



Legislation Text

File #: 24-0367, Version: 2

TO: Mayor Richard C. Irvin
FROM: Planning and Zoning Commission
DATE: May 23, 2024

SUBJECT:

An Ordinance Granting a Conditional Use Permit for a Telecommunication Facility Use and the establishment of modified standards on Lot 1 of Cyrusone Subdivision - Phase 2 located at 2905 Diehl Road (C1 Chicago - Aurora I & Chicago - Aurora II, LLC - 24-0367 / NA08/1-23.450-CU - TV - Ward 10)

PURPOSE:

The Petitioner, C1 Chicago - Aurora I & Chicago - Aurora II, LLC, is requesting approval of a Conditional Use for Telecommunications Facility Use and the establishment of modified standards on Lot 1 of Cyrusone Subdivision - Phase 2 located at 2905 Diehl Road to construct a 300-foot telecommunication tower.

BACKGROUND:

The Subject Property is currently the site of CyrusOne Data Center Campus which is comprised of two data centers buildings and a non-guyed telecommunication tower with associated antennas. There is also a substation located on the property to support the operation of the data centers. The property is currently zoned ORI(C) Office, Research, and Light Industrial with a conditional use for a telecommunications facility. The existing telecommunication facility located on the Subject Property is completely full and it cannot structurally hold any additional antennas.

The Petitioner is requesting approval of a Conditional Use for telecommunications facility use associated with the data center including the establishment of modified standards. The details of the request include the construction of a 300-foot telecommunication tower directly south of the existing 350-foot telecommunication tower on the east side of the building along Eola Road.

The Conditional Use for the tower is required as it is within the 1-88 Technology Corridor and to waive or reduce the burden on the application pursuant to Chapter 19, Article III Sec. 19-71(b) including:

1. Height of the proposed communications facility is above what is allowed as an Administrative Review (Sec. 19-70): The Conditional Use process allows for the Petitioner to seek a tower which is greater than the 200-foot Administrative Review allotment. The Petitioner seeks to increase the tower height to 300'.
2. Facility setback requirement from any adjoining lot line (Sec. 19-68 (o)): The Conditional Use

process allows for the Petitioner to seek a facility setback which is less than 75% of the height of the facility or 225'. The Petitioner seeks to reduce the minimum setback for a non-guyed tower to 61', as measured from the base of the New Telecommunication Facility to the nearest perimeter of the Property.

3. Separations of communication facility from residential structures and /or residential district boundaries (Section 19-65(p)(1)). The Conditional Use process allows the Petitioner to seek to reduction of the required tower separation from certain uses as follows:

- (i) The Petitioner seeks to reduce the single or two-unit dwellings separation from 500' to 450'; and
- (ii) The Petitioner seeks to reduce the vacant platted or un-platted residentially zoned land separation from 500' to 330'.

4. Separations of communication facility from other communication facilities (Section 19-65(p)(2)). The Conditional Use process allows for the Petitioner to seek a reduction to the required separation between the proposed tower and other towers as follows:

- (i) The Petitioner seeks to reduce the separation of a Category D tower (more than 200' in height) to a Category A tower (more than 50' but less than 100') tower separation from 2000' to 1,450'; and
- (ii) The Petitioner seeks to reduce the separation of a Category D tower (more than 200' in height) to a Category C tower (more than 150' but less than 200') from 2,500' to 1,100'; and
- (iii) The Petitioner seeks to reduce the separation of a Category D tower (more than 200' in height) to a Category D tower (more than 200' in height) from 3000 ' to 1,600'.
- (iv) The Petitioner requests to waive the separation requirement with respect to towers on the Subject Property to allow two towers on the property with a separation of 40'.

5. Landscaping surrounding the telecommunications facility (Section 19-65(r)). The Conditional Use allows for the Petitioner to seek a reduction to the landscape requirements. The Petitioner seeks a waiver of the requirement for new landscaping in light of the landscaping installed around the perimeter of the property.

DISCUSSION:

Staff has reviewed the Conditional Use petition pursuant to the Findings of Fact and above stated provisions. There have been a number of inquiries in the last several years regarding the installation of new towers in this area due in part to the proximity to the CyrusOne Data Center Campus. The existing tower on the Subject Property has reached its capacity, thus leading staff to believe that, although there are several existing towers in this corridor, there is still a demand for additional connectivity. The location of the tower is critical as it holds significant importance in terms of data relay time, directly impacting operational efficiency. The proposed tower will help offset this demand by providing additional opportunities for co-locations and ensuring equitable market access.

Staff has reviewed the Conditional Use Findings of Fact and has found:

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as this proposed telecommunication facility will mirror the design of the existing tower with the exception that it will be 50' shorter than the existing one. Therefore, Staff believes that due to the similarities in character, the new tower will not have a negative impact to the general welfare.

2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish or impair property values as the proposed tower will not change the character of the area as there is several towers within the area including high-voltage above-ground communication lines located along the south property line of the Subject Property.

3. The development will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district as and the new telecommunication tower is consistent with the character of the existing telecommunication towers in the area. In addition, there has been a considerable amount of development over the last several years indicating that the existing towers have not discouraged development of the surrounding properties.

4. There are currently adequate utilities and access to serve the project. The Petitioner has provided detail drawing and specifications associated with the construction of the new tower which indicates that sufficient infrastructure is available.

5. Adequate ingress/egress has been provided as the proposed telecommunication facility will use the existing access to the Subject Property. In addition, it is anticipated that there will be very limited traffic caused by the new telecommunication facility.

6. The Conditional Use in all other respects conforms to the applicable regulations except as set forth in Chapter 19 above. The City has engaged a third-party consultant to review the documents provided to the City with regards to this project and it is of his opinion that the proposed modifications by the Petitioner will not have a negative impact on the surrounding properties. In addition, these modifications are similar to other modifications approval in the surrounding vicinity.

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 and Zoning Commission recommended **CONDITIONAL APPROVAL** of the Ordinance Granting a Conditional Use Permit for a Telecommunication Facility Use on Lot 1 of CyrusOne Subdivision - Phase 2 located at 2905 Diehl Road with the following conditions:

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

ATTACHMENTS:

Exhibit "A" Legal Description
Exhibit "B" Memorandum of Agreement
Site Plan
Setback Plan
Landscape Plan
Tower Elevation
Color Photo Simulation
Inventory of existing towers
Affidavit Letter for Co-location
Affidavit Letter for Franchises
Affidavit Letter via Third Party
Backhaul Letter
Traffic Control Plan
Structural Design Report
Structural Engineer and Design Notes
Unit Base Foundation Summary
Land Use Petition and Supporting Documents
Maps

Legistar Number 24-0367

cc:

Alderwoman Patricia Smith, Chairperson
Alderwoman Shweta Baid, Vice Chairperson
Alderman Michael B. Saville
Alderman William "Bill" Donnell
Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

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

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, C1 Chicago - Aurora I & tower & Chicago - Aurora II, 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" (the "Subject Property"); and

WHEREAS, October 16, 2023, C1 Chicago - Aurora I & Chicago - Aurora II, LLC filed with the City of Aurora a petition ("Petition") requesting approval of a Conditional Use for Telecommunications Facility Use and the establishment of modified standard for the Subject Property; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on May 22, 2024, at which time the Planning and Zoning Commission reviewed the Petition, approved findings of fact in support of the Petition, and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on May 29, 2024, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said Petition, the recommendation of the Planning and Zoning Commission and recommended CONDITIONAL APPROVAL of the Petition; and

WHEREAS, the City Council, based upon the recommendation and the findings of fact adopted by of the Planning and Zoning Commission, finds that the proposed Conditional Use meets the standards for the approval of a Conditional Use and is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora.

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 Sec. 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article V of Chapter 34 of the Code of Ordinances, City of Aurora, being the Planning and Development Ordinance, and Chapter 19 of the Code of Ordinances, City of Aurora, being the Telecommunication and Cable Television

Ordinance, a Conditional Use permit is hereby granted for a Telecommunication Facility for the Subject Property with the following modified standards:

1. Sec. 19-70: To increase the tower height from 200' to 300'.
2. Sec. 19-68(o): To reduce the setback to the property line from 225' to 61' as measure from the base of the Telecommunication Facility to the nearest property line.
3. Section 19-65(p)(1): (i) To reduce the single or two-unit dwellings separation from 500' to 450'; and (ii) To reduce the vacant platted or un-platted residentially zoned land separation from 500' to 330'.
4. Section 19-65(p)(2): (i) To reduce the separation of a Category D tower (more than 200' in height) to a Category A tower (more than 50' but less than 100') tower separation from 2000' to 1,450'; and (ii) To reduce the separation of a Category D tower (more than 200' in height) to a Category C tower (more than 150' but less than 200') from 2,500' to 1,100'; and (iii) To reduce the separation of a Category D tower (more than 200' in height) to a Category D tower (more than 200' in height) from 3000' to 1,600'. (iv) To waive the separation requirement with respect to towers on the Subject Property to allow two towers on the property with a separation of 40'.
4. Section 19-65(r): To waive the landscape requirements.

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a Telecommunication Facility and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the Subject Property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said Conditional 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 Conditional Use permit is granted specifically contingent upon the following conditions:

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

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 Conditional Use the City Council may take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the Subject Property, except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Article V of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That the Subject Property shall remain in the underlying zoning classification of ORI(C) Office, Research, Light Industrial with a Conditional Use for a telecommunication Facility and upon termination of the use of said property for a Telecommunication Facility, this Conditional Use permit

shall terminate and the classification of ORI(C) Office, Research, Light Industrial with a Conditional Use for a telecommunication Facility shall be in full force and effect.

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