



City of Aurora

44 E. Downer Place
Aurora, IL 60505
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Legistar History Report

File Number: 24-0385

File ID: 24-0385	Type: Ordinance	Status: Agenda Ready
Version: 2	General Ledger #:	In Control: Building, Zoning, and Economic Development Committee
File Name: C1 Chicago Aurora III LLC / 2725 Bilter Road / Conditional Use for Telecommunications Facility		File Created: 05/16/2024
		Final Action:

Title: An Ordinance Granting a Conditional Use Permit for a Telecommunications Facility (4211) Use and the establishment of modified standards on the Property located at 2725 Bilter Road being south of Bilter Road, west of Eola Road, and north of Interstate 88

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2024-05-17 -2024.158, Exhibit "B" Memorandum of Agreement - 2024-05-17 - 2024.158, Public Comment - Dupage County Foreset Preserve - 2024-05-21 - 2024.158, Land Use Petition and Supporting Documents - 2024-03-21 - 2024.158, Third Party Affidavit for Compliance with Laws - 2024-05-02 - 2024.158, Qualifying Statement 5-2 - 2024-05-02 - 2024.158, Site Plan for Tower - 2024-05-07 - 2024.158, Affidavit for Colocation - 2024-03-21 - 2024.158, Affidavit for Franchises - 2024-03-21 - 2024.158, Tower Separation Exhibit - 2024-05-02 - 2024.158, North Tower 1 Mile Radius of Bilter Rd - 2024-05-02 - 2024.158, South Tower 1 Mile Radius of Bilter Rd - 2024-05-02 - 2024.158, Location map - 2024-05-17 - 2024.158, Rendering with Photo Simulation of Tower - 2024-05-20 - 2024.158

Enactment Number:

Planning Case #: NA06/4-24.158 - CUPD/Ppn/Psd

Hearing Date:

Drafter: JMorgan@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	Planning and Zoning Commission	05/22/2024	Forwarded	Building, Zoning, and Economic Development Committee	05/29/2024	Pass
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Action Text: A motion was made by Mrs. Martinez, seconded by Mr. Lee, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 5/29/2024. The motion carried.

Notes: *Chairman Pilmer said and then do you want to read the Findings of Fact for the Conditional Use Permit?*

Mrs. Morgan said Staff has the following comments regarding the Findings of Fact:

1) The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The Telecommunication Facilities is integral to Petitioner's anticipated operation of the Data Center Campus. The proposed Telecommunication Facilities are substantially similar to the existing Telecommunication Facilities located at the existing C1 Facility on Diehl Road. The current telecommunication facilities have not been detrimental to the public health, safety, morals, comfort, or general welfare and given the similar nature of these proposed towers, it is believed that the proposed towers would also not be detrimental to the general public's welfare. The location of the Telecommunication Facilities provides the most optimal and efficient path to connect to internal facilities while also ensuring compliance with strict federal regulations.

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 property is located in the Manufacturing Area of Butterfield Planned Development and the proposed data center and towers are relatively low intensity compared to other manufacturing/industrial uses. The documentation provided by the petitioner demonstrates that the towers meet the city's technical requirements and will not conflict with existing telecommunications facilities. In the general vicinity of the Property, electrical distribution facilities, other existing Telecommunication Facilities, and the I-88 corridor are defining features that influence land use and the manner in which property in the immediate vicinity is enjoyed. The two proposed towers are consistent with the established character of the area and are appropriately located to avoid disturbance of other quieter or less intensive areas of the community.

3) The development will not impede the normal and orderly development and improvement of surrounding properties as the proposed Telecommunication Facilities are consistent with the character of the Telecommunication Facilities in the area. Since the first tower was installed at the existing C1 Facility, the City has seen substantial additional investment at the C1 Facility and in the area around the C1 Facility. The trend of development around the C1 Facility shows that Telecommunication Facilities have not impeded normal and order development in the area.

4) The proposal will provide adequate utilities, drainage, etc. as the petitioner has submitted material establishing the sufficient infrastructure is available and a series of additional stormwater management basins are being provided to address current requirements for the entire development, including the towers.

5) The project does provide adequate ingress/egress. Due to the nature of the Telecommunication Facilities, Petitioner anticipates very limited traffic (less than 1 car/day) associated with the daily operation.

6) The Telecommunication Facilities comply with the applicable regulations as set forth in Chapter 19 except as outlined 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. The modifications proposed by Petitioner are generally consistent with the character of modifications that the City has approved for other Telecommunication Facilities in the vicinity of the Property.

Staff also wants to note in the Public Input section that we have received that letter from Dupage Forest Preserve, which also has comments regarding the tower as well.

Chairman Pilmer said would you like to provide a recommendation?

Mrs. Morgan said Staff would recommend Conditional Approval of An Ordinance Granting a Conditional Use Permit for a Telecommunications Facility (4211) Use and the establishment of modified standards on the Property located at 2725 Bilter Road being south of Bilter Road, west of

Eola Road, and north of Interstate 88 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 value.*

Chairman Pilmer said thank you. You've heard Staff's recommendation with 2 conditions attached. Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mrs. Martinez

MOTION SECONDED BY: Mr. Lee

AYES: Chairman Pilmer, Mr. Gonzales, Mr. Lee, Mrs. Martinez, Mr. Pickens, and Mr. Roberts.

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. And then Staff did read into the record 6 Findings of Fact associated with this petition. Are there any additions or corrections? Hearing none, is there a motion to accept as written and read?

MOTION OF APPROVAL OF FINDINGS OF FACT WAS MADE BY: Mr. Roberts

MOTION SECONDED BY: Mrs. Martinez

AYES: Chairman Pilmer, Mr. Gonzales, Mr. Lee, Mrs. Martinez, Mr. Pickens, and Mr. Roberts.

NAYS: 0

Motion carried.

Chairman Pilmer said motion carries. And if Staff will state where this will next be heard.

Mrs. Morgan said this will next be heard at the Building, Zoning, and Economic Development Committee meeting on May 29th, 4 o'clock, in the Council Chambers.

Aye: 6 Chairperson Pilmer, At Large Lee, At Large Gonzales, At Large Pickens, At Large Roberts and At Large Martinez

Text of Legislative File 24-0385