



Legislation Text

File #: 24-0384, Version: 2

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

SUBJECT:

An Ordinance Approving an Amendment to the Plan Description for the Butterfield Planned Development District on 32.08 Acres for the property located at 2725 Bilter Road being south of Bilter Road, west of Eola Road, and north of Interstate 88 (C1 Chicago Aurora III LLC - 24-0384 / NA06/4-24.158 - CUPD/Ppn/Psd - JM - Ward 10)

PURPOSE:

The Petitioner C1 Chicago Aurora III LLC is requesting approval of an Amendment to the Plan Description for the Butterfield Planned Development District for the property located at 2725 Bilter Road being south of Bilter Road, west of Eola Road, and north of Interstate 88 which includes a revision to permit an additional use and some additional minor variations to allow for the development of a data center campus.

BACKGROUND:

The Subject Property is currently vacant with PDD Planned Development District zoning, which is part of the Butterfield Planned Development District. The Petitioner is requesting approval of an amendment to the Plan Description to allow a 3300 Warehouse, Distribution and Storage Services Use in the form of a data center only. All other 3300 Warehouse, Distribution and Storage Services would be prohibited on the parcel. In addition, other minor variations from the Plan Description are being approved, including allowing all uses within the building to be calculated under the general parking requirement for an Electronic Data Storage use, to permit a twelve-foot screen wall within the district setback, and to allow lots to not have direct access to a street if an access easement is provided.

Concurrently with this proposal, the Petitioner is requesting approval of a Conditional Use for a Telecommunications Facility (4211) use and the establishment of modified standards. The details of the request include allowing two telecommunications facilities, specifically 350-foot, non-guyed tower structures with associated antennas and communication support facilities. The first tower is proposed to be located 199 feet from the northern property line and 140 feet from the eastern property line. The second tower will be located at the southeast corner of the property about 185 feet from the closest property line.

The petitioner is seeking a Conditional Use to construct a tower within the I-88 Technology Corridor and to waive or reduce the burden on the application pursuant to Chapter 19 Article III, including the following:

- a. 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 towers being requested are 350 feet.
- b. 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 263 feet. The request is for a Facility Setback of 135 feet.
- c. Separation of the communications facility from other communication facilities (Sec. 19-68 (p)(2)): The Conditional Use process allows for the Petitioner to seek a Category D tower (being more than 200 feet in height) that is less than 2,000 feet from a Category A tower (being more than 50 feet and less than 100 feet in height) and less than 3,000 feet from another Category D tower. The request is for a separation requirement between the proposed new Category D towers and existing towers to be 1,600 feet for a Category A tower and 1,550 feet for a Category D tower. In addition, the proposal requests to waive the separation requirement with respect to towers on the Subject Property to allow two towers on the property with an approximate 600-foot separation.
- d. The communications support facilities used in association with such antennas (Sec. 19-72 (c)): The Conditional Use process allows for the Petitioner to seek a communication support facility that is in the front and exterior rear yards that are greater than ten (10) feet in height or 240 square feet in gross floor area. The request is for support facilities that have a maximum building height of 20 feet and a maximum floor area of 1,500 square feet.

The Petitioner is also requesting approval of a Preliminary Plan and Plat for Butterfield Phase II Subdivision, Unit 5B for a Warehouse, Distribution and Storage Services (3300) use in the form of a data center campus on approximately 32 acres. Improvements to the Data Center Campus will be constructed in three phases. The first phase will include the construction of a 411,000 square foot building, two generator yards (one facing Bilter Road and one facing the Interstate), and two towers with associated communication support facilities. The second phase is for the completion of a utility substation to support the electrical requirements of the data centers. The third phase is a future approximately 153,000 square foot building constructed adjacent to the first building with generator yard facing the western property line.

There are two means of ingress and egress for the Data Center Campus off Bilter Road. The western most entrance will serve as the primary means of ingress/egress and will be a full access. A secondary access point is being proposed towards the eastern edge of the property, which will be limited to a right-in and right-out. This access will be limited to serve as ingress/egress for the public utility substation and egress for any traffic that is not granted access to the secure portion of the data center. This proposed access point is contingent upon approval by the Tollway Authority due to the close proximity of the interstate ramps.

The data center complex will be screened from the surrounding properties in a variety of manners. A 3-foot berm is proposed along a portion of Bilter Road where feasible. The northeast corner of the property and much of the southern and eastern property lines feature detention facilities. The complex will be secured by an 8-foot decorative security fence. In addition, the generator yards will be screened by a 20 -foot wall. The walls will be designed to achieve the noise mitigation rating

required of a noise modeling study. The substation will be screened by a 12 -foot decorative wall as coordinated with ComEd. The rooftop will include equipment screening, but additional noise mitigation measures will be provided if required to comply with the noise modeling study.

While not being approved until Final Plan and Plat, a draft Landscape Plan and Elevations are provided. Views of the buildings and substation are heavily buffered by berms and trees. Elevations are still being coordinated with staff but will incorporate architectural treatments atypical of traditional warehouse or industrial buildings.

The Preliminary Plat shows the subdivision of the property into one lot for the data center and two lots for the associated detention. In addition, per the requirement of ComEd, the Plat shows one lot for the substation and one lot for the detention associated with the substation.

DISCUSSION:

Staff has reviewed the Planned Development District Ordinance petition and have sent comments back to the petitioner on those submittals. The petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances.

In 2015, the owners agreed to restrict certain uses seen as more industrial and heavy truck traffic, including Warehouse, Distribution and Storage Services (3300) use. Since then, the business and retail markets have substantially changed, reducing the market demand. Staff felt that the data center would not be a heavy traffic use and would have little truck traffic compared to other warehouse uses. Staff believes that the Plan Description revision to allow a data center would still adhere to the goal of the 2000s revisions to restrict more industrial and heavy truck uses. Staff worked with the developers to provide heavy buffering to the project through berms, screen walls, and heavy landscaping.

The proposed towers are integral to the development of the site as they will provide all the wireless network colocation space required to interconnect to the data center complex for the foreseeable future. The towers will contain a large number of networks and antennas in a limited space to avoid the proliferation of other smaller towers adjacent to the site. Given the site context along I-88 and the existence of other towers in the area, the proposed towers will not impact public health or general welfare. Per the developer, there are no suitable existing communications facilities, other structures, or alternative technologies which could address the anticipated demand associated with the Data Center Campus. There have been a number of inquiries regarding the installation of new towers in the area; leading staff to believe that, although there are several existing towers in the corridor, there is still a demand for even more connectivity.

Staff has the following comments regarding the Findings of Facts:

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as a vacant property will be developed with a use similar to the existing uses to the east and what the properties to the north are zoned and will have minimal impact on traffic or utilities. The use will bring new jobs and revenue from a property that has sat vacant for more than 50 years.
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 use is similar to surrounding uses. A data center use is a lighter industrial use with less traffic than other industrial uses permitted in the

“Manufacturing Area” of the Butterfield Planned Development.. Other commercial uses have failed to attract the investment necessary to facilitate development of the property. Berming, masonry walls, and heavy landscaping was used to buffer the views from surrounding roads and properties. Development of a data center typically entails significant new private investment in upgrades to utility infrastructure. The ultimate development, results in uniquely high values within a sub-market. These values bolster assessed value and additional investment.

3. The development will not impede the normal and orderly development and improvement of surrounding properties as it is a similar use, it does not create heavy traffic, and is consistent with the trend to create a high-tech corridor, The proposed Data Center Campus represents a low-impact use. The north and west boundaries are both publicly owned and largely encumbered by wetlands. These public wetlands will remain open space in perpetuity, creating a substantial natural buffer on two sides.

4. The proposal will provide adequate utilities, drainage, etc. as the Property is part of the regional system originally constructed as a component of the Butterfield Planned Development District. To accommodate current legal requirements, there are a series of additional stormwater management basins which will handle additional runoff that will be improved with native vegetation. A new Public Utility Electric Substation will be developed as a critical component of the project.

5. The project does provide adequate ingress/egress. The traffic study concludes that the study intersections are projected to adequately accommodate the proposed development.

6. The Conditional Use in all other respects conforms to the applicable regulations of the Butterfield PDD.

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, staff has received public inquiries requesting additional information on this petition and one letter from the DuPage County Forest Preserve that is included in the packet.

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.

11.1 (5) To guide and promote development to areas where public utilities, public roads and municipal services are either available or planned.

12.0 To plan and provide for the growth of the city through the integration of land use patterns and functions that promotes complementary interactions between different land use components.

40.1 (1) To attract and encourage industrial, office and office-research development to planned sites where requisite public facilities are either present or proposed.

40.1 (5) To plan and promote the extension of the office and office-research corridor along the tollway

in the City of Aurora.

40.1 (6) To promote attractive, well-maintained industrial and office-research areas through landscaping and site design..

RECOMMENDATIONS:

The Planning and Zoning Commission recommended APPROVAL of An Ordinance Approving an Amendment to the Plan Description for the Butterfield Planned Development District on 32.08 Acres for the property located at 2725 Bilter Road being south of Bilter Road, west of Eola Road, and north of Interstate 88.

ATTACHMENTS:

EXHIBITS:

Exhibit A - Legal Description

Exhibit B - PDD Amendment

Land Use Petition with Supporting Documents

Legistar History Report

Legistar Number: 24-0384

cc:

Alderman Patty Smith, Chairperson

Alderman Shweta Baid, Vice Chairperson

Alderman Michael B. Saville

Alderman Bill Donnell

Alderman Carl Franco



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____

DATE OF PASSAGE _____

An Ordinance Approving an Amendment to the Plan Description for the Butterfield Planned Development District on 32.08 Acres for the property located at 2725 Bilter Road being south of Bilter Road, west of Eola Road, and north of Interstate 88

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, DuPage Properties Venture as sole beneficiary of Chicago Title Land Trust Company

Trust 43123, is the owner of record of the real estate legally described on Exhibit "A", attached hereto, which property is located at 2725 Bilter Road, being south of Bilter Road, west of Eola Road, and north of Interstate 88 (the "Subject Property"); and

WHEREAS, on Thursday, March 21, 2024, C1 Chicago Aurora III LLC filed with the City of Aurora a petition (the "Petition") requesting approval of an Amendment to the Plan Description for the Butterfield Planned Development District for the Subject Property in the form of Exhibit "B" attached hereto (the "Amendment"), which Amendment has been duly submitted to the Corporate Authorities of the City of Aurora; and

WHEREAS, the Plan Description which governs the Subject Property was originally established with Ordinance O76-4510 approved February 3, 1976 and subsequently modified with Ordinance O09-004 approved on February 3, 2009, Ordinance O15-011 approved on April 28, 2015, and Ordinance OO23-009 approved on February 14, 2023. The Plan Description shall remain in full force and effect except as modified by the Amendment; and

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

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

WHEREAS, the City Council, based upon the recommendation and findings of fact adopted by the Planning and Zoning Commission, finds that the approval of the Amendment for the Subject Property will promote the sound building, zoning and economic development of the City, and will therefore serve the best interests of the 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: That the Amendment, in the form of Exhibit "B" attached hereto is hereby approved.

Section Six: That all modifications and exceptions under the Zoning Ordinance and all modifications

and exceptions from the Subdivision Control, as set forth in the revised Amendment, are hereby granted and approved.