

**PLANNING & ZONING COMMISSION
City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, May 9, 2018 7:00pm**

Meeting Called to Order

Chairman Randy Harker called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Don Marcum-yes, Jeff Olson-yes, Bill Gockman-yes, Reagan Goins-yes, Randy Harker-yes

Absent: Deborah Horaz, Richard Vinyard

City Staff

Krysti Barksdale-Noble, Community Development Director
Jason Engberg, Senior Planner

Other Guests

Chris Vitosh, Depo Court

Greg & Rose Millen, Heritage Cabinetry

Becky Poston, First Midwest Bank

Chad Chahbazi, Project Development/BAP Power/Cenergy

Amendment

Chairman Harker said one item will be added under New Business, that being the appointment of a new Vice-Chairman. So moved by Mr. Marcum and seconded by Mr. Olson.

Roll call: Marcum-yes, Olson-yes, Gockman-yes, Goins-yes, Harker-yes. Carried 5-0

Previous Meeting Minutes April 11, 2018

The minutes were approved as presented on a motion and second by Commissioners Goins and Gockman, respectively.

Roll call: Olson-yes, Gockman-yes, Goins-yes, Marcum-abstain, Harker-yes.

Carried 4-0, 1 abstain

Citizen's Comments None

Public Hearing

- 1. PZC 2018-08 BAP Power Corporation dba Cenergy Power, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval to install and operate a ground mounted community solar field on approximately 9.69 acres of land consisting of roughly 7,000 solar modules with a maximum height of seven**

(7) feet at full tilt. The real property is located in the southeast quadrant of Illinois

Route 71 and Illinois Route 126 within the Windmill Farms Planned Unit Development in Yorkville, Illinois.

Chairman Harker explained the procedure for the Public Hearing and swore in those who would give testimony. On a motion by Mr. Marcum and second by Ms. Goins, the Public Hearing was opened at approximately 7:03pm.

Roll call: Gockman-yes, Goins-yes, Marcum-yes, Olson-yes, Harker-yes. Carried 5-0

(Refer to Court Reporter's Transcript of Testimony)

(The petitioner's responses to the special use shall be entered into the official record)

At approximately 7:30pm the Hearing was closed on a motion by Commissioners Marcum and Goins, respectively.

Unfinished Business None

New Business

2. PZC 2018-08 BAP Power Corporation/Cenergy (see above)

The type of material for the fence was discussed. Chairman Harker said he did not favor a wood fence due to maintenance, but would prefer resin or a wood-look finish. The type of material can be a condition of the Special use. The fence will go around the entire perimeter. Since the property has a slight slope, it was noted that the solar units will be visible at some points from the road, however, the landscape in front will also act as a natural barrier. A cash bond was discussed, however, there is no law requiring one. The petitioner can provide cash, a letter of credit or a bond for a security guarantee.

After discussion, it was decided the following conditions would be added to the motion: resin-like or vinyl-solid fence around the entire property per staff approval.

Action Item

Special Use

Chairman Harker reviewed the six applicable criteria with the Commissioners. A motion was made by Mr. Marcum and seconded by Ms. Goins as follows, to approve the Special Use. Ms. Goins read the motion.....In consideration of testimony presented during a Public Hearing on May 9, 2018 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to construct a freestanding solar energy system (FSES), or solar farm, on a B-3 General Business District zoned property located in the southeast quadrant of IL Route 71 and IL Route 126 within the approved Windmill Farms PUD, as illustrated in Solar Power System Site Layout Plan prepared by Cenergy Power, dated 4-13-18, subject to staff recommendations in a memo dated April 16, 2018 and further subject to a resin-like or vinyl solid fence surrounding the entire perimeter of the freestanding energy system pending city staff approval.

Roll call: Goins-yes, Marcum-yes, Olson-yes, Gockman-yes, Harker-yes. Carried 5-0

3. PZC 2018-12 The Petitioner, Aurora Sign Company, has filed an appeal

with the United City of Yorkville, Kendall County, Illinois, for a new permanent building mounted sign on March 23, 2018 for the commercial structure at 129 Commercial Drive which was denied through the zoning review process. The petitioner is requesting that the interpretation of the Yorkville Zoning Ordinance in regards to its decision on this permit application be reviewed by the Planning and Zoning Commission as stated in Section 10-4-6-A of the Zoning Ordinance.

Greg and Rose Millen, owners of Heritage Cabinetry & Design, were present on behalf of this petition. Mr. Millen explained their involvement and length of time in the community. They decided to move their business sign from the center of the building to the right since they were going to occupy the entire second floor and also moved their entrance to the east side of the building on the second floor. The sign company moved the sign and said the parameters had been met, however, it was moved there with the knowledge that the Planning and Zoning Commission would be considering this item at their meeting.

Rosie Millen said Aurora Sign Co. believes the sign is within the ordinance requirements to relocate. They also provided photos of similar sign situations in Yorkville and cited examples of signs that she said did not meet the parameters. Ms. Noble said that some of the signs Ms. Millen referred to were a part of a PUD at the time or were installed prior to the ordinance changes.

Mr. Millen said the cost to shrink the size of their sign would be about \$5,000 and he said there would be loss of the Heritage brand. He asked about a possible rewrite of the ordinance in the future. Commissioner Olson said the discrepancy is if the 75-foot wall is one wall or 2 walls. Ms. Noble read part of the ordinance for clarification. Chairman Harker suggested moving the letters closer together to touch. Mr. Millen said that would cost about \$2,000 and moving the letters closer together would be a challenge to read at 50mph. He said their sign is a landmark for others in their business co-op.

Ms. Noble said staff will look to PZC for direction and to decide if the code needs to be made more clear. Staff is looking for clarification on the interpretation of the law, if a change is needed in the interpretation, how to address the petitioner and if PZC wants to grant the petitioner relief from the interpretation.

Ms. Noble said the ordinance does not specify architectural differences. She also explained the 75% (no wall signs to extend more than 75% of the width of the building facade to which it is attached) is to allow for some arbitrary leeway. The Commissioners said they would like to see the 75% clarified in the ordinance. A text amendment will be brought to the July meeting.

Action Item

Zoning Appeal

After much discussion a motion was made by Ms. Goins and seconded by Mr. Gockman as follows: In consideration of the proposed Zoning Ordinance Appeal, with information

provided in a staff memorandum dated May 1, 2018, and testimony provided by the

petitioner, the Planning and Zoning Commission approves the petitioner's appeal that their revised building permit application for a wall mounted sign dated April 5, 2018 is allowable.

Roll call: Goins-yes, Marcum-yes, Olson-yes, Gockman-yes, Harker-yes. Carried 5-0

Appointment of Vice-Chairman

4. Chairman Harker said the Commission needed to appoint a new Vice-Chairman annually. A motion was made by Mr. Marcum and seconded by Ms. Goins, to appoint Jeff Olson as the new Vice-Chairman.

Roll call: Marcum-yes, Olson-yes, Gockman-yes, Goins-yes, Harker-yes. Carried 5-0

Additional Business

Ms. Noble said the updates shown on the agenda were all approved except for engineering deposits in relation to the Subdivision Control Ordinance, which will be sent back to EDC for more discussion.

Chairman Harker noted that Jeff Olson and Richard Vinyard have been re-appointed to the PZC for another four years.

Adjournment

There was no further business and the meeting was adjourned at 8:24pm on a motion by Commissioners Marcum and Gockman, respectively.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION MEETING
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, May 9, 2018

7:00 p.m.

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PRESENT:

Mr. Randy Harker, Chairman,
Ms. Reagan Flavin Goins,
Mr. Jeff Olson,
Mr. Bill Gockman,
Mr. Donald Marcum.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director,
Mr. Jason Engberg, Senior Planner,
Ms. Marlys Young, Minute Taker.

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Mr. Jason Engberg, Senior Planner,
Ms. Marlys Young, Minute Taker.

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1 (WHEREUPON, the following
2 proceedings were had in
3 public hearing:)

4 CHAIRMAN HARKER: Moving into the public
5 hearing portion, there are one -- or there is one
6 public hearing for tonight, it's PZC 2018-08,
7 that's scheduled for tonight's Planning and
8 Zoning Commission meeting.

9 The purpose of this hearing is to
10 invite testimony from members of the public
11 regarding the proposed request that is being
12 heard before the Board tonight.

13 Public testimony from persons
14 wishing to speak may be in favor for or against
15 the request or have questions for the petitioner
16 regarding the request being heard.

17 Those persons wishing to testify are
18 asked to speak clearly, one at a time, state your
19 name and who you represent, if anyone. You are
20 also asked to sign in at the podium.

21 So if you plan to speak at tonight's
22 meeting as a petitioner, member of the public,
23 please stand, raise your right hand and repeat
24 after me. Yep, there you go. You guys, mm-hum.

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22 meeting as a petitioner, member of the public,
23 please stand, raise your right hand and repeat
24 after me. Yep, there you go. You guys, mm-hum.

1 Are you going to speak at tonight's hearing?

2 UNIDENTIFIED SPEAKER: No.

3 CHAIRMAN HARKER: Okay.

4 (The witnesses were
5 thereupon duly sworn.)

6 CHAIRMAN HARKER: Okay. So the order
7 that we're going to take the testimony will be
8 the petitioner will do their presentation and
9 then those who want to speak in favor for that
10 request, those that are opposed to the request,
11 and any questions from us to the petitioner.

12 So can I get a motion to open the
13 public hearing on petition number PZC 2018-08?

14 MR. MARCUM: So moved.

15 MS. GOINS: Second.

16 CHAIRMAN HARKER: Roll call vote,
17 please.

18 MS. YOUNG: Gockman.

19 MR. GOCKMAN: Yes.

20 MS. YOUNG: Goins.

21 MS. GOINS: Yes.

22 MS. YOUNG: Marcum.

23 MR. MARCUM: Yes.

24 MS. YOUNG: Olson.

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2 UNIDENTIFIED SPEAKER: No.

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5 thereupon duly sworn.)

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13 public hearing on petition number PZC 2018-08?

14 MR. MARCUM: So moved.

15 MS. GOINS: Second.

16 CHAIRMAN HARKER: Roll call vote,
17 please.

18 MS. YOUNG: Gockman.

19 MR. GOCKMAN: Yes.

20 MS. YOUNG: Goins.

21 MS. GOINS: Yes.

22 MS. YOUNG: Marcum.

23 MR. MARCUM: Yes.

24 MS. YOUNG: Olson.

1 MR. OLSON: Yes.

2 MS. YOUNG: Harker.

3 CHAIRMAN HARKER: Yes.

4 Okay. PZC 2018-08, BAP Power
5 Corporation, doing business as Cenergy Power,
6 petitioner, has filed an application with the
7 United City of Yorkville, Kendall County,
8 Illinois, requesting a special use permit
9 approval to install and operate a ground-mounted
10 community solar field on approximately 9.69 acres
11 of land consisting of roughly 7,000 solar
12 modules with a maximum height of seven feet at
13 full tilt.

14 The real property is located at the
15 southeast quadrant of Illinois Route 71 and
16 Illinois Route 126, within the Windmill Farms
17 Planned Unit Development, in Yorkville,
18 Illinois.

19 Okay. Petitioner?

20 CHAD CHAHBAZI,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. CHAHBAZI: Thank you, Board, for
24 having me here. I appreciate it. I'm Chad

1 MR. OLSON: Yes.

2 MS. YOUNG: Harker.

3 CHAIRMAN HARKER: Yes.

4 Okay. PZC 2018-08, BAP Power
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21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. CHAHBAZI: Thank you, Board, for
24 having me here. I appreciate it. I'm Chad

1 Chahbazi, Director of Project Development for
2 Cenergy Power, here to answer any questions you
3 may have regarding the project.

4 Before we get to that point, just a
5 few points on this project. This is a new
6 program that was passed into law back in December
7 of 2016 by the Illinois Legislature to really
8 spur renewable energy development here in the
9 state of Illinois.

10 It was passed in '16 and then the
11 law went into effect in June of 2017, and the
12 full launch of the program is slated for this
13 fall, and the reason why they called it the
14 Future Energy Jobs Act is because that is also
15 another primary purpose for the program, is to
16 really spur jobs in that sector.

17 The power that we're going to be
18 producing from the system will be sold locally
19 to -- and at a lower rate than what -- For
20 example, it could be the city or residents
21 nearby, also local businesses within the county
22 and city, but our goal is to -- is to have it as
23 local as we can, so that's another benefit, and
24 we've had tremendous positive feedback from most

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22 and city, but our goal is to -- is to have it as
23 local as we can, so that's another benefit, and
24 we've had tremendous positive feedback from most

1 of the communities that we've been in, and we're
2 developing projects all over the -- all over the
3 ComEd territory, so the city of Zion, Du Page
4 Airport, Lake in the Hills, just to name a few.

5 CHAIRMAN HARKER: Excellent. How much
6 power will you like generate?

7 MR. CHAHBAZI: Roughly enough to offset
8 the power needs of 400 homes.

9 CHAIRMAN HARKER: Wow.

10 MR. CHAHBAZI: Yeah, so, it's a two,
11 two-and-a-half megawatt DC, but the AC reading,
12 which is the name plate rating for the system, is
13 two megawatts.

14 So we're -- you know, our approach
15 is not too large, not too small, we call it the
16 Goldilocks approach, so -- and we've developed
17 and built 300 of these projects nationwide, so we
18 have a lot of experience not only developing,
19 but we're also the engineering and construction
20 firm.

21 On the construction side, we're
22 going to try to use as much local labor as we
23 can. We don't fly in, you know, our own crews
24 from other states, we typ -- we think there is

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22 going to try to use as much local labor as we
23 can. We don't fly in, you know, our own crews
24 from other states, we typ -- we think there is

1 plenty of really good resources right here in
2 northern Illinois, and hopefully in Yorkville and
3 the county, so on the engineering side we have 14
4 engineers in-house, but we are also working with
5 some local engineering firms right now, for
6 example, on the environmental side, landscaping,
7 that type of -- that type of thing, the folks
8 that really know the local landscape here, so
9 that's another benefit, is the jobs it's going to
10 create locally.

11 And we're planning to do more. I
12 mean, if this -- if it goes well, you know,
13 we're hoping to do more here in Yorkville, and
14 also -- But we've got to see how it goes I guess
15 with this first project here in the city, so...

16 CHAIRMAN HARKER: Sure. And then this
17 is the Windmill Farms properties?

18 MR. CHAHBAZI: Yes.

19 CHAIRMAN HARKER: This section where
20 you're showing like -- you know, when you've got
21 the number of areas here.

22 MS. NOBLE: Staff created that.

23 CHAIRMAN HARKER: Oh, my bad. Sorry.

24 MS. NOBLE: What was your question? I

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24 MS. NOBLE: What was your question? I

1 can answer it.

2 CHAIRMAN HARKER: I was just thinking
3 like where is the city in this, but this has got
4 to be over here like --

5 MS. NOBLE: Sure. Sure, yeah. Okay.
6 Staff will do an overview of the site specifics.

7 MR. CHAHBAZI: Sure.

8 MS. NOBLE: Roughly about ten years ago
9 the City entered into an agreement with the
10 developer, Jake Land Group, to take on about 300
11 acres of property and redevelop it, and a portion
12 of that was like a 91-acre site for the Windmill
13 Farms, so they went out and they did a plan for a
14 mixed-use development; it was going to have
15 residential, commercial, some high density
16 residential, and then laid out a plan.

17 At that time they only purchased a
18 number of lots, not all of the lots included in
19 the development. They had those lots under
20 contract.

21 Well, after the economy tanked,
22 their whole group went under, and so the
23 properties that they had contracts under didn't
24 go through, so some land was owned by them, which

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21 Well, after the economy tanked,
22 their whole group went under, and so the
23 properties that they had contracts under didn't
24 go through, so some land was owned by them, which

1 eventually went to the bank, and land that was
2 owned by the original property owners held
3 those.

4 So now those property owners are
5 beholding to the agreements and the standards
6 that were put in that place by that PUD
7 agreement, which means there is a property out
8 there on Wheaton Road that wants to build a
9 garage, they cannot build a garbage; there are
10 properties that want to redevelop for other land
11 uses which they can't do. They have to maintain
12 the use or build what was approved on this PUD.

13 The only way the City can repeal
14 that PUD -- because at the time the City did this
15 they were doing PUDs as zoning districts. We no
16 longer do that process to have PUDs as zoning
17 districts, we see them as special uses, so that
18 any time the City has to repeal those uses if
19 situations like this occur, so what we would have
20 to do is have all of the current owners, which
21 are Standard Bank, there's Oswego Church, also
22 known as Restore Church, and a few of the
23 existing original property owners who had their
24 land under contract, come in and agree to the

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21 are Standard Bank, there's Oswego Church, also
22 known as Restore Church, and a few of the
23 existing original property owners who had their
24 land under contract, come in and agree to the

1 repeal of the annexation agreement, so that
2 process is underway.

3 So that's a condition of this
4 project, that they would then have to get that
5 repeal done before they start construction.

6 So on the site itself, they are
7 leasing land from the church. The church
8 bought parcels of -- If you look on that map on
9 the second page, the top is what was originally
10 planned there. That's what the annexation
11 agreement says has to be in that development,
12 that PUD.

13 So where this project falls is the
14 church came in and purchased Lots 8, 12 and 13.
15 So if you look on that chart with the numbers,
16 the church has purchased 8, 12 and 13.

17 Now, there is an existing building
18 I believe on Lot 12, which is where -- that's
19 where they're going to have their church
20 facility, and then this particular owner is going
21 to locate on a portion of 13.

22 So if you can kind of compare what
23 it looks like on this site, that wouldn't have
24 been appropriate in the existing annexation

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22 So if you can kind of compare what
23 it looks like on this site, that wouldn't have
24 been appropriate in the existing annexation

1 agreement, so we're amending that.

2 So where they fall in the underlying
3 zoning would be a business district, and these
4 types of uses are permitted in the business
5 district as special uses, so they are moving
6 forward with the plan, so they're going to lease
7 out that land from the church. Their lease is
8 25 years?

9 MR. CHAHBAZI: It's a 21-year lease --

10 MS. NOBLE: 21 years.

11 MR. CHAHBAZI: -- with two five-year
12 options to extend.

13 MS. NOBLE: So they would have that
14 option to continue that use on the site if the
15 special use is granted.

16 So when we adopted this zoning code
17 update in 2014, November, 2014, we included
18 standards for these types of alternative energy
19 systems.

20 Initially we didn't have any
21 standards, they were just a blanket special use
22 with no guidance, so we created some guidances
23 for free-standing solar energy systems, which
24 this is, so a big portion of that is the height,

1 agreement, so we're amending that.

2 So where they fall in the underlying
3 zoning would be a business district, and these
4 types of uses are permitted in the business
5 district as special uses, so they are moving
6 forward with the plan, so they're going to lease
7 out that land from the church. Their lease is
8 25 years?

9 MR. CHAHBAZI: It's a 21-year lease --

10 MS. NOBLE: 21 years.

11 MR. CHAHBAZI: -- with two five-year
12 options to extend.

13 MS. NOBLE: So they would have that
14 option to continue that use on the site if the
15 special use is granted.

16 So when we adopted this zoning code
17 update in 2014, November, 2014, we included
18 standards for these types of alternative energy
19 systems.

20 Initially we didn't have any
21 standards, they were just a blanket special use
22 with no guidance, so we created some guidances
23 for free-standing solar energy systems, which
24 this is, so a big portion of that is the height,

1 and they are proposing an overall height for
2 seven feet for those panels, so they will have
3 7,000 individual modules.

4 Can you tell us the size of a
5 typical module?

6 MR. CHAHBAZI: Yeah, typically -- and
7 it's only seven feet at its highest point --

8 MS. NOBLE: At its highest point.

9 MR. CHAHBAZI: -- so it slowly moves
10 from east to west via the single-access traffic
11 system, so it's almost like watching paint dry.
12 You know, you're really -- you don't really see
13 them move unless you start out in the morning
14 they are facing east, you come out during the
15 middle of the day and they are flush with the
16 sun, you know, in the summertime, as an example,
17 and then at its highest point, it's seven feet.
18 So I am six-foot-four, so, you know, that's the
19 highest point, when it's at an angle, it's seven
20 feet.

21 There is days -- there is times
22 throughout the day where it's, you know, three to
23 four feet, yeah.

24 MS. NOBLE: So the clearance underneath

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2 seven feet for those panels, so they will have
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22 throughout the day where it's, you know, three to
23 four feet, yeah.

24 MS. NOBLE: So the clearance underneath

1 the lowest portion at full tilt they are
2 proposing to be about three feet?

3 MR. CHAHBAZI: That's correct. So there
4 is three or four feet of clearance before you
5 even get to the panel.

6 MS. NOBLE: When we originally did the
7 zoning code update, there was a recommendation
8 from a professional who came in and talked with
9 the Zoning Commission and said that you should
10 look at having a minimum of ten foot as a
11 clearance underneath, especially if you're going
12 to have these facilities out in public, you don't
13 want children climbing on them or, you know,
14 vandalized, so that's what we did.

15 But in this situation, because it's
16 so remote and it's so inaccessible from, you
17 know, pedestrian traffic or regular, we felt that
18 it was (A), appropriate for the height to be
19 lowered, which is that clearance, and we also
20 felt that it was more visually pleasing because
21 the fencing that they are providing is going to
22 be at the same height or higher than what the
23 panels are.

24 There was standards with regard to

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24 There was standards with regard to

1 glare; there was concerns that these panels tend
2 to, you know, ricochet light, which is kind of
3 counter-intuitive to what they do because they
4 capture light, but we had to address that in the
5 ordinance for some people who think that that is
6 what occurs, and you can tag on and explain about
7 glare.

8 MR. CHAHBAZI: Yeah, so on the spectrum
9 of glare, it's basically like water. Like Miss
10 Noble mentioned, the main purpose of the panel is
11 to absorb the light, not to reflect it, so we
12 have the largest airport solar project in North
13 America at the Indianapolis International
14 Airport, basically next door, and that's 80 acres
15 solar, and it's right next to the runway, so, you
16 know, FAA is okay with it, there is no glare from
17 the panels, or very little glare, so...

18 MS. NOBLE: But to address that concern,
19 because there is a residential home not too far
20 as well as a business, we asked that they provide
21 some type of buffer to show us that that would
22 not be an issue with respect --

23 MR. OLSON: Landscape buffer?

24 MS. NOBLE: Well, landscape buffer, but

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22 not be an issue with respect --

23 MR. OLSON: Landscape buffer?

24 MS. NOBLE: Well, landscape buffer, but

1 just a distance buffer, and so the nearest
2 building to the solar racking system is about
3 110 foot away and the nearest roadway is about
4 140 feet, so we don't anticipate having an issue
5 with it. There is minimum glare associated with
6 it.

7 MR. OLSON: They did their job.

8 MS. NOBLE: They did. Fencing; again,
9 that's one of the recommendations, to have
10 fencing around these systems to protect from
11 vandalism.

12 MR. CHAHBAZI: It's also NEC code,
13 so -- National Electric Code.

14 MS. NOBLE: Correct.

15 MR. CHAHBAZI: Basically we have to have
16 fencing around the system, so...

17 MS. NOBLE: Yes. Yes.

18 MR. OLSON: Could we make a wood fence
19 recommendation or --

20 MS. NOBLE: We can, absolutely can. So
21 the standard for that district and this type of
22 use is chain link is permitted, but it would be a
23 vinyl coated chain link fence in the rear and
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1 MR. OLSON: So stop me if I am wrong.

2 MS. NOBLE: Sure.

3 MR. OLSON: The Comprehensive Plan,
4 would that be like estate lots, kind of big
5 stuff, which I think is fine, if they put the
6 nice fence out there and landscape buffer, nobody
7 is going to know the difference around there, but
8 I would think that would be a requirement to have
9 a nicer berm --

10 MS. NOBLE: Sure.

11 MR. OLSON: -- between there to kind of
12 differentiate.

13 MS. NOBLE: That's something that the
14 committee can consult -- commission can discuss.

15 What staff has proposed -- because
16 it's standard, they have to be underneath the
17 regular code, this is a special request, this is
18 a special use, is that they do provide the solid
19 wood fence along the northern perimeter, and the
20 northern perimeter is that area that you may see
21 off of 71, may not see, and the reason we did
22 that is in addition to some landscape buffering
23 around the southern fence line, which is the
24 fence line that you definitely see off of 126

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24 fence line that you definitely see off of 126

1 behind the landscaping business and -- you won't
2 see as much from the home because that home has
3 that dense row of trees there, there is not room
4 to put any additional landscaping, we thought
5 that would be an adequate amount of buffering.

6 MR. OLSON: Someday across from that
7 beautiful farm is going to be a sprawling
8 gorgeous subdivision. I'm sure they would
9 appreciate not being able to see the fence.

10 MS. NOBLE: There you go.

11 MR. CHAHBAZI: What we've done in the
12 past on the fencing is we've had the slatted,
13 but -- so it would be --

14 MR. OLSON: Slats in the --

15 MR. CHAHBAZI: Yeah, so we can also do
16 that type of -- it's actually -- looks pretty
17 nice. I've seen some of the examples that we've
18 done on other projects.

19 MR. OLSON: How does the fence get
20 approved? Does the City --

21 MS. NOBLE: Yes. And so the requirement
22 is the basic, which is the chain link vinyl
23 coated fence.

24 MR. OLSON: If we want to make that a

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2 MS. NOBLE: You make that a condition of
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4 MR. OLSON: How do we determine what
5 type of fence?

6 MS. NOBLE: There are permitted types of
7 wood fencing already in the code, so you can just
8 require them to meet the standard of the existing
9 wood fence.

10 And there was something that was
11 mentioned, that was brought up during the Plan
12 Council review, was that they typically don't
13 like solid fencing because they need as much of
14 the sunlight for this project to work, so if
15 there is a lot of solid fencing, it may obstruct
16 some of that sunlight.

17 MR. CHAHBAZI: Yeah. Yeah. That's the
18 only thing I would just mention, is about
19 potential shading issues. Would it be --

20 MR. OLSON: It's on the north side.

21 CHAIRMAN HARKER: Well, that wouldn't --
22 no.

23 MS. NOBLE: Well, that's what Staff
24 recommended, the north side, but you were talking

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22 no.

23 MS. NOBLE: Well, that's what Staff
24 recommended, the north side, but you were talking

1 about the side -- the side and the rear portion
2 of it?

3 MR. OLSON: I wouldn't want any side
4 which might be a future subdivision boundary.

5 MS. NOBLE: Okay. That would be the
6 north side.

7 MR. CHAHBAZI: The ordinance I think
8 allows for -- I think there is like different
9 types of fencing that you guys have allowed in
10 the ordinance itself, correct?

11 MS. NOBLE: Correct.

12 MR. CHAHBAZI: Is there a way we can
13 keep that flexible? Just because I know there is
14 also a major cost difference between solid wood
15 versus like the vinyl coated.

16 MR. OLSON: I've never seen a chain link
17 fence with those slats in it that I thought looks
18 nice. Maybe you've got something that's better
19 that I haven't seen before.

20 MR. CHAHBAZI: Yeah. We're also doing
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2 just have some flexibility with the approval of
3 the City, you know, we'd be happy to explore all
4 the options that are available.

5 MR. OLSON: Am I barking up the wrong
6 tree?

7 CHAIRMAN HARKER: No, but I'm just going
8 to -- As far as the shading goes, if you're --
9 how close can you put the fence to the line?

10 On the plan here it's shows like a
11 40-foot setback before you get to your -- you
12 know, your field of panels.

13 MR. CHAHBAZI: Yeah, sure.

14 CHAIRMAN HARKER: I mean, you know, if
15 you were -- if your fence was 20 feet away from
16 those panels and it was seven feet high, or eight
17 feet high, it's not going to shade it.

18 MR. CHAHBAZI: Yeah. I mean,
19 typically -- I'll just -- I mean, Typically on
20 like 95 percent of our -- or I would say 98
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22 chain link fence because that's just our
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2 MR. OLSON: I've lived here 35 years.

3 MR. CHAHBAZI: Yeah, yeah. No,
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5 have a little bit of flexibility to work with you
6 guys on that just because I know there is --
7 having gone through the back end of these
8 projects, I know there is a huge difference.

9 It's a large number when you're
10 talking about solid wood versus chain link.

11 MR. OLSON: Over a 21-year lease, it
12 really isn't that much.

13 MR. CHAHBAZI: The difference is
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16 MS. NOBLE: Is there a difference in a
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19 MR. CHAHBAZI: Yeah, or even like
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3 CHAIRMAN HARKER: Yeah, I would be, just
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5 MR. CHAHBAZI: Yeah, because I just got
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7 versus like wrought iron is another one, when you
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12 CHAIRMAN HARKER: I think when we get
13 into the portion -- you know, our deliberation
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15 what I mean? But yeah, for sure.

16 MS. CHAHBAZI: Okay. Great. Thank you.

17 MS. NOBLE: The next criteria in the
18 Zoning Ordinance is that these types of uses are
19 accessory to a primary use, so this use will
20 never be the primary use of the lot, it will be
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5 MR. CHAHBAZI: And I would just add in
6 addition to that, they are planning to buy the
7 power from the project as well. They have a
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10 several times already, so...

11 CHAIRMAN HARKER: It makes sense.

12 MS. NOBLE: Right.

13 MR. CHAHBAZI: Yeah, and our goal, you
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15 we have talked about calling it the Restored
16 Yorkville -- or Restored Yorkville Community
17 Solar Project, kind of brand the project as a
18 community project that both takes into account
19 the city as well as the land owner.

20 CHAIRMAN HARKER: Cool.

21 MS. NOBLE: And then it talks about
22 signage. Again, there is a maximum size for
23 signage. We don't want a lot of commercial
24 signage on this in there, we want to adhere to

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4 ComEd, because they have to have some back-up
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6 will be connecting to ComEd services?

7 MR. CHAHBAZI: That's correct. We have
8 already filed your connection application and we
9 have provided Miss Noble with the receipt of
10 that, so...

11 MS. NOBLE: And it's in your packet as
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13 And then the final area that we have
14 is the abandoned systems kind of requirement.
15 Some of these units do not make it through their
16 lifetime of the lease, or, if they do make it
17 through the lifetime of the lease, the property
18 owner does not maintain them, so we are
19 requesting that the petitioner provides a
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2 MR. CHAHBAZI: And that's very standard.
3 We are doing that with a number of other
4 jurisdictions. It's a decommissioning plan and a
5 bond deposit or security deposit like Miss Noble
6 mentioned, so we're fine with that.

7 MR. MARCUM: That's what I was
8 wondering. Are you talking about posting a bond
9 or actually putting up cash?

10 MR. CHAHBAZI: We can do both. You
11 know, we can do both.

12 MS. NOBLE: It could be a bond.

13 MR. CHAHBAZI: As long as it's
14 reasonable, you know, so we could do both.

15 MS. NOBLE: The City technically -- Oh,
16 I'm sorry.

17 MR. CHAHBAZI: Yeah, I was just going to
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1 project, they have step-in rights to come in and
2 make sure the system is operating, so they have
3 motivation, you know, to make sure that the
4 system is operating, and then to go back to
5 actual decommissioning, it's actually, believe it
6 or not, I mean, for people in this industry, it's
7 fairly straightforward. You disconnect the
8 system, you take the wiring cables out of the
9 ground, and then you basically walk the panels
10 off the property and remove the racks, and it's a
11 four to six-week process, so -- and we put the
12 system back in basically its original -- meaning
13 the site back in its original condition, so it's
14 a fairly straightforward process to decommission
15 and so that's why we're pretty comfortable with
16 any sort of decommissioning plan that we have to
17 enter into, or even a bond.

18 MS. NOBLE: And the final component of
19 that is we're asking for a blanket easement over
20 the property where this will be located so that
21 if it does come down to the City having to
22 decommission it, we have the right to do it.
23 Those are the recommendations.

24 There is engineering review from EI

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1 that's in your packet, standard, it just talks
2 about the things that will happen in the site
3 plan review process. We ask that that be a
4 condition of their special use as well.

5 MR. CHAHBAZI: We're really excited
6 about it. I mean, Miss Noble has been great to
7 work with; I just have to say she is tough, but
8 very fair, so -- and, you know, we think this is
9 going to be a great project.

10 I know the church is very excited as
11 well. I just spoke with the president, so they
12 are very excited about this project.

13 CHAIRMAN HARKER: Excellent. What's the
14 typical life span of those panels?

15 MR. CHAHBAZI: Actually that's why we
16 have the --

17 CHAIRMAN HARKER: 50 to 75 years, or are
18 they done at 25?

19 MR. CHAHBAZI: Well, let's just put it
20 this way. So I just read an article where the
21 original Arco PV panels that came out in the
22 early 80's, it's the PV technology that's been
23 out in space since the 1960's, 1950's, 60's, so
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24 it's tried and true technology.

1 The panels that came out were really
2 small compared to the ones now today, they plug
3 them in and they are still producing at 70 to
4 80 percent, so -- and that's like from the early
5 80's, so, I mean, these systems, you know, it's
6 straight photovoltaic technology, at Year 25 they
7 are producing at 80 percent.

8 They are actually warrantied -- the
9 panel manufacturers warranty the production at
10 80 percent, so -- by year 2025, so if it's not
11 producing at that, they will replace the module,
12 so these systems can last quite a while, and
13 there is incentive to, you know, make sure they
14 are operating beyond the 21-year initial lease,
15 so, you know, so I guess that's my answer for
16 you.

17 MR. OLSON: The only paved area or
18 unpaved areas are the gravel access roads --

19 MR. CHAHBAZI: Yes, yes.

20 MR. OLSON: -- around it, correct?

21 MR. CHAHBAZI: And that's just so that
22 our service trucks, they'll come in a couple
23 times a year, they'll check the system, just make
24 sure it's operating, they'll check the -- you

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1 know, the single access tracker.

2 MR. OLSON: And there is a gate big
3 enough that a fire truck could get back there?

4 MR. CHAHBAZI: We would accommodate
5 that. We have to do that for other projects.

6 Usually it's a 20-foot access road,
7 so that's not -- and we usually have
8 turn-arounds, so if that works for the fire
9 department. A lot of those issues we work out
10 during the permitting process of the project,
11 so...

12 MS. NOBLE: And they provide comments
13 during the Plan Council meeting on that issue.

14 MR. MARCUM: I'm not a science guy, so
15 I'm about to ask a stupid question.

16 MR. CHAHBAZI: Sure.

17 MR. MARCUM: But I don't mind --

18 MR. CHAHBAZI: I don't mind answering
19 it.

20 MR. MARCUM: You said it doesn't make
21 much noise.

22 MR. CHAHBAZI: No.

23 MR. MARCUM: What -- I mean, I don't
24 know why any noise, a buzz or a hum or something.

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3 access tracker essentially when it moves from
4 east to west makes very -- it's basically -- you
5 wouldn't be able to hear it if you're like, let's
6 say 50 feet away. It's very minor, minor noise.

7 And then the transformer, there is a
8 transformer there on-site, so it's just like the
9 transformers that you have next to your house,
10 you know, there is a little bit of like humming,
11 a humming noise, but other than that, it doesn't
12 make any noise. That's why we say very minimal.

13 MR. MARCUM: Because I've done work with
14 windmills before --

15 MR. CHAHBAZI: Yeah.

16 MR. MARCUM: -- and they always said,
17 oh, yeah, it makes no sound, but then you hear
18 nothing but complaints about how loud it is --

19 MR. CHAHBAZI: Oh, yeah, no, it's --

20 MR. MARCUM: -- whacking the birds and
21 all that stuff.

22 MR. CHAHBAZI: It's not like that at
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2 MR. MARCUM: You'd be wasting your
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4 MR. CHAHBAZI: So, I mean, it's very
5 low.

6 CHAIRMAN HARKER: Okay. Anybody else
7 have any questions for right now?

8 (No response.)

9 MS. NOBLE: The applicant did provide
10 their responses to the special use standards. I
11 would like to enter that into the record.

12 You are okay with that?

13 MR. CHAHBAZI: Sure.

14 CHAIRMAN HARKER: Anybody else? No?

15 (No response.)

16 MR. CHAHBAZI: I thank you for your
17 time. I am happy to answer any questions from
18 the audience as well, so -- thank you. Thank
19 you.

20 CHAIRMAN HARKER: Okay. Thank you.

21 Do we have anybody that would like
22 to speak in favor of the request that's being
23 heard?

24 (No response.)

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CHAIRMAN HARKER: None. Anybody
opposed?

(No response.)

CHAIRMAN HARKER: None. Okay. We don't
have any more questions, so can I have a motion
to close out of the public hearing on Public
Hearing PZC 2018-08?

MR. MARCUM: So moved.

MS. HORAZ: Second.

CHAIRMAN HARKER: Excellent. All right.
Thank you.

(Which were all the
proceedings had in the
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2) SS.
3 COUNTY OF LASALLE)

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
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Christine M. Vitosh, CSR
Illinois CSR No. 084-002883

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