



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday April 15, 2014  
Case #14-13

The meeting was called to order by Chairman Noble at 7:00 P.M.

Present: Chairman Noble, Commissioner's Schneider, Ventura, Myszkowski, Almeroth, Donoval

Not Present: DeVries

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Planning & Zoning Commission Secretary Janice Coglianesi, Attorney Mark Daniel, Daniel Law Office, P.C., Nav Gupta and Sudha Gupta owners of NAV Consulting, and Steve Moeller of Krusinski Construction

Chairman Noble said the first order of business was to approve the minutes of March 18, 2014, Case #14-11, to allow three (3) freestanding monument signs for 17W695 - 17W745 Butterfield Road, Oakbrook Terrace Business Center, LLC.

Chairman Noble asked if there were any comments from the Commissioners.

There were none.

Chairman Noble asked for a motion to approve the minutes.

**MOTION**

Commissioner Schneider entertained a motion to approve the minutes of March 18, 2014, Case #14-11, to allow three (3) freestanding monument signs for 17W695 - 17W745 Butterfield Road, Oakbrook Terrace Business Center, LLC.

The motion was seconded by Commissioner Myszkowski.

**MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE.**

Chairman Noble said the second order of business was to approve the minutes of March 18, 2014, Case #14-12, for a text amendment to place all utilities service connections underground.

Chairman Noble asked if there were any comments from the Commissioners.

There were none.

Chairman Noble asked for a motion to approve the minutes.

**MOTION** Commissioner Ventura entertained the motion to approve the March 18, 2014, Case #14-12, public hearing minutes, for a text amendment to place all utilities service connections underground.

The motion was seconded by Commissioner Myszkowski.

**MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE.**

Chairman Noble said the third order of business, Case #14-13, to consider the request by N2S2 LLC (owner) and NAV Consulting, Inc. (petitioner), with the authority from One Trans Am Office Condominium Association, to approve an amendment to a planned unit development under Section 156.025 (C) of The Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") with exceptions authorized by Section 156.025 (B) (2) of the Zoning Ordinance to allow the installation of a generator in the rear yard area northeast of the building. Petitioner seeks exceptions from: 1) Section 156.035 (C) (4) (b) of the Zoning Ordinance to eliminate the requirement of a landscaping buffer around the fence or wall, 2) Sections 156.035 (B) and 156.045 (B) of the Zoning Ordinance to allow a generator as a rear yard obstruction, 3) Section 156.087 (G) (3) of the Zoning Ordinance to allow a generator to be located no closer than fifteen (15) feet from rear lot line, and 4) such other sections as may be applicable to the installation of a generator according to the site plan last revised on March 5, 2014, which is on file with the City of Oakbrook Terrace.

Chairman Noble asked the petitioners and anyone else who wished to speak to be sworn in.

Attorney Mark Daniel, Daniel Law Office, P.C., Nav Gupta and Sudha Gupta owners of NAV Consulting, and Steve Moeller of Krusinki Construction were sworn in by Planning and Zoning Secretary Coglianese.

Chairman Noble asked the petitioner's to state their case.

Attorney Daniel took the floor and gave his name and location of his law firm, and stated that he has been practicing zoning and land use for over twenty (20) years in two (2) states. He opened the floor to Petitioner Nav Gupta to give his presentation so that the Commissioners could better understand the nature of his business.

Petitioner Gupta stated that NAV Consulting specializes in hedge fund administration. Hedge fund administration is a field dominated by big banks like J.P. Morgan and Citi Group. A worldwide organization is one (1) of the top fifteen (15) hedge fund administrations. They have over three hundred and fifteen (315) employees within four (4) offices and seven hundred (700) clients all over the world running 24 hours a day. They currently reside in Oak Brook, but would like to come to the City of Oakbrook Terrace to build a data center, which is far superior to the current one.

Petitioner Gupta commented that competing with the bigger names like J.P. Morgan and Citi Group, one (1) of his needs was to have a data center which would be uninterrupted. He mentioned last year his business grew at 15%, and was far superior to all the bigger names in the industry, and their projection for this year is 20%; so a generator is part of what they do. Being a financial service company they would need a generator, otherwise they could not function, and they heard that Oakbrook Terrace power outages are very rare.

Attorney Daniel commented that one of the practical issues they are dealing with an installation of a generator is that losses can amount rapidly if the power is down; it is not like his office where he can recover fairly quickly if his power is down for a day. He could go to a Starbucks and work on his computer for a day.

Petitioner Gupta mentioned that even down a minute or five minutes is very critical for them. They do over 45 billion dollars and have clients in Australia, Europe, and all over the United States in different time zones with hedge managers, and traders working continuously with the market opened 24 hours.

Attorney Daniel asked Steve Moeller of Krusinki Construction to describe the project regarding the installation, location of the generator, and the landscaping results once the project is completed. Attorney Daniel continued to say that there were three (3) exhibits mounted; the preliminary

site plan for One Trans Am Plaza with the location of the generator depicted directly east of the building, the other side showed a close up of the generator, and thirdly, the landscaping. He said they have been going back and forth with other related entities, but there is a plan for natural gas. An easement has been prepared to reflect a natural easement with Nicor from the perspective of One Trans Am Plaza in general. The business Association has approved the project as it stands today. There was some discussion on one (1) element of that, the Association wants to make sure that they are installing the generator in line to the gas line, exactly where the plans depict it so if they go above and beyond the ordinances, and do an interim as-built drawing showing that they bury the extension of the natural gas, and other improvements that are underground that the final as-built will show everything. A copy will be given to the Association and Building and Zoning Administrator Dragan.

Mr. Moeller took the floor and stated that they do a lot of work in Oak Brook. He then directed the Commissioners to the exhibits showing the location of Trans Am Plaza. He mentioned they did extensive coordination with the Condo Association at Trans Am Plaza. They are proposing placing the generator, which is along the east lot line, in the middle of the building between the cooling that's existing and the dumpster. The two (2) existing trees will be removed and replaced on site, and the entire generator will be screened in with an 8' fence. The pad is roughly 16'x10' with an 8" pad, and the generator is 8' tall and the length 11'x4'. An out-of-server room will be built which has capabilities to maintain operations 24/7. He proceeded to show a close up of the existing air unit and dumpster where the generator will be located between them at the east end of the property line.

Mr. Moeller stated there was an existing 10' easement for ComEd and Nicor. He said NAV's pad is roughly, from that easement with a fence 2' and then another 2' for the concrete pad, and they would record that easement within that 4' section about 12' wide. All of the feeds that come into the building will leave the generator, follow the sidewalk straight then enter in through the basement; the Condo Association is fine with this proposal.

Commissioner Almeroth asked if the generator will power the whole building or just the 11,000 square feet.

Mr. Moeller stated only for the 11,000 square feet, and serve NAV's utilities only; their components under computers, and back up UPS main components are critical to the system.

Commissioner Almeroth asked if it was capable of expanding if the business grew at 20%.

Petitioner Gupta stated they had factored that in for the next four (4) to five (5) years.

Mr. Moeller stated it was a 150k generator.

Commissioner Almeroth commented it was pretty big.

Commissioner Donoval commented that ComEd was here a few months ago and promised no more outages, but though they still needed the generator.

Chairman Noble said just for clarification the generator was going to be run on gas in case the electric doesn't work, the gas is going to upgrade the generator, and then it's going to produce electric power from the generator.

Mr. Moeller said that statement was correct; the generator will be run on natural gas. This is why they are recording the easement, and working with Nicor on bringing service to the site.

Chairman Noble asked if there were any comments from Building and Zoning Administrator Dragan.

Building and Zoning Administrator Dragan asked Attorney Daniel if he had anything else to add.

Attorney Daniel said for the record they did tender a notice, an affidavit of mailings relating to the notice, and quoted the posting of the sign within the time frames required. There was no negative feedback. The generator falls within the standards for the planning and development modification, and for the mixed use zoning district. The generator is located in the service area of the building and is designed to fit within the existing components that serve the building. There was one (1) point in time where an expansion of the building was previously approved for a radiology center, and what they are proposing is far less invasive than that, and will not have an impact on the tenants, offices, or hotels. There is a significant distance between the homes to the north with a retention pond between them.

Building and Zoning Administrator Dragan stated that the Commissioners received staff memo dated March 28<sup>th</sup> along with copies of all documents submitted by the applicant for this petition concerning the request for an

amendment to the Planned Unit Development, and exceptions to allow for the installation of the generator. They also received a copy of the Letter of Authorization signed by Steven Slomski, the president of the association authorizing NAV Consulting to petition the City for zoning approval in order to install the generator within the common elements.

Building and Zoning Administrator Dragan continued to comment that the Commissioner's received Lieutenant Kovarik's comments dated April 4<sup>th</sup>, and York Center Fire Department requires the installation of the generator to follow the applicable codes which of course will be taken into consideration during the building permit plan review. She spoke to Lieutenant Kovarik today, and he is aware of the request and has visited the site. As the Petitioner's Attorney mentioned at the beginning of the meeting, there was some discussion which came up at 4:00 P.M. today from the Association asking that NAV Consulting provide as-built documentation; NAV Consulting will comply.

Attorney Daniel said this was correct.

Chairman Noble asked if there were any questions from the Commissioners.

There were none.

Chairman Noble opened the floor for public participation and for positive and negative testimony.

Planning and Zoning Secretary Coglianesse stated there was no one in the audience; therefore, there was no audience participation.

Chairman Noble closed the public portion of the hearing.

Chairman Noble asked if there were any additional comments or questions from the Commissioners.

There were none.

Chairman Noble asked if there were any other questions or comments from the City Attorney.

City Attorney Pacione asked if this office was just for data vaults / storage for the use of the generator or was there going to be people in the units.

Attorney Daniel state that the primary purpose is for storage of the data, and there will be people in the office accessing it for service.

Petitioner Gupta commented that there would be a server room, and as they know servers are becoming smaller and smaller.

Attorney Pacione said this was his only question; and thanked him.

Commissioner Almeroth asked if they were closing the Oak Brook Office.

Petitioner Gupta replied they were, and the Oakbrook Terrace office would be their headquarters.

Chairman Noble commented that it was nice that they were moving from Oak Brook to Oakbrook Terrace, and welcomed him.

Mr. Gupta stated that this was going to be a significant upgrade for them.

Commissioner Almeroth said they hoped so.

Commissioner Myszkowski also welcomed them to the City.

Chairman Noble asked for a motion to approve Case #14-13.

**MOTION**

Commissioner Donoval entertained a motion to approve Case #14-13, to consider the request by N2S2 LLC (owner) and NAV Consulting, Inc. (petitioner), with the authority from One Trans Am Office Condominium Association, to approve an amendment to a planned unit development under Section 156.025 (C) of The Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") with exceptions authorized by Section 156.025 (B) (2) of the Zoning Ordinance to allow the installation of a generator in the rear yard area northeast of the building. Petitioner seeks exceptions from: 1) Section 156.035 (C) (4) (b) of the Zoning Ordinance to eliminate the requirement of a landscaping buffer around the fence or wall, 2) Sections 156.035 (B) and 156.045 (B) of the Zoning Ordinance to allow a generator as a rear yard obstruction, 3) Section 156.087 (G) (3) of the Zoning Ordinance to allow a generator to be located no closer than fifteen (15) feet from rear lot line, and 4) such other sections as may be applicable to the installation of a generator according to the site plan last revised on March 5, 2014, which is on file with the City of Oakbrook Terrace.

Commissioner Schneider seconded the motion.

Chairman Noble asked if there were any final discussion.

There was none.

Chairman Noble asked for a roll call.

Ayes: Schneider, Ventura, Myszkowski, Almeroth, Donoval,  
Chairman Noble

Nays: None

Absent: DeVries

MOTION WAS PASSED.

Chairman Noble asked Building and Zoning Administrator Dragan when the petition would be presented to the City Council.

Building and Zoning Administrator Dragan stated that the Letter of Recommendation will be placed on the agenda for the May 13, 2014 City Council meeting.

Attorney Pacione stated there was a clarification; this was an old procedure where the Commissioners vote to see if you're going to take a vote so there is actually no vote, and commented they still had to make a motion to approve the project or to approve what's been presented.

MOTION Commissioner Almeroth entertained a motion to approve the project for N2S2, LLC owner of the generator at One Trans Am Plaza.

The motion was seconded by Commissioner Ventura.

Chairman Noble asked for a roll call.

Ayes: Schneider, Ventura, Myszkowski, Almeroth, Donoval,  
Chairman Noble

Nays: None

Absent: DeVries

MOTION WAS PASSED.

Case #14-13 for NAV Consulting ended at 7:25 P.M.

Chairman Noble called for a five (5) minutes recess.