

PLANNING & ZONING COMMISSION

City Council Chambers

651 Prairie Pointe Drive, Yorkville, IL

Wednesday, September 11, 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

Danny Williams-yes, Ryan Forristall-yes, Rusty Hyett-yes, Greg Millen-yes, Richard Vinyard-yes

Absent: Marge Linnane

Chairman Vinyard asked for a moment of silence to remember those who died or were injured during the September 11th, 2001 event, 23 years ago. He also noted that the country came together at this time and he encouraged everyone to focus on what we all have in common, rather than our differences.

City Staff

Krysti Barksdale-Noble, Community Development Director

Sara Mendez, Planner I

Megan Lamb, City Attorney

Other Guests

Lynn Dubajic Kellogg, City Consultant

Chris Vitosh, Vitosh Reporting Service

Dan Kramer, Attorney

Matt Asselmeier, Kendall County PBZ

Matt Walsh, Yorkville Renewables

Lauren Hillis, Atwell, LLC

Leo Phillipp, Landowner

Dan Nagel, Landowner

Justin Crable, Atwell, LLC

Previous Meeting Minutes August 14, 2024

Motion by Mr. Millen and second by Mr. Hyett to approve the minutes as presented.

Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes. Williams-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Chairman Vinyard explained the procedure for the Hearing and taking of the testimony and then swore in those persons who planned to present testimony during the Hearing.

Mr. Vinyard asked for a motion to open the Public Hearings. So moved and seconded by Mr. Williams and Mr. Forristall respectively, at approximately 7:04pm. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Chairman Vinyard read both Public Hearing descriptions:

1. **CONTINUED PZC 2024-17 United City of Yorkville**, petitioner, is requesting a text amendment to Chapter 8 UDO Review and Approval Procedures within the United City of Yorkville's Unified Development Ordinance. The proposed text amendment will revise and clarify general application requirements, board/commission review and procedures related to petitions for text and map amendments, annexations, annexation agreements and economic incentive/development agreements with the United City of Yorkville's Unified Development Ordinance.
2. **PZC 2024-01 Yorkville Renewables, LLC**, contract lessee and Daniel A. and Charene S. Nagel, property owners, petitioners, have filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification, special use authorization and a bulk regulation variance approval. The real property is located on the southwest corner of Galena Road and Illinois Route 47. The petitioners are requesting rezoning approval from R-2 Single-Family Traditional Residence District to A-1 Agricultural District. The petitioners are also requesting special use permit approval in pursuant to Section 10-8-5 of the Unified Development Ordinance for a solar farm. Lastly, the petitioners are requesting a bulk regulation variance to Section 10-4-13.B of the Unified Development Ordinance requesting a reduction in the north, west and south property lines setback from 50 feet to 8 feet.

At approximately 7:39pm, after all testimony was heard, a motion was made by Mr. Williams and seconded by Mr. Forristall to close the Public Hearing. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

(See Court Reporter's transcript of Public Hearing)

(Petitioner requested finding of fact and agreements from Illinois Solar to become part of official record for PZC 2024-01)

Unfinished Business None

New Business

1. **PZC 2024-17 United City of Yorkville** (see full description above)
There was no discussion.

Action Item

Text Amendment

A motion was made by Mr. Williams and seconded by Mr. Forristall to approve PZC 2024-17, Text Amendment. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval

to the City Council of a request to amend Chapter 8 of the UDO Review and Approval Procedures in the Unified Development Ordinance to revise and clarify general application requirements, board/commission review and procedures related to petitions for text and map amendments, annexations, annexation agreements and economic incentive/development agreements as presented in a staff memorandum dated September 4, 2024.

Roll call: Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes, Forristall-yes. Carried 5-0.

2. PZC 2024-01 Yorkville Renewables, LLC. (See full description above).

Ms. Mendez presented a summary of this project and said the solar farm is proposed to be built on 23 acres at the SW corner of Galena Rd. and Rt. 47 and they are requesting rezoning from R-2 to A-1. The variance requested was clarified to be 100 feet to 50 feet on the north and south. She explained the setbacks requested had previously gone through a Plan Council meeting. There is a Memorandum of Understanding with the successor property owner and she also highlighted the remainder of the components of the petition.

Chairman Vinyard said the Commission would vote on each request: rezoning, special use and variance. He then reviewed the zoning standards for each of those requests. A motion and second was made by Commissioners Williams and Millen, respectively, to approve PZC 2024-01 Yorkville Renewables, rezoning, special use and variance request.

Action Item

Rezoning

Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for rezoning from R-2 Single-Family Traditional Residence District to A-1 Agricultural District for the purpose of constructing a freestanding solar energy system, or solar farm, located immediately west of IL Route 47 (N. Bridge Street) and south of Galena Road.

Roll call: Millen-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes. Carried 5-0.

Action Item

Special Use

Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to construct a freestanding solar energy system, or solar farm, as depicted in plans prepared by Atwell and submitted by Nexamp dated last revised 8/15/24 for approximately 23 acres located immediately west of IL Route 47 (N. Bridge Street) and south of Galena Road subject to staff recommendations in a memo dated September 4, 2024.

Roll call: Millen-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes. Carried 5-0.

Action Item

Variance

Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council for a request for bulk regulation variance to Section 10-4-13.B.8.b of the Unified Development Ordinance, reducing the north and south property lines setback from 100 feet to 50 feet. Roll call: Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes, Millen-yes. Carried 5-0.

3. **PZC 2024-18 Kendall County Petition 24-07**, Jerry Styrzula, petitioner, on behalf of A&D Properties, LLC is requesting site plan approval to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors and similar uses at 7789 Route 47. The real property is located north of Ament Road and immediately west of South Bridge Street in unincorporated Kendall County.

Ms. Mendez presented a summary of this request saying Mr. Styrzula is requesting site plan approval for sales and storage to operate a trucking business. He is requesting approval for a map amendment from B-3 to M-1. The Kendall County Board has approved this. This is not consistent with the Yorkville Comprehensive Plan and could require a map amendment. She reviewed other components of the request. Ms. Mendez noted that at the May 7, 2024 EDC meeting, Attorney Dan Kramer clarified that only trailer sales would be conducted. This moves to the September 24th City Council meeting.

Attorney Kramer gave some history of the property use over the years. He confirmed there are no plans for a trucking business and that about 40 trailers that had been rented and are on the property, will be removed.

Action Item

1.5 Mile Review

Mr. Vinyard requested a motion to approve PZC 2024-18 Kendall County Petition 24-07. Mr. Williams read the motion as follows: In consideration of the proposed mile and one-half review of Kendall County Petition 24-07 for site plan approval to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors and similar uses at 7789 Route 47, the Planning and Zoning Commission recommends to the City Council not to object to the request. (No second). Roll call: Williams-yes, Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes. Carried 5-0.

4. **PZC 2024-20 Kendall County Petition 24-22**, Leo M. Phillipp is requesting an approval of a map amendment (rezoning) 11.6 +/-acres located at the northwest corner of Legion and East Highpoint Roads, commonly known as addressed 10835 Legion Road, from A-1 Agricultural District to R-1 One-Family Residential District. The purpose of the request is to construct approximately three (3) single-family houses.

A summary of the request was given by Ms. Mendez who stated the property is 15 acres with a request to rezone 11.6 acres of the 15 acres from A-1 to R-1. She said several

zoning changes have occurred over the years. There is an existing home on the site already. She said there are differences in the bulk regulations for the city and county and it concerns density. If any future homes were clustered, it would be consistent with Yorkville's Comprehensive Plan. Input was requested and this will be brought forward to the September 24th City Council meeting.

Action Item

1.5 Mile Review

A motion was made and seconded by Mr. Williams and Mr. Hyett, respectively to approve PZC 2024-20 Kendall County Petition 24-22, Leo M. Phillipp. Mr. Williams read the motion as follows: In consideration of the proposed mile and half review of Kendall County Petition 24-22 for a map amendment 11.6 +/- acres located at the northeast corner of Legion and East Highpoint Roads, commonly known as addressed 10835 Legion Road, from A-1 Agricultural District to R-1 One-Family Residential District, the Planning and Zoning Commission recommends the City not object to the request. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Additional Business

1. City Council Action Updates

a. PZC 2024-16 2551 N. Bridge St. Illinois Department of Transportation.

The variance request was approved at a PZC meeting and forwarded to the City Council as an informational item.

Ms. Noble said the Kelaka and Hagemann requests were approved at a prior City Council meeting, however, no update had been given to the PZC.

In addition, Ms. Noble said PZC training will be given on November 13th, at 5pm, prior to the regular meeting that night.

Chairman Vinyard noted that Commissioner Reagan Goins has resigned the Planning and Zoning Commission due to a possible conflict of interest with employment.

Adjournment

There was no further business and the meeting was adjourned at 8:12pm on a motion by Mr. Williams, seconded by Mr. Hyett and approved on a unanimous voice vote.

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, September 11, 2024
7:00 p.m.

1 PRESENT:

2 Mr. Rich Vinyard, Chairman,

3 Mr. Danny Williams,

4 Mr. Greg Millen,

5 Mr. Rusty Hyett,

6 Mr. Ryan Forristall.

7
8 ALSO PRESENT:

9 Ms. Krysti Barksdale-Noble, Community

10 Development Director;

11 Ms. Sara Mendez, Planner;

12 Ms. Marlys Young, Minute Taker.

13
14 APPEARANCES:

15 OTTOSEN, DiNOLFO, HASENBALG & CASTALDO,
16 LTD.

16 BY: MS. MEGAN LAMB

17 1804 North Naper Boulevard, Suite 350

17 Naperville, Illinois 60563

18 (630) 682-0085

18 appeared on behalf of the United City of
19 Yorkville.

20 - - - - -

I N D E X

WITNESS:

PAGE:

Daniel J. Kramer

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Matt Walsh

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Dan Nagel

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

4 CHAIRMAN VINYARD: There are two public
5 hearings scheduled for tonight's Planning and
6 Zoning Commission meeting. Of course, the
7 purpose of these hearings is to invite testimony
8 from members of the public regarding the proposed
9 request that is being considered this commission
10 tonight.

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

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

19 If you plan to speak during
20 tonight's public hearing as a petitioner or as a
21 member of the public, please stand, raise your
22 right hand and repeat after me.

23 (The witnesses were thereupon duly
24 sworn.)

1 CHAIRMAN VINYARD: Okay. So the order
2 for receiving testimony during the public hearing
3 will be as follows: The petitioner presentation,
4 followed by those who wish to speak in favor of
5 the request, and then those to speak in
6 opposition of the request.

7 May I have a motion to open the
8 public hearing on Petitions number PZC 2024-17,
9 United City of Yorkville requesting a text
10 amendment of the UDO, and PZC 2024-01, Yorkville
11 Renewables, LLC, requesting rezoning, special use
12 and variance approvals.

13 MR. WILLIAMS: So moved.

14 MR. FORRISTALL: Second.

15 CHAIRMAN VINYARD: Roll call vote on the
16 motion, please.

17 MS. YOUNG: Yes. Forristall.

18 MR. FORRISTALL: Yes.

19 MS. YOUNG: Hyett.

20 MR. HYETT: Yes.

21 MS. YOUNG: Millen.

22 MR. MILLEN: Yes.

23 MS. YOUNG: Vinyard.

24 CHAIRMAN VINYARD: Yes.

1 MS. YOUNG: And Williams.

2 MR. WILLIAMS: Yes.

3 CHAIRMAN VINYARD: Okay. So the public
4 hearings up for discussion tonight are as
5 follows: PZC 2024-17, United City of Yorkville,
6 as the petitioner is requesting a text amendment
7 to the Chapter 8 of the UDO, Review and Approval
8 Procedures, within the United City of Yorkville's
9 Unified Development Ordinance.

10 The proposed text amendment will
11 revise and clarify general application
12 requirements, board commission review, and
13 procedures related to petitions for text and map
14 amendments, annexations, annexation agreements,
15 and the Economic Incentives Development Agreement
16 with the United City of Yorkville Unified
17 Development Ordinance.

18 And then PZC 2024-01, Yorkville
19 Renewables, LLC, contract lessee, Daniel A. and
20 Charene S. Nagel, property owners, petitioners,
21 have filed an application with the United City of
22 Yorkville, Kendall County, requesting rezoning
23 classification, special use authorization and
24 bulk regulation variance approval.

1 The real property is located on the
2 southwest corner of Galena Road and Illinois
3 Route 47.

4 The petitioners are requesting
5 rezoning approval from R-2 Single-Family
6 Traditional Residence District to A-1
7 Agricultural District.

8 The petitioners are also requesting
9 special use permit approval pursuant to Section
10 10-8-5 of the Unified Development Ordinance for a
11 solar farm.

12 Lastly, the petitioners are
13 requesting a bulk regulation variance to Section
14 10-4-13.B of the Unified Development Ordinance
15 requesting a reduction in the north, west and
16 south property line setbacks from 50 feet to
17 eight feet.

18 Is the petitioner for PZC 2024-17,
19 United City of Yorkville, ready to present?

20 MS. NOBLE: I am.

21 CHAIRMAN VINYARD: Awesome.

22 MS. NOBLE. Okay. So this is the text
23 amendment, so text amendments are changes to
24 established ordinances that have been approved by

1 the City and codified.

2 So there is two main changes that we
3 are proposing to Chapter 8 of the UDO, and that
4 is, one is the clarification of the public
5 hearing and mail notice requirements for
6 annexation agreement requests, and the other is
7 just a correction of additional inconsistencies
8 and errors that staff found in Chapter 8.

9 So, if you recall, we adopted the
10 UDO in January after several years of review.
11 Chapter 8 has to deal with specifically processes
12 and authorities of various development approvals,
13 special uses, PUDs, variances, and also it
14 defines the roles of the zoning administrator and
15 zoning officer.

16 So once we had our public hearing a
17 few weeks -- I guess meetings ago for the
18 Hagemann Trust annexation agreement, we found
19 that there was a guidance table within the UDO
20 that incorrectly required mailed public hearing
21 notices to property owners within 500 feet
22 seeking annexation.

23 So the inconsistency was between the
24 text and the graphic. The whole point of the UDO

1 was to make minimal changes to the processes, but
2 codify them and then create graphic tables that
3 people can readily use, so we caused more
4 confusion than we intended.

5 So what we are planning to do, there
6 is a series of 12 amendments that we are
7 requesting. Most have to do with the annexation
8 requirements that I have talked about; some don't
9 have to do with that, just minor changes.

10 I will go through them briefly and
11 then we can discuss after the public hearing or
12 if you have questions for me.

13 So the first one is in regards to
14 text amendments, which is what we are proposing
15 tonight. We added the word text in Section
16 10-8-2 to clarify that a text amendment does not
17 require an application and can be initiated by
18 the majority beneficiary of a land trust and the
19 mayor or city staff or City Council, so that's
20 not just an amendment, but a text amendment.

21 Annexation, we provided the table in
22 10-8-4, and what we did was we clarified a
23 variation can also be authorized by the Planning
24 and Zoning Commission. That wasn't clear in the

1 table before. We had one last meeting where it
2 was a PZC authorized variance, so we made that
3 clear.

4 We also separated annexations from
5 annexation agreements. Annexations do not
6 require PZC approval, nor do they require a
7 public hearing if they are not requesting
8 rezoning or any other entitlement or if they are
9 not requesting annexation agreement.

10 An annexation agreement does require
11 a public hearing, but the only notice goes to
12 taxing bodies per another table, so we are just
13 clarifying that.

14 And then we found a couple of little
15 grammatical errors; we revised the table to
16 reflect this. Voluntary petitions, as I
17 mentioned, for annexation do not include requests
18 for zoning and variations per -- Illinois
19 Municipal Code state statute says that there is
20 no public hearing required.

21 We also clarified that the plan
22 council, which is a staff-level technical
23 meeting, is an optional step and is determined by
24 staff if that is required for rezonings,

1 annexations and annexation agreements.

2 The table that talks about the
3 methods of notification, again, we created the
4 other category of annexation agreements,
5 clarified that, and we also clarified that the
6 required notice for annexation agreements is only
7 to the trustees, the fire protection district and
8 township trustees and commission of highways if
9 the land to be annexed includes a highway upon
10 township jurisdiction.

11 The other minor corrections have to
12 do with recording of documents. We wanted to
13 clarify that a map amendment or rezoning is the
14 requirement for recordation, it just said
15 amendments, so we wanted to clarify that.

16 Amendments to subdivisions, we made
17 a few amendments there on the processes. These
18 are all processes that the City currently does,
19 we just wanted to codify them and make sure that
20 it matched throughout the UDO.

21 And, finally, we did relook at the
22 standards for map amendments, which is rezoning,
23 and we wanted -- the City Attorney and I wanted
24 to look at the standards, they are called LaSalle

1 factors and Sinclair, they are based off of
2 historic case law, and we decided to add that in.
3 That was taken out as part of the UDO update, the
4 two Sinclair factors, which has to do with if the
5 request has a community need and the length of
6 time that the property has been vacant, so we
7 felt that that was important as a standard.

8 If you have any questions about any
9 of the other minor changes that have to do with
10 spelling errors or duplication of information,
11 let me know, I can go through those in further
12 detail.

13 CHAIRMAN VINYARD: Okay. Is there
14 anyone present who wishes to speak in favor of
15 the request?

16 (No response.)

17 CHAIRMAN VINYARD: Okay. Anyone present
18 who wishes to speak in opposition of this
19 request?

20 (No response.)

21 CHAIRMAN VINYARD: All right. Questions
22 from the commissioners? Do you guys have
23 anything? Looks like a lot of housekeeping.
24 Anybody else? Greg? Rusty? Everyone good?

1 (No response.)

2 CHAIRMAN VINYARD: All right. Is the
3 petitioner for PZC 2024-01, Yorkville Renewables,
4 LLC, ready to present?

5 MR. KRAMER: We are.

6 CHAIRMAN VINYARD: Very good, sir.

7 DANIEL J. KRAMER,
8 having been first duly sworn, testified from the
9 podium as follows:

10 MR. KRAMER: Good evening. My name is
11 Daniel J. Kramer. I am an attorney licensed to
12 practice law in the state of Illinois. My
13 address is 1107A South Bridge Street, Yorkville,
14 Illinois.

15 I represent the petitioner,
16 Yorkville Renewables, and although Matt might not
17 be a familiar face to you, his counterpart Matt
18 Kwiatkowski was. We were here in front of you
19 several months ago getting a project approved on
20 Corneils Road for Nexamp, which is the parent
21 company.

22 I think, again, they are a great
23 company for a couple reasons. It's appropriate,
24 9-11, it was started by two veterans who are

1 still the owners of the company. They have a
2 main office in Illinois here in Chicago with I
3 believe over 80 employees, and the most important
4 thing to me in the solar companies I represent,
5 it's a little bit like the wild west with a lot
6 of people out trying to get options and leases
7 from farmers, but these folks build what they
8 acquire as far as the land or leases if they are
9 the owners, they operate it and they don't sell
10 it, so you're going see Matt and his team
11 throughout, and I think that means a lot for a
12 community, and this is a community project, not a
13 large solar farm.

14 I don't see anybody in the audience,
15 and I thought we might have a neighboring
16 property owner who let us know they are going to
17 object to it, I thought they would be here to
18 give testimony tonight. They certainly don't
19 have to be. But I want you to know that we are
20 not stubborn or bull headed.

21 When I found they had some concern,
22 we contacted their attorney, we offered to meet.
23 They said well, they would contact their client
24 and see, but we have no idea other than they

1 might just not like solar what their concern is,
2 so I just want you to know that in the backdrop,
3 full disclosure.

4 I'm not the expert in this, so I
5 would call on Matt Walsh to do the presentation,
6 and we do have technical people here, stormwater
7 engineer and so on tonight if you've got
8 questions along those lines. Happy to answer.

9 CHAIRMAN VINYARD: Thank you.

10 MR. KRAMER: Thanks. Matt?

11 CHAIRMAN VINYARD: Please.

12 MATT WALSH,
13 having been first duly sworn, testified from the
14 podium as follows:

15 MR. WALSH: Thanks, Dan. Matt Walsh. I
16 am with Nexamp and here representing Yorkville
17 Renewables, LLC, the petitioner.

18 Thank you again for hearing our
19 application tonight. It's been a long road to
20 get here, I believe we started working on this
21 project two years ago, and a lot of patience, but
22 I think there's been a lot of great work that's
23 been done on the project over the course of that
24 time and I think we have a pretty good

1 application for you to review. So next slide,
2 please.

3 Just a couple of things very
4 appropriate for September 11th. We were founded
5 in 2007. We had two -- our founders were two
6 Army captains, came back from tours of duty
7 following September 11th and felt like there is a
8 lot of conflict over natural resources.

9 They started this small solar
10 company, started off focusing on small
11 residential rooftop installations and quickly
12 grew into the largest community solar developer
13 in the country.

14 Community solar projects are kind of
15 in the 20 to 30-acre range in terms of size as
16 opposed to utility scale projects, which are
17 hundreds or even thousands of acres.

18 Nexamp has a strong commitment to
19 made in the USA. We just earlier this year had
20 an announcement with a partnership we have with a
21 manufacturer called Heliene that's located in
22 Minnesota to purchase a very large volume of
23 solar panels that will supply our projects into
24 the future here, in addition to the iron and

1 steel that the solar panels sit on in the field.
2 We are getting U.S. made steel as well so that we
3 can have a domestic supply chain supporting these
4 projects producing jobs right here in the U.S.A.,
5 including in Yorkville. Next slide, please.

6 So again, one of the largest
7 community solar developers. We have projects all
8 the way from northern Maine all the way to Hawaii
9 and everywhere in between.

10 Chicago is our HQ2, second
11 headquarters. First headquarters is in Boston,
12 Massachusetts. In Illinois we are ramping up our
13 employment, so we currently have now more than
14 100 employees in Illinois.

15 We recently had an announcement with
16 Governor Pritzker moving our headquarters here.
17 We have committed to hiring -- creating 3,000
18 jobs and employing \$2 billion of capital in the
19 state of Illinois, so significant investment in
20 the state creating a lot of jobs.

21 Currently we are building 20
22 projects across the state -- or we have 20
23 projects that have been built and operating, we
24 have 30 more that are currently in construction,

1 and dozens and dozens more that are in various
2 stages of permitting. Next slide, please.

3 I know that you guys have heard
4 community solar before, so I won't spend too
5 much time on this slide, but the general idea is
6 that the benefits that rooftop solar owners get
7 saving money on their electric bill, this is an
8 opportunity for folks that can't put solar on
9 their roof, like for structural reasons, shading
10 reasons, their HOA doesn't allow solar on their
11 roof, this is an opportunity that we aggregate a
12 fair number of panels into one centralized
13 location, people subscribe to it, and then those
14 credits that are generated by this are applied to
15 their electric bill and reduces their energy
16 costs, so there is a huge demand for this
17 product, it's saving people money and supporting
18 renewable energy. Next slide, please.

19 This is a couple pieces of equipment
20 that you will see, so at the center of the site
21 we have an equipment pad that has a utility
22 transformer, a couple of inverters, a switch
23 gear, and some remote monitoring equipment.

24 Below the solar panels, in

1 compliance with recommendations of IDNR and the
2 village of Yorkville's solar ordinance -- or the
3 City of Yorkville's solar ordinance, we will have
4 pollinators below the solar panels, and then on
5 the right, of course, what a solar panel looks
6 like, and in this case we will not be using a
7 farm fence, it will be a chain link fence with
8 opaque slats so that it's not visible through the
9 fence. Next slide, please.

10 We will have a camera at the center
11 of the site so we can remotely monitor the
12 facility. There will be no lighting, so when the
13 facility is not operating at nighttime, there is
14 no noise, no movement, but we do have eyes on the
15 project.

16 And then, again, the last thing is
17 the solar panels sit on metal I-beams that are
18 pushed into the ground and there is what we call
19 racking, which is essentially just a bar that
20 goes in between the metal I-beams that hold the
21 solar panels up.

22 This is a tracking system, so it
23 does rotate very slowly throughout the day
24 tracking the sun. Next slide, please.

1 Just a couple of local projects.
2 This is the one that's in the village of
3 Burlington. This is a 16-acre project that
4 serves nearly 400 people. Really good example of
5 pollinators, especially in the early stages, here
6 starting to see them flower under the solar
7 system.

8 If you ever get a chance to go up to
9 Burlington, you will probably drive right by it
10 because it's tucked back in the corner of the
11 site and you probably don't really see it. There
12 is landscaping that surrounds the perimeter, so
13 very similar to what we are talking about here in
14 Yorkville. Next slide, please.

15 This is one that's in Will County.
16 This one is not a pollinator site, Will County
17 prefers to have grass under their panels, so
18 that's what this represents, but, again, does
19 have some landscaping around the perimeter to
20 provide some screening. Next slide, please.

21 So just to dive into our project
22 here, give you a little context, the project is
23 located at the southwest corner of Galena Road
24 and Route 47, so north side of the City of

1 Yorkville, kind of kitty-corner to Raging Waves.

2 Next slide, please.

3 So this is zooming in much closer so
4 you can see Raging Waves down in the lower right
5 corner, and then we are looking at a site that's
6 approximately 73 acres, with the solar system
7 tucked into the back more than 1,000 feet from
8 Galena Road or Route 47 preserving the frontage
9 of the property for future commercial development
10 or residential development, however the landowner
11 determines his best use, obviously with input of
12 the City.

13 MR. KRAMER: Can I interrupt, Matt, for
14 one minute?

15 MR. WALSH: Sure.

16 MR. KRAMER: Matt, if you would clarify
17 for the Planning Commission, does the red outline
18 comprise the Nagel holding?

19 MR. WALSH: Correct. So the red outline
20 is the entire property boundary, the yellow
21 outline is the outline of the solar area.

22 MR. KRAMER: Thank you very much, just
23 for clarity of the record, please.

24 MR. WALSH: Yep. Thank you. The solar

1 area would be approximately 23 acres of the
2 73-acre parcel.

3 What you will see is on the west
4 side and north side of the property and even
5 encroaching into the Nagel property is a
6 landscaping recycling facility, so we kind of
7 feel like this is a really good location that
8 provides some buffering between a dusty facility
9 that might not be conducive to have residential
10 use directly adjacent to it, but with that
11 buffering, we don't really care what our
12 neighbors are doing as long as they're not
13 disturbing our facility, but outside of the solar
14 facility, you know, I think it would be a good
15 buffer for residential use or commercial use
16 along the frontage of one of those major roads.

17 Our driveway -- well, wait until we
18 go to the next slide. Just real quick, this is a
19 five megawatt project, and our agreement with the
20 landowner is for this project to last between 30
21 and 40 years, so in a sense it's a temporary use
22 because it will be removed, there will be a
23 decommissioning bond.

24 There is requirements both from the

1 state and from the city to remove this project at
2 the end of its life, but it is for a long-term
3 period. Next slide.

4 Over the course of the last
5 two years we have done quite a bit of due
6 diligence, we have executed a lease, we have
7 completed surveys, completed our studies with the
8 utility. We now have an interconnection
9 agreement and ComEd is procuring materials to
10 offer interconnection to the project.

11 We have received sign-off from the
12 state Historic Preservation Office, the IDNR for
13 endangered species. We have had a wetland
14 delineation completed and subsequently a
15 jurisdictional determination from the Army Corps
16 for the wetlands that were discovered on-site.

17 We've had FAA sign-off, we have
18 completed drain tile investigations, geotechnical
19 investigation. We've had initial sign-off from
20 the Rob Roy Drainage District, we are progressing
21 to kind of a final sign-off, and we are still
22 pending IDOT driveway permit for a little stub
23 road for IDOT -- or for ComEd to be able to enter
24 along Route 47.

1 Through this process also we have
2 been able to work with Dan Nagel and his
3 neighbors to kind of clean up the recycling
4 center that's been encroaching on his property to
5 try to clean up the area a little bit.

6 We have been identifying property
7 lines and helping with unwinding simple PUDs that
8 kind of allow more development in the area by
9 completing that, so a long process that I think
10 is beneficial.

11 We won't take credit for doing it,
12 but for participating in that process and
13 allowing some more development opportunities to
14 be unlocked in this area. Next slide, please.

15 So this is the site plan. There is
16 an existing asphalt grinding road that goes from
17 Galena Road down to the project area. We will be
18 upgrading that with a gravel driveway. That
19 leads to the center of the site, which is where
20 the equipment pad is.

21 The inverters, transformers and
22 everything will be kind of tucked into -- I kind
23 of call this the boot, the shape of the property.
24 It will kind of be in the toe of the boot there.

1 What we are asking for is a
2 variance. Initially when we had applied
3 two years ago the setbacks were eight feet from
4 the property lines. The zoning ordinance has
5 been updated that requires 50-foot setbacks from
6 the west property line, 100-foot setbacks from
7 the north and south property lines.

8 We are requesting that be reduced to
9 50 feet, so we are far in excess of the original
10 requirement that we had initially applied under,
11 but less than what the zoning ordinance now
12 requires, but we are -- go ahead.

13 MS. NOBLE: I'm sorry, can you specify
14 which boundaries you are requesting the reduction
15 to 50 feet?

16 MR. WALSH: The entire northern property
17 line that abuts the Undesser property and the
18 entire southern property line that abuts the
19 Tequila Sunrise, LLC property.

20 MS. NOBLE: Thank you.

21 MR. WALSH: Is that -- Okay. All right.
22 Through this process we have advanced the plans
23 far beyond what's required of the special use, so
24 we are approaching what we would consider almost

1 construction civil plans, so we have been working
2 closely with city staff and EEI, your civil
3 engineering consultant, and the landscape
4 consultant to finalize the design of the project.

5 We are very close. There is a few
6 landscaping requirements that we need to address
7 and a few other odds and ends, but I think we are
8 at a place where everyone is pretty satisfied
9 where the project has been designed in terms of
10 compliance with the code.

11 We have had review from the police
12 department, the KDOT, Kendall County DOT, for
13 their jurisdiction over Galena Road. They've
14 approved the access point and we are now just
15 awaiting IDOT approval of our small access road.

16 It doesn't go all the way to the
17 solar farm, but it's a little stub that allows
18 ComEd to park a car off of 47 rather than on the
19 shoulder so that they can get out and read the
20 meter.

21 So our project will have all
22 underground electric lines except for a couple
23 poles that will be along 47 that will allow ComEd
24 to interconnect our project with their grid, so

1 with those poles, one of the poles will host a
2 meter which they need to read on a monthly basis.
3 Next slide, please.

4 And then quickly just the landscape
5 plan. This project has pretty substantial
6 landscaping, so along the north, south and east
7 property -- east fence lines there is substantial
8 landscaping screening the project from all the
9 neighboring uses that are either residential or a
10 main thoroughfare.

11 Again, the perimeter fence is going
12 to be opaque. It's a chain link fence with slats
13 in it, so the site will -- it won't be invisible,
14 but it will be screened and the view will be
15 improved.

16 Underneath the solar panels, again,
17 there is going to be pollinator -- a beta
18 pollinator mix that will enhance habitat, and
19 then along the Route 47 property boundary and the
20 Galena Road property boundary, if you scroll just
21 a little bit, is some parkway trees that are
22 required by the code that will be installed as
23 well. Next slide.

24 And then to kind of close it out,

1 just a couple of pictures for viewsheds, so this
2 is the current view looking west on Route 47,
3 right on Route 47 looking towards the project.
4 If you look real hard, you can maybe see the
5 landscape facility that has 60-foot high piles of
6 dirt.

7 Our solar panels -- well, we are
8 asking for approval for up to 20 feet. The
9 product that we are planning to use is about --
10 the top of the solar panel is about 12 feet high,
11 so if you can't see a 60-foot pile of dirt in
12 this picture, it's going to be hard to see a
13 12-foot solar panel. Next slide, please.

14 And then we did a couple of photo
15 simulations, so this is looking from the Raging
16 Waves parking lot. This is the before picture.
17 If you go to the next slide, this is the after
18 picture, so hard to really see anything from the
19 parking lot, but there are landscape trees that
20 are added here that are barely visible. Next
21 slide, please.

22 And then this is the existing access
23 point that we will be utilizing for the new
24 access point. Again, can kind of make out the

1 hills in the background that comprise the
2 landscape facility, but very difficult to make
3 that out from Galena Road or the adjacent
4 residential properties that are here along Galena
5 Road. Next slide, please.

6 This is the before picture, next
7 slide, this is the after, so you can see some
8 landscape screening that's along the property
9 boundary, and then the top of the solar panels
10 when they are at full tilt, you will see just
11 above the fence until the landscape fully grows
12 in. Next slide.

13 And then I just wanted to touch on
14 decommissioning really quickly. So we have
15 executed an agricultural impact mitigation
16 agreement with the Illinois Department of
17 Agriculture that requires us to take certain
18 steps to design the project to easily remove it
19 at the end of its life, and we are also required
20 to post a bond, which is also a requirement of
21 Yorkville, so we have submitted a decommissioning
22 estimate that has been reviewed by EEI.

23 It's significant and it will require
24 us to remove everything and ensure funds are in

1 place that everything is removed.

2 And just in terms of just some basic
3 deconstructing and construction items that Nexamp
4 is pretty proud of, we are -- we have
5 supplemented a recycling program so 100 percent
6 of -- during construction inevitably some solar
7 panels break, we recycle those. They are put on
8 pallets and shipped to a warehouse. Once we have
9 a critical mass of them we send them to a
10 recycling center that's in the St. Louis area
11 that will -- that takes them apart and harvests
12 all the recoverable pieces on them.

13 We will have three dumpsters out
14 there, one that's for pallets, one that's for
15 metal pieces and then one that's for plastics, so
16 we are trying to recycle as much as possible.

17 Our waste bin is probably the
18 smallest dumpster that has the least amount of
19 activity in it, but we are taking steps to make
20 sure that we are trying to do right by the
21 environment recycling everything possible.

22 I think with that, that's the end of
23 our presentation.

24 MR. KRAMER: If I may, just briefly,

1 again, for the record, Dan Kramer. That's my
2 favorite slide that they show during the
3 presentation, and again, you can view it at sites
4 that that's what they do, it's not just a pretty
5 picture.

6 I can't stress enough as well, the
7 last slide when Matt mentioned the AIMA
8 agreement, you can really tell a good solar
9 company that comes before you from a bad one
10 because we actually see a lot of proposed leases
11 and options come in without mentioning that there
12 will be an AIMA agreement, and that's absolutely
13 crucial because the landowner here, Dan Nagel, I
14 can take a ride back in history a bit, when I was
15 a green young lawyer, his dad and his uncle owned
16 a dairy farm where I grew up right next door that
17 I used to hunt on, and Dan and his dad hired me
18 to do my first zoning project 47 years ago with
19 the city of Batavia.

20 I think we sold or they sold and I
21 did the zoning for Metronet for high speed
22 internet service in Batavia about five years ago,
23 so it took about 42 years to finish it out, but
24 it was a good project, and I hope Dan lives

1 another 40 years to see the end of this lease.

2 If not, he's got some nice kids.

3 So, again, if there is no other
4 public testimony tonight, I would ask that you
5 close the public hearing tonight, it's not quite
6 what I expected, and I will comment on Tequila to
7 the south has been in contact with us from day
8 one working on getting rid of the old PUD and
9 they are fully in support of us, so we have no
10 problems with them whatsoever, so thank you for
11 your time, and if you would close the public
12 hearing, I am great with that.

13 MS. NOBLE: So, Dan, do you want the --

14 CHAIRMAN VINYARD: Finding of facts?

15 MS. NOBLE: Yeah, your finding of facts
16 for each of the applications submitted into the
17 record?

18 MR. KRAMER: We would, please. Thank
19 you, Krysti.

20 CHAIRMAN VINYARD: Is there anyone here
21 that wishes to speak in favor of the request?

22 MR. KRAMER: Dan, if you want to pipe up
23 you are in favor.

24 CHAIRMAN VINYARD: I assumed you were.

1 DAN NAGEL,
2 having been first duly sworn, testified from the
3 podium as follows:

4 MR. NAGEL: Dan Nagel, owner of the
5 property that they are going through. I think
6 it's a very good offer for the city because of
7 the housing that could be proposed up against the
8 land area, so I think that's one of the reasons
9 why I looked at it. I said it would be better
10 suited there to give a good buffer because it's
11 about 1,000 feet away from any houses and the
12 rest of it, so that I think is a very good use of
13 land.

14 The pollinators, we need that for
15 agricultural, we have farms up by Sugar Grove,
16 so, anyway, this is not Dan and I's first
17 go-around, so anyway, that's about all I can say.
18 Thank you.

19 CHAIRMAN VINYARD: Thank you, sir.

20 MR. NAGEL: Appreciate a positive vote.

21 MR. KRAMER: I hate to keep popping up,
22 but could we make part of the record a
23 publication on AIMA agreements for Illinois
24 solar? I think that would be useful. I will

1 pass it to the court reporter.

2 I promise that's the last time.

3 Thank you.

4 CHAIRMAN VINYARD: That's all right. Is
5 there anyone present that wishes to speak in
6 opposition of the request?

7 (No response.)

8 CHAIRMAN VINYARD: We did receive a
9 protest to this, everybody got a copy of it. You
10 guys all take a look at it. Do you have any
11 questions about that? This is -- very
12 inexperienced when it comes to this last minute
13 here, so this will be the time for us to ask the
14 questions for it.

15 MR. WILLIAMS: Did they give any
16 indication as to why they were protesting?

17 MS. NOBLE: We just received the letter.

18 MR. WILLIAMS: Okay. That was my main
19 concern, is it says they are in protest, but gave
20 no reasoning behind it.

21 CHAIRMAN VINYARD: Sure. I guess if
22 they were really against it, they probably would
23 have showed up. Okay.

24 Just wanted everyone to be aware

1 that we did have one last minute, so, okay. Do
2 you guys have any questions for the presenter?

3 MR. WILLIAMS: My only real question was
4 do you have any plans to expand? I know that was
5 quite a large piece of land. Are you planning on
6 just keeping the initial 22 acres?

7 MR. WALSH: Yeah, we have no intention
8 of expanding this one; in fact, our agreement
9 with the landowner exclusively requires us to
10 stay in that area of the property.

11 Much like some of the wishes of the
12 county and the setbacks that are required of a
13 thousand feet, the landowner also wishes to
14 preserve his frontage for future commercial
15 development, so we not only don't have intention
16 of expanding, but are unable to.

17 MR. WILLIAMS: Makes sense. Thank you.

18 CHAIRMAN VINYARD: Anybody else have
19 questions?

20 MS. LAMB: Might I ask a question?

21 CHAIRMAN VINYARD: Please.

22 MS. LAMB: Hello, everybody. I am the
23 City attorney. I work with Kathy Orr, by the
24 way.

1 Matt, did you receive a copy of the
2 protest or did just Kramer's office receive a
3 copy?

4 MR. WALSH: I haven't received one.

5 MS. LAMB: Okay.

6 MR. WALSH: Candidly, I haven't been in
7 our office today. I was there yesterday, nothing
8 came in the mail, so I have not been made aware
9 of any protest.

10 MS. LAMB: All right. Then I would like
11 to note that we should follow up on that because
12 the UDO requires a protest be served both on the
13 applicant and the applicant's attorney, so it's
14 just something for us to follow up on.

15 MS. NOBLE: On the letter itself it says
16 it was sent to Christopher Clark in your office.

17 MR. WALSH: Yeah, that's our chief
18 development officer. I spoke to him on the way
19 here, he did not mention anything about a protest
20 that had come through.

21 MS. NOBLE: Okay. Thank you.

22 CHAIRMAN VINYARD: Anything else?

23 MS. LAMB: That is all.

24 CHAIRMAN VINYARD: Okay. Awesome.

1 Since all public testimony regarding this
2 petition has been taken, may I have a motion to
3 close the taking of testimony in this public
4 hearing?

5 MR. WILLIAMS: So moved.

6 MR. FORRISTALL: Second.

7 CHAIRMAN VINYARD: Roll call vote on the
8 motion, please.

9 MS. YOUNG: Forristall.

10 MR. FORRISTALL: Yes.

11 MS. YOUNG: Hyett.

12 MR. HYETT: Yes.

13 MS. YOUNG: Millen.

14 MR. MILLEN: Yes.

15 MS. YOUNG: Vinyard.

16 CHAIRMAN VINYARD: Yes.

17 MS. YOUNG: And Williams.

18 MR. WILLIAMS: Yes.

19 CHAIRMAN VINYARD: The public hearing
20 portion of tonight's meeting is now closed.

21 (Which were all the proceedings had
22 in the public hearing portion of
23 the meeting, concluding at 7:41
24 p.m.)

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 39, 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
9 September, 2024.

10
11
12 /s/ Christine M. Vitosh

13 CHRISTINE M. VITOSH,
14 C.S.R. Certificate No. 084-02883
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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE EXISTING ZONING CLASSIFICATION(S) AND USES OF THE PROPERTY WITHIN THE GENERAL AREA OF THE PROPOSED REZONED PROPERTY:

The surrounding zonings are a mix of United City of Yorkville Residential to the North, United City of Yorkville Residential south of Corneils Road; a mix of County A-1 Agricultural uses to the immediate south and west; Special Uses for compost facility to the northwest in both the United City of Yorkville and County of Kendall; and a mix of Kendall County A-1 Agricultural Zoning, United City of Yorkville B-3; and United City of Yorkville Residential to the east and southeast.

The proposed A-1 Special Use fits in with the overall Comprehensive of Plan of a mixed-use City Development, and is certainly a lowering of density from the compost facilities located in both Kendall County and the United City of Yorkville to the north and west of the subject property.

PLEASE STATE THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, WHICH HAVE TAKEN PLACE SINCE THE DAY THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION:

While there has been substantial zoning activity both at the Kendall County and United City of Yorkville levels from 2000 onward in regard to the subject and surrounding properties, basically all zoning activity and construction came to a long interruption starting in 2007 when the local real estate economy along with national economy suffered a serve decrease in activity and a market crash generally in real estate.

There is a trend of newer development in the area and an interest of potential developers bringing to fruition a residential project to the north of the subject parcel and there is activity of interest on both sides of Route 47 from various business and residential developers with no concrete approved plans as of yet.

PLEASE STATE THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS:

The diminshment in market value has basically been area wide since 2007 and had started to show signs of increasing in value. At this point in time there is not marketability as the property is zoned and the construction of the solar array would be the highest and best use of the subject property.

PLEASE STATE THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF PETITIONER PROMOTES THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE PUBLIC:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE SUBJECT PROPERTY:

The property was vacant farmland going back to the beginning of the 20th century and continues to basically either be vacant farmland or lying fallow even though it was rezoned under an overall Planned unit Development Agreement in approximately 2005.

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.

WITH RESPECT TO THE SUBJECT PROPERTY, PLEASE STATE THE CARE WITH WHICH THE COMMUNITY HAS UNDERTAKEN TO PLAN ITS LAND USE DEVELOPMENT:

The community took care in zoning originally for the Planned Unit Development but it was at time where the United City of Yorkville was experiencing substantial growth prior to 2007 and at that point in time Crains Magazine has predicted the United City of Yorkville would be grown to a population in excess of 200,000 by the year 2020. Those projections in the early part of this century did come to fruition given the serious real estate depression from 2007 until approximately 2015. So a revamp of the use of the property is in order and the solar array is an excellent use for the benefit of the public as whole moving forward.

PLEASE STATE THE IMPACT THAT SUCH RECLASSIFICATION WILL HAVE UPON TRAFFIC AND TRAFFIC CONDITIONS ON SAID ROUTES; THE EFFECT, IF ANY, SUCH RECLASSIFICATION AND/OR ANNEXATION WOULD HAVE UPON EXISTING ACCESSES TO SAID ROUTES; AND THE IMPACT OF ADDITIONAL ACCESSES AS REQUESTED BY THE PETITIONER UPON TRAFFIC AND TRAFFIC CONDITIONS AND FLOW ON SAID ROUTES (ORD. 1976-43, 11-4-1976):

There will be virtually no impact on traffic or any kind of negative nature to the community as far as development, public safety, morals, or use of surrounding property. It is an extremely low impact use and will have no effect on the school system as far as student impact and will produce way less traffic than a residential development would on the site.



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE RELATIVE GAIN TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.

PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

There has been virtually no interest in developing the subject parcel its zoned residential purpose which makes converting the use to the Agricultural A-1 Special Use for the solar array an ideal purpose.

AGREEMENT

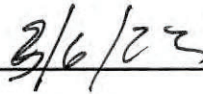
I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

Yorkville Renewables, LLC

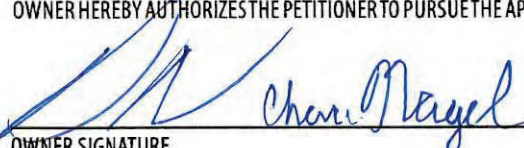
PETITIONER SIGNATURE  Christopher F. Clark, SVP

DATE

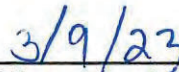


OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

OWNER SIGNATURE

 Cheryl Mangel

DATE



**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**



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800 Game Farm Road
Yorkville, Illinois, 60560
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APPLICATION FOR SPECIAL USE

SPECIAL USE STANDARDS

PLEASE STATE HOW THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE SPECIAL USE WILL NOT BE UNREASONABLY DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, COMFORT OR GENERAL WELFARE:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.

PLEASE STATE HOW THE SPECIAL USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED, NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD:

The proposed solar array will be constructed in a manner that will cause no damage to surrounding property owners.

PLEASE STATE HOW THE ESTABLISHMENT OF THE SPECIAL USE WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED IN THE DISTRICT:

The intended construction and operation of the solar array in no way determinately effects the operation and development of surrounding real property nor does it impeded the use of existing property.

PLEASE STATE HOW ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE OR OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED:

The project is suitably located in that there is readily available connection sources to the Commonwealth Edison electrical grid. There is great access for repair and maintenance off of Illinois Route 47. Third, there is an access road planned under the previous City Planned Unit Development accessing the Property off of Galena Road. It is an excellent site for this use and one that is a transitional use to surrounding zoning classifications in a complimentary fashion.



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APPLICATION FOR SPECIAL USE

SPECIAL USE STANDARDS

PLEASE STATE HOW ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PROVIDE INGRESS OR EGRESS SO DESIGNED AS TO MINIMIZE TRAFFIC CONGESTION IN THE PUBLIC STREETS:

There will be a minimum amount of traffic in and out during the construction phase of the solar array. There will be virtually no traffic in and out on a daily basis once the system is operational. The only traffic in and once the system is operational will be regular maintenance checks and maintenance of the underlying site itself.

PLEASE STATE HOW THE SPECIAL USE SHALL IN ALL OTHER RESPECTS CONFORM TO THE APPLICABLE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EXCEPT AS SUCH REGULATIONS MAY IN EACH INSTANCE BE MODIFIED BY THE CITY COUNCIL PURSUANT TO THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION:

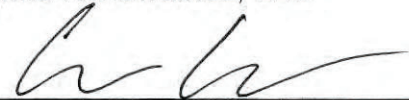
The Special Use complies with all United City of Yorkville requirements for solar arrays, as well as all State requirements for the use of such facilities and all materials are in compliance with Federal and State Laws.

AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

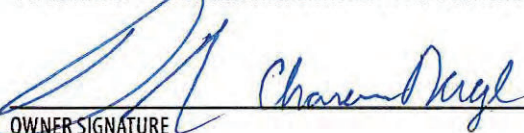
I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

Yorkville Renewables, LLC

X 
PETITIONER SIGNATURE Christopher F. Clark, SVP

3/6/23
DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.


OWNER SIGNATURE Chasen Daryl

3/9/23
DATE

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**



United City of Yorkville
651 Prairie Pointe Drive
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE THE VARIANCE REQUESTED AND THE CITY ORDINANCE INCLUDING THE SECTION NUMBERS TO BE VARIED:

Section 10-4-3(B)(8) of the United City of Yorkville Zoning Ordinance. Petitioner request a 8' setback Variance for the north, west, and south setback areas that would allow a 42' setback from the property line in each of those directions, which was permissible when Original Zoning Application was filed.

PLEASE STATE HOW THE PARTICULAR SURROUNDINGS, SHAPE OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC PROPERTY INVOLVED, A PARTICULAR HARDSHIP TO THE OWNER WOULD RESULT, AS DISTINGUISHED FROM A MERE INCONVENIENCE, IF THE STRICT LETTER OF REGULATIONS WAS CARRIED OUT:

The original zoning application on the subject parcel was designed both as site plan and engineering submitted to the City and its outside consultant, Engineering Enterprises, for review under the then-existing ordinance. The entire stormwater plan and site has been engineered in conformity with the privously existing ordinance. To modify that plan now would substantially change the location of the proposed stormwater facilities, the solar array and cause great expense and hardship to the Applicant that was not caused by any modifications of the Applicant or failure to comply to the ordinances that were in existence at the time of filing.

PLEASE STATE HOW THE CONDITIONS UPON WHICH THE APPLICATION FOR A VARIATION IS BASED ARE UNIQUE TO THE PROPERTY FOR WHICH THE VARIATION IS SOUGHT AND ARE NOT APPLICABLE, GENERALLY, TO OTHER PROPERTY WITHIN THE SAME ZONING CLASSIFICATION:

We believe that the circumstances stated above are unique to this Applicant because to our knowledge it is the only Applicant that applied at the time that totally engineered and created a site plan which has previously been approved by City Staff, outside consulting engineer, and some of City Alderman.

PLEASE STATE HOW THE ALLEGED DIFFICULTY OR HARDSHIP IS CAUSED BY THIS TITLE AND HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING AN INTEREST IN THE PROPERTY:

See statements above about compliance with prior ordinance.



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APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE HOW THE GRANTING OF THE VARIATION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED:

The proposed Variance Request for the south, north, and west setback lines by eight feet causes no harm to any existing adjacent owners in that there is no current development on any of the adjacent real property in any of those three directions. There is substantial buffering and a fence that will be installed by the applicant within the setback boundaries that ameliorates any concern to adjoining property. There is no detrimental effect to public health, safety, or welfare.

PLEASE STATE HOW THE PROPOSED VARIATION WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY, OR SUBSTANTIALLY INCREASE THE CONGESTION IN THE PUBLIC STREETS, OR INCREASE THE DANGER TO THE PUBLIC SAFETY, OR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD:

There is nothing in regard to granted the Variance that will impair adequate supply of life or air to adjacent properties or increase any traffic whatsoever. The Variance requested in no way impact public safety or diminish or impair adjoining property values. The adjoining properties being zoned R-2 due to the cancellation of the Westbury planned unit development agreement. There currently are no plans in front of the city that would indicate what zoning class the owners of those adjoining properties will seek if, and when, they seek to develop. They very well may not be developed with the residential use whatsoever given surrounding property conditions and uses.

AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

Yorkville Renewables, LLC

X Matthew R. Walsh

PETITIONER SIGNATURE Matthew R. Walsh, VP of Business Development

6/13/24

DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

X [Signature]

OWNER SIGNATURE

June 13, 2024

DATE

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**

VARIANCE EXPLANATION

The Petitioner/Owners request that a Variance be granted from the rear and side setback areas on the north, west, and south property lines as contained in the site improvement plans previously filed herein.

The site plan showing the solar array totally conformed to the then current United City of Yorkville setback requirements at the time the Application for Zoning and Application for Special Use was filed by the Petitioner and consented to by the Owner in writing.

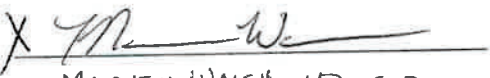
Stormwater storage was contemplated in the north setback area as defined by the then current setback ordinance.

It would work an extreme hardship on the applicant at this time to modify the site plan since it would result in a substantial change in the solar array, stormwater management fill facilities previously designed and recommended for approval by City Consulting Engineer. Applicant hereby requests permission to allow an eight-foot Variance from the new city ordinance for the south, west, and north side and rear setback line as detailed in the current ordinance. There still would be sufficient setback green area buffering the solar array and all three of those directions.

The front setback area of 1,000 feet has more than been met by the existing solar array plan and needs no variance.

Therefore, Petitioner prays that the site plan of Petitioner be approved Varying the current ordinance requirement by eight feet on the south, west, and north setback property lines.

YORKVILLE RENEWABLES, LLC

By: X 
MATTHEW WALSH, VP OF BUSINESS DEVELOPMENT

YPN Workshop
Weather/Climate
Precision Farming
Corn Belt Ag
Policy Outlook
Sustainability
Generational Issues
Ag Tour & Rapid Fire

Annual Conference 2024



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Solar's Impact on Rural Property Values



PM

By ASFMRA Press posted 02-15-2021 10:23

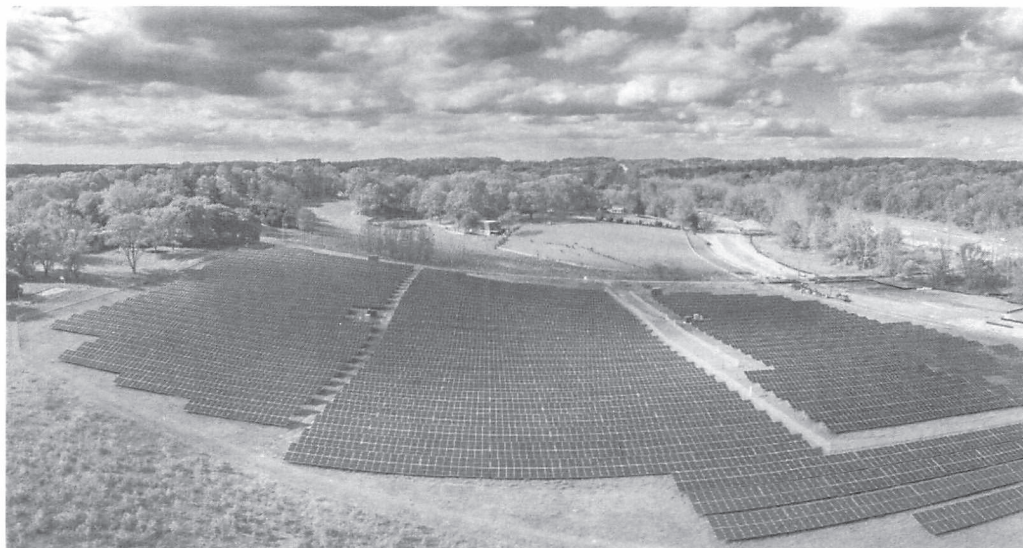
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RECOMMEND

The difference that experience makes when it comes to the perceived and actual impacts of solar on nearby property values.

In recent years, publicity surrounding solar farms has gained the attention of property owners and appraisers. As with any large-scale development, the change represented by utility-scale solar can be cause for concern. Naysayers express worries

involving impacts to viewshed, drainage problems, the idea of replacing productive agricultural lands with an industrial use, and more. Much of this worry comes back to one thing: the potential impact on property values.



A recently completed study from the University of Rhode Island looked at 400,000 transactions in New England over the course of 15 years, finding that suburban

residential property values suffered negative impacts when nearby solar farms replaced resources perceived as scarce, such as green space. On the other hand, this same study found no associated impact on property values for solar farms located in rural areas.

Meanwhile, a survey by the University of Texas at Austin asked 37 appraisers a series of questions about property value impacts based upon proximity to utility-scale solar projects. On average, the surveyed appraisers believed that there was a negative relationship between solar farms and nearby property values, though the appraisers with strong negative opinions also answered "No" when asked whether they had prior experience assessing property located near large solar installations. Dr. Varun Rai, who led the study, stated that the results "suggest that experience assessing near a solar installation is associated with a much less negative estimate of impact." He also noted that "the median and mode of all estimates of impact was zero, suggesting negative estimates from a few respondents were pulling down the mean."

Patricia McGarr, who serves as the National Director of CohnReznick Advisory's Valuation Practice, has conducted a number of property value impact studies involving solar, and spoke on the subject at the ASFMRA Illinois Chapter's Annual Meeting in 2019. McGarr's studies found no consistent negative impact on residential property value that could be attributed to nearby solar farms. She also asserted that township and county assessors have tremendous amounts of data that point in the same direction.

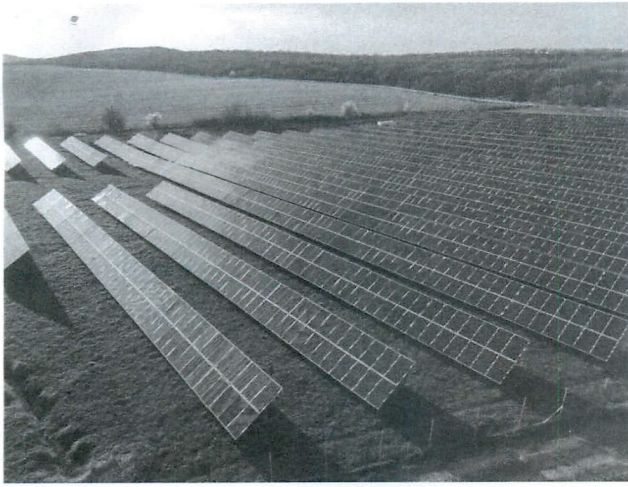
McGarr referenced the 1,000-acre "North Star" solar project located in Chisago County, Minnesota. There, the county assessor found no adverse impact on nearby property values, noting, "It seems conclusive valuation hasn't suffered."

McGarr has attended many public hearings on proposed solar developments and listened to residents taking issue with the idea of putting good farm land out of production and potential impacts to viewsheds and drainage tiles. "Owners of transitional ag lands, or lands that are in the path of development, are concerned about any changes that could have future impacts on sale values," she explained.

But McGarr believes solar developers are addressing these issues. It's now common practice for developers to include vegetative screening as a visual buffer between solar farms and adjacent properties to account for aesthetic concerns. In regards to drainage, developers are "conducting drainage tile studies and being vigilant [...] so that they don't reroute the drainage."

"Solar is an interim use," McGarr added. "There are no contaminants and the land sits fallow, allowing the soil quality to improve. It's not like you're paving things over."

Donald Fisher, ARA, served six years as Chair of the ASFMRA's National Appraisal Review



Committee and 19 years as Chair of the Editorial Committee. Donald is the Executive Vice President of CNY Pomeroy Appraisers, and has done several market studies examining the impact of solar on surrounding residential values.

"Most of the locations were in either suburban or rural areas, and all of those studies found either a neutral impact or, ironically, a positive impact, where values on properties after the

installation of solar farms went up higher than time trends," he explained.

According to Fisher, solar development has begun to compete with rural residential development and Concentrated Animal Feeding Operation (CAFO) farmers seeking new acreage. "In certain markets," he said, "the solar developers are paying as much as rural residential developers and CAFO farmers."

Howard Halderman, AFM, President and CEO of Halderman Real Estate and Farm Management, attended a recent solar talk hosted by the Indiana Chapter of the ASFMRA. Halderman's takeaway was that properties immediately adjacent to a solar farm may see a negative impact, but tactics to hide the solar farm from view could help offset those effects.

Halderman believes that other rural properties would likely see no impact, and farmers and landowners should even consider possible benefits. "In some cases, farmers who rent land to a solar company will insure the viability of their farming operation for a longer time period. This makes them better long-term tenants or land buyers so one can argue that higher rents and land values will follow due to the positive economic impact the solar leases offer," he explained.

Rich Kirkland, who owns Kirkland Appraisals in Raleigh, North Carolina, began exploring solar a little over a decade ago, or as he puts it, "right around the whole recession period, when solar really began to take off around here."

Since then, Kirkland has prepared property value impact studies for solar developers in 19 states, performing nearly 100 matched-pair analyses along the way. In a large majority of those comparisons, he observed a -5% to 5% difference in square-foot sales prices, a range that he describes as statistically insignificant.

"If you take all of those matched-pairs and average them out, you'll find a difference of about 1%. That's not enough to make a claim on," he says.

Similar to Halderman, Kirkland believes that issues can arise if a solar development is situated too close to a property, or if nothing is done to conceal it from view. However, he concluded, "In rural and suburban areas, I'm not finding any consistent negative impact from solar farms as long as there's at least 100 feet between the [solar] farm and the property, and enough landscaping to hide the panels."

0 comments

62 views

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<https://www.asfmra.org/blogs/asfmra-press/2021/02/16/solars-impact-on-land-values>