



City of Aurora

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Aurora, IL 60505
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Legistar History Report

File Number: 25-0976

File ID: 25-0976

Type: Petition

Status: Agenda Ready

Version: 2

**General
Ledger #:**

In Control: City Council

File Created: 11/24/2025

File Name: Mary Lynn LLC / 2695 W Sullivan Rd / Moratorium
Hardship Appeal for Warehouse

Final Action:

Title: A Resolution Approving a of a Moratorium Hardship Appeal to allow
construction of a warehouse on property located at 2695 W. Sullivan Road

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description, Moratorium Hardship
Appeal Form - 2025-11-25 -2025.379, Supporting
Documentation (Part 1), Supporting Documentation (Part 2),
Supporting Documentation (Part 3),
O25-064, Maps

Enactment Number:

Planning Case #: SG12/2-25.379-MISC

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	12/03/2025	Forwarded	City Council	12/09/2025		Pass
Action Text: A motion was made by Mr. Kuehl, seconded by Mr. Gonzales, that this agenda item be Forwarded to the City Council, on the agenda for 12/9/2025. The motion carried.							
Notes: <i>Mrs. Vacek said good evening. Tracey Vacek with the Planning and Zoning Division. The Petitioner tonight is requesting approval of a Moratorium Hardship Appeal to allow the construction of a warehouse on the property located at 2695 West Sullivan Road. On September 25th, just to give you some background, 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 approved Ordinance, the applicant may seek an exception to the moratorium pursuant to Section 8 Hardship Appeals Process. To obtain the exception, the applicant must demonstrate by clear evidence that:</i>							
1. <i>The effect of the Temporary Moratorium has caused or will cause an economic hardship on the applicant.</i>							
2. <i>The applicant cannot yield a reasonable return on the property if a data center or warehouse is not allowed.</i>							
3. <i>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</i>							

the regulations in effect prior to the Temporary Moratorium 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.

The Petitioner has submitted their application along with supporting documents outlining how they believe how they meet the hardship necessary to allow for the construction. So, I will turn it over to the Petitioner so they can go through those criteria.

Did you want to pull anything up?

Mr. Anderson said no, I'm okay. Thank you. As long as the Commissions have said application.

Chairman Pilmer said I'm sorry. So, this is a Public Hearing, so I need to swear you in. Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Anderson said I do.

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

Mr. Anderson said good evening. Colin Anderson of the law firm Anderson and Uddin, PC, attorneys for the applicant/appellant in this matter. I believe the petition for hardship speaks for itself. At this point in time, the Temporary Moratorium has caused a significant hardship to these property owners. They did purchase the property in 2024 for cash purchase price of \$232,848, plus a little more, and since then they incurred substantial expense towards the development of this property to a warehouse, receiving the necessary association approval including \$86,605 in architectural and design expenses as well as \$1,400 in permit fees. In addition, as a result of the moratorium they've been unable to use the property for warehouse space, obviously, and so they've continued to incur outside expenses of \$300...or \$3,974 thousand...\$397,400 in expenses to maintain monthly outside storage facilities. So, I think as set forth in the petition, the applicant/appellant has met the requirements for a hardship. At this point in time, I'm happy to answer any additional questions that I can.

Chairman Pilmer said any questions for the Petitioner?

Mrs. Martinez said I have one question. When are you guys planning on starting construction?

Mr. Anderson said the construction was intended to begin in August of the year, in 2025, and obviously as a result...the Project Manager was in the process of working with the City as well as completing the construction when the Moratorium Ordinance was issued. And so, obviously, all further construction has ceased at this point in time pending the review of this appeal.

Mrs. Martinez said so, there has already been construction on this site?

Mr. Anderson said my understanding is that it did commence with the Project Manager, but all construction has thus forth ceased in light of the current moratorium.

Mr. Pickens said I have one question.

Mrs. Vacek said just to clarify, though, they do need to go through a Staff Review with us or a Final Plan review which has not come through yet. So, they still need to do that prior to being able to construct.

Mr. Anderson said and thank you. I want to qualify and clarify that. Yeah, the actual boots on the ground construction I don't believe has existed. But as far as building plans, all that sort of stuff, it has commenced, and again, they've incurred \$85,000-plus in furtherance of those plans.

Mr. Pickens said my only question is will there be any manufacturing in this facility that would cause noises? Because the moratorium was based on reasons for excessive noise and vibrations and things

of that nature. Strictly a warehouse and no other activity going on that would create noise or vibration?

Mr. Anderson said my understanding is no. No substantial noise, no substantial trucking of that nature that would cause further disruption. And again, as point 5 of the appeal makes clear, they will fully intend to comply with any additional restrictions imposed by the City of Aurora in furtherance of their warehouse operations.

Mr. Pickens said okay, thank you.

Mrs. Martinez said one more question. So, now construction will actually begin after the moratorium is over?

Mr. Anderson said I think the intent and the hope would be that construction could commence as soon as possible upon granting of the hardship application. But at the present moment, there is no construction ongoing.

Mrs. Vacek said I just want to clarify one more time that they do have to go through a Final Plan with Staff and get approval by City Council.

Mr. Anderson said thank you.

Chairman Pilmer said anything else?

Mr. Kuehl said what is going to be in the warehouse?

Mr. Anderson said in fairness, I do not know at this present moment.

Mr. Kuehl said okay...

Mr. Anderson said and I can make that available to the full City Commission (Council) next, if necessary.

Mrs. Martinez said the only other question I had is is this near...I know there was a development that is going to be residential out there...maybe it's not near it at all...

Mrs. Vacek said so, there has been plans for residential just south of this property that property happened in the early 2000s. Nothing has actually gone...actually came in and actually developed. But the property just south of this is zoned Estate, and I think there is a little bit of business just right along the Deerpath Road. But the property just kind of south, kind of southwest of it is Estate zoning and then across the street kitty corner there is opportunity for residential also.

Mr. Lee said question for Staff. So, is Criteria 4 then met that this warehouse would've been allowed?

Mrs. Vacek said correct. This is an ORI zoned property, so this would have been a permitted use.

Chairman Pilmer said I think this is a...there's only 2 lots left in that development that meets the zoning. The only reason we're looking at it is because of the moratorium.

Mrs. Vacek said correct.

Mr. Roberts said and then to clarify though, if we approve this, this just means that they can move forward with presenting the plan...

Mrs. Vacek said correct.

Mr. Roberts said and if we did not, they would not be able to present the plan and that would hold things up for...

Mrs. Vacek said correct, everything would be held until the end of the moratorium, and then they would have to meet the new regulations of...any new regulations that the moratorium would have brought on.

Mr. Roberts said okay. Thanks.

Mr. Gonzales said question for you. So, I'm noticing on the map on Dancer Drive, there is a...looks like

a warehouse facility that's there. What is the nature of business in that building?

Mrs. Vacek said oh, you're going to...

Mr. Gonzales said it's the largest one there. It looks like it's a warehouse with a lot of parking and possibly trucking.

Mrs. Vacek said yes. I don't recall the exact...it's Messner, I think is who did it, but I don't recall the exact use, so I don't...I'm pretty sure it's just a warehouse. And I don't even know if there's multiple users in there. I don't recall.

Mr. Gonzales said okay. There's a second building, a smaller one just adjacent. It looks like it's south of the property in question. So, has there been any noise complaints from either one of those businesses?

Mrs. Vacek said not that I'm aware of, no.

Mr. Gonzales said okay.

Chairman Pilmer said so, that first building's a hotel. The second one was the gym/rehab...

Mrs. Vacek said correct...yeah...

Chairman Pilmer said that's (inaudible)...

Mrs. Vacek said so, there was some medical offices in there. I believe there is the All Pet Wellness that did get approved for Conditional Use that is working its way through the building process right now. So, that's at the north part, and then most of that middle one is medical. And then, right next door to it is the Candlewood Hotel.

Mr. Gonzales said I know the area. I live close by to that. Across the street from there just north is a large warehouse. I believe it's a glue factory that has a lot of trucking coming in and out of it.

Mrs. Vacek said I believe it's painting, yeah.

Mr. Gonzales said painting?

Mrs. Vacek said yeah.

Mr. Gonzales said good, yeah. Thanks.

Chairman Pilmer said any further questions?

Mr. Lee said one for the Petitioner. So, if we're not sure what's going to be in this warehouse, is there not a client already set up that's going to use the space?

Mr. Anderson said yes, it's my client, and I do apologize for lacking that information at the present moment. I am outside local counsel for their primary counsel who is in the City.

Mr. Lee said okay, thank you.

Mr. Anderson said City of Chicago, obviously. Thank you.

Mr. Pickens said I thought I had read somewhere that it was auto parts or something like that.

Chairman Pilmer said anything further? Thank you.

Mr. Anderson said thank you, Commissioners.

Chairman Pilmer said Staff doesn't make a recommendation, so...

Mrs. Vacek said no, but this is a Public Hearing, so you do need to open the Public Hearing and close it.

Chairman Pilmer said thanks. This is a Public Hearing. If anyone in the audience wants to address the Commission regarding this item, they will have the opportunity to do so.
I'll have to swear you in. If you'll raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Preisaitis said yes, I do.

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

Mr. Preisaitis said I'm Martin Preisaitis, Project Manager from Chapple Design Build. Just want to say that we've been trying to get the site plan approved. We provided all the documents needed. As we submitted all the documents, we brought a check. About 3 days later we got an email saying everything's on hold, you've got to wait until the hold, you know, 180-day hold. So, we were not informed that there would be something coming up, and it was right away. Like, we submitted the documents, and it came back that your guy's going to have to wait. I guess if we would've known, maybe we would've prepared for this. But we didn't know it was coming. And when we contacted the office here in Aurora, they said that they didn't know either. So, it was all brought on to them on a short notice. And, so yeah. Everything kind of got jumbled, and we went to straight hold. But at this point, we're not really breaking ground. We want to get all the site plan approved. Then we gotta get the building permit approved. So, there's still some steps we gotta take in document stage before we even hit the ground. So, that's why we don't wanna...you know, this is the season where we're all in the offices trying to crunch the paperwork. We can't do anything on the ground. And this is the season we got halted on. So, it's a hardship. And that's why we want to keep going. So, that's all.

Chairman Pilmer said thank you. Anyone else? I'm going to close the Public Hearing. Is there a motion regarding the petition?

MOTION OF APPROVAL WAS MADE BY: Mr. Kuehl

MOTION SECONDED BY: Mr. Gonzales

AYES: Chairman Pilmer, Mr. Gonzales, 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 be heard in front of?

Mrs. Vacek said this will be next heard in front of the City Council next Tuesday, on December...

Chairman Pilmer said 9th...

Mrs. Vacek said 9th? 9th at 6 pm.

Chairman Pilmer said good luck.

Aye: 7 Chairperson Pilmer, At Large Lee, At Large Gonzales, At Large Pickens,
At Large Roberts, At Large Martinez and At Large Kuehl

Text of Legislative File 25-0976