



# City of Aurora

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

## Legistar History Report

**File Number: 17-00520**

**File ID:** 17-00520

**Type:** Petition

**Status:** Agenda Ready

**Version:** 2

**General  
Ledger #:**

**In Control:** Planning  
Commission

**File Created:** 06/07/2017

**File Name:** Scientel Wireless, LLC / Communications Facility /  
south of Diehl and east of Eola

**Final Action:**

**Title:** An Ordinance Granting a Special Use Permit for a Telecommunications Facility (4211) Use on the Property located at 245 N Eola Rd being south of Diehl Road and east of Eola Road (Scientel Solutions, LLC - 17-00520 / NA07/1-16.162-Su/PD/Ppn/Psd/R - TV - Ward 10) (PUBLIC HEARING)

**Notes:**

**Agenda Date:** 09/20/2017

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit A - Legal Description - 2016.162.pdf, Exhibit B - Memorandum of Agreement 2017-09-21.pdf, Property Research Sheet - ID 70890-70891 - 2017-05-30 - 2016.162.pdf, Land Use Petition and Supporting Documents - 2017-06-07 - 2016.162.pdf, Plat of Survey - 2017-06-07 - 2016.162.pdf, Telecommunications Info Requirements - 2017-06-07 - 2016.162.pdf, Site Zoning Map - 2017-08-11 - 2016.162.pdf, Legistar History Report (Special Use) - 2017-09-13 - 2016.162.pdf, Public Notice Mailing Affidavit - 2017-08-30 - 2016.162.pdf, Certificate of Publication in the Beacon News - 2017-09-07 - 2016.162.pdf, Public Notice Sign Affidavit - 2017-09-08 - 2016.162.pdf, Correspondence from Yorkville Partners Representative 2017-09-20.pdf

**Enactment Number:**

**Planning Case #:** NA07/1-16.162-Su/PD/Ppn/Psd/R

**Hearing Date:**

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

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	06/13/2017	referred to	DST Staff Council (Planning Council)			
<b>Action Text:</b> This Petition was referred to to the DST Staff Council (Planning Council)							

1 DST Staff Council 06/20/2017  
(Planning Council)

**Notes:** *Representatives Present: David Burroughs, Richard Williams, Roxana Hoffman and Michael Knopka*

*Mr. Williams said I'll tell you a little bit about Scientel. Scientel is a wireless communications company based in Lombard, Illinois. They have offices in Texas, New Jersey and Ontario, Canada. We provide wireless network capabilities and design and support services for countries throughout the US, Canada, and Europe. Right now we are headquartered in Lombard, as I mentioned. We are looking to relocate our facility to the southeast corner of Eola and Diehl Road. We are the contract purchaser. It is a bank owned property. It is part of the Northbridge Subdivision that was approved by the city in 2010. To the north is the City of Naperville and to the east is the City of Naperville. It is mostly ORI type uses surrounding us. We have the high school to the south. To the west we have the Cyrus One facility. As part of our plan, we need to amend the Preliminary Plat and Plan, the Plan Description and get a Special Use and what we plan to do is construct a 10,000 square foot office building; 5,000 of that will be a warehouse use. We also are proposing a 195 foot telecommunications tower at the rear of our property. The tower is integral to our operations, so that's why it needs to go with our building. Our lot will be 1.7 acres more or less. We are also improving a .99 acre outlot, which will be along Eola Road. We plan to construct the interior access network. Others own the property to the north and to the south of this, but this will allow them to hopefully develop in the near future. We also plan on extending the sanitary sewer from Matea Valley High School. North there is, I believe, an easement we can get from ComEd to do that. The Special Use we need, I believe, is for a 5,000 square foot warehouse.*

*Mrs. Vacek said actually I just sent you comments on that. I think we are going to do it as a contractor office. It makes more sense. That's what it really is, is a contractor office. So the revision to the Plan Description would be allowing that contractor office.*

*Mr. Williams said we also need a Special Use for the communications tower. With regard to the communications tower, we are asking for two exceptions to the code, both relating to setbacks. Your code, I believe, requires that we setback 75% of the height of the pole, which would really put this tower in the middle of our site and it is not a desirable location for us. It is also not a desirable location visibly. We want to push it to the rear of the project. If you will recall, there is a Commonwealth Edison facility immediately to the east. There are high tension wires. There are towers back there. We've submitted some photometrics of how the site will look from adjacent properties and it really will be minimally intrusive, if at all, and hardly noticeable. It clearly won't be noticeable from the nearest residents that are about a quarter of a mile away. The other exception we are asking for is that the nearest tower is 935 feet away, so we are asking for an exception on that. So we are here to answer any other questions you might have.*

*Mr. Sieben said did you mention how many employees would be here?*

*Mr. Williams said that's a good question Ed. We will have 32 employees moving over. The average salary is in excess of \$100,000. With this facility, we will create 10 new full time jobs, so we'll have openings for 10 new employees. We anticipate approximately 42 employees here.*

*Mr. Wiet said what do you envision as the sequencing of this site. Are you going to start from Eola, do the commercial, do your construction offices and then you'll be pushing the tower to the back?*

*Mr. Williams said we'll do the site work first for both lots. We plan on constructing the tower and the building at approximately the same time. The construction timeframe for the tower is only 4 months. The construction timeframe for the building is 18.*

*Mr. Wiet said so one package is the offices and the tower and then you'll be seeking a retail user?*

*Mr. Williams said we're not in that business. We'd love your assistance if you could tell us someone who is interested in that site. It is designed for a drive-thru. It is an acre. There is not much there. I know the city has wanted to preserve the frontage for commercial use and that was a message that was conveyed to us last fall and we've done our best to preserve that intent.*

*Mr. Wiet said so then you would construct the building probably with the tower in the front and then you'll just move that to the back and then keep that front open? Is that kind of the plan?*

*Mr. Williams said the tower will be constructed in the back and then the building right beside it and then the commercial in front.*

*Mr. Knopka said you were asking about the sequence?*

*Mr. Wiet said well I think that the concern has always been this stays a vacant lot with just a larger tower in the back. I think what we're trying to do is hold you to the building and the tower.*

*Mr. Williams said we are going to construct the building. That's fully our intent. That's our plans. Mike's going forward on plans for that. We are spending a lot of money to do that.*

*Mr. Wiet said Invest Aurora can help with marketing the vacant lot in front.*

*Mr. Williams said we have a lease that is expiring in Lombard, so we have a motive to get out of Lombard and here as soon as possible because we do not own the facility in Lombard.*

*Mr. Sieben said we have a current violation issue on the property that I think we'd like to work through as part of this entitlement process. I don't know if anyone wants to touch on that.*

*Mrs. Vacek said as my comments said, we are expecting that you guys will have comments back to us by July 6 so that we can keep this moving so we can meet that 180 days that we gave you to get that cleared up.*

*Mr. Williams said we would like to get approved at your August City Council meeting. That's our internal timeframe, so we are fully motivated to move through this process as quickly as possible.*

*Mr. Sieben said obviously once you get your, assuming you get your entitlement in August, you could come right back in with the final for that back portion.*

*Mr. Williams said we actually may start that before that if we have the warm fuzzies from the city.*

*Mrs. Vacek said I would say that after Planning Commission I would go ahead and set up a DST meeting with us for the final so we can get you processed for that and get you going on that.*

*Mr. Curley said when is it that your lease is up?*

*Mr. Williams said I don't know the answer to that, but I believe it is about 18 months.*

*Ms. Hoffman said it is less than 2 years.*

*Mr. Sieben said John, does Fire have any comments yet?*

*Mr. Burroughs said they do. I already got them and I've revised the Fire Access Plan and e-mailed it back to him yesterday. It was just a couple of comments.*

*Mr. Feltman said you just own the center property, correct?*

*Mr. Burroughs said correct.*

*Mr. Feltman said it is showing all the detention on another parcel?*

*Mr. Burroughs said no, just ours. Right in the middle there is the detention.*

*Mr. Sieben said it that square in the middle. Because they were revising the old part of the area to the*

north we ask them to just kind of grey that in and show that because they did have to modify the back lot next to where their office is going go, but no they are not building anything.

Mr. Feltman said the sanitary sewer needs to be extended, as you said, from the high school. There are several properties in between.

Mr. Wiet said how are you going to get that all accomplished and get the utility up from the high school in the timeframe that you're thinking of?

Mrs. Vacek said because we do need those off-site easements.

Mr. Burroughs said we are starting to work on those already.

Mr. Williams said there are two ways we can do that. One is the ComEd. Also your approved plan requires the property owner to the south to cooperate and provide us easements. As soon as we have a plan that we are fairly comfortable getting approved, we're going to start that process to get those formal easements in place, but they are obligated by their prior entitlements in 2010 to give us the easements.

Mr. Wiet said I know we began discussions. I don't know if we ever finalized any easement language.

Mr. Feltman said there was nothing finalized.

Mr. Williams said I've had conversations with John Philipchuck about that. He represents them.

Mrs. Vacek said if you want to start working on those easement, the Plats of Easement, then you can get them in at least to us to review. Once we are done with our review of those then we can start looking to get the mylars and get them signed.

Mr. Feltman said and access onto Eola is through DuPage County as well. Obviously we are going to support the fact that we want the access.

Mr. Burroughs said the access point we are showing is exactly where previously they had approved it for the Preliminary Plan, so we haven't changed it at all.

Mrs. Vacek said Dan, the one thing that did come up, or one of the things I noticed is that in the preliminary that was approved there was a sidewalk on that side that was supposed to be installed, but further down it is a bike path.

Mr. Feltman said it's like a limestone aggregate bike path?

Mrs. Vacek said no. There is actually a bike path in front of Matea, an actual bike path. Do we want to continue the bike path or do we want them to install a sidewalk instead? The previous approved preliminary had a sidewalk, so I don't know if it makes sense to continue the bike path instead.

Mr. Wiet said would DuPage County weigh in?

Mr. Feltman said I would assume we would want to continue the bike path because it is in front of the high school right now.

Mrs. Vacek said I don't know if I put a sidewalk or a bike path.

Mr. Burroughs said you said bike path.

Mrs. Vacek said I think that we talked about it. I just wanted to make sure that you guys were aware that were changing that.

Mr. Burroughs said and I assume you want to show that within the Eola right-of-way?

*Mrs. Vacek said correct, one foot off.*

*Mr. Sieben said Dan, have you preliminarily looked at that pond. It is a little odd. It is a right angle pond with a retaining wall.*

*Mrs. Vacek said I don't know what the depths of those are.*

*Mr. Burroughs said I saw that, 3 foot high max in the walls, so we'll step it back or whatever we need to do. It was like 5 feet deep or something like that.*

*Mr. Frankino said I was surprised when I looked at my map that it looked like there was an annexation here in the past, but I do want to confirm that. I don't know if you are aware of that or not or could confirm it now.*

*Mr. Burroughs said I didn't look at that. That would be good to know. I assume they did that when they did the preliminary, but maybe not.*

*Mr. Frankino said it would be uncommon, but I'll confirm that and I'll get back to you on that. Otherwise, our issue is just with getting the sanitary up there and getting it through the properties and making sure you have your easements.*

*Mrs. Vacek said I did send comments. Do you have any questions in regard to those?*

*Mr. Burroughs said no. They all look pretty straightforward.*

*Mr. Sieben said do we have a tentative Planning Commission date later in July?*

*Mrs. Vacek said I don't recall what our tentative date is, so we will get back to you. I'm guessing it is the second one in July. We will have to get public notices out and everything.*

1 DST Staff Council 06/27/2017  
(Planning Council)

**Notes:** *Mrs. Vacek said I sent out comments last week. I'm just waiting to hear back.*

*Mr. Cross said I gave comments to them as well. They sent me a PDF. I told them we needed a hard copy to do our final review, but it looks like they addressed everything appropriately for Fire.*

*Mr. Feltman said we are in review.*

1 DST Staff Council 07/11/2017  
(Planning Council)

**Notes:** *Mrs. Vacek said we did get a resubmittal last week, so we are in the process of reviewing it and making sure that we got all that we needed.*

*Mr. Feltman said Engineering needs to send out comments. We are in review.*

*Mr. Cross said we have outstanding comments on the 26 by 40 staging area in front of the hydrants and then the direct access for the walkway from the apparatus road to that doorway.*

*Mr. Feltman said as far as Engineering is concerned, this has been voiced in a meeting, it hasn't been formerly sent in comments, but they need to extend the sanitary sewer from the high school, from Matea High School. They have to get several easements from several property owners to extend that. Their access off of Eola is a DuPage County Department of Transportation permit. We need to look at what their detention requirements are, what they are providing. There are easements from ComEd that are needed since they are crossing ComEd. They also need to get a cross access easement from the southern property owner. I don't know if that's even been discussed with the property owner. So there are, obviously, several issues that need to be resolved on this property.*

*Mr. Sieben said have you looked at the preliminary stormwater for this?*

*Mr. Feltman said I have.*

1 DST Staff Council 07/18/2017  
(Planning Council)

**Notes:** *Representative Present: Dave Burroughs*

*Mr. Sieben said I understand you had some correspondence with Souts.*

*Mr. Burroughs said yesterday and we are meeting tomorrow at 2 o'clock.*

*Mr. Sieben said do you just want to give us an update? I think the question is, one of them, is on the stormwater volume and so on.*

*Mr. Burroughs said correct. The volume is there. We just had a little bit of a lack information on there for the storm sewer invert, so I'm getting that put together and I'll get that to him today. The inlets that we are tying into out on Eola Road, Dan, they are well below our elevation. They are down in the 923 range of invert and our detention basin, I think, is at 925 or 925½, so we've got 2½ feet there.*

*Mr. Feltman said and that 23 is the culvert that is going underneath Eola?*

*Mr. Burroughs said no. It is a storm sewer, which I don't think ties into that. I think it is a separate system. I can confirm that, but I thought it was separate from the culvert.*

*Mr. Feltman said so it is draining Eola Road?*

*Mr. Burroughs said yes.*

*Mr. Feltman said but then where does it drain to because all the drainage goes toward the west?*

*Mr. Burroughs said yes, it goes to the west. It goes underneath the road, but I think it is a separate storm sewer system than the culvert, but I'll confirm that. Either that or it daylight right at the culvert, one or the other.*

*Mr. Feltman said well that was the one concern. The other concern was just from a grading standpoint. Obviously everything is draining overland to that culvert that goes underneath Eola and we just wanted to make sure that you weren't lifting up the site and possibly blocking off drainage.*

*Mr. Burroughs said we're not. That drainage-way is just north of our site where it overland flows there. We are adding the storm sewer to pick up the stuff to the south because we are filling the site ever so slightly because we are trying to get rid of the material that's already been placed on the site, so we are raising the site up 2 or 3 feet on average.*

*Mr. Feltman said and that's the concern. We just want to make sure that drainage isn't blocked, so you are going to really need to demonstrate that.*

*Mr. Burroughs said right and I'll put some preliminary grades on that plan to get some additional ones on there. Then the other thing was the sanitary sewer.*

*Mr. Feltman said right. We want inverts on that too.*

*Mr. Burroughs said right. We've got all that.*

*Mr. Feltman said nobody's really put an invert on any of that. We've seen some concept plans, but we want to make sure. When we briefly did look at it, it appeared that the main trunk line needed to hug that eastern property line in order to get the grade low enough so that we could continue extending it.*

*Mr. Burroughs said you mean as opposed to coming over to the common...*

*Mr. Feltman said yes. We are losing grade if you come across. So I think what needs to happen is that sanitary sewer needs to continue along the eastern property line and then probably just stub out another sanitary sewer to the west to serve those properties, but then that main trunk line is going to have to continue.*

*Mr. Burroughs said yes, and I can provide some future on that because it is deep enough, the sanitary is.*

*Mr. Feltman said well when we briefly looked at it, and it was all conceptual, you need to keep in mind from the city's standpoint we've got a boundary agreement and we have to serve the properties north of Diehl all the way to the EJ&E, so that's why we're wanting this as deep as possible because we need to be able to show that we can serve that boundary, so that's something that Fox Metro and the city are going to need to look at. Now granted, you don't need to get into the nitty-gritty right now with preliminary, but we at least need to see that is it going to conceptually work.*

*Mr. Frankino said depth and diameter. I think it needs to be 8 or 10 at that point.*

*Mr. Feltman said right. I was just going to say I mean if we can't get grade with an 8, then we might need to go to a 10 so we can shallow it up. We need to just kind of just work through all of that.*

*Mr. Burroughs said I thought we were bringing a 12 up there actually because that's what's at Waubonsie. We just continued whatever pipe size was there, but I think that's what was on the original preliminary plan for the site was just that 12 inch running through there, I thought.*

*Mr. Feltman said it's been awhile.*

*Mr. Frankino said that's what's existing on the school site.*

*Mr. Burroughs said right.*

*Mr. Frankino said that doesn't mean that that's what we have to have you take north. We'll work with you on that and talk about it.*

*Mr. Burroughs said well like I say, on that old preliminary plan that you approved in 2010, they just brought the 12 inch all the way up.*

*Ms. Phifer said I thought there was one that was approved.*

*Mr. Burroughs said right, so I just kept the same size.*

*Mr. Feltman said obviously, even the sanitary, I mean, that can be details that are worked out, but the main thing is the pond and making sure that the grading is going to work because, obviously, your (inaudible) is predicated on that.*

*Mr. Burroughs said yes, we'll get some spots on there. So I'm meeting, like I said, tomorrow with Souts at 2 o'clock to kind of give him that update information. He didn't have a copy of the wetlands report that we already did, so there were some questions he had about that. That's all off of our site to the north, so that's not an issue.*

*Mr. Sieben said any other issues?*

*Mr. Cross said you have the hydrants numbered. You have like #1 and #2. I sent out a note in regard to the one staging area. It needs to be 26 by 40. What you show on the plan is only 23 by 40.*

*Mr. Beneke said so that little drive coming in next to the detention pond there is the thing in question. You are only showing it 23 feet wide and it needs to be 26.*

*Mr. Burroughs said I'm sorry, on the one to the west or the east of the detention pond?*

*Mr. Cross said see fire hydrant #1, that one there?*

*Mr. Beneke said you have a hydrant showing. Because of that we have to have the staging area.*

*Mr. Cross said the other thing was that entranceway there at Eola, that one on the west side there, that needs to be mountable or the lanes need to be 20 feet for us to get in with the trucks.*

*Mr. Feltman said it is a raised median, so if DuPage County is okay with it you could probably just eliminate the pork chop altogether because it is a raised median.*

*Mr. Burroughs said yes, I'll have to see what the county says. We may be able to because you've got the median out in the pavement. If nothing else we'll just depress it. We can depress the pork chop too if they still want a curb in there.*

*Mrs. Vacek said I got your revisions last week. I will have a couple of little comments, so I'll be getting those out to you.*

1 DST Staff Council 07/25/2017  
(Planning Council)

**Notes:** *Mrs. Vacek said I have sent out comments on this, so I'm just waiting to hear back.*

*Mr. Cross said we are still waiting for a resubmittal. They know exactly what needs to be done, so just waiting for a resubmittal.*

*Mr. Feltman said is that address correct?*

*Mrs. Vacek said it is.*

*Mr. Sieben said yes. It is very strange.*

*Mr. Feltman said it is extremely strange. That should be like near New York Street and this all the way up by Diehl.*

*Mr. Sieben said correct. We may want to look at that.*

*Mr. Feltman said we sent out comments and met with their design engineer to go over our comments.*

1 DST Staff Council 08/01/2017  
(Planning Council)

**Notes:** *Mrs. Vacek said I sent out comments. I have not received any formal documents except for the Plan Description Revision. We did receive that. I'm still waiting for everything else.*

*Mr. Thavong said Engineering also made comments. We also met with the design engineer to go over our review comments. We have not received anything yet. We are still waiting for a resubmittal.*

*Mr. Cross said Fire is also waiting for a resubmittal as well. Comments have been issued.*

1 DST Staff Council 08/08/2017  
(Planning Council)

**Notes:** *Mrs. Vacek said I received some revised plans for this. However, they didn't do all of my comments, so I sent out additional comments on it.*

*Mr. Cross said we've sent out comments and still haven't received any resubmittal addressing our comments.*

*Mr. Thavong said Engineering also sent review comments and we are still waiting for a resubmittal.*

*Mr. Frankino said Fox Metro hasn't received anything on this submittal yet. It's a little early yet.*

*Mr. Sieben said so this will stay here waiting revision.*

*Mrs. Vacek said this will stay here until we get a resubmittal and are all comfortable with it.*

1 DST Staff Council 08/15/2017  
(Planning Council)

**Notes:** *Mr. Feltman said we have sent out comments and have not heard back.*

*Mr. Sieben said I believe we just got revisions back on some of the additional info Tracey had sent them because the tower slightly shifted off the utility that was back there, so they provided us some new information on that.*

*Mr. Feltman said did they rotate that parking lot?*

*Mr. Sieben said yes, they rotated the parking and then the detention.*

*Ms. Phifer said we did get a partial resubmittal, so I think that we are in the process of reviewing that and seeing what other items we may need.*

*Mr. Feltman said we have not received a resubmittal.*

*Mr. Cross said I think we still had that access road dimension. I think they showed it at 23 feet and it needs to be 26 feet for that access road for Scientel.*

*Mr. Sieben said so what was done is the middle section there where the detention is, that was kind of rotated. It turned out to be a little bit better layout and it potentially could tie in with the detention to the north, which is to the right and then the parking worked out a little better. I think the detention pond was oriented more east/west and now it is more north/south and the parking lays out better in front of the office building, but otherwise, everything else stayed the same, the access off of Eola. Nothing really changed except that middle detention area. Dan, have we gotten anything regarding the utility easements?*

*Mr. Feltman said no. I don't even know if there has been contact.*

*Ms. Phifer said but that was a comment from Engineering, so it is one of the outstanding issues that we are still waiting to hear back from them on.*

*Mr. Feltman said that sanitary needs to be extended north from the High School so that will serve that whole area.*

1 DST Staff Council 08/22/2017  
(Planning Council)

**Notes:** *Ms. Phifer said I believe Engineering is still waiting for revisions, and I think the main one being the off-site sanitary and how that is going to get served.*

*Mr. Feltman said yes.*

*Ms. Phifer said so this will stay here until we get those documents in.*

*Mr. Beneke said Fire is still waiting for a resubmittal too on that one leg that needs to be widened to 26 feet. They've got a hydrant on it.*

1 DST Staff Council 08/29/2017  
(Planning Council)

**Notes:** *Mr. Sieben said Zoning has everything in. Where is Engineering at with this?*

*Mr. Feltman said we got a second submittal back in. It generally addressed our comments. They were showing the off-site sanitary. It looks like it is basically what we were looking for. Obviously, they need to get several off-site easements and I don't really know where they stand with that. Generally, like I said, we are okay with the Preliminary.*

Mr. Sieben said I think once we kind of get a feel from you, we will be able to set this for the public hearing. We don't have an exact date yet. September 20th would be the earliest.

Mr. Cross said Fire's comments in regard to the dimension of the lane still have not been addressed. They are at 23 feet. They need to be 26.

Mr. Feltman said where does it need to be 26?

Mr. Cross said I think they describe it as hydrant #1. Right where hydrant #1 is there is a lane there. It says it is 23.

Mr. Feltman said which side of the building? Is it the south lane?

Mr. Cross said on the last one that we have they show the dimensions being 23. I can't see where that hydrant is at.

Mr. Beneke said this has changed.

Mr. Feltman said is this the latest?

Mr. Sieben said yes.

Mr. Cross said we haven't seen that.

Mr. Beneke said this has changed. It looks like they moved the hydrant over to the left. Remember it was out on the end and now it is over on the other side next to the detention pond, but we need a staging area right at that hydrant. It looks like they moved over closer to the lane.

Mr. Feltman said I guess I'm confused. Where do you need 26 feet?

Mr. Beneke said at the hydrant. You need a 26 by 40 staging area at a hydrant.

Mr. Feltman said so they need to expand the width of that driveway where the parking is to get you a staging area? Is that where you are looking?

Mr. Beneke said it used to be they had the hydrant out on the end of the drive over there. So all the way to the north is where they had the hydrant on the drive next to the detention pond and they only had that at 23 feet. Now it looks like they might have moved the hydrant over to the south of that.

Mr. Cross said we haven't had that submittal that looks like that.

Mr. Beneke said we haven't had a revision. This is what we have.

Mr. Sieben said the Fire Plan hasn't been updated.

Mr. Beneke said right. See the hydrant on the far north there? That's where we had the issue with that needing to be 26 feet wide. It is only a 23 foot lane. Now they've changed it, it looks like, and they are moving it.

Mr. Sieben said they reconfigured that middle area. This plan is not updated.

Mr. Beneke said we need a revised Fire Plan. We need to have it revised to match the other plan.

Mr. Feltman said where they were showing their staging area, was that acceptable?

Mr. Cross said the area was fine, but the size is bad.

*Mr. Feltman said so they need to have it 26 feet wide?*

*Mr. Cross said 26 by 40.*

*Mr. Sieben said so we need an updated Fire Plan. So Engineering is in, but we need a revised Fire Plan.*

1 DST Staff Council 09/05/2017  
(Planning Council)

**Notes:** *Mr. Sieben said I believe we have everything in. This is set for the September 20th Planning Commission meeting. We will vote this out next week. Where is everyone else with this? Engineering?*

*Mr. Feltman said we are good from a preliminary standpoint.*

*Mr. Cross said we've got one lane issue. There is some inconsistency on where he says the staging area is as opposed to the lane. We need to reconcile that discrepancy.*

*Mr. Wiet said they had urged that if there is any way that they can start doing something prior to approvals, we'll work with them.*

*Mr. Beneke said they can definitely be submitting permits and doing whatever they need to in order to get going.*

*Mr. Sieben said and I understand their goal is to put the tower up prior to the building.*

*Mr. Wiet said yes. Apparently everyone is good to go with that. I think it is all about getting the easements, getting the cross access cut, getting everything all in order.*

*Mr. Sieben said getting everything in order for a future office building. Did you hear that Dan?*

*Mr. Feltman said what?*

*Mr. Sieben said so the goal is to get the easements and plan out all the utilities and the easements so when they are ready to do the office building that is all in place.*

*Mr. Wiet said they want to do their tower like in October.*

*Mr. Curley said and you want that in place prior to permission of the tower.*

*Mr. Wiet said it will probably work out that way because of the timing, September 20th, then October approval. They want to get their tower going like mid-October.*

*Mr. Feltman said that is what we are going to do?*

*Mr. Wiet said we're going to let them put the tower up before the building. No security. No nothing.*

*Mr. Feltman said easements have to be in place prior to that?*

*Mr. Wiet said well the last I heard two weeks ago was that they called Burroughs at EEI and said let's get this easement and EEI seemed to think that wasn't a big deal.*

*Mr. Curley said but we don't have a plat yet. We don't have a plat submittal?*

*Mr. Feltman said no.*

*Mr. Sieben said so let's continue to work on that issue.*

*Mr. Wiet said you've got EEI and Cordogan Clark working on this, so they are easy calls and this was*

*made at least a couple of weeks ago about getting all of this. It seemed very nonchalant to Scientel. I can't remember the guy's name, but he seemed like okay call EEI and let's get this going.*

*Mr. Curley said doesn't someone need to tell them we need a plat?*

*Mr. Wiet said I thought that's what EEI was working on.*

*Mr. Sieben said so they are aware of it.*

*Mr. Feltman said we are in preliminary right now.*

*Mr. Sieben said this is Stephane's case. I think she may have had some conversations with them last week.*

*Mr. Curley said I own Knopka a call but it sounds like somebody needs to talk to EEI. Do you want me to do that? Burroughs was the engineer?*

*Mr. Wiet said yes.*

*Mr. Sieben said Dave Burroughs.*

*Mr. Feltman said we can do that.*

*Mr. Wiet said at this point, as close as we can get. The administration wants the tower up, so whatever we can get close to that because they have a lease that is expiring 2019. Their lease is expiring in 2019 so they are moving out here. They need the building done by mid-2019.*

*Mr. Feltman said so the message you want me to convey is that they need to have the easements in place prior to the tower?*

*Mr. Curley said yes. For now that is the message.*

*Mr. Sieben said that would be the goal, yes.*

1	DST Staff Council (Planning Council)	09/12/2017	Forwarded	Planning Commission	09/20/2017	Pass
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**Action Text:** A motion was made by Ms. Phifer, seconded by Mrs. Morgan, that this agenda item be Forwarded to the Planning Commission, on the agenda for 9/20/2017. The motion carried by voice vote.

**Notes:** *Mr. Sieben said this is going to be moving forward to the September 20th Planning Commission.*

*Mr. Feltman said well I think the biggest issue is the off-site easements that are needed back to the south. There are several properties that need to provide easements for sanitary service.*

*Representatives Present: Dave Burroughs and Rick Williams*

*Mr. Burroughs said we are certainly aware of that. We've started those conversations. We didn't want to get too far ahead of your Preliminary Plan approval process. It is just the sanitary that needs to go off-site, so we are working with those people. The other thing, obviously, will be access onto Diehl Road. We need to deal with DuPage and DOT on that.*

*Mr. Feltman said and also ComEd.*

*Mr. Burroughs said correct, and ComEd.*

*Mr. Feltman said so there is an easement that's needed for ComEd for the Diehl Road access.*

*Ms. Phifer said it's off-site.*

*Mr. Burroughs said it's off-site, correct.*

Mr. Feltman said right, to make it line up with the driveway on the opposite side. There were several conversations with ComEd. I don't think they were opposed to the driveway. The one thing that kept them pushing away from the table, and I think I see it, is the detention that's shown on their site. They did not want to have any stormwater management on their property.

Mr. Burroughs said and that was shown on the original, so that's why we included it. For our site, we are doing all our detention on our own property, so it's not something we need, but overall.

Mr. Feltman said but the off-site detention on ComEd was contentious. They were fine with the driveway. Obviously, they could use it as well so that was a potential benefit to their property. I think what we were looking for was prior to final approval we wanted all the off-site easements in place.

Mr. Burroughs said yes, definitely.

Mr. Williams said you're talking even the driveway easement?

Mr. Feltman said no.

Mr. Williams said just the sanitary?

Mr. Feltman said correct. If you were able to get the off-site for ComEd, that would be great. That would complete all the off-site easements that are needed, but I think the main thing was just getting the sanitary so that it could serve your property.

Mr. Burroughs said and ComEd owns that property to the east of us, so we will be talking to them anyway about easements, so we can certainly discuss that all at the same time and just confirm they are still willing to do that at some point.

Mr. Feltman said and then the other easement that's needed off-site is for the right-in/right-out access onto Eola that's going to be shared. That shouldn't be a surprise to the property owner because they were at the table when all this Preliminary was being done.

Mr. Williams said I've had conversations with John Philipchuck who represents the property owner. He said once we get our Preliminary Plans approved send it over and he'd work with us. I'm hopeful that that won't be an issue.

Mr. Feltman said it is definitely beneficial to both parties and they are aware of it.

Mr. Williams said they are required to provide those by the Annexation Agreement, so they have an affirmative obligation already.

Mr. Burroughs said yes, because we'll have the same situation with the property owner to the north. We'll need to get easements there as well for the water main and just grading, temporary.

Mr. Beneke said the Fire Marshall left you a message in regard to the hydrant location that's coming off, I believe, it is right here. So the question he had was you have shown a 26 by 40 staging area here. That needs to be a clear. It's can't overlap parking spaces. This isle was shown as 24 feet, so our question is clarification of making sure that is 26 feet before the striped and face to face curb.

Mr. Burroughs said right. We modified that. I dropped off a revised plan to you like last Thursday already.

Mr. Beneke said I have not seen that. I did not get that I don't think. Can you give me another one?

Mr. Burroughs said I will do that. We just widened that out for that. That was no problem.

Mr. Beneke said then if you've got that, I think we were okay. That was our only thing to make sure we

*had that maintained.*

*Mr. Frankino said our concerns mirrors somewhat what Dan already mentioned of the easements, the depth service area, tributary area, to make sure it is deep enough to serve the area.*

*Mr. Burroughs said we basically went as flat as we could and we are showing that going all the way to the north.*

*Mr. Feltman said we took a look at that. I think they were running a 12 inch so that we could be as shallow as possible. I think when we looked at where you were ending the sanitary, it was about what we had on our concept plan, but we definitely need once we get into final to make sure that we get the service area because we've got to serve north of Eola.*

*Ms. Phifer said so I think as we go through, I think from a Planning point of view, our only question is going to be as far as timing and how everything is going to work with the development and the buildout, but otherwise all of our comments were addressed. We would make a motion to move this forward to the September 20th Planning Commission meeting. Mrs. Morgan seconded the motion. The motion carried unanimously.*

2	Planning Commission	09/20/2017	Forwarded	Planning & Development Committee	09/28/2017	Pass
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**Action Text:** A motion was made by Mrs. Cole, seconded by Mrs. Duncan, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 9/28/2017. The motion carried.

**Notes:** See Attachment for Items 17-00519, 17-00520 and 17-00521.

Aye: 5 At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, SD 204 Representative Duncan and SD 129 Representative Head

Nay: 4 At Large Bergeron, At Large Cameron, Fox Valley Park District Representative Chambers and At Large Owusu-Safo

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Attachment for Items 17-00519, 17-00520 and 17-00521:

- 17-00519      An Ordinance approving a Revision to the Eola Venture I Plan Description on 2.66 acres for property located at 245 N. Eola Road being south of Diehl Road and east of Eola Road (Scientel Solutions, LLC – 17-00591 / NA07/1-16.162-Su/PD/Ppn/Psd/R – TV – Ward 10) (PUBLIC HEARING)
- 17-00520      An Ordinance granting a Special Use Permit for a Telecommunications Facility (4211) Use on the property located at 245 N. Eola Road being south of Diehl Road and east of Eola Road (Scientel Solutions, LLC – 17-00520 / NA07/1-16.162-Su/PD/Ppn/Psd/R – TV – Ward 10) (PUBLIC HEARING)
- 17-00521      A Resolution approving a Revision to a portion of the Preliminary Plan and Plat property located at 245 N. Eola Road being south of Diehl Road and east of Eola Road (Scientel Solutions, LLC – 17-00521 / NA07/1-16.162-Su/PD/Ppn/Psd/R – TV – Ward 10)

Mr. Phifer said so just to go through the three items that are before you this evening. The first one is a Revision to the Plan Description. The second one is a Special Use Permit for a Telecommunications Tower. The third one would be approval of a Preliminary Plan that incorporates then those two previous changes. So if the first two are approved, then it would be modifying the plan to accommodate those changes. This is part of a larger overall development that came through City Council in 2010 and even at the time, there were three separate property owners that came together to really try to master plan this entire area. The area is basically along Eola Road north of the Prairie Path and then through that curve that comes around for Diehl Road, so Diehl Road is to the north and is a curved piece or property. There were always three property owners, even from the beginning, when we set up the zoning. There is Air Products, which is the property owner that is just directly across from the Prairie Path, right adjacent to the Prairie Path. Then there is Eola Venture, which is the property that is before you this evening, and then Yorkville Partners I and II, which owns the properties then to the north, the balance up to Diehl Road. The property that's before you this evening is the Eola Venture property. What they are looking to do is modify the Plan Description that exists on the property to incorporate the 9200 use of general contractor off-site work. Just to explain what that means, it's basically a contracting business, but where they don't do any of the actual work on site. For instance, a cable company is an example of a contractor or let's say a plumber. You don't bring your plumbing to them. They use this as a home base and then they go out and they are contractors that work on site. So that's what this use category covers. Scientel and their use falls within that. That was not previously a permitted use. However, it is very consistent with the other uses that were approved on the site. The overall master plan included a mixture of retail and office and some ORI incubator industrial uses, so this is very consistent with that. The Plan Description that they are asking for, that is the only change that they are looking for is to incorporate this additional permitted use. So the public hearing this evening on this particular item is about adding that additional use to their permitted uses. The second item is for a Telecommunications Facility. You'll remember back at the beginning of the year, the City Council did approve a lot of modifications to our Telecommunications Ordinance, which is now called the Communications Ordinance, and so in that we really looked at the fact that we are having a lot more demand as people want to use their Smart Phones a lot more and we need a lot more bandwidth. The area has kind of changed through the entire city and we needed to update and modernize our

regulations. So we did that and as part of that we really wanted to take a closer look at these towers and so we did have those all put in our Zoning Ordinance as a Special Use and the Communication Ordinance is a Special Use. That's why this is before you today. Previously under the other ordinance, depending on the criteria, it may not have needed the Special Use, but under the new ordinance it does. With the new ordinance, they are asking for a couple of modifications to the regulations with regard to the Telecommunication Ordinance. This is also similar, if you remember just a few months ago, there is a property right across the street, the CyrusOne Data Center, that also asked for a Special Use for a communications tower. The variances that this Petitioner is requesting are actually the same variances that that Petitioner was requesting. The first one is with regard to the separation of towers from the nearest residential use. Just like with that other one, they actually meet the requirement for a residential structure, so really a property that is actually used as a residential home. They do meet the requirements of separation, but the Prairie Path is actually zoned residential, so they do not meet the setback from a residentially zoned property, but the intent was so that if in the future there was a residence there they would be protected. But staff does not feel that we would be approving a residence on the Prairie Path, so staff is supporting that variance. Then the next one is a separation from other communication facilities. The regulations of the Communication Ordinance are that from a Class C, which is what this tower is, to a Class D, which is a tower that is more than 200 feet, there is supposed to be a 2,500 foot separation, and their closest separation is 935 feet. The next one is the facility setback. The regulations are that the setback needs to be 75% of the total height, which would have been 146 feet and what they are proposing is a 75 foot setback. So with regard to those two, again with the CyrusOne, this is a very unique area because of the Tollway and because of the other towers in the area and so really when we did our separations, it wasn't necessarily with this area in mind. It was really talking about other parts of the city where we really wanted to make sure that we were not getting a proliferation of towers. This area, if you've been out there, which I know a number of you actually drove out prior to the meeting, you can see that that ship has sailed. This area has traditionally always been a big communication hub and there are already a number of towers in the area, most of which are not even in the City of Aurora's jurisdiction. A lot of them are either in Naperville or in incorporated DuPage County. The last one with the setback, similar again the variance that we granted for the CyrusOne tower, really looking at the lay of the land. They are looking to put the tower at the very back end of the property and really trying to keep it as much away from Eola Road as possible. The land to the east of this tower is all Commonwealth Edison and it is part of their electrical grid and so we do not anticipate that property developing, thus the setback variance to the far back of the property we do think is something that is a legitimate request for them to make. The last one then, like I said, is the Preliminary Plan and Plat and I'll just touch on that and then I'll turn it over to the Petitioner. The Preliminary Plan and Plat, like I said, it incorporates those two changes, so it shows a contractor's office to the back of the property and then it does show the tower on that Preliminary. The only thing that is changing, there was a Preliminary already approved on this property back in 2010. They are staying consistent with that. That was very important. We wanted to make sure because there are the three players in this master plan that we weren't doing anything that was going to change the land plan on the other adjacent properties. Their access points are all exactly the same as what was already approved on the Preliminary. The only thing that's happening is they are actually switching where the detention is on their own property and they are moving the detention closer to Eola and moving the building farther to the back and, again, that's mostly because of the tower because they are trying to keep the tower as much away from Eola Road as possible. So those are the only changes to the Preliminary. With that, unless there are any other questions of staff, I would turn it over to the Petitioner and let them go into

the details of who they are and why they picked this location and why they are asking for the modifications.

The Petitioners were sworn in.

Good evening. My name is Richard Williams. I'm an attorney with Griffin Williams. I represent Scientel Solutions, LLC. They are currently based out of Lombard, Illinois, but should this project be approved, as part of the project we'll be moving our corporate headquarters to the very site we are talking about. With me this evening is Nelson Santos. Nelson is a President, one of the owners of the company. We have Roxanna Hoffman here. Roxanna is our Project Manager working closely on this project. We have David Burroughs, our Engineer with Engineering Enterprises and then we have Mike Konopka, our Architect with Cordogan Clark & Associates. When we first approached staff several months ago regarding this project, it was clear that staff wanted to keep the intent of the Northbridge Subdivision that was approved by the city in 2010 in place. So we have worked very hard to work within the plan and to keep as much of the plan as possible. We are asking for very few exceptions to the plan. We are asking to amend the Plan Description, of course, to add our general contractor with off-site use as a permitted use, but we've kept our front 1 acre parcel as commercial development. We haven't moved our entrances. We haven't changed detention. All we are doing is taking the 1.6 acre parcel for our use as our 12,000 square foot office building and then also our telecommunications tower. We think that this use is consistent with what the city's planned for. It is consistent with the high tech corridor along Diehl Road, which is booming and thriving. CyrusOne is across the street. I think their representatives are here as well. They are our neighbor to the west. To the east is the Commonwealth Edison substation high tension lines. We've gone to great efforts to keep our tower in the back of the property. A rendering has been submitted which will show that it is very visually un-intrusive. You can't really even see it from the nearest neighbor, which is over approximately a ¼ mile away. Our neighbor to the south is Aurora Air Products. They are a light manufacturing use. Then to the north we have some properties that are a commercial landscape, general assembly type manufacturing company. We feel that our project will fit in nicely with what's in the area, what's been planned by the city and will actually spur the development of the property to the north and the property to the south. I'm going to turn it over to Nelson Santos to talk a little bit about who Scientel is, what we are going to do and we'll go from there.

Mr. Santos said good evening. Thanks for having us. Scientel is very excited about this project. We are headquartered in Lombard, Illinois and we have 8 offices throughout the country, including Canada, so we have considered ourselves global now since we've expanded into Canada. Currently our entire operation is run through Lombard. This project brings together some of the infrastructure we have throughout the state centralized in one location. We are going to bring all of our people that are currently in Lombard into Aurora, so that will be an instant injection of 30 jobs. We've allowed for expansion for 20 more jobs over the next couple of years anticipating our growth. This tower has already been spec'd to use as a repeater for the DuPage County Public Safety systems. It is also used to support Morton Arboretum for internet access. We do some local enterprise businesses that would also be servicing from this tower. So this tower is not just a communication tower. It bridges our current customers to their customers and the rest of the world, so it is very important. This area is very attractive to us. As some of you might know, there is a lot of fiber running into this data center and it is one of the major parts of the network, of the Internet. We use this tower as a distribution of that. We

all talk about Cloud services. Well our customers need to get to the Cloud and this is the way to do it. We are very excited about it. We anticipate that we would have more customers in the Aurora area. We plan on working with the City of Aurora since we have a very strong experience with state and local governments. It is one of our primary customer bases. In the area here, we've done some microwave and MPLS work for Cook County. We plan on doing some more stuff in there. A lot of our government is in other states. We plan on focusing on Illinois a lot with this project.

Mrs. Cole said I have a question. I Googled you and found where your 8 offices were at and Lombard is not listed, but Chicago is. If you move to Aurora, could you put Aurora as where you are?

Mr. Santos said I've got to talk to my marketing people. I'm not sure why it doesn't say Lombard, but if the address doesn't say Lombard I don't know how people can...

Mrs. Cole said there is a map. You have some very impressive customers because it lists customers all over the United States and Canada, but then it also has little special marks where your offices are. I was like well maybe they just want to be next to big cities, but Plano, Texas is listed.

Mr. Santos said it is interesting you say that. In our marketing discussions Lombard isn't really known anywhere except in the Illinois area, but Aurora is known by everybody. It is the second largest city in Illinois. I have a feeling that we will be marketing Aurora more than we have with Lombard just because there is more marketing value there.

Mrs. Cole said that has nothing to do with the zoning, but just a request.

Mr. Santos said absolutely.

I'm Dave Burroughs with Engineering Enterprises. We did the engineering for the site. Just a couple of comments. As Rick mentioned, we did follow the existing Preliminary Plan and there were a couple of things on that that we kept with. One is that the entrance onto Eola is a right-in/right-out only because there is a median there so you can't go south out of the site. Then also utilities, we are bringing the water from the west side of Eola over to the site and looping it and then also the sanitary sewer is south of us off-site, so we have to bring that up. That's all in conjunction with the previous Preliminary Plan.

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

Good evening. My name is Juan Vasquez. I'm with CyrusOne. Thank you for hearing us here. We're here today just to understand what this development is going to be to us. We understand there is going to be some kind of impact to our business and in doing so we request that we can have a deferment for 90 days while we understand the impact that it is going to have on our business and our neighboring customers in our data center. As you all know, we are also building a communications tower. Ours is going to be 350 feet tall. Our tower is suitable for fair market business for all the customers in the area and for our customers in our data center. There is a little bit of conflict there to have two towers next to each other. While we understand what the actual impact is, we would like some time to understand it. This is kind of new to us and we'd like to understand their business and how their tower is going to

interact with ours. With me I've got some of my consultants and one of my attorneys that can talk a little more about those details.

Hi. I'm Kevin Desharnais from Troutman Sanders and I'll just add a couple of points to what was already said. As you know, CyrusOne has the tower approval and is planning on proceeding with that. The concerns, more specifically, are is there a potential for interference with their tower? It is not something they've had the opportunity to evaluate or that they've seen any analysis of. At the same time, there may be a potential for servicing their communication needs through the tower that has been proposed, which will be a larger tower. Again, the impacts are not something that we've seen evaluated and there is the potential for interference and is something that would, obviously, be very critical to the operations of the CyrusOne tower. So as was asked for, we would request 90 days to do that evaluation and to have a conversation with the proponent here to understand whether there is a way that perhaps we could even service their communication needs with the proposed tower. While our tower is not yet built, it has been approved and operations are underway to see that through to completion. Obviously, it goes directly to the operations of the tower that they are building and which they've invested significant resources in which you have already approved. So it is really just to evaluate that and understand if there is an impact and how potentially we could work together.

Mr. Vasquez said again, this is just understanding the study and the tower itself. I don't think we have an issue with their business having their headquarters there. It is just how the two towers are going to be in conflict with each other. I think Mike will talk a little bit about that.

Good evening. My name is Michael Buffington. I'm a tower consultant for CyrusOne. I have been here earlier in the year when we discussed approval of the CyrusOne tower, so I've been very involved with the planning and the design and what that tower was going to look like and what it would need to accommodate. If you recall, the tower was approved conditionally where they must allow the maximum number of colocations at a fair market value. I was very much involved in well how do you do that, how do you plan for a tower that can accommodate an unknown number of customers and how do you determine it if it is market value? We've worked on that quite a bit. We have insured that this tower can accommodate approximately 25 to 30 antennas, depending on the size. Again, it was mentioned that it is 350 feet. We are bound by a resolution that says it must be at fair market value. Of course, that tower will be the closest that any tower can be to the data center itself and it would seem that a lot of the interest in that corridor in that area is to somehow establish a communication facility close to the data center. Well this tower is as close as it can be. As Juan mentioned, there is also some concern on CyrusOne's part as to how this tower may impact the CyrusOne tower, which is already approved and already in progress to be constructed. There are technical concerns. There are also some potential financial impacting concerns. There is a chance that you end up with two towers built along that same road that are not as useful as one single tower would have been in terms of accommodating the uses that need to be there. That's why they have requested to have some additional time to further evaluate those impacts, perhaps talk to Scientel about collocating on the CyrusOne tower to understand perhaps why that doesn't work or if there is something additional they would need in order to make that work, and just, again, to really understand what are the true impacts, how significant are they and can these two towers coexist or can they not.

The public input portion of the public hearing was closed.

Ms. Phifer said before you close the public hearing, I did want to just draw the Commission's attention to the fact that we did receive correspondence from the property owner to the north and that letter has been provided to you in your packet, so just while we are still in the public hearing I wanted to make sure that that was also part of the record and the concerns that they brought up just so the Petitioner can also respond to those as well.

Chairman Truax said would the Petitioner care to respond to the public hearing comments?

Mr. Williams said with respect to the issues brought up by the folks from CyrusOne, the first issue was interference. There are plenty of towers in that area. We are confident that our tower will not interfere with their tower or anyone else's tower. It is definitely an issue that the FCC regulates and so we'll go through a process with the FCC and they will make the determination. They are the folks that are qualified to make a determination on whether our use, our bandwidth, our frequencies, would interfere with their tower. We'll work with the FCC toward that goal. As far as using their tower, our tower is integral to our business plan. It is necessary for us to have that tower in order for us to do the remainder of our site project. That's really not an option for us. As far as deferring for 90 days to have a conversation, we're happy to have conversations with CyrusOne. We are a customer of CyrusOne. They know how to get ahold of us. We know how to get ahold of them, but we are also a contract purchaser of the property and so we have some contractual timelines, and so deferring 90 days causes some issues both with our contract and also with our business plan.

Mr. Santos said the costs of impacting business, CyrusOne, we rent space there. Scientel is less than \$20 million dollars a year. CyrusOne is a billion dollar organization. I have a very hard time believing that we're going to impact their business and for them to come here and claim that is ludicrous. The other thing is that as far as interference is concerned, there is a jurisdiction for that. It is called the FCC. It is a federal jurisdiction. There are rules in place for interference. To bring it to a municipality level, it is not in the jurisdiction. There are rules. There are processes. There are ways to resolve issues and all that has already taken place, so why do we need to reinvent the wheel here? We might be on CyrusOne's tower, but we definitely need our tower for our business purposes. I can see them both coexisting. I just have a hard time believing that little Scientel is going to have an impact on big old CyrusOne with data centers all over the world. I just want to call that out. We're just trying to get people here working. That's our goal. If we miss 90 days, it might not be a lot for CyrusOne because they can wait as long as they can, but for us it impacts our business.

Chairman Truax said I'm sorry, the public hearing portion is closed.

Ms. Phifer said you do have to let him at least cross examine once.

Chairman Truax said alright I will accept another 3 minute comment from the gentleman who asked.

Mr. Buffington said to the gentleman's comment regarding interference, that is exactly what we would like to have time to evaluate. No man can stand here in this room and say that there will or not be interference. We are not saying there will be. What we are saying is that we are very well aware of the frequency congestion in that area on the three existing towers and that finding an available frequency

for use in that area is very difficult and sometimes impossible. What we had intended with the CyrusOne tower being the new tower in the area knowing that many of those tenants would want to move to the CyrusOne tower is to have a coordinated effort across all of those parties to re-coordinate their frequencies so they are not running into each other and causing interference and causing issues with acquiring frequencies. We introduce another tower into that mix where there is no interaction or cooperation or coordination. It can become difficult for both parties to secure frequencies that will work for either of us. That's all. We are asking for some time to actually have that analysis performed if it is needed in order to come to an agreement.

Mrs. Cole said does the FCC not determine this?

Mr. Buffington said the FCC is the governing body. However, there are other engineering firms that must first perform an interference analysis that demonstrates to the FCC that the new allocated frequency or new use of the frequency will not interfere with existing users. That analysis is sent, and what's called a prior coordination notice, to all the parties in the area where they have the opportunity to object to the use of that frequency. If that passes through with no objection, that party is then allowed to file for a license with the FCC. The FCC themselves does not determine whether or not a frequency would interfere or not.

Mrs. Owusu-Safo said I have one follow up question. I believe this was advertised. I'm sure you knew their project was coming up prior to today. Has there been any communication about this potential problem with Scientel directly?

Mr. Buffington said I'm not able to answer that.

Mrs. Owusu-Safo said I guess I'm just finding it very interesting that this is still a place that that is being debated. If it is a frequency issue, that's a technical issue between the two companies in my opinion.

Mr. Vasquez said the answer is no. There has not been an opportunity for us to understand who Scientel was on our end in Aurora and find out if we could work something out with them. We didn't get a chance.

Mr. Chambers said prior to bringing to the Commission before we approved your tower, what analysis did you do in regard to frequencies with the tower just to the north of your road?

Mr. Buffington said so in regard to the CyrusOne tower?

Mr. Chambers said yes. In regard to the CyrusOne tower that has been approved, what analysis was done in regard to the tower to the north?

Mr. Buffington said the scenario was a bit different in that the concept of the CyrusOne tower was for tenants of those towers to move to the CyrusOne tower.

Mr. Chambers said but those towers still exist, correct and will still exist?

Mr. Buffington said they still exist, correct. We'll elaborate in just a bit. Again, the idea or the intent was if a tenant on one of those towers moves to the CyrusOne tower they also could move their frequency or effectively move a frequency. It might end up being something different, but they would relinquish what's there in order to secure something on the CyrusOne tower and it would be a coordinated effort among all parting who wish to move to the CyrusOne tower, at least initially and that would make the analysis much easier.

Mrs. Owusu-Safo said one last follow up question. What would prevent both companies to discuss and come to a resolution to do a preliminary review after if this petition is approved? Can that still be done? Because it looks like that's a process regardless that needs to be done where you do your preliminary review, then you go to the FCC for their review, so if the frequencies don't work the FCC still won't allow them to install it whether it's been approved or not, right?

Mr. Buffington said true. Ideally everyone plays by the rules. Unfortunately the FCC is not very good about enforcing those rules and there are a lot of entities out there that are in this specific industry related to the data center that do not play by the rules. They cut corners. They do things to stifle competition, practice predatory tactics. I'm not accusing Scientel of that by any means. What I'm saying is the reason why we address this with the CyrusOne tower and we are going to absolutely demand that if you are interested in this tower this is what you are going to have to do and you'll be bound by a contract to clean that up and eliminate that. There's nothing that says that CyrusOne could not have some external agreement with Scientel regarding frequency uses and coordinating with each other. That would be, obviously, between those two entities and not involve the FCC or this board.

Ms. Phifer said and I want to allow the Petitioner to respond as well, but I just wanted to clarify because I know this is new for the Commission. Really with regard to the prevue of the recommendation for the Commission, it is really about those three variances. There are a lot of technical requirements for these and you'll notice there are a lot of technical requirements within the documentation. The city's IT staff, along with outside third party consultants, do look at all of that as we go through the permitting process. So really if you think about it in terms of a building permit, this is really just sort of giving them the right to apply for that permit and then when it gets to that level of the permit that's when all of these other technical requirements will be flushed out. I just wanted to clarify for the Commission with regard to that, but I want the Petitioner to respond.

Mr. Santos said I'll just make it quick. First of all, we are always willing to work with anybody when it comes to wireless frequencies. We've been doing this for many years. Our company has been in operation since 2005. We have radio frequency engineers that have been the industry for over 40 years. We've been working with frequency issues forever. But outside of that, the request for 90 days comes on two assumptions. One is that we actually are in the same frequency space. We don't even know if we are talking about the same frequency space. They might think that we are trying to use this tower for a specific purpose. It is still all these assumptions. The other one is that the FCC doesn't do their job, so that's the reason why they want us to hold for 90 days. I don't think those are strong enough reasons. Ninety days for, again, my size business is a long time. Maybe CyrusOne has a lot of time to hire a lot of consultants and do a lot of studies, but as an owner of Scientel Wireless, I'm here telling you that 90 days is a long time. I'm trying to get some people moved. I'm trying to build our business. That's all I've got to say. But to hold 90 days on two assumptions that the FCC doesn't do their job and

second that we are going to somehow get involved in them moving people from one tower to another. To me this just doesn't seem like it makes any sense. Our use of our tower is (inaudible) use to our tower. We're not just trying to get into a specific vertical. Our tower is specifically designed to support the DuPage County Public Safety system and what we are hoping will be in the future Aurora's new Public Safety system. It is in our plans. We need the centerlines that we need. They clearly have a specific use on the tower. We are there to help them. We don't want to be bad neighbors. We've said that since the beginning when we moved in. We want to inject energy into this intersection. We've kept to the retail space, what we believe is a nice building, which is why we are moving our facility. I think originally we started just moving a specific department. I looked at the plans and I said no we are all moving there. So we are trying to put some energy into this thing. We don't want to be bad neighbors. We are not going to interfere with them. What their concern is, and my assumption is just as good as theirs, my assumption is that they believe that we are trying to do something to interfere with their business. We are not. That is not our business plan.

Chairman Truax said I thank you for your comments. The public hearing is closed.

Mr. Williams said I'm sorry Madam Commissioner. Ms. Phifer mentioned a letter we received, or an e-mail received from our neighbor to the north and I didn't know if you wanted us to respond to those points in the e-mail. We are happy to respond to those issues raised in that e-mail earlier today if you would like us to.

Mrs. Cole said my question is if this owner received due notice in the mail and they sent an e-mail to you today saying they wanted to hold off for 30 days before they had the Planning Commission?

Mr. Williams said I had a conversation with a principal of the entity that owns the property to the north a week ago. I had not been able to locate a principal because there had been a change in ownership and the tax records showed Yorkville Partners I and II and tax bills going to Oswego and we couldn't track down who was responsible for that. The only contact we had was an individual by the name of Ken Senet and we tried to contact him months ago to have a meeting and we were unsuccessful of getting him to return a phone call. Well we've come to find out a few weeks ago when we prepared our notice that he was no longer affiliated and so when we finally found the name of the principals of the owner to the north, I reached out, phoned them, had a conversation with a gentleman by the name of Andy Perdue and e-mailed him our plans and our notice as well and invited him to have a conversation with us. I received a call from their lawyer yesterday. I returned the call and he had asked for a 30 day deferment and I asked what the issues were and he wouldn't give me specific issues and then he terminated the phone call. Had we continued on with the phone call, I would have determined whether it was our engineer that needed to speak with his client or our architect or Mr. Santos. We met with the owners of Aurora Air Products several times. They've seen our plans. We'd be more than happy to have a conversation. I just need to know who in our team was necessary to have a conversation with his client and I was not provided that information.

Chairman Truax said thank you. I assume that that party is not here tonight.

A response from the audience said oh I'm here.

Ms. Phifer said you already closed the hearing. His comments are in the record.

Chairman Truax said I'm afraid the public hearing part is closed. If you can give us 5 minutes, we will...

My name is Vince Rosanova. I'm an attorney with the law firm of Rosanova and Whitacre. My office is located at 3 W. Jefferson Avenue in Naperville. I represent the owner to the north, Yorkville Partners II. I was sitting back here hoping to get answers to some of my questions. Some of them are forthcoming. I still have some questions as well. As far as notice, the notice that they sent we never received. The first we heard of this was a week ago last Tuesday, so 8 days ago. The state statute, as well as municipal ordinance, is very specific as to what the notice requires, the nature of the request. The notice doesn't provide any of that information relating to the variance, so I have questions relating to those sort of things, which I'm happy to take up with the Petitioner's attorney after this meeting. I also have utility questions regarding access. They said that they running water and sewer to the site. Are they going to run it to their far property line? Is that going to be something we are going to be able to connect to in the future? As Ms. Phifer has mentioned in her presentation, it was always intended that this would be a group development, all three properties would work together to develop a common goal and develop this corner. The Petitioner began working with the city prior to June 1, 2017. They could have reached out to us at any time. It is very unusual in the development community not to hear from your neighbor when they are developing a parcel. The city has our contact information. We were in here recently on a concept meeting. If they would have asked Mr. Sieben or Ms. Phifer or Mrs. Vacek I'm sure they could have provided our information back in June so we would have coordinated our efforts and made sure that all the utilities and access roads and so forth are provide for. They are requesting a variance to locate a tower 70 feet from our property line. That tower is adjacent to my client's property. It is not adjacent to the ComEd property. I didn't hear any justification as to why they should reduce that from 150 to 75 feet. I didn't hear any Findings of Fact. I didn't hear any hardship, yet I heard variances referenced numerous times. I was more than willing to sit in the back and listen to the Petitioner and try to work with them productively after this meeting ahead of City Council to get the access issue resolved. I don't even think they have DDOT approval for their access, which they are going to need. They are showing a stub street into our property, which the last development plan we had was a Preliminary Plan 7 years ago. Things changed. The market changed. A lot changed since 2010. We all know that. We'd like to work together on that. I talked to Mr. Sabalskis down to the south. I'm sure that he has an attorney as well, and I'll defer to him as far as what they want to do or the communications they had, but when this was brought in in 2010 it was a three party, three property cooperative arrangement. We expect that that would consider to be the case. I don't have any objection to their uses. I think those are great uses, but I just want to work together to make sure that this works for everybody.

Chairman Truax said we thank you for your comments. My suggestion would be the next time you come to a public hearing that you testify during the hearing.

Mr. Rosanova said I didn't have any intention on testifying this evening.

Chairman Truax said thank you for your comments. Is there a staff recommendation?

Ms. Phifer said with regard to the first item, staff would recommend conditional approval of the Ordinance approving a Revision to the Eola Venture I Plan Description on 2.66 acres for property located at 245 N. Eola Road being south of Diehl Road and east of Eola Road with the following condition:

1. That the outside commercial vehicle storage, number 3311, be removed as a standalone permitted use. This use is already permitted as an accessory to the proposed general contractor use and the Petitioner is in agreement with that condition.

Mr. Pilmer said I have a question for staff on that. The first case, which is the revision, so we are allowing a permitted use now of the contractor space?

Ms. Phifer said correct.

Mr. Pilmer said so are they primarily a contractor? Is it primarily office space or is it primarily a tower that they are going to build? I think we've heard all three and I'm trying to understand what the property use is.

Ms. Phifer said and I can tell you my understanding and then the Petitioner can correct me. The building itself is pretty much half and half. I believe that half of it is going to be utilized for storage of vehicles and equipment and the like and then half of it is going to be for office space for their headquarters. Then the tower itself is directly associated with the future headquarters building and that is to be built just adjacent to that. As far as the construction time, I believe physically they were going to build the tower first and then the headquarters would come later. I'm not sure timing on that. Maybe the Petitioner can address that as well.

Mr. Santos said so the building overall is 15,000 square feet, 3,000 of that is warehouse and 12,000 of that is office. The building will serve as, so there will be administration, HR. We also have a network operations center located in there. We have 30 people moving on day one. The 3,000 square feet is for materials that come in and out, so there are like switches, routers and that kind of electronics, so they come in, we stage it, we configure it and then we go and deploy it in the customer network. The building will probably start in spring or summer of this coming year. The whole timing thing is just our lease expires at the beginning of 2020, so we would like to be moved in sort of before the end of 2019. I've been told the building construction will take about 12 months, so that timing works well for us. We are leasing. We don't own, so we want to get out of there as quick as possible.

Mr. Cameron said this whole thing to me seems to be relatively loosey goosey. I don't know if that is a legal term or not. I am uncomfortable with the lack of notice to the neighbor to the north. There are ways to discover that information and I think there was a lack of due diligence in doing that. I'm not in favor of a 90 day stay, but I do think we should look at a 30 day stay to make sure that the neighbor and development partner is in this has their opportunity to at least work on this and 30 days is not 90 days, but it gives some time for the other concerned objectors to at least develop this further. Whatever goes through, I would like to put that in the form of an additional motion.

Chairman Truax said okay so your motion is approval with a 30 day waiting period to resolve some of the issues?

Mr. Cameron said and whatever that was read as far the city's comments.

Chairman Truax said there is a motion on the table. Does someone want to second that or not?

Mrs. Owusu-Safo said I'll second it.

Mr. Pilmer said can you just clarify? Is it to approve as submitted, but then a 30 day, or is it a 30 day delay?

Mr. Cameron said it is a 30 day delay. We would delay it for 30 days.

Chairman Truax said delay implementation?

Mr. Cameron said well delay. It will come back before us.

Chairman Truax said so it is really more like tabling it for 30 days. Does that affect your second?

Mrs. Owusu-Safo said that's still fine.

MOTION TO CONTINUE FOR 30 DAYS WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Mrs. Owusu-Safo

AYES: Mr. Bergeron, Mr. Cameron, Mr. Chambers, Mrs. Owusu-Safo

NAYS: Mrs. Cole, Mrs. Duncan, Mrs. Head, Mr. Pilmer, Mr. Reynolds

Chairman Truax said so we had 4 yes and 5 no.

Ms. Phifer said so it did not pass.

Chairman Truax said okay so we will need another motion.

Mrs. Duncan said move for approval aligned with the staff recommendation.

Mrs. Head said I second it.

MOTION CONDITIONAL APPROVAL WAS MADE BY: Mrs. Duncan

MOTION SECONDED BY: Mrs. Head

AYES: Mrs. Cole, Mrs. Duncan, Mrs. Head, Mr. Pilmer, Mr. Reynolds

NAYS: Mr. Bergeron, Mr. Cameron, Mr. Chambers, Mrs. Owusu-Safo

Chairman Truax said this around we have 5 yes and 4 no, so the motion carries.

#### 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?

Mrs. Cole said 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. Pilmer said this is a revision of the existing ordinance to allow for a specific use, which I believe is consistent with the general area.

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 the proposal represents the highest and best use of 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?

Chairman Truax said it should probably have no effect.

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. Cole said these are in place or will be put in place prior to development.

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?

Mrs. Cole said I believe there is a right-in and right-out onto Eola and there also is a bike path along the frontage here that will be installed so this should take care of that.

Chairman Truax said we next have an Ordinance granting a Special Use Permit for a Telecommunications Facility Use on the property located at 245 N. Eola Road being south of Diehl Road and east of Eola Road in Ward 10.

Ms. Phifer said so the Petitioner is requesting the installation of a tower in conjunction with a necessary accessory to their new headquarters building, therefore, it is a very unique request and the staff would

recommend approval of the Ordinance granting a Special Use Permit for a Telecommunications Facility Use on the property located at 245 N. Eola Road being south of Diehl Road and east of Eola Road.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mrs. Duncan

AYES: Mrs. Cole, Mrs. Duncan, Mrs. Head, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds.

NAYS: Mr. Bergeron, Mr. Cameron, Mr. Chambers

Chairman Truax said the motion carries.

#### 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?

Mrs. Cole said 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?

Mrs. Cole said well there are multiple towers in this area as we more than heard tonight and it does make common sense to grant the variance and place this at the far east side of the property where it will be less intrusive. In fact, it probably won't even be noticeable with all the towers that are back there.

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 the proposal is consistent with the desirable trend of development.

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 it should have no impact in traffic patterns.

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. Cole said if these are not in place, they will be put in place prior to development.

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?

Mrs. Cole said again, there is a right-in/right-out off of Eola and also a bike path that will run along the frontage of this property.

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

Mrs. Duncan said the tower is directly connected with their business and so not interfering in the business of others that are surrounding them.

- 9b. Is the special use in all other respects in conformance 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 Plan Commission?

Mrs. Duncan said the request is in conformance with all applicable regulations.

14. Are the goals of Chapter 19, Article III. Telecommunication and Data Transfer Ordinance being better served, although some of the below factors may be waived or reduced?
  - a. Height of the proposed communications facility is above what is allowed as an Administrative Review.
  - b. Separation of the communications facility from residential structures and/or residential district boundaries.
  - c. Separation of the communications facility from other communication facilities.
  - d. Facility setback requirement from any adjoining lot.
  - e. Design of the communications facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - f. Availability of suitable existing communications facilities, other structures, or alternative technologies not requiring the use of towers or structures.

Chairman Truax said I believe it is asking if the goals of the Article III, Chapter 19 would be better served if some of the below factors were waived or reduced.

Mr. Pilmer said based on the information contained in the staff report and testimony that we've heard tonight, I would say they are.

Ms. Phifer said so the last one is staff would recommend approval of the Resolution approving a revision to a portion of the Preliminary Plan and Plat for property located at 245 N. Eola Road being south of Diehl Road and east of Eola Road.

MOTION OF APPROVAL WAS MADE BY: Mrs. Duncan

MOTION SECONDED BY: Mrs. Head

AYES: Mr. Cameron, Mr. Chambers, Mrs. Cole, Mrs. Duncan, Mrs. Head, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds

NAYS: Mr. Bergeron

Ms. Phifer said this will next be heard at the Planning and Development Committee on Thursday, September 28, 2017, at 4:00 p.m. on the fifth floor of this building.

Chairman Truax said I thank all the people who made comments. I would suggest to you that we are a recommending body only and City Council is the ultimate decision makers on this and other issues.