas are located on towers will be equidistant to the interconnection to the data center campus. The strategic configuration ensures compliance with regulatory standards, ensuring equitable market access, which is kind of the critical buzz word here, and I think is exactly what Tracey mentioned in her comments.

While we're on this image, I would just point out a couple other items. Towers are accessible via private internal drive. If you can kind of remember back to the last aerial image, Eola Road would be off in the distance. These towers are set back 300, 315 feet from Eola Road, so there is pretty substantial separation. I would point out...umm...vegetation...uhh...along the back of the curbline...umm...and then the other thing I would note is that there is also a fence line. It's called out in one of these notes, but I'm not be able...I'm not going to pretend to be able to read or identify which of those notes it is. So, the towers are entirely within...umm...what is a secure campus. The towers are largely screened and substantially set back from the adjacent right-of-way.

So, a couple of images. This is the existing tower, just 2 separate views here. One gives you a good view of the base of the tower. One gives you a view of the larger structure as it goes up. You can see that the tower itself is the galvanized steel structure with 3 primary support legs, and there are a variety of antennas located towards the top of the tower.

I do want to note that...umm...that the towers...the antennas and the location of the antennas are important to the overall function here. These are microwave antennas that operate on point-to-point communication. Each antenna is pointed to a specific receiving antenna, data is communicated between antennas point to point. The benefit of microwave antennas is that there is no RF impact at ground level, however the challenge associated with microwave antennas then is that these...these...umm...antennas must be located so that there's a direct line of sight before...between the receiving and the transmitting antenna, and so that is really the cause behind the height of these towers. They're needing to get up over other facilities so that these antennas can communicate directly point-to-point with wherever that communication is being received.

I think sort of critical question, probably from residents and the Planning Commission is "Why now? The data center has been up and operational for a period of time." Tracey kind of stole the thunder on this one. Structurally, we just need it. The existing antennas on this tower make the tower full. We cannot add additional towers to this. We know that there is demand for additional antennas with access to the data center campus, and right now we're simply out of space. The problem we functionally run into is that as people are looking for additional space, if we don't have space to give them, they're really second tier access into the data center because now, of course, they don't have that equal access, they're not equidistant for the measurement to access into the data center.

From an impact standpoint, the existing tower has had no detrimental impact on the community. In fact, since the original development of the data center campus, the City has seen significant growth in the commercial area immediately around the campus. If anything, I would argue that the development of the data center campus at this location has helped spur substantial additional growth and investment in the City. We believe that the colocation with the 2nd tower will minimize external disturbance, and we'll just share a couple of additional images. I think we looked at a version of this image. I guess here, I would just point out, again, the separation between the location of the tower and the adjacent right-of-way, and the importance of that separation sort of comes into play when we look at the next image.

So, this is an image from Eola...Eola Road taken straight off Street View. I think it's compelling that we have here a very, very large-scale industrial building. When you're driving down Eola Road, you frankly don't notice that building because there's a nice layer of landscaping between the building and Eola Road. You can see the tower in the background, but as you're driving down Eola Road, what you...what you notice in the foreground is the large pond, you notice the landscaping, and those are the parts of the environment that you're generally taking in. So, I think what's been done here on this campus does a nice job of setting a framework for a tower that does not become obstructive for the community.

A couple of other viewpoints. What we're doing here is we're mocking up photographs to add in the additional tower. So, here I've got a couple of these slides. This is a view from the north, so you'd kind of be looking over top of the building. You can see the viewpoint is the yellow star, existing and proposed towers are the red star. One of the nice things about the colocation of these towers is that those towers from many viewpoints are going to kind of blend together. So, rather than having towers spread across town, we think it's a great thing that to the extent these towers are necessary, which they are, that they are collocated and are not disturbing other areas of town.

This is just sort of a different perspective from the north. You can see the...umm...the primary...uhh...façade of the data center building in the foreground. Gives you some perspective of as you move away from the towers what happens to the height of those towers and how they sort of blend into the background. The height of the towers becoming much less prominent.

This is...uhh...another view...uhh...about 3,000 feet to the northwest. Here you can see that the landscape surrounding the property begins to completely obscure the view of the towers.

Moving the other direction, now we're down near Metea Valley. What's interesting here is that we talked about the substation that's adjacent to the property. That substation has...umm...transmission line immediately adjacent. You look at the...the telecommunication towers that are the 2 towers on the left-hand side. You look at the 2 towers that are on the right-hand side, and frankly the height of those actually becomes indistinguishable from what is 820 feet south of the property. So, again, we think that the impact of the towers is...is very minimal.

Another view from the north. Here we've moved into the residential neighborhood, and again, one of the benefits of the colocation putting these towers in a line is you're not...you're not frankly seeing 2 towers, you're seeing 1 tower from that northern viewpoint...or, I'm sorry, I said northern, I meant southern...southern viewpoint.

So, I guess wrapping up here, we do...we've got Special Use for the telecommunication tower which is a critical infrastructure improvement for the data center campus. That is request number one before the Commission and given the location of the tower, there is a variety of standards within the telecommunications section of the Village code that we do not meet. We're going through the various items that we do not meet. By way of example, we're looking for a reduction to the setback. This is a non-guyed tower, meaning there are not guy wires spreading out from the tower reducing the footprint that we're taking up. Code would require more substantial separation between towers. Here, we have 61 feet of separation. We've talked through why we think that is beneficial in the application of this case.

Second item is reduction to the retired...retired...umm...required tower separation from certain other uses. So, 450 feet for a 2...a single or 2-unit dwelling, so that's a setback from residential, and 300 feet to vacant platted or unplatted residentially zoned land. So, we do not comply with the code required setback. What we're showing here is the setback that we are proposing.

Third item is to reduce the required separation between the proposed 300-foot-tall tower and other towers. So, the code provision has sort of a table metric where depending on the height of the tower and depending on the height of a nearby tower, you have to have certain separations, and so what we've done is we've gone and we've surveyed all of the towers in the area. Frankly, this is sort of tower central for Aurora. There's a lot of towers in the area. Unfortunately, what we're doing can't be accommodated on other towers. It's a unique application that is very specific to the data center, and it is very specific with respect with respect to its location proximity to the data center. So, there's no ability to collocate. Externally, what we will be doing is bringing clients in and collocating tenants on the towers that are built here. So, what you see here is measurements of separation between the tower we're proposing and the towers that are existing in the community.

And then the final item was a waiver of the requirement for new landscaping. As you saw in the

images, there is substantial landscaping as part of the existing campus. I think the landscaping requirement contemplates that a tower would be freestanding, would be its own development. That's not the case here, so we think there's substantial existing landscaping making the tower, the base of the tower not visible from the right-of-way and that waiver is justified.

So, I think that takes me to the... to the end of the presentation. I had the chance to go out to the CyrusOne Data Center...umm...last week...couple weeks ago, and that's...that's a pretty good depiction of what you see. You go in, you know there's really cool stuff happening, but you see a lot of walls and a pretty warm building. So, we appreciate your time and consideration this evening. We're excited to get this moving. If you have any questions, I'd be happy to answer them. If I can't, we've got a whole host of other folks here who have put together technical details for the application.

Chairman Pilmer said thank you. Are there any questions of the Petitioner?

Mr. Pickens said I have one. Does the FAA play any part of this for approvals of the tower?

Mr. Whitaker said yeah, it absolutely does. There's certain FAA restrictions that come into play. We will...we've identified and worked through those with the existing tower. A lot of the same regulations will be at play here. We know that by way of example, there will be a beacon at the top of the tower. We know that there will be a couple of beacons in the middle of the tower, exact same as there is on the adjacent tower. We also...we also believe...umm...that the FAA has different requirements with respect to the treatment of the tower itself. Sometimes if you're...I was driving down...uhh...294 to Wisconsin last weekend and some of the towers you see are painted orange and white. The tower we have here is galvanized steel. We believe since that tower is galvanized steel, we will be able to have this tower as galvanized steel as well. But those are the type of regulations that come into play. We've got experts on those issues, and we've already been communicating with the Village's external expert to make sure we will be compliant with those things.

Mr. Pickens said okay, thank you.

Chairman Pilmer said anything additional at this time? Thank you. This is a Public Hearing. If anyone in the audience would like to address the Commission regarding this case, they'll have the opportunity to do so. If you want to come forward, I'll need to swear everyone in. Is there anyone else that wants to speak to the Commission? Please come forward, I'll just swear you in really quick, if you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Schmidt said I do.

Chairman Pilmer said thank you. And then if you'll just state your name and address, please.

Mr. Schmidt said my name is Arvin Schmidt, address is 32 W 028 Molitor Road.

Chairman Pilmer said thank you.

Mr. Schmidt said we live in the Estates directly acrossed from the CyrusOne facilities, and we're concerned about the towers. Umm...we...we're trying to struggle to understand what was going on from the notice. We're trying to figure out what the definition of communications meant according to Zoning. Could not find that. I didn't see it in the Municipal Codes, umm...so I don't know if it exists or if it's just a generic term. Umm...anyway, we're concerned about the towers...umm...we're also concerned...the...there was mention of landscaping that was going to be done and the current landscaping. Since the property is right adjacent to the Prairie Path, and the Prairie Path gets a lot of use and it's getting more and more use, CyrusOne has not done anything to address any landscaping along the Prairie Path. Umm...the existing tower has been an annoyance to our neighbors because of the flashing lights. Their bedrooms are on that side of the property, and flashing lights are not...are not present...pleasant to deal with. Umm...the other thing is we're not sure if the RF impact could be on our properties and how that will affect our resale values. We already have the power lines that run in our facilities, and that already has a negative impact on our property values. So, additional towers, additional flashing lights...umm...those sorts of things are not something that we're looking forward to. Umm...the definition of Office and Research...uhh...it says it's supposed to be a park like setting. Umm...this is not a park like setting anymore. There are 3 buildings, there used to be forest in that area. (Unintelligible) owned that property. It's been purchased. All these buildings have been constructed at our property. It's blocked our park like setting that has been there. So, I'm a concerned landowner living in the Estates behind this building. Umm...we are also concerned...uhh...CyrusOne owns some property that butts into Molitor Road and we'd like to find out who we can address about the maintenance of that property because my wife and I have gone out to pick up garbage once a year

along that street. So, we're concerned about how that will...this additional tower and all the additional buildings, how many more towers will there be? If they're at capacity now, will the...will they reach capacity on another tower and have...be back here requesting additional proper...zoning modifications? Umm...that's basically it. Thank you.

Chairman Pilmer said thank you. We will work to get those answered. Umm...I might ask, Tracey, can you start with the...uhh...notice requirements and the proper zoning question? I think he requested on the communication zoning, or...uhh...I know this is strict to telecommunication facilities.

Mrs. Vacek said correct, and under our Zoning Ordinance, a communication facility is a Conditional Use, which is why they are before you guys for the Conditional Use. The ORI...ORI is an Office, Research, Light Industrial zoning district. Under that zoning district, data centers are a permitted use. I think that answers that question.

Chairman Pilmer said does that help with...uhh...so, there's an underlying zoning that in the ORI district that data facilities are a permitted use in that district.

Mr. Schmidt said (from audience) I'm trying to understand what...

Chairman Pilmer said hold on...yeah, we just have to record the testimony so...

Mrs. Vacek said so, I don't have the definition of the communication tower, but it is in Chapter 19 of our City code. I don't have it right before me though.

Chairman Pilmer said alright. And then, I might ask the Petitioner. There were several other questions...umm...if I could ask the Petitioner to come forward as well. I know just before you finished you talked a little bit about the required lights, but I know you also addressed the landscaping, and if you could maybe address the RF. Is there any concerns with that?

Mr. Whitaker said so from a...I guess from a landscaping standpoint; we're not going to be making modifications in this area of the campus. What we're depicting is that there is existing landscaping that was put in with the original development of the campus. That is largely mature at this point in time, so we're not looking to modify the landscaping in this area. So, I think that...I think the concern was that we would be changing stuff, and we are not changing...

Chairman Pilmer said and the existing landscaping is already established...umm...and in place, and at this point no additional is needed as part of this. So, you're asking for a waiver of that because it's already in place.

Mr. Whitaker said that is correct.

Chairman Pilmer said and I think the lights are a requirement of the FAA...umm...I'm assuming they would be in sync together with the others, but...

Mr. Whitaker said yeah, and I don't know the answer to that question. That's a totally fair question. I will...I can grab somebody else to answer that question in just a minute. I know you...you asked the question regarding the RF. Let me see if I can hit on that real quick, though. You know, it be in the...uhh...we've got a separate presentation for the next case. I know it's in there. So, we have done an RF study. The conclusions of the RF study are that there is no RF concern at ground level. There's...there's actually zero...umm...zero measurement at ground level because these are point-to-point communications, right? So, the idea is that with the antenna we're directing a beam to another antenna and we're communicating directly with that antenna. There's no goal or intent to communicate with the ground. If we had a cellular facility, right...we're all walking around with our cell phones, and so that cellular tower would need to spray, right? Think like shotgun, right? Shotgun sprays, a cellular antenna is going to spray like a shotgun. A...a...umm...our antennas point-to-point are going to be more like a rifle. Where you've got a bullet coming and you're going from target to target or from, you know, one point to a target. So, there is absolutely no consideration of concern for RF at this location. We'd be happy to provide documentation on that. Like I said, we had a third-party expert study to evaluate the RF impacts at ground level. We have not submitted that to the City Staff as of yet, but again we would be happy to do so.

Chairman Pilmer said and then additional towers. You know, at this point, they would have to come back through this similar process, so...

Mr. Whitaker said that...that is correct, and I think our...our expectation is that there is no additional tower. I mean, the goal is to...and we'll talk about this in the next case...our goal is to comprehensively address needs for the campus not only presently, but into the future. So, if we believe there was going to be a need for an additional tower here, we would be making that request today. Generally, not good policy to keep coming back to the City every year or two years asking for something more...umm...with a hand out. So, we've identified the issues, we've been meeting with the City about the issues here, and other, you know, practical issues that we're dealing with on the campus, trying to be very forthright, trying to be a good business in the community, and just communicative about all of the issues for the campus. So, we have no line of sight on the need for a third tower. I'm not going to represent that that couldn't be necessary in 10, 15, or 50 years, but right now I don't think there's any reason to believe that there would be a third tower in the plans.

Chairman Pilmer said thanks. And then, I might just ask...umm...it sounds like there might be an additional adjacent property...umm...if you could maybe work with...uhh...get some information to help with that question he had regarding the maintenance of that property. And I know there was something regarding the Dupage Trail, but I don't know if that's on the Petitioner's property or if that's Forest Preserve property.

Mr. Whitaker said yeah, I've got...I've got plans in my files, so we would be happy to have a quick conversation after the hearing, and we can get...or I can give a card to the residents and be happy to follow up with them, and make sure we're...if...if we're not cleaning something up on our property, we certainly would be on top of that following this hearing.

Chairman Pilmer said any additional questions? At this time, I will close the Public Hearing. Thank you, and ask for Staff...would you want to read the Findings of Fact?

Mrs. Vacek said Staff has reviewed the Conditional Use Findings of Fact and has found:

- 1) The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as this proposed telecommunication facility will mirror the design of the existing tower with the exception that it will be 50' shorter than the existing one. Therefore, Staff believes that due to the similar character, the new tower will not have a negative impact.
- 2) The conditional use will not be injurious to the use and the enjoyment of other properties in the immediate vicinity or diminish or impair property values as the proposed tower will not change the character of the area as there are several towers within the area including high-voltage above-ground communication lines located along the south property line of the Subject Property.
- 3) The development will not impede the normal and orderly development and improvement of surrounding properties for the permitted use in this district as the new telecommunication tower is consistent with the character of the existing telecommunication towers in the area. In addition, there has been a considerable amount of development over the last several years indicating that the existing towers have not discouraged development of the surrounding properties.
- 4) There are currently adequate utilities and access to serve the project. The Petitioner has provided detailed drawings with specifications associated with the construction of the new tower which indicates that sufficient infrastructure is available.
- 5) Adequate ingress/egress has been provided as the proposed telecommunication facility will use the existing access to the Subject Property. In addition, it is anticipated that there will be very limited traffic caused by the new telecommunication facility.
- 6) The Conditional Use in all other respects conforms to the applicable regulations except as set forth in Chapter 19 above. The City has engaged a third-party consultant to review the documents provided to the City with regards to this project and it is of his opinion that the proposed modifications by the Petitioner will not have a negative impact on the surrounding properties. In addition, these modifications are similar to other modifications approval in the surrounding vicinity.

Mrs. Vacek said with that, I can give you the recommendation.

Chairman Pilmer said please.

Mrs. Vacek said Staff would recommend Conditional Approval of the Ordinance Granting a Conditional Use Permit for a Telecommunication Facility Use on Lot 1 of CyrusOne Subdivision - Phase 2 located

at 2905 Diehl Road with the following conditions:

- 1) That the Conditional Use approval be contingent upon the Third-Party Consultant's final approval.
- 2) That the Petitioner allow for the maximum number of antenna co-locations on the telecommunication facility at fair market rate value.

Chairman Pilmer said thank you. You've heard Staff's recommendation with 2 conditions attached. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Roberts

MOTION SECONDED BY: Mr. Gonzales

AYES: Chairman Pilmer, Mr. Gonzales, Mr. Lee, Mrs. Martinez, Mr. Pickens, and Mr. Roberts.

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. Staff did read into the record 6 Findings of Fact related to this Petition. Are there any additions or corrections? Hearing none, is there a motion to accept as read into the record?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mrs. Martinez

MOTION SECONDED BY: Mr. Lee

AYES: Chairman Pilmer, Mr. Gonzales, Mr. Lee, Mrs. Martinez, Mr. Pickens, and Mr. Roberts.

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries, and if Staff will just state where this case will next be heard.

Mrs. Vacek said this will next be heard at our Building, Zoning, and Economic Development Committee on May 29th here at City Hall at 4 pm in the Council Chambers.

Chairman Pilmer said thank you. Good luck.

Aye: 6 Chairperson Pilmer, At Large Lee, At Large Gonzales, At Large Pickens,
At Large Roberts and At Large Martinez

Text of Legislative File 24-0367