



Legislation Text

File #: 16-00885, Version: 3

TO: Mayor Robert J. O'Connor

FROM: Planning Commission

DATE: February 23, 2017

SUBJECT:

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)

PURPOSE:

The Petitioner CyrusOne is requesting approval of a Special Use for a Telecommunications Facility (4211) Use on Lot 1 of CyrusOne Subdivision located 2905 Diehl Road, being the southwest corner of Diehl Road and Eola Road.

BACKGROUND:

The Subject Property is currently the site of a high tech Data Center with ORI Office, Research, and Light Industrial zoning. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The Petitioner is requesting approval of a Special Use for a Telecommunications Facility (4211) Use associated with the Data Center use. The 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 the CyrusOne Data Center. The new tower facility is proposed to be placed in an existing gravel utility area located just south of the large bank of generators.

The petitioner is seeking a Special Use to construct a tower within the I-88 Technology Corridor and to waive or reduce the burden on the application pursuant to Chapter 19 Article III Sec. 19-71(b) including:

- a. Height of the proposed communications facility is above what is allowed as an Administrative Review (Sec. 19-70); The Special Use process allows for the Petitioner to seek a tower which is greater than the 200 foot Administrative Review allotment, the request is for a 350 foot tower.
- b. Separation of the communications facility from residential structures and/or residential district boundaries (Sec. 19-68.p.1); The Special Use process allows for the Petitioner to seek a tower which is less than 500 feet from the closest residential structures and/or residential district, the request is for a separation which exceeds the requirement from a residential structure but is 425 feet from the closest residentially zoned property which is owned and utilized by ComEd for high tension overhead

utilities.

c. Separation of the communications facility from other communication facilities (Sec. 19-68.p.2); The Special Use process allows for the Petitioner to seek a Category D tower (more than 200 feet in height) which is less than 3,000 feet from other Category D towers, the request is for a separation of 1365 feet from the closest Category D tower.

d. Facility Setback requirement from any adjoining lot line (Sec. 19-68.o); The Special Use process allows for the Petitioner to seek a Facility Setback which is less than 75% of the height of the facility or 262.5 feet, the request is for a Facility Setback of 45 feet.

DISCUSSION:

Staff has reviewed the Special Use petition pursuant to the above stated provisions. There have been a number of inquiries regarding the installation of new towers in the area; leading staff to believe that, although there are several existing towers in the corridor, there is still a demand for even more connectivity, due in part to the proximity to CyrusOne Data Center. As the Petitioner has committed to allow for the co-location of other antenna(s) on the tower, it is believed that the height and location of the facility should serve to relieve a bulk of the connectivity demands in the area.

There have been some discussions with the Petitioner on additional strategies to minimize the proliferation of towers in this area including, more opportunities for co-location, monitoring and regulating the connectivity by third parties into the CyrusOne Data Center, and collaboration with adjacent property owners. The viability and effectiveness of those strategies are still being explored with the Petitioner.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, staff has received a few public inquiries requesting additional information on this petition.

POLICIES AND GUIDELINES:

The Staff's Evaluation and Recommendation are based on the following Physical Development Policies:

10.0 To provide for the orderly, balanced and efficient growth and redevelopment of the City through the positive integration of land use patterns, functions, and circulation systems. To protect and enhance those assets and values that establishes the desirable quality and general livability of the City. To promote the City's position as a regional center.

11.0 To guide the growth of the City in an orderly and structured manner.

11.1(5) To guide and promote development to areas where public utilities, public roads and municipal services are either available or planned.

RECOMMENDATIONS:

The Planning Commission recommended **CONDITIONAL APPROVAL** of the Ordinance Granting a Special Use Permit for a Telecommunications Facility (4211) Use on Lot 1 of CyrusOne Subdivision located at 2905 Diehl Road, with the following conditions:

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

ATTACHMENTS:

- Exhibit "A" Legal Description
- Exhibit "B" Memorandum of Agreement
- Final Plan
- Landscape Plan
- Tower Elevation
- Color Photo Simulation
- Inventory Letter
- Affidavit for Compliance with Applicable Laws
- Affidavit for Removal of Abandoned Antennas and Towers
- Affidavit for Franchise
- Affidavit for Co-Locations
- Zoning Submittal Affidavit
- Land Use Petition with Supporting Documents
- Property Research Sheet

Legistar Number: 16-00885

- cc: Alderman Saville, Chairman
Alderman Donnell
Alderman Irvin
Alderman Hart-Burns, Alternate



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Granting a Special Use Permit for a Telecommunications Facility (4211) Use on Lot 1 of CyrusOne Subdivision located at 2905 Diehl Road

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, CyrusOne LLC is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A"; and

WHEREAS, by petition dated September 8, 2016, CyrusOne filed with the City of Aurora a petition requesting approval of a Special Use for Telecommunications Facility (4211) Uses on Lot 1 of CyrusOne Subdivision located 2905 Diehl Road; and

WHEREAS, after referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on February 22, 2017, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on March 2, 2017, the Planning and Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning Commission, finds that the proposed Special Use is not contrary to the purpose and intent of Ordinance Number 3100, being the Aurora Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

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

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Telecommunications Facility (4211) use and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said special use.

Section Seven: That the petitioner agrees to sign the Memorandum of Agreement attached hereto as Exhibit "B" within fourteen (14) days from the date of passage of this Ordinance and that said Special Use permit is granted specifically contingent upon the following conditions:

1) That the Petitioner allow for the maximum number of antenna co-locations on the

telecommunication tower at fair market rate.

Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the special use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Section 10.6 of Ordinance Number 3100, being the Aurora Zoning Ordinance.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of ORI Office, Research, and Light Industrial and upon termination of the use of said property for a Telecommunications Facility (4211) use, this Special Use permit shall terminate and the classification of ORI Office, Research, and Light Industrial shall be in full force and effect.