

PLANNING & ZONING COMMISSION

**City Council Chambers
651 Prairie Pointe Drive, Yorkville, IL
Wednesday, March 13, 2024 7:00pm**

Meeting Called to Order

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

Roll Call

Reagan Goins-yes, Greg Millen-yes, Ryan Forristall-yes, Richard Vinyard-yes, Danny Williams-yes

Absent: Rusty Hyett

City Staff

Krysti Barksdale-Noble, Community Development Director
Sara Mendez, Planner I

Other Guests

Lynn Dubajic Kellogg, City Consultant
Chris Vitosh, Vitosh Reporting Service

Previous Meeting Minutes February 14, 2024

Motion by Mr. Williams and second by Ms. Goins to approve the minutes as presented.
Roll call: Goins-yes, Millen-yes, Forristall-yes, Vinyard-yes, Williams-yes Carried 5-0.

Citizen's Comments None

Public Hearings

1. **PZC 2024-06 United City of Yorkville**, petitioner, is proposing to amend Section 10-4-13 Alternative Energy Use Standards regarding solar farms of the Yorkville Unified Development Ordinance. The proposed text amendment provides additional regulations requiring a minimum distance of one-thousand feet (1,000') from the nearest solar array to a major corridor and the Fox River. Additional minor proposed text amendments include typographical errors, clarification regarding solar glare, proof of utility service provider and easement requirements.

Chairman Vinyard explained the procedure for the Public Hearing and hearing testimony.

A motion was made and seconded by Mr. Williams and Ms. Goins, respectively, to open the Public Hearing at approximately 7:02pm. Roll call: Goins-yes, Millen-yes, Forristall-yes, Vinyard-yes, Williams-yes. Carried 5-0.
Mr. Vinyard read the Hearing description.

(See Court Reporter's Transcript of Hearing)

At approximately 7:10pm a motion was made by Mr. Williams and seconded by Ms. Goins to close the Public Hearing. Roll call: Millen-yes, Forristall-yes, Vinyard-yes Williams-yes, Goins-yes. Carried 5-0.

Unfinished Business None

New Business

1. PZC 2024-06 United City of Yorkville (same as description above)

Ms. Noble added that the buffer lines and transmission line information for ComEd are included in the agenda packet. Mr. Williams asked if a variance will be needed for the panels that are located about 900 feet off-site. Ms. Noble said they will not need a variance, there is a Special Use in place.

Action Item

Text Amendment

A motion was made by Mr. Williams and seconded by Ms. Goins to approve PZC 2024-06. Motion: In consideration of testimony presented during a Public Hearing on March 13, 2024 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council of a request to amend 10-4-13 Alternative Energy Use Standards regarding solar farms of the Yorkville Unified Development Ordinance as presented in a staff memorandum dated March 1, 2024. Roll call: Forristall-yes, Vinyard-yes, Williams-yes, Goins-yes, Millen-yes. Carried 5-0.

Additional Business

1. City Council Action Updates

a. PZC 2024-04 United City of Yorkville, petitioner, is proposing to amend the Yorkville Comprehensive Plan, including a modified future land use map, pursuant to Section 11-12-7 of the Illinois Municipal Code (65 ILCS 5/11-12-7) and Section 9-1-1 of the Yorkville City Code. The proposed amendment adds sections of the Future Land Use – Map Addendum to reclassify the property located at Cannonball Trail and south of Galena Road from “Estate Conservation/Residential” to a land use designation of “Agricultural Zone (AZ)”. The request will also amend the property located at the southeast corner of US Route 34 and Sycamore Road from the “Neighborhood Retail (NR)” to the “Mid-Density Residential (MDR)” land use category. The changes are a result of rezoning approvals made by the City Council in calendar year 2023.

Action Item

Text Amendment

Adjournment

There was no further business and the meeting was adjourned at 7:12pm on a motion by Mr. Williams, seconded by Ms. Goins. Unanimous voice vote approval.

Respectfully submitted by Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

651 Prairie Pointe Drive
Yorkville, Illinois

Wednesday, March 13, 2024
7:00 p.m.

PRESENT: (In-person and via Zoom.)

Mr. Rich Vinyard, Chairman,

Ms. Reagan Goins,

Mr. Danny Williams,

Mr. Greg Millen,

Mr. Ryan Forristall.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director;

Ms. Sara Mendez, Planner;

Ms. Marlys Young, Minute Taker.

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

4 CHAIRMAN VINYARD: There is one public
5 hearing scheduled for tonight's Planning and
6 Zoning Commission meeting. The purpose of this
7 hearing is to invite testimony from members of
8 the public regarding the proposed request that is
9 being considered before this Commission tonight.

10 Public testimony from persons
11 present who wish to speak may be for or against
12 the request or ask questions of the petitioner
13 regarding the request being heard.

14 Those persons wishing to testify are
15 asked to speak clearly, one at a time, and state
16 your name, who you represent. You are also asked
17 to sign in at the podium.

18 If you plan to speak during
19 tonight's public hearing as a petitioner or as a
20 member of the public, please stand and raise your
21 right hand. We are going to skip that since we
22 have nobody. Very good.

23 All right. The order for receiving
24 testimony during a public hearing will be as

1 follows: The petitioner presentation; those who
2 wish to speak in favor of the request; and those
3 who wish to speak in opposition of the request.

4 So may I have the motion to open
5 public hearing on Petition Number PZC 2024-06,
6 United City of Yorkville for a text amendment to
7 Unified Development Ordinance?

8 MR. WILLIAMS: So moved.

9 MS. GOINS: Second.

10 CHAIRMAN VINYARD: Roll call on the
11 vote, please.

12 MS. YOUNG: Yes. Goins.

13 MS. GOINS: Yes.

14 MS. YOUNG: Millen.

15 MR. MILLEN: Yes.

16 MS. YOUNG: Forristall.

17 MR. FORRISTALL: Yes.

18 MS. YOUNG: Vinyard.

19 CHAIRMAN VINYARD: Yes.

20 MS. YOUNG: And Williams.

21 MR. WILLIAMS: Yes.

22 CHAIRMAN VINYARD: Okay. The public
23 hearing up for discussion tonight is as follows:
24 The United City of Yorkville, petitioner, is

1 proposing to amend Section 10-4-13, Alternative
2 Energy Use Standards regarding solar farms of the
3 Unified -- or Yorkville Unified Development
4 Ordinance.

5 The proposed text amendment provides
6 additional regulations requiring a minimum
7 distance of 1,000 feet from the nearest solar
8 array to a major corridor and the Fox River.
9 Additional minor proposed text amendments include
10 typographical errors, clarification regarding
11 solar glare, proof of utility service provider,
12 and easement requirements.

13 Is the petitioner for PZC 2024-06,
14 the United City of Yorkville, ready to present?

15 MS. NOBLE: Yes, I am. Okay. So
16 tonight's request stems from feedback that Staff
17 received from the EDC back in September. We had
18 a proposal for a solar location that was very
19 close to a major right-of-way and there was
20 discussion among the members that this may not be
21 a suitable location for solar. They did not deny
22 the request; the request has yet to move forward.

23 So at that meeting Staff asked that
24 further direction or just some discussion be had

1 by the members of the Council to determine if
2 they had any specific preferences on regulations
3 for a solar field, so out of that discussion in
4 September, Staff came back in January and we did
5 some research and we found that there are some
6 planning advisory articles with recommendation on
7 parameters for large scale solar developments, so
8 some of those recommendations included either
9 capping the maximum acreage or density for those
10 types of facilities in a community, locating
11 those solar farms outside of high growth areas or
12 areas proposed for potential commercial
13 development or residential development, you know,
14 i.e., doing a setback buffer from roadways, or
15 minimizing the impact to viewshed, so requiring
16 another distance from something that has a
17 significant environmental feature or a line of
18 sight of a resource.

19 So the EDC at the January meeting
20 decided on three recommendations to amend our
21 ordinance. One was to require a minimum distance
22 of 1,000 feet from the nearest solar array to a
23 major roadway, so it's not from the property line
24 to the roadway, but from the near -- from the

1 nearest solar panel to the roadway, so what you
2 can see visually.

3 They also made a recommendation of a
4 1,000 foot buffer between the nearest solar array
5 and the Fox River because that is a scenic
6 amenity in the city, and then they also
7 recommended to cap all solar farms within the
8 city to five.

9 So the City Attorney reviewed the
10 request. She had no issues with the minimum
11 distance requirements, but she did give an
12 opinion regarding capping the total number of
13 solar arrays -- solar farms in the city.

14 She felt that even though there was
15 no current case study that proved that cities or
16 municipalities can't cap, she felt that it would
17 be problematic restricting a specific land use in
18 that sense without any solid justification as
19 compared to any other land use, so Staff is not
20 recommending in this version of the text
21 amendment to cap those solar fields to five in
22 the city.

23 Just for everyone's reference, we
24 had about eight or nine solar field either

1 requests or petitions come into the city. Three
2 so far have been approved. One is working its --
3 actually two are working their way through the
4 approval process, so if we did cap, those would
5 be the only five at this point, but there is
6 still some inquiries from the other projects, but
7 based on what we have recommended, the three
8 solar fields that were approved, all three would
9 meet the minimum setback requirements. I'm
10 sorry, two to meet those minimum setback
11 requirements, one would be the Kendall County
12 campus, the court campus, the GRE solar field,
13 which is about 900 feet from U.S. 34, so the
14 recommendation was 1,000 feet. Again, that was
15 our first development that was approved in the
16 city.

17 So the proposed text amendment in
18 addition to the two buffer distance requirements,
19 we also are proposing to correct some
20 typographical and grammatical errors, clarifying
21 regulations regarding solar and requiring proof
22 of utility service provider and a blanket
23 easement, and then just generally I'll go through
24 those.

1 We are recommending changing the
2 title from 10-4-13 A2, from Alternative Energy
3 Systems to Solar and Wind Farms. It's just to
4 clarify that only commercial scale solar and wind
5 are required to be an accessory use to a
6 principal permitted use, whereas individual solar
7 or wind turbines can be a permitted principal use
8 on the lot.

9 We are adding a clause that ensures
10 that any solar farm that is proposing to go on
11 the city already have a local electric utility
12 contact, so that they have an agreement already
13 set up; therefore, we know that the actual
14 development is viable to connect to existing
15 electrical lines.

16 Then we talk about specific language
17 for solar glare. There is language that exists
18 in other sections of the ordinance, but not
19 specifically for solar farms, so we felt that
20 that was just an inadvertent oversight in the
21 combining of the former ordinance and the current
22 one for UDO, so we are just correcting that, and
23 the last one is a blanket easement.

24 Right now it is a Staff

1 recommendation that there is a blanket easement
2 over solar fields, and the only reason why we do
3 that is if at any time the field is abandoned, we
4 have a bond in place, but if we don't have right
5 of entry onto the property, we can't then
6 decommission the solar panel, so right now we
7 haven't had any pushback by anyone, just making
8 it a Staff recommendation, but we felt it would
9 be stronger if it's codified.

10 CHAIRMAN VINYARD: Condition of the
11 bond?

12 MS. NOBLE: Correct. Exactly. So Staff
13 is recommending and supportive of these changes
14 to the UDO for alternative energy standards, use
15 standards. If anyone has any questions, I am
16 available to answer them.

17 CHAIRMAN VINYARD: All right. Is there
18 anyone present who wishes to speak in favor of
19 the request, or by Zoom?

20 (No response.)

21 CHAIRMAN VINYARD: Anyone present who
22 wants to speak in opposition of the request?

23 (No response.)

24 CHAIRMAN VINYARD: Any questions from

1 the Commissioners?

2 MR. WILLIAMS: None.

3 CHAIRMAN VINYARD: Dan?

4 MR. WILLIAMS: Sorry, none at this at
5 this time.

6 CHAIRMAN VINYARD: Since all public
7 testimony has been taken, may I have a motion to
8 close the taking of testimony in this public
9 hearing?

10 MR. WILLIAMS: So moved.

11 MR. MILLEN: Second.

12 CHAIRMAN VINYARD: Roll call vote on the
13 motion, please?

14 MS. YOUNG: Yes. Millen.

15 MR. MILLEN: Yes.

16 MS. YOUNG: Forristall.

17 MR. FORRISTALL: Yes.

18 MS. YOUNG: Vinyard.

19 CHAIRMAN VINYARD: Yes.

20 MS. YOUNG: Williams.

21 MR. WILLIAMS: Yes.

22 MS. YOUNG: And Goins.

23 MS. GOINS: Yes.

24 MS. YOUNG: Thank you.

1 CHAIRMAN VINYARD: The public hearing
2 portion of tonight's meeting is closed.

3 (Which were all the proceedings had
4 in the public healthcare portion
5 of the meeting.)

6 ---o0o---

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF LASALLE)

3 I, CHRISTINE M. VITOSH, a Certified
4 Shorthand Reporter of the State of Illinois, do
5 hereby certify:

6 That previous to the commencement
7 of any testimony heard, the witnesses were duly
8 sworn to testify the whole truth concerning the
9 matters herein;

10 That the foregoing public hearing
11 transcript, Pages 1 through 14, was reported
12 stenographically by me by means of machine
13 shorthand, was simultaneously reduced to
14 typewriting via computer-aided transcription
15 under my personal direction, and constitutes a
16 true record of the testimony given and the
17 proceedings had;

18 That the said public hearing was taken
19 before me at the time and place specified;

20 That I am not a relative or employee or
21 attorney or counsel, nor a relative or employee
22 of such attorney or counsel for any of the
23 parties hereto, nor interested directly or
24 indirectly in the outcome of this action.

1 I further certify that my certificate
2 attached hereto applies to the original
3 transcript and copies thereof signed and
4 certified under my hand only. I assume no
5 responsibility for the accuracy of any reproduced
6 copies not made under my control or direction.

7 IN WITNESS WHEREOF, I do hereunto set my
8 hand at Leland, Illinois, this 18th day of March,
9 2024.

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11
12 */s/ Christine Vitosh*

13 CHRISTINE M. VITOSH,
14 C.S.R. Certificate No. 084-02883.
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Vitost. Reporting Service

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Vitosi Reporting Service

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