



City of Aurora

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

Legistar History Report

File Number: 16-00885

File ID: 16-00885	Type: Petition	Status: Draft
Version: 2	General Ledger #:	In Control: Planning & Development Committee
File Name: CyrusOne Data Center Towers / 2905 Diehl Road / Special Use / Telecommunications		File Created: 09/09/2016
		Final Action:

Title: An Ordinance Granting a Special Use Permit for a Telecommunications Facility (4211) Use on Lot 1 of CyrusOne Subdivision located at 2905 Diehl Road (CyrusOne - 16-00885 / NA07/2-16.038-Su - TV - Ward 10) (PUBLIC HEARING).

Notes:

Agenda Date: 03/02/2017

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Property Research Sheet Location ID 72539 - 2016-06-14 - 2016.038.pdf, Property Research Sheet Location ID 70958 - 2016-08-26 - 2016.038.pdf, Land Use Petition and Supporting Documents - 2016-09-08 - 2016.038.pdf, Plat of Survey - 2016-09-08 - 2016.038.pdf, Final Plan - 2017-02-10 - 2016.038.pdf, Landscape Plan - 2017-02-10 - 2016.038.pdf, Tower Elevations - 2017-02-10 - 2016.038.pdf, Color Photo Simulation - 2017-01-06 - 2016.038.pdf, Inventory Letter - 2017-01-19 - 2016.038.pdf, Affidavit for Compliance with Applicable Laws - 2017-01-06 - 2016.038.pdf, Affidavit for Removal of Abandoned Antennas and Towers - 2017-01-19 - 2016.038.pdf, Affidavit for Franchise - 2017-01-06 - 2016.038.pdf, Affidavit for Co-Locations - 2017-01-06 - 2016.038.pdf, Zoning Submittal Affidavit - 2017-01-06 - 2016.038.pdf, Legistar History Report - 2017-02-14 - 2016.038.pdf, Findings of Facts - 2017-02-14 - 2016.038.pdf

Enactment Number:

Planning Case #: NA07/2-16.038-Su

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:
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1 City Council 09/13/2016 referred to DST Staff Council
(Planning Council)
Action Text: This Petition was referred to to the DST Staff Council (Planning Council)

1 DST Staff Council 09/20/2016
(Planning Council)
Notes: *Representatives Present: Payman Homayouni, Juan Vasquez, Matt Letson*

Mr. Homayouni said just basically a quick overview of the project. The project basically consists of expansion of the existing building. The expansion would be about 440,000 square feet of data center and then about 36,000 square feet of office space on the north and south side of the prosed building. As part of the proposed expansion, we are making some adjustments to the existing entrance and for safety and security reasons, we would prefer to have one entrance coming in so make modifications to the existing, so basically both buildings would be using the same access to the site. On the north, west and south side are basically providing parking spaces, loading spaces on the south end of the project.

Mr. Letson said which are accessed from Eola Road as they currently are.

Mr. Homayouni said also for the fire protection we have provided 2 means of access in addition to the main entryway. One would be through the southeast portion existing entrance at the southeast corner of the CME building and also on the northwest corner of the proposed building. There is only emergency gate for fire protection only.

Mr. Letson said that would be a modification of the existing right-in/right-out on Diehl Road as the emergency access.

Mr. Beneke said the one to the northwest is the one you are modifying. You created it in the center right above the existing building there is the fire access you were creating for us.

Mr. Letson said correct.

Mr. Feltman said I guess that's a fire question about access. It just looks graphically like you are showing it as a right-out only.

Mr. Beneke said that's not our fire access. The fire access, go to the east of that and see where the gate house is, that little concreted area there, that's where (inaudible). We are okay with that.

Mr. Homayouni said also as part of the improvements we are proposing a water loop all the way around the building connecting to an existing 8 inch stub on Diehl Road and continuing that all the way around, provide fire and water service to the south side of the building where the pump room is, and then looping the water back all the way through the adjacent property about 5 feet from the west side of the existing property and then tying into the existing 12 inch stub.

Mr. Feltman said have you guys had a chance to take a look at this hydrant coverage?

Mr. Cross said we sent comments.

Mr. Letson said so on the fire comments, we've addressed everything. The one thing that we wanted to talk about is the pump room is located at the southwest corner of the building near the loading dock. The Fire Department Connection is on the north side. I know in your comments you typically prefer that that riser room is as close as possible to the Fire Department Connection. That is not the case and we wanted to discuss that with you a bit. One other item, the Fire Department Connection we were showing as standpipe and you made a comment to locate it at the building.

Mr. Cross said we don't do a pedestal (inaudible). It has to be on the wall.

Mr. Letson said so we did that, but the architect has also requested that we move that location to the northeast corner, so where the new building meets the existing, so that fire department connection will be right up where the bold line of the new building meets the gray scale line of the existing, so it is a little farther away from the curb than we would have had it shown, so we wanted to get your thoughts on those 2 items.

Mr. Beneke said are you talking about putting it in the indented area there?

Mr. Letson said yes. That is where they would prefer it.

Mr. Vasquez said we would put the necessary signage required.

Mr. Beneke said I guess a couple of things for you right off the bat is that if the sprinkler room is on the one side, the south side, and the FDC is on the north side, that is fine. It just needs to be put as close as it can be, and obviously, all the way across the other side of the building, so that is not an issue. Javon and I were just talking. Being in that indent, I think we're going to have a concern over that. The reason for the Fire Department Connection not to be on the street address, but we want it to be visible for them because there is also going to be strobe there already, so I'd kick it out to the farthest north right there and I think we'd be okay with that. But it's got to be somewhere where they can see it when they drive down Eola or Diehl.

Mr. Homayouni said closer to this area?

Mr. Letson said no, it can be right here. It can't be tucked in the indent if I'm understanding it correctly.

Mr. Beneke said yes, because you are hiding it back there and they won't be able to see it.

Mr. Vasquez said Matt do you have an elevation of that building there?

Mr. Letson said I don't know that we have any elevations. The hydrant ended up moving to here to be within the 50 to 100 feet of it, so this is the new hydrant location.

Mr. Beneke said is it 50 feet from the building?

Mr. Letson said yes. We've shifted the parking lot so the edge of the fire lane is within 30 feet of the building per one of your comments. When the architect requested that we move the Fire Department Connection here, that required moving this fire hydrant to be within 50 to 100 feet.

Mr. Beneke said you are going to have to put that on the other side of the drive because it is too close to the building. It's got to be at least 50 feet from the building also. Just move it to the opposite side over here and make sure it is within that 50 to 100 there and you should be fine as long as there is 50 feet from the building also. All hydrants have to be at least 50 feet from the building.

Mr. Letson said so we are okay with the riser room staying where it is. We'll move this to the north face of the building and flip that one.

Mr. Homayouni said I think the other comments were addressed. I think one of the major comments was that the fire lane area was more than 30 feet from the face of the building. That was farther back this way. This is the revised layout. Basically the parking lot was moved closer to the building so right now it is sitting there exactly 30 feet.

Mr. Beneke said and the lanes are all 26 feet wide?

Mr. Homayouni said the lanes are all 26.

Mr. Beneke said that's a face to face dimension too.

Mr. Homayouni said right. So that was another modification. There was also a comment about a fire hydrant was back from here originally and it was farther away from the curb and access, so we extended the water line back in here and also extended it for the fire access to the fire hydrant.

Mr. Feltman said so Javon you made the comment that that hydrant that's near the loading dock needs to be moved where?

Mr. Cross said well I think it was just a comment about making sure that it was within 5 feet of the fire lane. I think it was tucked back away.

Mr. Beneke said it was also too close to the building I believe.

Mr. Cross said there were 2 things that weren't satisfied, so it was closer than the 50 feet and it was more than 5 feet from the fire lane.

Mr. Feltman said okay so that hydrant just needs to be moved south?

Mr. Beneke said move it to the fire lane.

Mr. Letson said so what we ended up doing is extending the hammerhead a bit and then the fire hydrant is off of that. That was required to get our coverage. So this is the new location. That is where it was.

Mr. Letson said one of your comments Dan was that we could not have the loop go through the existing CME building.

Mr. Feltman said no, I did not say that. You guys said that you couldn't get it through there.

Mr. Letson said we were going to have to go inside the building.

Mr. Feltman said not in the building, correct.

Mr. Letson said so we had difficulty with getting back to Eola with all of the electrical and infrastructure that's in there, so we are not showing the loop back up to the stub off the Molitor Road site.

Mr. Feltman said I saw that. Not ideal, but it technically is looped. Obviously, if somebody is excavating down in that southern area, there are 2 mains that are parallel to each other. I suppose could (inaudible), but that's pretty unlikely.

Mr. Letson said and the other change there since we were coming back to this Fire Department Connection and this hydrant, this is where the existing 8 inch T's into the CME building, so we want to just extend it and make that a T and complete this loop so now the entire thing is looped.

Mr. Feltman said as long as that's not a service line.

Mr. Letson said the service line is right next to it. The fire line is here.

Mr. Feltman said but you are connecting to a water main?

Mr. Letson an 8 inch yes.

Mr. Feltman said but a water main, not a service line?

Mr. Letson said correct.

Mr. Feltman said I have just a general comment, but you're going to need to get an IEPA permit for the looped water main and then eventually we are going to need to get a city easement put in place over the looped water main.

Mr. Letson said we'd like to submit that IEPA permit today. We just wanted to run by with you what the changes we made.

Mr. Feltman said that's fine. We'll take a look at it. If there are substantial comments to the water main then we'll hold off, but if generally speaking the lengths and the water main is not changing then we tend to process that for the final engineering approval just because it takes time to get the state permit.

Ms. Phifer said you guys are generally doing a Plat of Consolidation because what was previously platted was 2 lots and you are making it into 1 because the building is going to cross that property line. However, we did determine through our research that the current platting situation on the property is actually not a legal subdivision. It seems that in 2006 maybe, there was an assessment plat, which split off a portion of Lot 11 into 2 parcels. That was never legally subdivided through the city's Subdivision Control Ordinance, so you may need to get your attorney's involved. I think what needs to happen is that the owner of that lot actually needs to be a signature on this plat and we need to actually codify that lot. So what would make the most sense is to have 2 lots, but you are going to have Lot 11, which may make the most sense to leave it as that part of Lot 11 that's closest to Eola Road and then actually have Lot 12 just be expanded. That's going to depend on your lawyers and how that's going to work out with your legal descriptions and what you might have in place already.

But either way, because that plat, that area, was not legally subdivided, that owner still has an interest in this plat, so I believe you are going to have to get that owner involved in the plat. If there is an issue with that, there may be some other legal ways around that, but that would be the cleanest way is just to have that property owner basically recognize that that's not a legal lot right now and needs to be brought into conformance.

Mr. Homayouni said I can coordinate that.

Ms. Phifer said so that's probably going to be the most complicated thing about moving you guys forward because I know you are really looking to get moving on your building permit, so that's probably something that you'll want to try to get under control right away as far as the other property owner.

Mr. Homayouni said would this have to go to a public hearing?

Ms. Phifer said we can talk about timing. In looking, you've got 3 petitions basically that we are considering right now. We would anticipate that the Final Plan and the Plat would actually just move forward and that the Special Use would hang back so as not to slow you down on your building permit because the Special Use is what requires that public hearing and that's going to add a whole lot more time. That Special Use is not necessary for your Final Plan or for your Final Plat. You do not need a hearing for those 2. I would greatly suggest that you split those off and get those and get those 2 moving so that you can get your building permit issued.

Mr. Homayouni said the Special Use is for the tower component of the improvements?

Ms. Phifer said right. It doesn't have to follow very far behind, but I wouldn't want that to hold up because I know you guys want to get in the ground on the expansion.

Mr., Vasquez said we submitted for permit yesterday for the building, so we are trying to move ahead of that.

Mr. Sieben said but we still have a variance for parking count. Can you guys address that?

Mr. Homayouni said basically the parking that we have right now and we are proposing is based on 1 parking space per 7,000 square feet of data center and up to 5% of the office with the same 1 per 7,000. Anything above the 5% of the office, which I think we are about in the 9% overall as far as the office goes, then the rest of it is 1 per 300.

Ms. Phifer said which is actually not how the parking is figured. That 5% is part of the definition of to be considered a data center you have to meet certain thresholds. So in order to meet the definition of a data center you can't have more than 5% office. That's really the way that that definition reads. So technically, there is a portion of your building that cannot technically be determined as a data center, which is that office that's over the 5%. That's just really the definition. It is not the parking.

Mr. Homayouni said it is just the way we basically read it.

Ms. Phifer said I think we support the parking variance. I think the question is going to come in as far as timing. Because you are asking for the variance, it does mean that you go to a ZBA meeting at the same time that you go to your Final Plan because this can't be done at Planning Commission. It has to be done at ZBA.

Mr. Homayouni said we took a look at it to see if it was, I think, 289 parking spaces that would be required if you go 1 per 300. Initially we thought well what if we can squeeze whatever we can, we show them as a reservation area because the use of the building is basically what we need is about 35 to 50 at the most basically and it is kind of intentionally kept to those numbers because of the security monitoring every single person that comes in, so once it starts exceeding that number it is a little difficult to provide security. So 200 is obviously, there is no way we are going to be able to use 289 parking spaces.

Mr. Sieben said how many are you showing on this?

Mr. Homayouni said right now we have 189 including the 45 that's existing under the CME building right now.

Mr. Sieben said what is the requirement based on our interpretation?

Mr. Homayouni said 283, so there is 94 short. Actually we did look at to see if we can squeeze whatever we can on site and if there was an extra maybe we would show next door adjacent property as a reserve portion. We looked at this layout and we actually can squeeze the 280ish...

Mr. Sieben said because if they can show banked, then they don't need a variance.

Ms. Phifer said you don't need to construct it. You can show it as banked. That is the way we would prefer to do it. If you can make that happen that would be good.

Mr. Sieben said so with that you meet the count then. Just show that and we can eliminate that one item. Then we've got no public hearing for that.

Mr. Cross said and just a reminder on that last comment about the standpipe because it is greater than the 200 feet of travel, you know you need the internal standpipes on the inside of the building. Just make sure it is noted on the Fire Access Plan. That hydrant that's there, this proposed one here, is this going to be 26 feet wide here?

Mr. Homayouni said right because the existing one is 20, so we widened this up actually to 26 feet wide.

Mr. Cross said you can move this hydrant. Since this is not a supply hydrant, it can be greater than 100 feet, so you can move this back this way some to shorten this stub and that will give us a centered area there of a 26 by 40 staging area. Just so there is a space for us to have a 26 by 40 space.

Ms. Phifer said so the Special Use. Do you want to give us just a synopsis of where you are at with that? It feels like it is a little bit of a moving target. We may need to revise the land use petition depending on where you are at. So you are looking for how many towers? What's the height? Where are the locations?

Mr. Homayouni said we are looking for 3 towers, 2 on the south side of the building and 1 on the north side of the building. The height is going to be between 74 to 195. Basically is it going to be less than 195 feet for the max height on those.

Mr. Sieben said we'll need those documents revised and sent to us. What we have in here is just 1 location on the south right there.

Ms. Phifer said all 3 you've got on your plan are up to 195, but you may install something shorter in an interim time, but you are asking for approvals for up 195 in 3 locations.

Mr. Vasquez said we are requesting amending our current permit application for this guy.

Ms. Phifer said I think we just need to update the petition to reflect the change. We'll go ahead and do that and get that you to you so you can resubmit the revised petition then.

Mr. Feltman said do the engineering plans that are submitted currently reflect these tower locations?

Mr. Homayouni said it shows 1. It shows this one right now.

Mr. Feltman said can you revise that and show where those towers are going to be at because there are a lot of utilities back in there, the water main and the fire hydrants. We just want to make sure we have proper separations.

Mr. Letson said we also wanted to verify that on the same site the towers are not required to be 1,000 feet apart.

Ms. Phifer said you are going through a Special Use, so all of that gets looked at as part of that process.

Mr. Feltman said I have just one other quick item. I know somebody has asked about clearing the site ahead of time. Knowing that there are some wetlands not necessarily on the site, but maybe close to the site, I'd like to get our wetland consultant to review what you submitted for the wetland portion of the ordinance before we start clearing stuff and making sure we've got the proper buffers and all that.

Mr. Letson said I'm glad you brought that up. We just got our letter of no objection from the Corp that there is no impacted wetlands or water on this site. The Molitor site, we've initiated wetland mitigation. We expect to get the Corps jurisdictional letter very soon. It has been drafted and submitted, so it is working its way through the Corp. We've had 2 site visits recently with the Corp to review the wetland flagging, which was ultimately accepted. So there will be 2 jurisdictional wetlands and 3 isolated. We plan on mitigating. There is 1 parcel that's south of the trail, heritage trail, and we are looking to see what we can do on that site and then also exploring Kane County wetland banking within the water shed.

Mr. Feltman said the fee in lieu of mitigation?

Mr. Letson said right. I'll send you the letter of no objection and a summary of where we are with the wetland process.

Mr. Feltman said like I said, I don't anticipate there being any issue with this existing site that we're looking at today, but I just didn't want to get too far ahead of ourselves just in case there was some buffer requirements or anything.

Mr. Letson said would that letter suffice?

Mr. Feltman said well I'm hoping what you supplied was any wetlands that you had delineated near the property because the way the ordinance reads for the wetlands it's not just what's on your property, but it could be within 50 feet of your property line. We need to have documentation that either that wetland delineation boundary is not within that buffer zone, if you will. Did you supply anything? I didn't look at the stormwater permit or anything yet.

Mr. Homayouni said basically the wetland report that was submitted was to cover the site, but I don't know if it specifically says anything about like 50 feet outside of the property.

Mr. Letson said so what was originally in the report, this was all part of wetland complex 2, which included a couple of linear wetlands along the trail, so the Corp will consider this jurisdictional, but they wanted this one split off. This is now called Wetland 5 and it is isolated. So the only impacts we have with the grading we are going to be doing are within the buffer of this isolated wetland.

Mr. Feltman said and that's what we need to look at to make sure that you are meeting the buffer requirements per the stormwater ordinance. So we need some documentation on where the end of the developed portion of the lot is in relation to the wetlands and then what that buffer distance needs to be. So that buffer distance also can move or can shrink depending on the quality of the wetlands too, so we are going to need some documentation on that.

Mr. Letson said okay. I'll get you everything on that and summarize it. The only other thing is with our water extension to make the connection at Molitor, we need to go through this wetland and there is existing ComEd that is going to ultimately be relocated underground, so this wetland, which will go away, this is one that we'll have to mitigate for outside. We will have a water and a ComEd crossing.

Mr. Feltman said okay. And that's the one Army Corp has said is isolated?

Mr. Letson said that's correct.

Mr. Feltman said so you are going to have to go through the county, Kane County, and contact Ken Anderson with the Water Resources Department.

1 DST Staff Council 09/27/2016
(Planning Council)

Notes: Mrs. Vacek said I'm waiting on the telecommunication changes, so this will go after that is complete.

1 DST Staff Council 10/04/2016
(Planning Council)

Notes: Mrs. Vacek said I will be reviewing this once the Text Amendment for the Telecommunications Ordinance is done.

1 DST Staff Council 10/11/2016
(Planning Council)

Notes: Mrs. Vacek said this is just waiting for the Text Amendment to go through.

- 1 DST Staff Council 10/18/2016
(Planning Council)
Notes: *Mrs. Vacek said this is on hold until the Text Amendment goes through.*
- 1 DST Staff Council 10/25/2016
(Planning Council)
Notes: *Mrs. Vacek said is on hold until the Telecommunication Ordinance is completed. I believe there is some stuff that they still need to get me. I will be sending them an e-mail in regard to that.*
- 1 DST Staff Council 11/01/2016
(Planning Council)
Notes: *Mr. Sieben said I believe this is still on hold pending the completion of the revised Telecommunications ordinance.*
- 1 DST Staff Council 11/08/2016
(Planning Council)
Notes: *Mrs. Vacek said we're just waiting until the Text Amendment goes through and then we will be looking at this.*
- 1 DST Staff Council 11/15/2016
(Planning Council)
Notes: *Mrs. Vacek said this is still on hold until the Text Amendment for Telecommunications goes through. We'll start processing this when that goes through.*
- 1 DST Staff Council 11/22/2016
(Planning Council)
Notes: *Mrs. Vacek said this is just on hold until the Telecommunication Text Amendment goes through.*
- 1 DST Staff Council 11/29/2016
(Planning Council)
Notes: *Mrs. Vacek said we're actually waiting for the Text Amendment for the Telecommunication Facilities to be finished up prior to this moving forward, so this is kind of on hold until then.*
- 1 DST Staff Council 12/06/2016
(Planning Council)
Notes: *Mrs. Vacek said this is just on hold until the Telecommunication Tower Text Amendment is finalized.*
- 1 DST Staff Council 12/13/2016
(Planning Council)
Notes: *Mrs. Vacek said the Text Amendment for the Telecom is going to City Council tonight, I believe. So once that's approved, then we'll start working on this one.*
- 1 DST Staff Council 12/20/2016
(Planning Council)
Notes: *Mrs. Vacek said the Telecommunication Ordinance got passed, so I will be following up with them to make sure that we get everything that we need on this one.*
- Mr. Sieben said on Friday I forwarded them copies of the new Ordinance.*
- Mr. Feltman said do we have a site plan for that?*
- Mrs. Vacek said we do, but I don't know if it is the most updated one. I'll confirm with them and get everything so we can get going with that one.*
- 1 DST Staff Council 01/03/2017
(Planning Council)
Notes: *Mrs. Vacek said we are working with the Petitioner to get everything in order so we can move this forward. It is tentatively set for the first one in February.*
- 1 DST Staff Council 01/10/2017
(Planning Council)
Notes: *Mrs. Vacek said I got some additional information from them. They basically submitted the rest of the information based off of the amendment to the Text Amendment. I'll be looking at that this week and will be getting back to them. We are shooting for the 1st Planning Commission in February.*
- 1 DST Staff Council 01/17/2017
(Planning Council)
Notes: *Mr. Sieben said Tracey is working with the consultants on this.*
- Mr. Wiet said do we have everything for this?*

Mr. Sieben said I thought she did on Friday. Unfortunately, she is not here to respond to that. I believe she does. I think she even got comments back out to them.

- 1 DST Staff Council 01/24/2017
(Planning Council)
Notes: Mrs. Vacek said I'm in the middle of reviewing the resubmittal, so I will be getting comments out to them.

- 1 DST Staff Council 01/31/2017
(Planning Council)
Notes: Mrs. Vacek said I'm finishing up my review on this and then I'll be sending it out.

Mr. Wiet said two 200 foot towers. I thought it was one 350.

Mrs. Vacek said it is one 350. We can't change the title. It will change once we go to Planning Commission, but it can't change at Planning Council because it will screw up Legistar.

- 1 DST Staff Council 02/07/2017
(Planning Council)
Notes: Mrs. Vacek said I sent a few more review comments. They will be getting that back to me shortly. This is scheduled for the February 22nd Planning Commission meeting.

- 1 DST Staff Council 02/14/2017 Forwarded Planning Commission 02/22/2017 Pass
(Planning Council)

Action Text: A motion was made by Mr. Sieben, seconded by Mr. Minnella, that this agenda item be Forwarded to the Planning Commission, on the agenda for 2/22/2017. The motion carried by voice vote.

Notes: Mr. Sieben said Tracey is not here today, but she has been reviewing this. She will have her staff report out at the end of the week. There will be a few conditions dealing with the use and operation of the facility, which the owner, CyrusOne, is I believe agreeable to, so those will be added as a couple of conditions. This will go to the February 22nd Planning Commission meeting. I make a motion to move this forward with the conditions. Mr. Minnella seconded the motion. The motion carried unanimously.

- 2 Planning Commission 02/22/2017 Forwarded Planning & Development Committee 03/02/2017 Pass

Action Text: A motion was made by Mr. Pilmer, seconded by Mr. Cameron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 3/2/2017. The motion carried.

Notes: Mrs. Vacek said the Petitioner is requesting approval for a Special Use for a telecommunication use associated with the data center that is on-site. Details of the Petitioner's request include the construction of a 350 foot self-supporting telecommunication tower on the east side of the existing building. The tower will provide additional connectivity options for CyrusOne Data Center. I'm going to let the Petitioner go into a little bit more detail about the actual tower and kind of the use of it and how they are using it, but before I do, I want to actually go through with you why it is a Special Use. The Petitioner is seeking a Special Use to construct the tower within the I-88 Technology Corridor and to waive or reduce the burden on the application pursuant to Chapter 19, Article III, which is the Telecommunication Ordinance. The first item is the height of the proposed communication tower is above what is allowed under the Administrative Review. The Special Use process does allow the Petitioner to seek a tower which is greater than 200 feet of the Administrative Review allowance and the request that is before you tonight is 350 feet. The Separation of communication facilities from residential structures and/or residential district boundaries, the Special Use, again, allows the Petitioner to seek a tower which is less than 500 feet that is required for residential structures or to residential districts. The request is for a separation that exceeds the requirement from residential structures, but it is 425 feet closer to the residential zoning district, which is zoned for the property. That is actually owned by ComEd and is utilized for the highway or the utilities that are out there. Then the separation of communication towers from other communication facilities, the Special Use allows for the Petitioner to seek a Category D tower, which is what this falls under. It is more than 200 feet in height, which is less than 3,000 feet from other Category D towers. The request is for the separation of 1,365 feet from the closest Category D tower, so it is less than that 3,000. Finally the facility setback requirement from any adjacent lot line, the Special Use process does allow the Petitioner, again, to seek a variance, which is less than 75% of the height of the facility or 252 feet. The request for that is 45.

With that, I'll turn it over to the Petitioner.

Mrs. Cole said is there a reason why they set 3,000 feet as the separation distance between Category D towers?

Mrs. Vacek said it is just the standard. We looked at best practices around the area and it ranges from anywhere from 1,500 to 3,000, depending on the height. So in this case, Category D, which is over the 200, it is a 3,000 feet separation. Obviously, there is a lot on Naperville's side in this area that aren't separated by the 3,000, but that's why they would be seeking a reduction in that.

Mrs. Cole said so it is nothing to do with safety?

Mrs. Vacek said not that I'm aware of, no. It is just best practices that have been occurring or happening from other communities.

Mrs. Cole said I know nothing about Category D towers.

Mrs. Vacek said really the Category D is the height of the tower, so it is over the 200 feet.

The Petitioners were sworn in.

My name is Michael Buffington. My employer is Communication Infrastructure. We are a professional service and consulting firm and we are representing CyrusOne here tonight, as well as Bowman Consulting has participated in the project. I don't have a lot to add to what Mrs. Vacek said. What we are proposing is a 350 foot tower on the east side of the data center. The height, the size, the location of that tower is specifically meant to maximize the possible co-locators or interested parties that would want to put antennas on that tower. There are multiple reasons why parties might be interested in putting antennas on that tower and I believe you have all fielded, or part of your department and staff, have fielded multiple requests to put smaller towers in the vicinity of the data center with these companies having a strong desire to move closer and closer to the data center as they can. So one of the responses to that issues if you will, is to purpose build a new tower on-site that is directly adjacent to the data center that would allow any interested party to place an antenna on that tower. Again, and as is stated in the recommendation, at a reasonable price, market rate if you will.

Mr. Cameron said I noticed that there is a request for demolition of existing towers. Did you describe those?

My name is Payman. I'm from Bowman Consulting, the Civil Engineer. The demo information was just basically one of the requirements, so there is nothing to be demoed at this time, but in case at a future time when the use of the tower is done, there is basically a program in place that at some future time in case if anybody decided to not use that tower they would go through that process and remove the tower.

Mr. Cameron said because I didn't see any evidence of a tower. You currently feed this from a tower, or you're piggybacking on someone's?

Mr. Buffington said so there are three towers on the other side of Eola and Diehl. Two of them are on the northwest corner of the Diehl and Eola intersection. One is in approximately the southwest corner of the intersection. All three of those towers are used by the parties that have made these requests both to you and to the data center for a tower with a closer connection to the data center. That's what they use now.

Mr. Cameron said this is to shut the distance down from the point of transmission to the point of (inaudible)?

Mr. Buffington said yes sir. The objective is to get as close to the data center as they can. This has gone on in New York quite a bit with all of the different data centers there related to the different indexes or exchanges. There have been towers built just next to data centers for exactly the same purpose and, of course, I think the one data center that was kind of holding back has been the data center in Aurora. When that happens, you often see these companies try to find a way around it and that's where you end up with the little poles and the requests and things like that. There is a strong desire that is very relative to these entity's business and the way they make their money to be as close to a data center as they possibly can.

Chairman Truax said looking to the future, is this going to take care of data needs for how many years?

Mr. Buffington said yes. That's what we believe and that's part of the purpose of the height of the tower is to allow for the maximum number of antennas on the tower to meet those needs and not have

to experience this again in the future where you are asking for another tower or to even increase the height of this tower necessarily. What we can see right now, what we can envision, is this is a long-term solution. How many years I wouldn't care to guess because things can happen, but 10 years would seem a reasonable amount of time that would solve this issue, potentially longer.

Mr. Pilmer said is it possible that the tower would reach a capacity and have no more room for additional antennas?

Mr. Buffington said that is, of course, possible, not necessarily likely. One of the things about towers is that you can't just fill it up entirely with antennas. The steel will not structurally support it. So what can be done is if the structural integrity of the tower is exceeded, it can be reinforced, it can be upgraded. That ends at some point. There becomes a maximum amount of reinforcement you can do to a tower until you would need to build a new tower. However, the activity for this particular use on the other three towers has dwindled significantly over the years. Pretty much everybody that wants to be over there is there. Two of those towers are relatively full and the third tower is not. We believe what we are looking at is that if you build this tower the entities that are on those three towers would likely want to move over and that's the purpose of the height, to accommodate all of them plus some more, which it should be able to accommodate.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mrs. Vacek said I just want to talk a little bit about the discussion. Staff did review this Special Use Petition pursuant to the provisions that I did just talk about. There have been a number of inquiries regarding the installation of new towers in this area leading staff to believe that although there are several existing towers in the corridor that there is still a demand for even more connectivity due in part to the proximity to the data center. As the Petitioner has committed to allow for the co-location of other antennas on the tower, it is believed that the height and location of the facility should serve to relieve a bulk of the connectivity demand that is in the area. There have been some discussions with the Petitioner on additional strategies to minimize the amount of towers in the area, including more opportunities for co-locations, monitoring and regulating the connectivity by third parties into the data center and collaboration by adjacent property owners. The viability and effectiveness of those strategies are still being kind of explored with the Petitioner at this time. I just wanted to kind of put that out there for you. Then the recommendation would be that staff would recommend conditional approval of the Ordinance granting a Special Use for the telecommunication facility use on Lot 1 of CyrusOne Subdivision located at 2905 Diehl Road with the following condition:

1. That the Petitioner allow for the maximum number of antenna co-locations on the telecommunication tower at fair market rate.

Mr. Pilmer said I just have a question, probably not necessarily related on this case, but the existing towers that are unrelated across the street, is it possible that those will be obsolete?

Mrs. Vacek said it could be possible. Unfortunately they are not in the city. They are in Naperville or unincorporated parts of Naperville. I don't know what their ordinance is. That's why we do ask for an affidavit saying that they would remove them if they become obsolete in ours.

MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mr. Pilmer

MOTION SECONDED BY: Mr. Cameron

AYES: Mrs. Anderson, Mr. Cameron, Mrs. Cole, Mr. Divine, Mrs. Head, Mr. Pilmer, Mr. Reynolds

NAYS: None

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 were 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. Cameron said since the data center is located adjacent to this, it would seem as though it would be

a particularly advantageous spot to locate for all of the reasons related to the nature of such device.

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. Cameron said yes.

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?*

Mr. Pilmer said it should have no impact.

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 it should have no effect on any of these.

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

Mr. Cameron said it is really not a traffic generating facility and it would be mainly for maintenance and access to the site.

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?*

Mr. Pilmer said this Special Use should allow for a project that wouldn't make it less desirable for similar uses in the general area.

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?*

Mr. Cameron said it is so stated by the application.

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.*

Mr. Pilmer said based on the testimony heard tonight and the information provided, it does appear that the goals in the Telecommunication and Data Transfer Ordinance are being better served, although some of the issues or points have been reduced or waived.

Mrs. Vacek said this will next be heard at the Planning and Development Committee meeting on Thursday, March 2, 2017, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 7 At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp
Representative Reynolds, At Large Anderson, Fox Metro Representative
Divine and SD 129 Representative Head
