



City of Aurora

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Legistar History Report

File Number: 25-0900

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Status: Agenda Ready

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**General
Ledger #:**

In Control: City Council

File Created: 10/30/2025

File Name: Loaves & Fishes Community Services / 560
Exchange Court & 580 Exchange Court / Moratorium
Hardship Appeal

Final Action:

Title: A Resolution Approving a of a Moratorium Hardship Appeal for a
warehouse on property located at 560 Exchange Court and 580 Exchange
Court.

Notes:

Sponsors:

Enactment Date:

Attachments: Moratorium Hardship Appeal Application -
2025-10-27 - 2025.357, Hardship Letter - 2025-10-27
- 2025.357, O25-064, PowerPoint Presentation -
2025-11-13 - 2025.357, Maps

Enactment Number:

Planning Case #: NA21/1-25.357-MHA

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:
1	Planning and Zoning Commission	11/19/2025	Forwarded	City Council	11/25/2025		Pass
Action Text: A motion was made by Mr. Lee, seconded by Mrs. Martinez, that this agenda item be Forwarded to the City Council, on the agenda for 11/25/2025. The motion carried.							
Notes: <i>Chairman Pilmer said so, the Variance is final. And then, reminder this is a Public Hearing. So, does Staff want to...Tracey do you have a presentation for the Hardship?</i>							
<i>Mrs. Vacek said yeah. Tracey Vacek, Director of Zoning and Planning Division. The Petitioner, Loaves and Fishes, is requesting approval of the Moratorium Hardship Appeal to allow construction of the proposed addition to the existing warehouse prior to the expiration of the moratorium for properties located at 560 Exchange Court and 580 Exchange Court. As you guys know, on September 25th of this year, the City Council did approve a 180-day moratorium on data center facilities and warehouses in all zoning districts to allow Staff time to establish some Zoning regulations for these uses. As part of that approval, the approved Ordinance allowed the applicant to seek an exception from the moratorium pursuant to Section 8 of that ordinance. It's Hardship Appeal Process. To obtain that exception, the Petitioner must demonstrate by clear evidence 5 items:</i>							
<i>1. The effect of the Temporary Moratorium has caused or will cause an economic hardship on the applicant.</i>							

2. The applicant cannot yield a reasonable return on the property if a data center and/or warehouse is not allowed.
3. The applicant has made substantial investment in the development of a data center or warehouse that is affected by the Temporary Moratorium, which investment was made in reasonable reliance on the regulations in effect prior to the and without knowledge of pending changes in such regulations (including this Temporary Moratorium), and based on a reasonable probability of Zoning approval by the City.
4. The data center or warehouse would have been allowed as a matter of right under the pre-existing Zoning Ordinance.
5. The data center or warehouse as proposed complies with all other applicable City ordinances, regulations, and rules.

With that, they have a presentation. Staff does not make a recommendation on the Hardships, so they do have a presentation on what their hardship is, so I will turn it over to the Petitioners so that they can give you the presentation.

Chairman Pilmer said thank you.

Mr. Goldsmith said Bruce Goldsmith again for the Petitioner. I just note that 95% of what he presented already gives you the reason why the exemption is necessary. They can't wait to expand this facility to serve the residents of the community. So, I think it meets all the 5 standards but I'm going to have Mr. Havala give you a little more background.

Mr. Havala said first of all, thank you on the granting of the Variance. That's very helpful. So, again, a lot of the things that we talked about before are relevant and pertinent to our request to waive the moratorium and so forth. You know, as far as, you know, we've invested in this project. Again, we opened it up in 2021 and in 2023 we bought the adjacent land with the intent to develop on that land. We've been really working on it since that time as far as our expansion plans. And we were about this close to getting ready for permit when the moratorium happened towards the end of September. So, you know, we've put a lot of time and money into getting to the point where we're at thus far. Something just to mention about what are the consequences of delays if the moratorium is in effect for this project. First of all, again, there's a huge need for people in the community that are food insecure, and the sooner we get this online, the sooner that we can help people. As I mentioned before, we help about 5,000 Aurora residents a week. And so, increasing that number, increasing the food that we can provide is very, very important to the community itself.

The other thing I'll mention is that because we're a not-for-profit, when we do a project like this, you know, we actually have to go and fundraise for it. As part of the fundraising for it, we're talking with literally hundreds of potential donors, and there's a whole plan that you have when you build a building as a not-for-profit is you have to sync up your fundraising with the timeframe of the project. And if there are interruptions in that timeframe, it can really damage your fundraising because, for example, we may be talking to donors now and talking about the timeline. They may have an interest in funding it but if there's a long delay because of the moratorium, they may lose interest, they may take their donor dollars and go somewhere else. So, there's a lot of risk on the fundraising side given where we are in the process already. So, you know, that's a very important part of this is that the funding has to be in sync with the project. And, you know, there's a substantial risk to loss of funding for the project if it's delayed a number of months even, as outlined in the moratorium. So, that's very important. And then also, just with any project, when you delay a project, you run the risk in project costs changing. You run risks in everything from tariffs happening to supply chain issues. All sorts of things can happen the longer a project goes on. And, you know, even a 5% increase on this project on \$8,000,000 is \$400,000. That's a big number for a not-for-profit, and so, you know, adding that kind of risk by a delay is, again, something that's very meaningful. So, anyway, so there's a lot of other reasons why, as we talked about before but not being subject to the moratorium for this project would be super, super helpful for what we're trying to do to serve so many people in the community. Thank you very much for your consideration on that.

Mr. Goldsmith said I'd note just one other thing. Obviously, the City considered the moratorium because they're concerned about what's going on really in the ORI districts or some M-1 districts, and the, I guess, policy issue about what they're going to do on data centers. This is not subject to either of those concerns, and I'm sure City Council would not have contemplated putting a moratorium on a not-for-profit organization that needs to expand to meet community needs. So, we'd be happy to answer any questions.

Chairman Pilmer said questions of the Petitioner?

Mr. Pickens said yes. So, you're adding refrigeration freezer sections.

Mr. Goldsmith said yes.

Mr. Pickens said equipment-wise, is them all small package units or are we talking an engine room with a big chiller on the top? Again, we're talking noise as part of that moratorium and I'm just curious on how you're treating your refrigeration mechanical.

Mr. Havala said yes, everything would be rooftop on that...

Mr. Pickens said in small package units?

Mr. Havala said I'm not sure what the definition of that might be. I don't know if that's maybe a question that someone else might be able to answer on our team better than I can from a technical perspective...

(Speaking from audience)

Chairman Pilmer said I'll need to swear you in. As this is a Public Hearing, do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Bacon said I do.

Chairman Pilmer said thank you. If you'll just state your name and address, please, for the record.

Mr. Bacon said Ned Bacon and I volunteer with Loaves and Fishes in part of the planning team. These particular chiller units are no bigger than the size of a regular rooftop air conditioning unit.

Mr. Pickens said okay. That makes a big difference. And then, secondly, do you have plans for an emergency generator? Again, they make noise. The reason I'm asking too, I know you're in an industrial area and it's not...there's no residents around, but you may have some sensitive neighbors in the industrial market that are sensitive to the sound.

Mr. Bacon said there are no plans for an industrial back-up generator.

Mr. Pickens said okay, thank you.

Mr. Lee said can you please help me better understand how you meet criteria number 2; how the moratorium would not allow you to yield a reasonable return on the property?

Mr. Havala said so, Bruce might have some comments on that as well too, but we're not an investor. We're not a real estate investor. We're not a for profit business where we're manufacturing something for sale. So, the return that we have on what we do in our investment is really the community's return. And so, when you look at the thousands of people that we serve a week and the benefit of that, you know, that's a big number with respect to if you were to measure the food that we provide. And so, that's a community return more than it is, say, a Loaves and Fishes financial return like an investor might calculate with an IRR or so forth.

Mr. Goldsmith said I'd just add that obviously the City wasn't contemplating that a not-for-profit would come in during the moratorium and need some special attention, but you can't plan for everything. But I would say that their investment approach is comparable to a private investor too. They have an end product that they have to deliver, and there's a demand for the end product, and while it might not sound like the same thing as a capital return on your investment, it's a very important return in as it's essential to the community.

Chairman Pilmer said other questions of the Petitioner? Hearing none, this is a Public Hearing. Does anyone wish to address the Commission regarding this request? I'll have to swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Alderman Franco said I do.

Chairman Pilmer said thank you.

Alderman Franco said my name is Carl Franco, I'm the 5th Ward Alderman of the City of Aurora. I just want to piggyback on what Bruce Goldsmith said. We would not have a moratorium if it wasn't for data centers, the evolution of data centers, and the fact that data centers are tied into this ordinance with warehouses. So, based on that, if they were a separate ordinance, we wouldn't even be here today. So, I just want to make sure that everybody understands the spirit of what we did and why we did it. And I think it would be more than appropriate... I mean, I'm not even going to go into the details...but based on what our spirit was, what we were trying to consider with data centers and the problems they may present, I think it would be more than appropriate to grant the Hardship for this because it wouldn't have even been here if it wasn't tied in with data centers. So, I just wanted to throw that in there, being from City Council's perspective. Thank you.

Chairman Pilmer said thank you. Anyone else? Thank you. I'm going to close the Public Hearing. Any additional discussion? Is there a motion?

MOTION OF APPROVAL WAS MADE BY: Mr. Lee

MOTION SECONDED BY: Mrs. Martinez

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

NAYS: 0

ABSTAIN: 0

Motion carried.

Chairman Pilmer said motion carries. And then this will next go to, I think, City Council.

Mrs. Vacek said yes, this will next be heard at City Council on November 25th, here at City Hall at 6 pm in this room.

Chairman Pilmer said good luck.

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

Text of Legislative File 25-0900