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

PLANNING AND ZONING COMMISSION AGENDA

Wednesday, March 12, 2025
7:00 PM
Yorkville City Hall Council Chambers
651 Prairie Pointe Drive

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous meeting minutes: February 12, 2025

Citizen's Comments

Public Hearings

1. **CONTINUED PZC 2024-22 Beecher Road Solar, LLC,** contract lessee, and Gary and Betty Bennett, property owners, petitioners, have filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use authorization and a bulk regulation variance approval. The real property is generally located immediately north of Corneils Road, approximately 1,500 feet west of Beecher Road, and approximately 4,000 feet east of IL Route 47 (N. Bridge Street) consisting of approximately 70 acres. The petitioners are 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 10-4-13-8.c of the Unified Development Ordinance, seeking a reduction from the required one thousand (1,000) foot setback from the nearest solar array to roadway network to 482 feet from Corneils Road.

2. **PZC 2025-01 DMYF-Loftus - Drew Daniels,** on behalf of Daniels Malinski Yorkville Family, LLLP, petitioner/owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property consists of two (2) parcels totaling approximately 53.7 acres and is generally located at the north of Faxon Road, east of Beecher Road, and south of the Burlington Northern Santa Fe (BNSF) railroad. The petitioner is requesting rezoning approval from A-1 Agricultural District to M-2 General Manufacturing District for a future data center.

Unfinished Business

New Business

1. **PZC 2024-22 Beecher Road Solar, LLC,** contract lessee, and Gary and Betty Bennett, property owners, petitioners, have filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use authorization and a bulk regulation variance approval. The real property is generally located immediately north of Corneils Road, approximately 1,500 feet west of Beecher Road, and approximately 4,000 feet east of IL Route 47 (N. Bridge Street) consisting of approximately 70 acres. The petitioners are 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 10-4-13-8.c of the Unified Development Ordinance,

seeking a reduction from the required one thousand (1,000) foot setback from the nearest solar array to roadway network to 482 feet from Corneils Road.

Action Items
Special Use and Variance

2. **PZC 2025-01 DMYF-Loftus - Drew Daniels,** on behalf of Daniels Malinski Yorkville Family, LLLP, petitioner/owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property consists of two (2) parcels totaling approximately 53.7 acres and is generally located at the north of Faxon Road, east of Beecher Road, and south of the Burlington Northern Santa Fe (BNSF) railroad. The petitioner is requesting rezoning approval from A-1 Agricultural District to M-2 General Manufacturing District for a future data center.

   Action Item
   Rezone

Additional Business

1. **Year In Review 2024**
2. **City Council Action Updates**
   a. **PZC 2024-32 Kyle Corniels,** petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting relief from Section 10-5-5 of the Unified Development Ordinance requiring fences not extend beyond the front plane of the primary building facade in residential districts for a residential parcel located at 515 W. Washington Street. The purpose of this request is to allow for the fence on the petitioner's property to extend beyond the front plane of their home. The real property, zoned R-2 Single-Family Traditional Residence District, is located at the end of the cul-de-sac on West Washington Street and immediately south of West Fox Street, in Yorkville, Illinois.

   Action Item
   Variance

Adjournment

PLANNING & ZONING COMMISSION

City Council Chambers
651 Prairie Pointe Drive, Yorkville, IL
Wednesday, February 12, 2025 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
Ryan Forristall-yes, Rusty Hyett-yes, Michael Crouch-yes, Chad Green-yes, Marge Linnane-yes, Richard Vinyard-yes, Danny Williams-yes

City Staff
Krysti Barksdale-Noble, Community Development Director
Sara Mendez, Planner1
David Hansen, Senior Planner
Megan Lamb, City Attorney
Lynn Dubajic Kellogg, City Consultant
Ken Koch, Alderman
Chris Funkhouser, Alderman
Matt Marek, Alderman

Other Guests
Chris Vitosh, Vitosh Reporting Service
Richard Williams, Attorney/1115 LLC
Jeanne Arbet, Kylyn's Ridge
Chris Arbet, Kylyn's Ridge
Tiffany Schrader, Kylyn's Ridge
Christy Fallon, Kylyn's Ridge
Mike Zabramski, Kylyn's Ridge
David Schultz, Fox Haven/HR Green
Dave & Denise Campbell
Michael Tesch, Kylyn's Ridge
Mary Maher Bartalone, Blackberry Shore Ln.
George Allen, Allen Safety Co.
Kim Schmidt, Green Briar
Joan Keller, Prairie Gardens
Jen Klotz, Kendall Marketplace
Dean Friel, Kendall Marketplace
Todd & Amy Vander Myde, Kylyn's Ridge
Brian A. Carrabotta, Kendall Marketplace
Carol Rogers, Kylyn's Ridge
Glenn Erickson, Prairie Gardens
Bob Hyde, Townhomes
John Staller, Blackberry Shore Lane
Erin Trzebiatowski, 2121 Iroquois Lane
Joe Hamman
Patty Luptak, Green Briar
Mike Pitstick, Kylyn's Ridge
Carl & Carol Bosi, Prairie Gardens
Jayme & Prisma Rodriguez, Prairie Gardens
Dave Kellogg
Brent Schalhamer, Fox Haven
Tracy Schalhamer, Fox Haven
Sarah Chilelli, Kylyn's Ridge
Dawn Watson, Cannonball Estates
Tom Falbo, Kylyn's Ridge
Patrick Winninger, Fox Haven
Lauryn Christensen, Fox Haven
Amber Green, Kylyn's Ridge
Don Bartalone, Blackberry Shore Ln.
Nancy Mondek, Blackberry Shore
Marie Reuland, Kylyn's Ridge
Mark Schmidt, Green Briar
Erik Anderson, Kylyn's Ridge
Diane Friel, Kendall Marketplace.
Carol Kicher, Kylyn's Ridge
Steve Palicka, Kylyn's Ridge
Bailey Carrabotta, Kendall Mktplc.
Steve Rogers, Kylyn's Ridge
Sarah Tesch, Kylyn's Ridge
Don McArmin, Maplehurst Farm
Karen Staller, Blackberry Shore Ln.
Paul Reuland, Kylyn's Ridge
Angie Charlton, Green Briar
Michelle Pitstick, Kylyn's Ridge
Carol Wismiller, Prairie Gardens

Attendance via Zoom:

John Phillipchuck--Attorney, Dan Kramer—Attorney, Kyle Corniels, Bart Olson, Kathleen West-Attorney, Katelyn Gregory, Staying Connected LLC, Kreg Wesley—School District #115, Joe Weslo-*Kendall County Record,* Jen Rakas, Matt Gilbert

Previous Meeting Minutes January 8, 2025
Motion by Ms. Linnane and second by Mr. Crouch to approve the minutes as presented. Roll call: Hyett-yes, Crouch-yes, Green-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes. Carried 7-0

Citizen's Comments None

Public Hearings
Chairman Vinyard said there were 4 Public Hearings for the meeting and he explained the procedure to be followed, the taking of testimony and he swore in those who would speak. He gave a brief description of each of the Hearings and entertained a motion to open the Hearings.

At approximately 7:03pm a motion was made and seconded by Mr. Williams and Mr. Hyett, respectively, to open the Public Hearings. Roll call: Crouch-yes, Green-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes. Carried 7-0.

The Public Hearings are:

1. **PZC 2024-22 Beecher Road Solar, LLC,** contract lessee, and Gary and Betty Bennett, property owners, petitioners, have filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use authorization and a bulk regulation variance approval. The real property is generally located immediately north of Corneils Road, approximately 1,500 feet west of Beecher Road, and approximately 4,000 feet west of IL Route 47 (N. Bridge Street) consisting of approximately 70 acres. The petitioners are requesting special use permit approval 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 10-4-13-8.c of the Unified Development Ordinance, seeking a reduction from the required one thousand (1,000) foot setback from the nearest solar array to roadway network to 482 feet from Corneils Road.

Mr. Vinyard stated the petitioner had requested the above Hearing be continued to the March 12 Planning and Zoning meeting. He entertained a motion to continue this Hearing for the taking of testimony for the Special Use and Variance for a solar farm. So moved by Mr. Williams and seconded by Ms. Linnane. Roll call: Williams-yes, Forristall-yes, Hyett-yes, Crouch-yes, Green-yes, Linnane-yes, Vinyard-yes. Carried 7-0.

Chairman Vinyard read the 3 remaining Hearing descriptions as follows:

2. **PZC 2024-29 1115, LLC,** the petitioner, in collaboration with property owners Brent and Tracy Schalhamer, has applied to the United City of Yorkville, Kendall County, Illinois, for rezoning and special use authorization for a Planned Unit Development (PUD). The proposal involves purchasing and redeveloping approximately 14 acres, comprising a one-acre parcel to remain zoned B-3 General Business District for future commercial use, and a 13-acre parcel to be rezoned from R-1 Single-Family Suburban Residence District to R-4 General Multi-Family Residence District for a townhome community with 18 buildings and 105 units. The petitioner also seeks a deviation from the Yorkville Unified Development Ordinance's Appearance Standards (Section 10-5-8(C)(2)(b)) to reduce the required use of masonry or premium siding on the front facades of the townhomes from 50% to 25%. The property, formerly Parfection Park, is located west of IL Route 47 (S. Bridge Street), east of the Green Briar subdivision, north of the Prairie Garden development, and commonly addressed as 1115 South Bridge Street.

3. **PZC 2024-31 Dave Hamman, on behalf of Kelaka, LLC,** petitioner/owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property consists of three (3) parcels totaling approximately 112.44 acres. Two (2) parcels are generally located immediately south of Faxon Road and west of Iroquois Lane and one (1) parcel is located immediately north of West Veterans Parkway (US 34) and east of Eldamain Road. The petitioner is requesting rezoning approval from R-1 Single-Family Suburban Residential District and B-3 General Business District to M-2 General Manufacturing District.

4. **PZC 2024-32 Kyle Corniels,** petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois requesting relief from Section 10-5-5 of the Unified Development Ordinance requiring fences not extend beyond the front plane of the primary building facade in residential districts for a residential parcel located at 515 W. Washington Street. The purpose of this request is to allow for the fence on the petitioner's property to extend beyond the front plane of their home. The real property, zoned R-2 Single-Family Traditional Residence District, is located at the end of the cul-de-sac on West Washington Street and immediately south of West Fox Street, in Yorkville, Illinois.

(See Court Reporter's transcript of Public Hearings)
(*To be added to official transcripts: 2 page report from school District, Fox Haven Impact Analysis)*

At approximately 9:33pm a motion was made by Mr. Williams and seconded by Mr. Hyett to close the Public Hearings. Roll call: Forristall-yes, Hyett-yes, Crouch-yes, Green-yes, Linnane-yes, Vinyard-yes, Williams-yes. Carried 7-0.

Unfinished Business None

New Business

2. PZC 2024-29 1115, LLC (see full description in #2 above)

Mr. Crouch questioned the fact there is only one egress on the property, when two are usually required. Attorney Williams said there is a temporary access onto Rt. 47 and one for emergency uses only. There will also be a cross access easement in the northwest corner when the area develops further. Mr. Crouch also asked if a traffic study has been done. Engineer David Schultz said no traffic study has been done yet as they need an IDOT permit first.

Ms. Noble read the standards and petitioner's responses for the PUD portion of the request and the Commissioners reviewed them. She noted that there is an abundance of office space in the city and development has shifted to housing and that this property has remained undeveloped. The rezoning standards and petitioner's responses were also read by Ms. Noble and considered by the Commissioners. There was no further discussion of either request.

Action Item

PUD

Chairman Vinyard entertained a motion to approve PZC 2024-29 1115, LLC Planned Unit Development. So moved by Mr. Williams and second by Mr. Hyett. Mr. Williams read the motion as follows: Motion: In consideration of testimony presented during a Public Hearing on February 12, 2025 and standards for Planned Unit Development Approval, the Planning and Zoning Commission recommends approval to the City Council of a request to develop a 13-acre townhome community with 17 buildings totaling 105 townhome units with a deviation from the Yorkville Unified Development Ordinance's Appearance Standards (Section 10-5-8(C)(2)(b)) to

reduce the required use of masonry products or premium siding on the front facades of the townhome buildings from 50% to 25% and a signage plan allowing for certain temporary signs to exceed the permitted maximum sign area and sign height for the property generally located west of IL Route 47 (S. Bridge Street), east of the Green Briar subdivision and north of the Prairie Garden development with a common address of 1115 South Bridge Street, subject to the conditions enumerated in a staff memorandum dated February 6, 2025.
Roll call: Forristall-yes, Hyett-yes, Crouch-yes, Green-yes, Vinyard-yes, Williams-yes, Linnane-yes. Carried 7-0.

Action Item
Rezoning

Motion to approve PZC 2024-29 1115, LLC Rezoning request by Mr. Williams and second by Mr. Hyett. Mr. Williams read the motion as follows. Motion: The Planning and Zoning Commission recommends approval to the City Council to rezone a 13-acre parcel generally located west of IL Route 47 (S. Bridge Street), east of the Green Briar subdivision and north of the Prairie Garden development with a common address of 1115 South Bridge Street from R-1 Single-Family Suburban Residence District to R-4 General Multi-Family Residence District.
Roll call: Forristall-yes, Hyett-yes, Crouch-yes, Green-yes, Linnane-yes, Vinyard-yes, Williams-yes. Carried 7-0

3. **PZC 2024-31 David Hamman, on behalf of Kelaka, LLC** (see description #3 above)

Ms. Noble read the rezoning standards and petitioner's responses. Some of the Commissioners disagreed with the current proposed zoning of the 3 parcels. Mr. Williams and Mr. Vinyard disagree with the zoning for the area east of Rob Roy Creek and feel it should be kept for residential. They both agreed with the benefits to the community, but not the location.

Action Item
Rezone Parcels #02-19-200-008 and #02-19-200-011

Chairman Vinyard entertained a motion to approve PZC 2024-31 Dave Hamman, on behalf of Kelaka, LLC for rezoning Parcels 02-19-200-008 and 02-19-200-011. Mr. Williams moved and Mr. Crouch seconded. Mr. Williams read the motion as follows. Motion: In consideration of testimony presented during a Public Hearing on February 12, 2025 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for rezoning from R-1 Single-Family Residential to M-2 General Manufacturing District for a proposed future data center, contingent upon approval of annexation by the City Council, for two (2) parcels totaling approximately 62.54 acres and generally located immediately south of Faxon Road and west of Iroquois Lane.
Roll call: Hyett-no, Crouch-no, Green-abstain, Linnane-no, Vinyard-no, Williams-no, Forristall-no. 6-No votes, 1-Abstain. Motion fails.

Action Item
Rezone Parcel #02-19-300-018

Mr. Williams moved and Mr. Crouch seconded a motion to approve rezoning of PZC 2024-31, Parcel #02-19-300-018. Mr. Williams read the motion as follows. Motion: In consideration of testimony presented during a Public Hearing on February 12, 2025 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for rezoning from B-3 General Business District to M-2 General Manufacturing District for a proposed future data center for an approximately 50-acre parcel located immediately north of West Veterans Parkway (US 34) and east of Eldamain Road.
Roll call: Crouch-yes, Green-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes. Carried 7-0.

4. **PZC 2024-32 Kyle Corniels** (see full description in #4 above)

Ms. Mendez presented the background for this request for a fence variance from Section 10-5-5, on property located at 515 W. Washington. This would allow the fence to extend beyond the front plane of the primary building facade in a residential district. The home location contributes to the atypical configuration and the front plane of the house extends along what would be considered a side yard. She said the setbacks create a hardship for the property owner and staff supports this request due to the uniqueness of the property. There was no discussion by the Commissioners. Ms. Mendez read the standards and the petitioner's responses.

Action Item

Variance

A motion was made by Mr. Williams and seconded by Mr. Crouch to approve PZC 2024-32 Kyle Corniels request for variance. Mr. Williams read the motion as follows. Motion: In consideration of testimony presented during a Public Hearing on February 12, 2025 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a request to vary the fence regulation contained in Section 10-5-5 of the Unified Development Ordinance to permit a fence to extend beyond the front plane of the primary building facade in a residential district of the subject property.

Roll call: Green-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes, Crouch-yes. Carried 7-0.

Additional Business

Ms. Noble introduced new Senior Planner David Hansen and he reported that all of the below petitions were approved or not opposed by the City Council.

1. **City Council Updates**
   - **a. PZC 2024-33** Stephen Cross/Costco, the PUD Amendment, Special Use and Final Plat
   - **b. PZC 2024-30** Nicholas S. Bellone solar farm 1.5 Mile Review, no opposition
   - **c. PZC 2024-21** Marker, Inc., PUD Amendment, Preliminary & Final Plat Approval
   - **d. PZC 2024-26** Drew Daniels on behalf of Daniels Malinski Yorkville Family LLLP, rezoning

Adjournment

There was no further business and the meeting was adjourned at 10:10pm on a motion by Mr. Williams and second by Mr. Hyett. Unanimous voice vote approval.

Respectfully submitted by
Marlys Young, Minute Taker

UNITED CITY OF YORKVILLE

YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION

PUBLIC HEARINGS

651 Prairie Pointe Drive

Yorkville, Illinois

Wednesday, February 12, 2025

7:00 p.m.

PRESENT: (In person and via Zoom.)

Mr. Rich Vinyard, Chairman,

Mr. Danny Williams, Commissioner,

Mr. Rusty Hyett, Commissioner,

Mr. Ryan Forristall, Commissioner,

Ms. Marge Linnane, Commissioner,

Mr. Michael Crouch, Commissioner,

Mr. Chad Green, Commissioner.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community Development Director;

Ms. Sara Mendez, Planner;

Ms. Marlys Young, Minute Taker.

APPEARANCES: (In person and via Zoom.)

OTTOSEN, DiNOLFO, HASENBALG & CASTALDO, LTD.
BY: MS. MEGAN LAMB
1804 North Naper Boulevard, Suite 350
Naperville, Illinois 60563
(630) 682-0085

appeared on behalf of the United City of Yorkville;

GRIFFIN, WILLIAMS, McMAHON & WALSH, LLP
BY: MR. RICHARD L. WILLIAMS
21 North Fourth Street
Geneva, Illinois 60134
(630) 457-1205

appeared on behalf of the Petitioner in PZC 2024-29, 1115, LLC;

DOMMERMUTH, COBINE, WEST, GENSLER, PHILIPCHUCK & CORRIGAN, LTD.
BY: MS. KATHLEEN C. WEST
And
MR. JOHN F. PHILIPCHUCK
111 East Jefferson Avenue, Suite 200
Naperville, Illinois 60566
(630) 355-5800

appeared on behalf of the Petitioner in PZC 2024-31, David Hamman, on behalf of Kelaka, LLC.

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I N D E X

WITNESS: (In person and via Zoom.)	PAGE:
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REPORTED BY: Christine M. Vitosh

Illinois C.S.R. License No. 084-002883

(WHEREUPON, the following proceedings were had in public hearing, commencing at 7:02 p.m.:)

CHAIRMAN VINYARD: There are four public hearings scheduled for tonight's Planning and Zoning Commission meeting.

The purpose of this hearing is to invite testimony from members of the public regarding proposed requests that are being considered before this Commission tonight.

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

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

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

(Witnesses sworn.)

CHAIRMAN VINYARD: Please be seated. So

the order for receiving testimony will be as follows: We will have the petitioner presentation, and then following that anyone who wishes to speak, whether in opposition of it or in favor of it will go after that.

So may I have a motion to open the public hearing on Petition Numbers PZC 2024-22, Beecher Road Solar, LLC, requesting a special use and variance for a solar farm; PZC 2024-29, 1115, LLC, requesting rezoning classification and a Planned Unit Development for a townhome development; PZC 2024-31, David Hamman on behalf of Kelaka, LLC, requesting rezoning classification for a future data center; and PZC 2024-32, Kyle Corneils, requesting a variance for a fence.

COMMISSIONER WILLIAMS: So moved.

COMMISSIONER HYETT: Second.

CHAIRMAN VINYARD: Very good. May I have a roll call vote on the motion, please?

MS. YOUNG: Yes. Crouch.

COMMISSIONER CROUCH: Yes.

MS. YOUNG: Green.

COMMISSIONER GREEN: Yes.

MS. YOUNG: Linnane.

COMMISSIONER LINNANE: Yes.

MS. YOUNG: Vinyard.

CHAIRMAN VINYARD: Yes.

MS. YOUNG: Williams.

COMMISSIONER WILLIAMS: Yes.

MS. YOUNG: Forristall.

COMMISSIONER FORRISTALL: Yes.

MS. YOUNG: And Hyett.

COMMISSIONER HYETT: Yes.

CHAIRMAN VINYARD: Everyone still standing, there is room back here and over here in the overflow, there is screens you will be able to see everything, or you can choose --

MS. LAMB: There is also some seats up in the front. The whole row is open.

CHAIRMAN VINYARD: No one bites.

COMMISSIONER CROUCH: We won't bite.

COMMISSIONER HYETT: Win a prize.

CHAIRMAN VINYARD: There is a winning lottery ticket taped under somebody's seat. Awesome. Okay.

So the first public hearing for discussion is PZC 2024-22, Beecher Road Solar,

LLC, is requesting a special use and variance for a solar farm.

The petitioner has asked that this public hearing be continued until the next regularly scheduled PZC hearing on March 12th. Everyone should have got that supplement sent to them.

UNIDENTIFIED AUDIENCE MEMBER: We can't hear you.

CHAIRMAN VINYARD: So in consideration for the petitioner's request and there not being a presentation by the petitioner for tonight's PZC meeting for the public hearing, may I have a motion to continue the public hearing for PZC 2024-22, Beecher Road Solar, LLC, to March 12, 2025 Planning and Zoning Commission meeting for the taking of public testimony on the requested special use and variance for a solar farm?

COMMISSIONER WILLIAMS: So moved.

COMMISSIONER LINNANE: Second.

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

MS. YOUNG: Williams.

COMMISSIONER WILLIAMS: Yes.

MS. YOUNG: Forristall.

COMMISSIONER FORRISTALL: Yes.

MS. YOUNG: Hyett.

COMMISSIONER HYETT: Yes.

MS. YOUNG: Crouch.

COMMISSIONER CROUCH: Yes.

MS. YOUNG: Green.

COMMISSIONER GREEN: Yes.

MS. YOUNG: Linnane.

COMMISSIONER LINNANE: Yes.

MS. YOUNG: And Vinyard.

CHAIRMAN VINYARD: Yes.

Very good. The public hearing for PZC 2024-22, Beecher Road Solar, has been moved to the March 12th, 2025 Planning and Zoning Commission meeting.

All right. There is a lot of this.

MS. NOBLE: Yes.

CHAIRMAN VINYARD: The remaining public hearings up for discussion tonight are as follows: PZC 2024-29, 1115, LLC, the petitioner in collaboration with property owners, Brent and Tracy Schalhamer, have applied to the United City of Yorkville, Kendall County, Illinois, for

rezoning and special use authorization for a Planned Unit Development.

The proposal includes purchasing and redeveloping approximately 14 acres, comprising a one-acre parcel to remain zoned as B-3 General Business District for future commercial use, and a 13-acre parcel to be re-zoned as R-1 Single-Family Suburban Residential District to R-4 General Multi-Family Residential District for a townhome community with 18 buildings and 105 units.

The petitioner also seeks a deviation from the Yorkville Unified Development Ordinance appearance standards, Section 10-8 -- 10-5-8, Subsection (C)(2)(b), to reduce the required use of masonry or premium siding on the front facades of the townhomes from 50 percent to 25 percent.

The property, the former Parfection Park, is located west of Illinois Route 47, east of the Greenbriar subdivision, and north of the Prairie Garden development, and commonly addressed as 1115 South Bridge Street.

Bear with me. The next one, PZC

2024-31, David Hamman, on behalf of Kelaka, LLC, petitioner/owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification.

The real property consists of three parcels totaling approximately 112.44 acres. Two parcels are located immediately south of Faxon Road and west of Iroquois Lane and one parcel is located immediately north of West Veterans Parkway and east of Eldamain Road.

The petitioner is requesting rezoning approval from R-1 Single-Family Suburban Residential District and B-3 General Business District to M-2 General Manufacturing District.

PZC 2024-32, Kyle Corneils, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting relief from Section 10-5-5 of the Unified Development Ordinance requiring fences not extend beyond the front plane of the primary building facade in residential districts for a residential parcel located at 515 West Washington Street.

The purpose of this request is to

allow for the fence on the petitioner's property to extend beyond the front plane of their home.

The real property, zoned R-2 Single-Family Traditional Residential District, is located at the end of a cul-de-sac on West Washington Street and immediately south of West Fox Street in Yorkville, Illinois.

All right. So is the petitioner for PZC 2024-29, 1115, LLC, present and prepared to make its presentation on their proposed requests?

MR. WILLIAMS: We are, sir.

CHAIRMAN VINYARD: Thank you.

RICHARD L. WILLIAMS,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. WILLIAMS: Can you hear me okay? Good evening. My name is Richard Williams. I am an attorney for the petitioner, 1115, LLC, which is an Illinois Limited Liability Company.

The principals of that company are Matt Christensen and Patrick Winninger; both are present today. We also have or engineer, David Schultz, present from HR Green.

Our -- Sorry. There we go. And

then our builder is Ryan Homes, who we will be partnering with for this project, Mark Fields and Charles Conde.

Ryan Homes is a well respected national home builder. They are building two projects in town already. They do business in 16 states. The city is familiar with them, and we are confident that they are going to be an asset to this project in this area of the city.

As stated before, we own or are contract purchaser for 14 acres. Of that 14 acres, we are asking to rezone a 13-acre parcel to R-4 with a special use for a planned unit development. We are meeting all of the bulk regulations for the R-4 District.

The Comp Plan identifies this property as commercial office. If this petition is approved, it's my understanding that the city will amend its Comp Plan in accordance with the new zoning, but we feel the R-4 zoning is an appropriate PUD, is an appropriate zoning, for this property.

The Schalhamers, who are present here, have owned this property for many years and

they've had it for sale since 2018, and it's been vacant for the last seven, six years, so we believe that this is a good transitional use of the project and we are excited to bring this to the city.

As stated before, the property at 1115 South Bridge Street was formerly used as Parfection driving range. After the Schalhamers closed their operations, it has been vacant.

The surrounding properties, we have R-2 Residential to the west, that's the Greenbriar subdivision; to the south we have R-3 Residential, that's Prairie Garden subdivision; we are retaining one acre, approximately a one-acre parcel, on Bridge Street that will be remain B-3; and then to the north is unincorporated vacant land.

I believe the correct number is 17 buildings. I could be wrong, but my count was 17.

We are providing our own stormwater detention. We are seeking access to Route 47 from IDOT. We are currently under permitting control with them.

This project will have amenities for the residents, those amenities including a walking path, fair amount of open space, a future park and ample off-street visitor parking.

We will be establishing an HOA for this project. The HOA will govern all aspects of the maintenance of the property. The roads will be private roads; they will not be maintained by the City of Yorkville.

This next slide depicts the project, and as I alluded to a moment ago, the detention basin is on the north side of the property and that's because functionally that's where it needs to go. It's the lowest point of the development.

We will be doing extensive landscaping for the buffering to the west in addition to the tree line that's already there.

We are going to have a six-foot privacy fence, which -- well, I'm not that sophisticated with your pointer, so -- but on the west side of the property you will see a fairly large buffer. There is a significant building setback line. That would be landscaped in addition to the tree line that's already present,

and we did everything we could to shift the development to the east to give the maximum amount of buffer that we could provide for Greenbriar because we really view this as a transitional neighborhood between single-family and then the multi-family you have to the south already and then the commercial to the east, so we believe this is an appropriate use of the property.

You can also see by the site plan that there is a significant amount of parking provided. We are providing 345 total parking spaces, which is 110 in excess of what is required by your ordinance.

Construction is anticipated to last roughly two years. We will, of course, follow all City of Yorkville construction codes, hours of operation, dust control, things of that nature.

We have met with some of the neighbors to the west and we heard their concerns about construction activities, and what's nice about us here is that our team is local. We live in this community. We will be there to make sure

that it operates smoothly and as unobstrusively to the neighbors as possible.

As I've mentioned before, we have maximized the buffer between Fox Haven and Greenbriar. The current minimum required setback line is 40 feet with the closest proposed building being 82 and a half feet from the property line, so we are more than double what your ordinance requires.

As you will see in a slide in a moment, the west property line has an extensive line of mature trees that we are going to preserve, we are going to leave in place, and it provides very dense screening between Fox Haven and its neighbors, and then, as I mentioned before, we will have a significant amount of additional landscaping in addition to the six-foot privacy fence.

As part of the review and approval process, we will be providing a photometric plan. We realize we have to keep all our light on our property, so there won't be spillage into the neighboring property, so we are going to be coming forward to you with that at a later time.

There we go. This is a conceptual landscape plan. We will meet or exceed your landscape requirements in the City of Yorkville. This pause is not for dramatic affect, I can assure you. It does not seem to want to advance the slide.

MS. NOBLE: We are going to try to advance it for you.

MS. MENDEZ: Yeah.

MS. NOBLE: Do you want to try and see if you can do it now?

MR. WILLIAMS: Try it again?

MS. NOBLE: Yeah.

MR. WILLIAMS: It's the right button, right?

MS. NOBLE: Yeah.

MR. WILLIAMS: Yeah.

COMMISSIONER HYETT: Batteries?

MS. NOBLE: Could be the batteries. We are going to -- we are going to see if we can do it here.

CHAIRMAN VINYARD: Folks, there's a couple seats up here or you can fit in one of the overflow rooms, or stand.

MS. LAMB: You can come up to the second row, it's open.

MS. NOBLE: It's advancing on our computer, but it's not advancing on --

MR. WILLIAMS: There we go.

MS. NOBLE: There we go, okay.

MR. WILLIAMS: So this photo -- these photos I should say were taken in December and show -- if you look at the top left-hand corner, looking -- it's from the subject property looking west at Greenbriar, the middle top again looking west at Greenbriar more towards the middle of the project, and then on the upper right-hand corner it's looking towards the north side of Greenbriar where we applied, and then, of course, the bottom photo shows the existing tree line set back a way, so you get a better perspective.

So it's being sensitive to our neighbors to the west. You know, we know that not everybody is thrilled about development coming in next door, but we believe we have done everything we could possibly do, in addition to the nature that's already there, that will minimize any visual effect of this project.

Frozen again. Technology is a wonderful thing when it works.

MS. NOBLE: There we go.

MR. WILLIAMS: Thank you. As stated before, we anticipate 105 units. Each unit will have an attached two-car garage along with two-car parking in the driveway, in addition to ample off-site parking for guests.

Your bulk standard allows for a maximum height of 40 feet; our building will be 29 and a half feet as measured by the city code.

Your minimum standard for units of this type are 1400 square feet; our minimum square footage for these units will be at least 1650 square feet.

Our starting sale price for this product will be in the upper 300,000 range. These are not entry level units.

We have asked for a variance from your premium siding and brick because we want premium architectural features to break up the view of the product, as we will talk about in the next slide, and another thing that's come up with some of the neighbors is there is a concern that

this is going to be a rental community.

This is not a rental community, this is an owner-occupied project, and we will have provisions in our covenants that prevent short-term rentals. No airbnbs, no month-to-month leases, none of that.

MS. NOBLE: Are you --

MR. WILLIAMS: I am trying.

CHAIRMAN VINYARD: Bear with us, folks.

MS. NOBLE: Let's see if she can advance it without --

MS. LAMB: Is it the batteries? I have a couple of triple As in my purse.

MS. NOBLE: We have batteries at the bottom of the dais also, but --

MR. WILLIAMS: Well, I can try. It looks like they are the wrong size.

MS. NOBLE: Yeah, don't --

MR. WILLIAMS: Looks like I need triple A, those are double.

MS. LAMB: How many triple As do you need? I've got two.

MS. NOBLE: She has batteries.

CHAIRMAN VINYARD: You're kidding me.

MS. NOBLE: The attorney to the rescue.

CHAIRMAN VINYARD: Were you a Girl Scout?

MS. LAMB: No.

MR. WILLIAMS: Well, it was a good effort.

MS. NOBLE: Yeah. Let's see what we can do here.

MR. WILLIAMS: We really need to just get through one more slide.

MS. NOBLE: Yeah.

MR. WILLIAMS: I can talk about the rest, but the next slide is important to give you a perspective of what we are planning.

Well, I will tell you what. While we are working on that, why don't I move on to a subject that I think -- I've heard some rumblings recently --

CHAIRMAN VINYARD: Please.

MR. WILLIAMS: -- this afternoon that there's some concern about the impact of this project on the school district. I've run some numbers to give some illustrations to this body to help us through this process, so --

CHAIRMAN VINYARD: Would you like this entered into the record?

MR. WILLIAMS: Yes. We have been told that there is concerns that the schools can't handle the development or don't have the financial resources, and what I wanted to do was illustrate really how low an impact this development will have on the generation of school children.

It's 105 units, but if you look at the National Association of Home Builders' study from 2020, the link of which I have in this handout, owner-occupied new construction single-family attached generates 22 school-aged children for every hundred units.

So the second column where it says students, we anticipate, based upon the National Association of Home Builders' study, only 23 students will be generated.

If I take a conservative value of these units at $350,000, the EAV will be a third of that, which is $116,000. Per your ordinance and per the school district's requirements, we will be paying impact fees and land cash

contributions of $4,494.49 per unit. That will be a lump sum payment, or an upfront payment as permits go, of $471,000 in land cash and impact fees.

We also will be generating a significant amount of real estate tax from this project. Right now it's on the tax rolls as vacant land. We anticipate $12,250,000 of total EAV at full build.

If we apply the last known tax rate for the school district of -- well, if you look at a tax bill, it says 6.2, but for my purposes for math I have to do it this way.

At full build-out we will generate $761,668 per year for the school district. I have laid those numbers out below.

On a per-child-basis, this development will generate $32,972 in tax revenue per student that it generates, which is more than enough to cover the cost, and if the school district is struggling, it's going to need fees and tax revenues to be able to expand.

So you are in a Catch 22; if you sit there and do nothing, you are still going to have

people moving into Yorkville, you are still going to have an increase in the demand on infrastructure, and particularly the schools, so we feel that this development is better for -- generates less school-aged children, as you will see in the chart below, than single-family detached homes.

So if you did four units an acre of single-family, you would generate -- on this project you would actually generate more school-aged children than we will be generating, so we think this is a better choice for the school district.

So I would like to enter that into the record, please.

CHAIRMAN VINYARD: Please. Absolutely.

MR. WILLIAMS: The next slide shows a head-on view of the project, and we've got folks here who can talk about this better than me if you have questions.

What you don't really capture in this illustration is the depth of the product. It's not a barrack. It's not a flat wall. It's offset. There is depth to this project.

There is a mixture of brick and gables and other architectural features, which Charles can tell you about better than I, bay windows that offsets the view, and it's more -- it's a more attractive product in our view than if it was just all Hardie board or all brick or all LP siding. Okay.

MS. NOBLE: We are doing it.

MR. WILLIAMS: You are going to do it then. Okay. Next slide, please. I am just going to wrap up here.

So, in summary, we have asked for no relief on the building permits. We have asked for no relief on the school or park fees.

We are committed to this community. We are committed to paying our fair share. We have asked for no variances from your bulk R-4 regulations.

The variance we have asked for, building siding, we are offsetting with our architecture per your code, so we are following your code.

We are asking for no relief from your landscaping; we will meet or exceed your

landscaping requirements. We are installing a privacy fence as well.

So it's a good location to transition from single-family to a multi-family product such as we are offering here. One more slide and I am done.

We believe that this project, with its close proximity to downtown, offers a lot of amenities to our future residents and to our businesses here in town.

There is a need for this housing type in this area of the city. There is a huge demand. We are doing this with what we believe is a premium product, and we are partnering with a well-known, respected national home builder, so we are excited by the project.

We are looking forward to a long-term relationship with the city, and our team is here to answer any questions you might have.

CHAIRMAN VINYARD: Thank you, sir. Is there anyone present who wishes to speak in favor or opposition of this request? Go over to the podium and sign in, please.

THE REPORTER: There is no paper there to sign in on.

CHAIRMAN VINYARD: Oh. Where did that go?

MS. YOUNG: There is a sign-in.

MS. NOBLE: Where is the sign-in sheet?

MS. YOUNG: It's on a clipboard.

MS. NOBLE: There is a clipboard circulating that's a sign-in sheet. Does anyone have that clipboard?

MS. YOUNG: I'll go get it.

CHAIRMAN VINYARD: Thank you. You can go ahead, sir. You can sign it when you are done.

MR. CAMPBELL: I've already signed it.

CHAIRMAN VINYARD: You already signed it?

MR. CAMPBELL: Yes.

CHAIRMAN VINYARD: Beautiful.

DAVE CAMPBELL,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. CAMPBELL: My name is Dave Campbell. I live on Elizabeth Street. Over the years we've

had trouble with water from the south heading north onto our street. That's our biggest concern. We are not opposed to the project other than disbursement of water. Yeah. That's it.

CHAIRMAN VINYARD: Very good. I believe that has been addressed with the engineering.

MR. CAMPBELL: I saw the detention pond. There is another one already there that went -- the last time it overflowed and we got water, significant water, in our crawlspace.

So I see where the detention pond is. I mean, it's -- you know, I can throw a rock and hit it.

CHAIRMAN VINYARD: Sure.

MR. CAMPBELL: So that concerns me. If that fills up, where is the water going to go? It's going to come to us.

CHAIRMAN VINYARD: Okay.

MR. CAMPBELL: So if there is any -- I mean, the next property over is Carol's, which is the unincorporated, you know. It just always comes this way, you know, north to our property, to our street, so --

CHAIRMAN VINYARD: Okay. Very good.

Thank you, sir.

MR. CAMPBELL: Yes.

CHAIRMAN VINYARD: Would you guys like to address that? Sir, he will address your question right now.

DAVID SCHULTZ,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. SCHULTZ: Good evening. David Schultz, HR Green, senior project manager, engineer for the project.

What we have to do for this project is provide on-site detention for the difference in imperviousness of the area.

So the previous site was developed, has an existing basin, stormwater basin, that was sized appropriately for that development.

What we have to do now is enhance and grow that basin to account for everything, so there is larger restrictions, slowing down the water, releasing per the rates.

We have to follow the city ordinances, we have to follow the Kendall County Stormwater Ordinance which they adopted, so we

have to confine basically to all the regulations that are set in place by the city.

CHAIRMAN VINYARD: Thank you. Would anyone else like to speak on this? Okay. Go ahead, sir. Sign in, please.

MR. SCHALHAMER: I signed in already.

CHAIRMAN VINYARD: Very good.

BRENT SCHALHAMER,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. SCHALHAMER: Yeah. My name is Brent Schalhamer. I am the current property owner. My wife is here, Tracy, with me. I want to just be brief. I don't have any slides to go through.

CHAIRMAN VINYARD: Thank you.

MR. SCHALHAMER: So what I do want to say is, you know, there is neighbors here from Greenbriar and I know some are opposed to this. I hope they change their mind.

I've had this property for sale longer than 2018, basically 2014 before I closed Parfection Park. I find it ironic that I am -- you know, there is opposition maybe to this development.

When I had the property started in '92 and Greenbriar came around, I was kind of opposed to that. It's come kind of full circle. Very ironic to that.

I could whine and complain all night that I haven't been able to sell the property since 2014. I actually tried to sell it as early as 2008 when things were booming. Probably a year too late.

Not to say that I wasn't enjoying running the business or the business wasn't successful because, yeah, I hope it contributed to the city.

So I did want to say the property was purchased by my wife and I in 1991. In '92 we went in front of the city, completely different office spaces at that time, but -- to get a special use for the driving range, which was the first part of the business.

I was given the special use permit, and at that time, way back in '92, that's when R-1 was designated for the property. That was 34 years ago, 33 years ago, so I don't feel like R-1 should apply anymore.

I am in favor of this development after all the other opportunities that came this way because I think it's a good middle ground between R-1 and apartments.

I think being three-quarters of a mile from downtown Yorkville, which is growing and having festivals, I think it's great that people could walk down there, especially this many in the townhomes.

I mean, they will be there to buy groceries, food, go to restaurants, gas, all support secondary revenue for the city, not only the tax base.

I am paying property taxes, I don't consider them vacant-type taxes, and it's a burden. My wife and I want to move on.

So yeah, I am in favor of this. I am asking for your recommendation in front of City Council and to move this forward, so thank you. Any questions, glad to answer them a s well.

CHAIRMAN VINYARD: Thank you, sir. Mr. Wesley on Zoom, I believe you are my next speaker.

MS. NOBLE: Sorry.

CHAIRMAN VINYARD: Sir, we can't hear you. Hold on one second.

MR. WESLEY: Can you hear me now?

CHAIRMAN VINYARD: Yes, I can. Very well, sir.

KREG WESLEY,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. WESLEY: Thank you. So Kreg Wesley. I represent the Yorkville School District, and we are not opposed to the concept. Ryan Homes is a fine builder.

Our concern is the density, and when I applied the population calculation based on the 105 units, the calculation that the City of Yorkville utilizes, I came up with larger numbers, so I would just ask that the city take a look at that because 105 units based on their -- this population calculation is 75 school-aged children, 24 pre-K, 31 elementary, nine at the middle school and ten at the high school applying that computation, so our concern is just the density.

I think there is value in this type of development, I think there is the opportunity for the EAV, the attorney that spoke is exactly correct. It's just the density and the timing.

The school district is having our issues with capacity and this is just going to contribute to it, so that's what I would like added to the record.

CHAIRMAN VINYARD: Very good, sir. Thank you.

Would anyone else like to speak? This is your only opportunity to speak on this matter.

CAROL WISSMILLER,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. WISSMILLER: I am Carol Wissmiller and I have already signed in. I own the property that's north, the nine acres.

MS. NOBLE: I'm sorry, can you speak into the microphone? Thank you.

MS. WISSMILLER: I am Carol Wissmiller, I already signed in, and I own the property that's to the north, that nine acres of

unincorporated Kendall County.

Can you bring the plot plan back up again, please? That one. Okay.

See where that walking path goes all the way around? How do I make sure nobody gets onto my property?

CHAIRMAN VINYARD: That's a great question.

MS. WISSMILLER: I have livestock.

CHAIRMAN VINYARD: Do you guys plan on putting anything other than the landscape buffer on the north side?

MR. SCHULTZ: No, just landscaping buffering, and to the north there is actually a sanitary sewer easement that we share with the City Council.

MS. WISSMILLER: I know, they ran it through my property.

MR. SCHULTZ: Oh. So the easement is on your property.

MS. WISSMILLER: Well, part of it is, yeah. So there is nothing in this plan to stop people from walking off of that walking path onto my nine acres to the north.

MR. WILLIAMS: Do you have a fence?

MS. WISSMILLER: Not along the property line. I do for the pasture land, but not the property line.

So how do I keep people from trespassing onto my property?

UNIDENTIFIED AUDIENCE MEMBER: No trespassing signs?

MR. WILLIAMS: With all due respect, ma'am, I think you have the same problem now whether we are there or not.

MS. WISSMILLER: No, I don't. There is nobody there. It's vacant land.

MR. WILLIAMS: People could trespass at any time. We are certainly not going to encourage trespassing. If you want us to post no trespassing signs along the property line, we are more than happy to do that.

If you come into problems, you know, you can call the sheriff or the police department, but we really can't keep people from breaking the law.

I mean, if they're going to -- we don't encourage it, we don't condone it, we don't

anticipate it. We are happy to post some signage on the path, but I don't know what else we can really do to alleviate a concern, which is really just, frankly, just a general concern, it's a kind of a what-if-maybe type of concern.

MS. WISSMILLER: It's a liability concern, yes.

MR. WILLIAMS: And I am not discounting your concern.

MS. LAMB: Let's make sure we speak one at a time so the court reporter can keep track.

MR. WILLIAMS: It certainly is a valid concern to have, I am not trying to insult you or say that it's not -- minimize your concern, but we all have the liability of somebody coming on our property and trespassing, whether we have a pool or we have a gym set or something that's an attractive nuisance.

We will do our best, I can assure you, to prevent that and certainly will not encourage it.

CHAIRMAN VINYARD: Thank you.

MS. WISSMILLER: So it sounds like I am going to have to put a fence up.

CHAIRMAN VINYARD: That would be completely your prerogative on what you do on your property. At this point I don't believe we can force them to put up a fence there.

They are following all regulations of the UDO. Short of the fact that you have a storm easement in there, not knowing what the exact distance is offhand, I am assuming it's probably a little bit more than 40 feet, that's my assumption, but, for that matter, it would become a police issue.

MR. WILLIAMS: I can add maybe a little bit more color, too. We are more than willing to have in our new resident packet acknowledgment that it's private property and discouraging any trespassing, and there will be an HOA, so if you run into issues with people trespassing, you are invited and welcome to call the HOA and the HOA will work with you to mitigate any future issues.

MS. WISSMILLER: Okay. Because I -- I do have a current problem with people cutting across my back pasture walking. It doesn't do any good.

The only thing that I can think

about is putting up a fence.

CHAIRMAN VINYARD: Okay.

MS. WISSMILLER: And then also in regards to the water retention, about once every five years the retention pond that is located behind -- what's the building that's adjacent to it, North American Building Company there, that's right next to the property to the north, they have a small retention pond there currently. About once every five years it overflows and runs all over my property.

What's going to happen -- Is this detention pond big enough to hold the water?

CHAIRMAN VINYARD: Ma'am, these developers have to follow every regulation within the city, so they do all the calculations, the city verifies the calculations, that this can handle appropriate stormwater detention, so, again, that's another -- we are discussing a property away from it, I understand they are two different ones.

We can't hold them to a standard of somebody else's property, just their own. They are providing enough detention based on the

calculations through the city staff. I wish I had more for you. I understand.

MS. WISSMILLER: I've seen the overflows, and that's when all this property has been under grass and it's been able to absorb the water.

CHAIRMAN VINYARD: Sure.

MS. WISSMILLER: Now you are putting what, two-thirds of it under pavement? And it's not going to have the ability to absorb all that water anymore.

CHAIRMAN VINYARD: So also with that, they have to -- they have to abide by a standard of the amount of permeable area, so they actually are under that I believe, aren't they?

MR. SCHULTZ: Yeah.

MS. WISSMILLER: Sorry.

CHAIRMAN VINYARD: Something tells me it was like 60 percent.

MR. SCHULTZ: David Schultz again, HR Green. The allowable imperviousness is 70 percent based on the zoning. The current plan is at 65 percent, so we are under that requirement right now.

MS. WISSMILLER: Under the requirement?

MR. SCHULTZ: Under the requirement. And regarding the sizing, everything has to go through the review, we have to size for a hundred-year storm.

I can't comment on the existing site, I can't comment whether or not it is sized appropriately. There has been updates in stormwater rainfall intensities and stuff like that, so we are -- we have to adhere to the current standards of today, so previously that may not have been the case, it may not have been sized appropriately, but I am just guessing at that, but moving forward we have to size according to what is shown on the plan.

MS. WISSMILLER: So you are currently below the standard?

CHAIRMAN VINYARD: That's correct.

MR. SCHULTZ: No.

MS. WISSMILLER: You said 65 percent, you said the standard is 70.

MR. SCHULTZ: That is of impervious area, so we can develop 70 percent of this property.

MS. WISSMILLER: Okay.

MR. SCHULTZ: We are developing at 65 percent.

MS. WISSMILLER: Got it, okay.

MR. SCHULTZ: That's the difference.

MS. WISSMILLER: Okay.

CHAIRMAN VINYARD: Thank you.

MS. WISSMILLER: That was my -- that was my two biggest concerns.

CHAIRMAN VINYARD: Thank you.

MS. WISSMILLER: So it sounds like I am going to have to put a fence up. Okay. I'm sorry everybody over in Greenbriar, but I am going to have to put a fence up.

CHAIRMAN VINYARD: I am hoping for a very good neighborly transition with you.

MS. WISSMILLER: From what I have experienced with subdivisions behind me right now, the school kids cross the property all the time.

CHAIRMAN VINYARD: I'm sure it's frustrating.

MS. WISSMILLER: And I put off putting up a fence because they've gotten better in the

last couple of years. I just don't see it getting any better with this, so --

CHAIRMAN VINYARD: I'm sorry. I hope that's the absolute opposite.

MS. WISSMILLER: Okay. Thank you.

CHAIRMAN VINYARD: Would anyone else like to speak? Please.

MR. SCHALHAMER: I just wanted to address the concerns. Nice to meet you. We haven't met before. I've been trying to track you down for a while.

I understand exactly where she is coming from. As a property owner, I've seen trespassing, I've had vandalism on my property. Valid concern.

What I have learned is the more I've been out there, whether mowing or have somebody mow it or bale it or just have activity on the property, maintain it, the more eyes out there, the less problems you have.

So I am thinking that when you get all those townhomes out there that you are going to have more eyes on that property, and people are pretty good with their cell phones, you know,

taking pictures of people trespassing, they will help that keep in check.

So I think this development will actually cut down on the amount of trespassers and I think it will be its own resolution, and that's what I feel and observed at my property.

CHAIRMAN VINYARD: Very good. Thank you. Would anyone else like to speak? Please.

MARK SCHMIDT,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. SCHMIDT: My name is Mark Schmidt. I am a resident in Greenbriar subdivision.

I wanted to understand a little bit more about the rental property concern because we met with Patrick and his associates at the community event they had at Craft'd, and I guess the concern I got coming away from that is after the HOA takes over, which I think was after 70 percent capacity, then the HOA has voting rights and the developer has no more say in what happens to the property, so worst case, you know, your development is not sold out, maybe you have 50 percent -- well, I'm sorry, if an LLC

corporation or somebody were to come in and buy up a majority of those remaining units, could they vote with the HOA to turn it into a rental property?

CHAIRMAN VINYARD: That's a great question that I can't answer. Would you like to address that, please?

MR. WILLIAMS: As somebody who represents -- Rick Williams again. As somebody who represents HOAs, I can tell you there is a process to amend covenants, but it's not an easy process.

We have to turn over the association when we are at basically 70 percent, or three years, whichever occurs first.

We have an incentive to keep this community marketable. I can tell you that short-term rentals are not attractive to somebody living in an HOA community for the same reason this gentleman from Greenbriar is concerned. If I lived in the community, I would not want short-term rentals next door.

Typically what we do in the covenants, it requires a two-third majority of

the owners to sign a document amending that. It's very difficult to do.

Could it be done? In theory, yes, but if that's happening, you know, then this -- I don't know, I don't want to talk this way, but this project has been a failure and someone has come in and bought it up, and we don't anticipate that happening.

We have a lot of money invested in this, Ryan Homes will have a lot of money invested in this. They have a track record in Yorkville of being successful. They are going to be successful here.

In the worst case, it would be very difficult to change that covenant.

CHAIRMAN VINYARD: Sir, does that address your concern?

MR. SCHMIDT: I mean, is there anything legally that you can put in the covenants to prevent that down the road?

MR. WILLIAMS: We will put in -- it will require a supermajority of the residents to -- property owners to amend the covenants, okay, and that's not an easy process. We will put in the

supermajority, but we cannot -- once we are done with a project, we can't stop what the residents do.

I can tell you that what I have observed in communities with a homeowner's association is they actually amend the covenants when they do this to prevent short-term renters because if there is -- if it were to be silent as to rentals, then you could have an airbnb and you can have a short-term renter and most communities don't want that, so they require a minimum one year, if not longer, lease, and also approval rights as well.

So I think the market will dictate that it will not be ever short-term rentals, and we certainly are not going to encourage that.

MR. SCHMIDT: I hope you are right. I mean --

CHAIRMAN VINYARD: Thank you.

MR. SCHMIDT: -- because we had had -- just one more point, the house we are in, we had a homeowner there who -- she moved, but then she started renting her property out, and for I think nine years the renters went from bad to worse to

worse, and now we finally got a family in there, we've actually had two families in there, so it's -- so I hope this project works out well and you do sell it out and you have great neighbors and they pay taxes and build up the schools, but it's worst case scenario, but it's still possible.

CHAIRMAN VINYARD: Valid concern. Thank you. Anybody else? Sir.

CARL BOSI,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. BOSI: Hi. My name is Carl Bosi. I live in Prairie Garden. I have a couple quick questions for you.

Now, when you said you are going to put a privacy fence up, is that going to go the whole length of the yard from the back all the way front?

Because we are a retirement community and we have a lot of people -- they are not here -- that are worried about the neighbors, the new neighbors, when they come, their kids come and playing in the retention, because we

have a retention pond there, having them playing in there, coming up and disturbing them. Number one.

Another one I have, is this is going to be single-family, correct? It's not going to be multi-family units, housing units?

And I will let you get -- one more thing, and for the storm sewer they were talking about, are they going to bring the storm sewer for this unit into our storm sewer for Prairie Garden?

Because we have two retention ponds behind our units, and when it rains, it barely keeps up. I mean, it starts flooding, it takes a while. We've had to start calling up, you know, the city to have them check it out and whatever.

Now, if you tie into ours, our units are going to get flooded, our sump pumps are going to be going off constantly, burning up. Those are my concerns.

Thank you.

CHAIRMAN VINYARD: We will get you an answer for that.

MR. WILLIAMS: So I'm going to take two

of the questions and then Dave will handle the last.

The privacy fence is along the entire westerly boundary, it's not along the southerly boundary. This is a single-family attached housing, not multi-family.

And then I will let Dave handle the stormwater issue.

MR. SCHULTZ: Sure. Regarding the question on the storm sewer, no, we are not tying into the storm sewer system. This development is independent and will take care of their own area, so they will have their own storm sewer, their own on-site detention.

We have to follow drainage laws, so if the water comes to us, we have to accept it and we also have to pass it on. So hopefully that answers your question.

CHAIRMAN VINYARD: Thank you.

MR. CAMPBELL: One more question.

CHAIRMAN VINYARD: Sir, you've got to address me. Let him -- You can come back up.

MR. CAMPBELL: Okay. Dave Campbell. So that whole development is going to take on its

own water and disperse into that detention pond, right? So after -- once it fills up, then it goes into the city storm sewer?

MR. SCHULTZ: No. First of all, the question, yes, all of our water goes into our own storm sewer, which then discharges into the detention basin, and then from that it is released at a slow rate to the north based on the tributary area, just like today.

There is an existing basin essentially in the same location and that releases to the north. Everything is tributary to the north based on the topography of the property today.

CHAIRMAN VINYARD: Would anyone else like to speak? Please.

ANGIE CHARLTON,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. CHARLTON: Hi. I live in Greenbriar, East Barberry Circle.

CHAIRMAN VINYARD: Could you state your name, please?

MS. CHARLTON: Angie Charlton.

CHAIRMAN VINYARD: Thank you.

MS. CHARLTON: I am concerned there is a considerable amount of units in such a small area, number one.

Number two, we have enough problems getting out of Greenbriar and Sunflower onto 47 now, so this is only going to add to the issue, and I realize that's a state issue, but it's still a big issue for everybody in our subdivision on the south side.

And as far as the rental properties, I've seen it happen before, over time where they get in the majority of the people that want to rent and then it becomes a big problem, so that's -- those are my concerns about it.

CHAIRMAN VINYARD: Thank you. Ma'am?

KIM SCHMIDT,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. SCHMIDT: Hi. My name is Kim Schmidt. I, too, live in Greenbriar. I am in the north part of the area where all the stormwater will be funneling into.

I currently, when we have torrential

downpours, a little bit of water that is currently sitting in my backyard, as well as a couple of the yards next to me as well, and I think in a perfect world, you know, hopefully this retention pond will work, but what is the recourse that we will have when it doesn't, you know, when my basement is overflowing with water and I am taking more than just a little bit of water in my backyard?

You know, and I, too, have to echo the concerns that, you know, I don't think that we are against having a multi-family unit like this, I think it's a great idea, I think we do need it in our community, just not in this location.

I think we have single-family homes, you know, to the west, we have R-3, which is a great, lovely community for the seniors, which we need more of.

I mean, I am all for either -- I mean, I would love to have this remain a golf course or something that our kids need. I have kids in the school district, we have been here for 27 years, and we need more places of open

space and parks and community gardens and such like that, but if it has to turn into a residential, you know, community, because it is still R-1, you know, why not turn it into the R-3, why not take the Prairie Gardens and extend it forward instead of putting, you know, 105 units, which, you know, equates to a minimum of another 200 cars.

I really do have a difficult time getting, you know, my kids to and from school, my husband getting to work during rush hour.

I mean, it's four lanes of traffic and we've got more cars coming and going, and even just turning to go southbound on 47, you know, there is just a lot of traffic, you know, between that preschool that's there, and that brings a lot of cars into Prairie Meadows as well as Briarwood, too. There is just a huge amount of traffic there as well. So those are my concerns.

CHAIRMAN VINYARD: Thank you. Anybody else?

MS. SCHMIDT: Can somebody answer the question? I'm sorry.

MS. LAMB: This is a period for public comment, so you can't really request that. The Chair can ask for it.

CHAIRMAN VINYARD: Would you like to address that?

MR. WILLIAMS: Sure. I will do the best I can. You know, as it relates to stormwater, Mr. Schultz is a professional engineer with HR Green. He is a reputable engineer. He is putting his license on the line certifying that this development is going to retain stormwater in accordance with state law and your ordinances.

I will also tell you as to what kind of recourse you would have, well, state law says we cannot increase the flow of stormwater from our property onto your property.

If we were to do that, if someone were to increase the flow of water, they would be subject to a lawsuit and you could obtain civil penalties from them. We don't want that to happen.

Typically when these developments are put in place, they will -- and I am talking in generalities here because I am not an

engineer, but our goal is to make the stormwater situation better for the community.

They generally make the situation better because we can control it. You might have a field, but if it all runs off to the north, you are going to have no way to detain that water. We will be detaining that water.

So I think, while these are all valid concerns, we are addressing them, and the city engineer has looked at what our engineer has done and they agree with that.

CHAIRMAN VINYARD: So I understand that stormwater is an issue with most people here. Let me just let you guys know that an engineer -- multiple engineers look at this, so there is somebody cross-checking the next person.

We understand that that is an issue, but please know that it's not just one person designing this, there is checks and balances with these systems. That's just part of the process of getting the permits, so just for your knowledge. Ma'am? Sorry.

MR. SCHULTZ: David Schultz, HR Green. I just have one more comment for the record. We

have stormwater management techniques from yesterday and we also have the increased run-off coefficients, increased rainfall.

It's a dynamic situation where it's ever changing, so we now have to design to higher standards today, so this stormwater detention on-site is going to be at a higher standard than what it is previously sitting on-site. The whole point of this is to really slow it down.

The current site now, it's grass, it runs off, it has no control, so by this development, it's going to enhance and help that whole entire situation down to one release.

CHAIRMAN VINYARD: Thank you. Ma'am?

PATTY LUPTAK,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. LUPTAK: My name is Patty Luptak. I am a Greenbriar resident and I live directly west from Parfection Park.

My basic question is the roadway will run right along that tree line. Will any of that tree line be removed or will that still remain in place?

And then is there going to be any type of lighting on that roadway that the cars will be going on going through those tree lines?

CHAIRMAN VINYARD: Would you guys like to address that as well?

MR. WILLIAMS: Sure.

MR. SCHULTZ: Sure. Regarding the lighting, we have to meet city code for lighting, so there will be street lighting units, stuff like that.

Earlier we discussed as a requirement of the city code we have what's called site photometrics, so we have to run this through a program that basically will prove that there is no bleed off at the property line, it's called zero foot-candles, so we have to provide that for review to the city to sign off on it as well.

I think the other question was about the traffic, the loop road I think is what you were talking about. All of the trees on the west side remain. We don't want to disturb any of those trees. With the additional setbacks and everything pushing away from the trees, that will

help the situation, keep it as far as possible away.

We are also incorporating a privacy fence and then additional screening as well.

MS. LUPTACK: Thank you.

CHAIRMAN VINYARD: Thank you. Anybody else?

(No response.)

CHAIRMAN VINYARD: All right. Are there any questions from the Commissioners for the petitioner?

(No response.)

CHAIRMAN VINYARD: Do you guys have any questions?

(No response.)

CHAIRMAN VINYARD: No? All right. Is the petitioner for PZC 2024-31, David Hamman on behalf of Kelaka, LLC, present and prepared to make its presentation for the proposed request?

Hold on one second, we can't hear you. Okay. You can try it now. Go ahead, ma'am. Can you hear us?

MS. LAMB: You might want to have the microphone on her way and then speaker on echo.

MS. NOBLE: Yeah, that's what we are --

CHAIRMAN VINYARD: Give us one second, ma'am.

MS. NOBLE: Try that.

CHAIRMAN VINYARD: Go ahead.

MS. WEST: Can you hear me now?

MS. NOBLE: There we go.

MS. WEST: This is Kathy West.

CHAIRMAN VINYARD: We can. Go ahead.

KATHLEEN C. WEST,

having been first duly sworn, testified before the Commission via Zoom as follows:

MS. WEST: Okay. Thank you. Good evening. I am Kathleen West from the law firm of Dommermuth, Cobine, West, Gensler, Philipchuck & Corrigan. With me this evening is my law partner, John Philipchuck. Our lawfirm represents Kelaka, LLC.

Kelaka owns three parcels of land; two of the parcels are located south of Faxon Road and west of the Kylyn Ridge single-family subdivision.

These parcels consist of 62 acres. They are unincorporated and are zoned A-1

Agricultural in Kendall County. Kelaka has requested that these parcels of land be annexed to the City of Yorkville and upon annexation to be zoned M-2 General Manufacturing District.

The other parcel is located on the north side of Route 34 and east of Eldamain Road. This parcel is 50 acres in size and is annexed to the city and is zoned B-3 General Business District. Kelaka is requesting that this property be rezoned from B-3 to M-2.

You can see the two parcels; this is the east parcel and then this is the west parcel. The property is located between -- the Kelaka east parcel and the Kelaka west parcel are known as the Green Door and the Daniels Malinski properties. Both of these properties are annexed to the city and are zoned M-2.

It is anticipated that these properties will be developed as a data center campus. The Kelaka parcels will complete the assemblage of this data center campus.

Village staff has proposed four conditions to be placed on their approval of the Kelaka properties. One, that if a data center

campus is not developed on the property, then the allowable M-2 uses are restricted.

Two, that a minimum hundred foot landscape buffer setback be provided adjacent to existing residential areas and major roadways.

Three, that any proposed development is subject to site plan review and approval by the City Council.

And, four, that if the property does not develop within the 20-year term of the annexation agreement, the zoning of the property will revert to R-1.

Kelaka has agreed to all of these conditions. In addition, Kelaka suggests the following conditions also be included, one, the height of any structures immediately abutting the Kylyn Ridge subdivision be limited to 55 feet, exclusive of rooftop mechanical equipment.

Two, the Kylyn Ridge subdivision presently has a 50-foot setback from the Kelaka property. Kelaka is proposing a 250-foot-wide setback from the residents in the Kylyn Ridge subdivision, from the closest building on the Kelaka property between the proposed Kelaka

setback and the existing Kylyn Ridge subdivision. This would create a total setback of 300 feet.

Also, the setback on the Kelaka property would decrease in width when it abuts the stormwater detention facility on the Kylyn Ridge property. Within the eastern 100 feet of the 200-foot setback along the Kylyn Ridge subdivision, there will be an eight to ten-foot high berm.

And, fourth, there shall be a 250-foot setback along the north property line of the lots fronting Blackberry Shore Lane.

The requested rezoning of the Kelaka properties comply with the standards of rezoning as follows: One, the proposed rezoning of the Kelaka properties is not consistent with the existing Comprehensive Plan in that the Comprehensive Plan designates these properties as Estate Conservation Residential; however, due to the trend in rezoning and development in the area, the Kelaka annexation rezoning is consistent with the city's understanding of the evolution of the Comprehensive Plan.

The proposed rezoning of the Kelaka

properties is consistent with the trend of development and planned uses and zoning of the surrounding properties as shown on the city's data center project map.

The Kelaka properties are being rezoned so as to create a data center campus with the adjacent Green Door and Daniels Malinski properties. These properties are suitable for uses in the M-2 District. Upon rezoning of the Kelaka properties, this entire area will be zoned M-2.

The Kelaka properties meet the minimum frontage and lot use requirements of the M-2 zoning classification.

This area of the city is being developed with data center campuses as the need for these facilities increase. This area is attractive to such users due to the proximity of the ComEd facilities and Eldamain bridge.

Finally, the Kelaka properties are in agricultural uses. In 2007 the west parcel was proposed to be developed for a commercial center. That development never materialized. There is now a need for data centers; the Kelaka

properties will help to fulfill this need.

Based on the information presented to the Planning and Zoning Commission, Kelaka requests that the Commission recommend approval of the zoning request.

John and I am happy to answer any questions. We would like an opportunity to respond to any public testimony, and thank you for your consideration.

CHAIRMAN VINYARD: Very good. Thank you, ma'am.

MS. LAMB: Mr. Chairman, may I make one clarifying comment?

CHAIRMAN VINYARD: Yes, ma'am.

MS. LAMB: Regarding the reverter after 20 years, it would not revert back -- it would not revert to R-1, it would revert to the previous use, so the land that is B-3 would revert back to B-3 and the land that's R-1 would revert back to R-1.

CHAIRMAN VINYARD: Did you understand that?

MS. WEST: Yes, I did. Thank you.

CHAIRMAN VINYARD: Okay. Thank you. Is

there anyone present who wishes to speak in favor or opposition of this request? Please.

MARY MAHER BARTALONE,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. MAHER BARTALONE: And I signed in. My name is Mary Maher Bartalone. I live at 1171 Blackberry Shore Lane. That is the very last house on Blackberry Shore Lane, and my property sits directly south of the two parcels in question; the sixty -- the 56 acres that is adjacent to Blackberry Shore Lane and Kylyn's Ridge.

Additionally, I am also the Bristol Township assessor. With that comes just a little bit of background that I want to share. For the last ten years I have been working in that office managing the property values of more than 13,000 properties.

Prior to that I was a real estate appraiser in Kendall County for 15 years appraising residential properties. Prior to that I was a realtor for ten years.

So for the last 35 years in Kendall

County, which I have lived in my entire life, I have been putting property values and determining highest and best use and how things should be done since I graduated college.

So I stand here feeling quite qualified to render an opinion in complete opposition to the M-2 zoning that the Kelaka company is proposing, and this is why.

UNIDENTIFIED SPEAKER: Yeah, I can take them on in a minute.

MS. MAHER BARTALONE: Excuse me?

CHAIRMAN VINYARD: Somebody unmuted. Please continue.

MS. MAHER BARTALONE: Okay. So I oppose this M-2 zoning. M-2 zoning on a property that is surrounded on three sides by residential homes is a devastating factor for people who live there in terms of their property value.

It's something I really can't even put a quantifying number to until we see how it plays out, but I can tell you right now, it is not good.

If someone wants to sell their house, they're going to have to tell them it's

M-2 zoning. If someone wants to refinance their house, the appraiser is going to have to explain what is going to be used with the land behind them.

And I am not speaking speculative. I was an appraiser who had to deal with underwriters who have questions about how things are going to play out.

There is no logical reason why this land, this little piece of triangle, should become M-2 zoning. In the Comprehensive Plan it was slated for Estate Residential. That's how it should remain and nothing else.

Now, we -- and I feel like I speak for a lot of people here -- do not oppose the general concept of the data centers, okay? It makes sense when they are large farm properties up against busy four-lane roads. That makes sense.

But there has got to be a boundary where it stops being a data center and becomes what it was supposed to be or what it was already, which is agricultural and maybe in the future residential, and the Rob Roy Creek in my

opinion represents an excellent boundary to where it has to stop, and the continuation and extension of Beecher Road as well.

That road is planned to be extended northwest up to meet with the existing Beecher Road. That can also represent a southwest boundary to this data center assemblage.

So I just find it completely wrong for the data center assemblage to sit there and say well, I see that little triangle and it makes sense for it to be a part of this assemblage, but it is not. You can't do it. You cannot.

And I stood here last night in opposition to the annexation and I stand here tonight in complete opposition to the rezoning from both a personal opinion and a professional one.

And I also will say that I am an unbiased opinion on this matter. My house backs -- is immediately adjacent to the Daniels property, their property hits our property, and I have on three occasions stood in front of this board and said I support that.

I don't like it, but I support it,

because it logically it makes sense, and I will absolutely be at every single zoning meeting to make sure how that lays out because there is decisions to be made there as well.

That's all I have to say. Thank you.

CHAIRMAN VINYARD: Thank you.

MR. PHILIPCHUCK: Mr. Chairman?

CHAIRMAN VINYARD: Yes, sir.

MR. PHILIPCHUCK: If I may, I am John Philipchuck, one of the attorneys, and I have some questions to ask Miss Bartalone, if she could go back up to the microphone, please.

MS. LAMB: Are you okay with that, Chair?

MS. NOBLE: Yes.

CHAIRMAN VINYARD: Yeah.

MS. LAMB: Okay.

JOHN F. PHILIPCHUCK,

having been first duly sworn, testified before the Commission via Zoom follows:

MS. MAHER BARTALONE: Yes.

MR. PHILIPCHUCK: Yes. Thank you. Thank you for your testimony this evening.

You do realize that as part of what we are doing here is slightly different than what the Daniels Malinski property owners did adjacent to your property.

They were giving you a 100-foot buffer, the Kelaka, LLC folks are giving you a 250-foot buffer, and they are also going to be putting on an eight to ten-foot berm and there will be landscaping also.

You mentioned that the -- your observation of real estate appraising and the tax assessing that you have done over the years, that the development of this property out here for a data center campus is going to lower the property values for the residents in the single-family homes in the area, did you not?

MS. MAHER BARTALONE: I did.

MR. PHILIPCHUCK: And does that then mean, ma'am, as the township assessor that you will be going through those subdivisions and you will be looking at the assessed valuation of the properties, and because it's your opinion that the property values are going to be negatively affected, that you are going to reduce the

property values of these properties and, therefore, they should have a reduction in the property taxes that they will pay because of you making all of these reductions in the assessed valuation, is that correct?

MS. MAHER BARTALONE: I never stated that I would be reducing the property values of the properties, that would have to come as a result of the analysis that we conduct year-by-year of the sales, the assessed values compared to the sales that are occurring in the neighborhood, so I would have to wait and see how that would play out.

MR. PHILIPCHUCK: So, in reality, to say that the property values are all going to drop isn't necessarily true, is it?

MS. MAHER BARTALONE: Well, I don't think that I am up here as a testimony.

CHAIRMAN VINYARD: Sir.

MR. PHILIPCHUCK: Excuse me?

UNIDENTIFIED AUDIENCE MEMBER: Is this a trial?

CHAIRMAN VINYARD: Sir. Sir.

UNIDENTIFIED AUDIENCE MEMBER: Yeah.

UNIDENTIFIED AUDIENCE MEMBER: What is this?

UNIDENTIFIED AUDIENCE MEMBER: Is this a trial?

CHAIRMAN VINYARD: Hold on. Hold on.

UNIDENTIFIED AUDIENCE MEMBER: It sounds like she is on trial.

CHAIRMAN VINYARD: Point of order.

MS. LAMB: No. No comments from the audience. This is not how this works, please.

CHAIRMAN VINYARD: Okay. Point of order. We are not having an argument over this. She stated her fact. I understand your fact as well, sir. We are going to go ahead and move on --

MS. MAHER BARTALONE: Thank you.

CHAIRMAN VINYARD: -- to the next person. Thank you.

The next person who would like to speak, please.

BRIAN CARRABOTTA,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. CARRABOTTA: Good evening. My name

is Brian Carrabotta. I already have signed in. I live on 1131 Blackberry Shore Lane with my wife and my two small children.

Some of you may know me from our previous correspondence, the email to express my concerns and questions about the hearing process.

There has been a dark cloud hanging over our neighborhood since we received our notices for this annexation and rezoning proposal, Hamman-Kelaka, LLC.

The reason my neighbors and I are here are due to the proximity of the proposed annexation slash rezoning south of Faxon, west of Iroquois Lane.

As you can see from the aerial maps, 23 existing residential -- residences will be directly impacted, as well as hundreds of residents who live in Kylyn Ridge and Kendall Marketplace.

If you haven't already, I encourage you to take a short drive over to the requested area to see how close this proposal is to many of our homes.

The Yorkville City Administrator,

Bart Olson, was quoted, I don't think this Council or future council will allow a data center to be near existing residential areas or the river. Prove Bart right.

Prior to this evening, there have been extensive amounts of Yorkville land rezoned and annexed as general manufacturing, as you saw by the maps earlier.

270 acres of land just west of our neighborhood, west of Beecher Road, north of U.S. 34, was rezoned for general manufacturing by DMYF, LLLP.

Over 200-plus acres of land north of Faxon and Eldamain also have been rezoned to manufacturing anticipating data centers constructed by Hagemann trust.

The Hagemann Trust CyrusOne data center is already moving forward with plans for nine data center buildings, an electrical station and six stormwater basins.

A new proposal to rezone an A-1 Agricultural to manufacturing to a future data center just north of Faxon is proposed on the land of DMYF Loftus.

I reiterate all these recent upcoming rezonings and annexations to the council to show this proposal of Hamman-Kelaka, LLC in our neighborhood is redundant and unwarranted.

The Yorkville tax revenue from data centers for the city of Yorkville is already in the works away from this area.

I was here the night the council proposed to rezone for A-1 Agricultural north on Eldamain and Hagemann Trust. Two of the council members here tonight voted no for the rezoning since it would directly impact two current Yorkville residences and needed further information prior to voting yes. Tonight that number has increased to 23 homes directly and over a hundred indirectly.

I drove up Eldamain dropping off my kids at daycare this morning and now see the two homes that were directly impacted have been bought out and now are available to rent.

My wife and I moved to Yorkville to grow our family and be part of a welcoming community. While working on recent home improvements, I had this intrusive thought

crawling into my mind: Do we continue to make our houses homes or is Hamman-Kelaka, LLC and the Yorkville Council pushing for us to put for-sale signs in front of our yard. We did not sign up to live in manufacturing zoning.

Some key highlights against data centers: Exclusive (sic) light pollution, noise pollution, manufacturing traffic which the neighborhood streets cannot handle, ample amounts of energy consumption needed for the data center, and maintaining outdated cooling systems.

As far as I am aware, successful Yorkville data centers are still waiting to be seen. On average a data center lasts 10 to 15 years, depending on maintenance and ever evolving digital development.

Let the existing zoned areas for data centers pave the way to prove Yorkville data centers are worth it, not Kylyn Ridge and Kendall Marketplace residents.

We are here tonight to ask for your help to prove Bart Olson's thoughts about the council right. Tonight our neighborhood has one chance to keep our houses homes.

Over 450 acres of land are already in development for data centers in Yorkville with more on the way. The data for Yorkville data centers are still unproven prior to making this decision tonight.

The website states that the United City of Yorkville is located in the fourth fastest growing -- quote, growing county in the nation. 2022 population of Yorkville was shy of 24,000; 2023 was nearing 25,000.

This council recently approved a residential expansion and approved Heartland Meadows West, proving council believes that our neighborhood can grow residentially.

Allow Kylyn and Kendall Marketplace to grow residentially and not cover us in manufacturing zoning. Prove Bart right about his thoughts about this council.

Thank you.

CHAIRMAN VINYARD: Thank you.

MR. PHILIPCHUCK: May I respond, Mr. Chairman?

CHAIRMAN VINYARD: Go ahead, sir.

MR. PHILIPCHUCK: Yes. I would just

like to point out that we are providing buffers behind the homes that this gentleman suggested are along Blackberry Shore Lane, 250-foot setback to the closest of any building, if, in fact, buildings are built there.

We are not sure because as the plans develop, we are looking for some of this area in these two parcels to be annexed will probably be stormwater management basins.

But the big thing that's happened in this area is that the movement has been away from residential and residential in the future has been the construction of the Eldamain Road bridge.

The Eldamain Road bridge was not contemplated at the time that the current Comprehensive Plan was done for the City of Yorkville, and much as we know has happened in the city since that plan was adopted, and certainly the Eldamain Road bridge is a wonderful thing that's happened to our community, it's relieved a lot of the truck traffic off of Route 47, but the bottom line is that this particular structure has now drawn attention to

this area as a manufacturing area and, of course, Commonwealth Edison, as a wonderful electrical supplier with the power capacities that they have, obviously we have to be able to satisfy their requirements, but it is certainly a location that is attracting data centers, which ultimately benefit the 24,000 residents of the City of Yorkville due to the tax generation for the community and the utility taxes.

I understand from some testimony that I heard that the CyrusOne data center will, upon build-out, it's estimated that they would contribute $11 million a year to the City of Yorkville.

CHAIRMAN VINYARD: Thank you.

MR. CARRABOTTA: I'm good?

CHAIRMAN VINYARD: Yes, sir. You know if I let you sit back down, I'd have to get you back up.

Next person.

DON BARTALONE,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. BARTALONE: Don Bartalone, resident.

1171 Blackberry Shore Lane. I am Mary's husband. This isn't Elk Grove, is it?

CHAIRMAN VINYARD: No.

MR. BARTALONE: We all know what Elk Grove is. We don't need a data center Elk Grove. I oppose.

CHAIRMAN VINYARD: Thank you, sir. Next person.

UNIDENTIFIED AUDIENCE MEMBER: I'll go.

JOHN STALLER,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. STALLER: Good evening. My name is John Staller. I reside at 1151 Blackberry Shore Lane. I am the third house from the end where the data center is being built currently, and I am here to oppose parcel number 1 and 2 being zoned as M-2. I believe that they should remain either as they are or as some other residential in Yorkville.

Thank you for the opportunity to speak about the proposed annexation and subsequent rezoning of the parcels of land next to the Kylyn and Blackberry Shores.

Firstly I want to express my gratitude to the members of the Yorkville public offices for all you have -- all the good you have done in developing a city which has become dear to our hearts since we moved here in 2020.

It's vibrant, it's accessible, historic, quaint, and full of people who are sincere in working together with you to grow, support and maintain that environment that attracts likewise neighbors and businesses.

Secondly, I want the council to know that I am not anti-business or anti-manufacturing. We need both these entities to invest in Yorkville and act as partners in looking to the future needs of our fine city, creating a solid tax base while at the same time striving to maintain Yorkville's reputation as a family-oriented, safe and much-sought-after location for new families, new businesses and manufacturing facilities.

The explosive growth of the city since we have been here speaks of the success of your hard work and that of your residents, of which my wife and I are proud to be part.

The proposed annexation of additional properties by the city makes a ton of sense as we need to continue to expand our footprint to have available sites for current and future development.

I understand that the parcels we are talking about are ideal as it would help in increasing that footprint by approximately 112 acres combined, bringing additional tax revenues and ability to support future expansion.

My concern, as I'm sure you have already determined, is regarding the zoning of those parcels.

Again, I am not asking -- I am not against attracting and supporting manufacturing in our city, we do need that sector represented as we look towards the future of Yorkville.

My concern is the appropriateness of zoning that single parcel of about 50 acres out of the 1,000 acres recently -- recently annexed as an M-2 manufacturing point; specifically, the approximate 50-acre triangle-shaped parcel that is directly bordered on two sides by established Yorkville residences, the only parcel in the

whole 1,000 acres you recently annexed that is abutted right next to residences.

People with families that support their -- people with families that support their city with taxes, support their local businesses, support their neighbors with acts of kindness, community and charity, they selected their homes by painstakingly investigating the city, the neighborhood, the school system, the economic climate and the track record of the people in charge.

With this information in hand, they determined that the price they would pay was consummate with the expectation of living long and satisfied lives as active residents in Yorkville. Zoning of this parcel as M-2 dramatically changes that perspective.

Talk all you want about making or placing limitations on property. There could be no guarantee that the building sizes, materials and designs are neighborhood friendly until it happens.

There can be no guarantee that the landscaping, berms and setbacks will effectively

protect the neighborhood from excessive eyesore, noise pollution or light pollution until it happens.

There can be no guarantee that the infrastructure regarding road accessibility, water and sewage supply or electrical grid requirements will not negatively impact these neighborhoods until it happens.

And there can be no guarantee that the homeowner investments, the homeowner investments that have been made in this neighborhood, will reap a satisfying return when the properties are destined to change hands in the future until it happens.

But I think there can and should be an alternate option available to all three parties involved with a decision as to how to move forward.

I am not a city planner or engineer or some other kind of expert in this field, and I am not certainly not privy to all the discussions you have probably been having as the proposal has been drafted and made, but I hope to give just a brief example of how we can turn this into a win,

win, win for the manufacturer, the homeowners and Yorkville.

Entertaining the idea of moving forward with the annexation, this combined with the previous annexation, a zoning of M-2 results in an increased footprint of about a thousand acres for Yorkville.

Then move forward with zoning only the property of this annexation directly abutting neighborhood subdivisions, about 50 acres, or five percent, as residential.

Zone to remain -- zone the remaining 950 as M-2, decrease manufacturing restrictions to reflect the separation of manufacturing campus from immediate neighborhoods, allow the new residential and small commercial developers to self-determine what the properties in that section are worth to their target clients based on proximity to manufacturing.

As I see it, this type of strategy is a win, win, win. The manufacturer gets a decrease in complexity of landscaping, infrastructure and footprint, resulting in cost savings and a benefit of goodwill from the

residents of Yorkville.

The City of Yorkville gets additional manufacturing space to strengthen the tax base and provide additional residential zoning to support the employees that are going to be considering Yorkville as their new hometown and a reputation as a model city where different sectors look to the future and work together to accomplish goals.

The current residents of those affected neighborhoods get the satisfaction of knowing their home investments are not going to go down, yet welcome the industries that help secure tax base, allowing their city to continue to grow, drawing families, talent and businesses for years to come.

Finally, as I say thank you again for letting me have a few moments, I look over behind the screen and I see the medallion that graces the wall behind you. It says United City of Yorkville.

I know it relates to the historic past. As Yorkville experiences strong growth, I hope we can all reimagine it as meaning we are

all united in our desire to make Yorkville a city where residents, government, community entities and manufacturers work together to build a fantastic future.

Thank you for your time.

CHAIRMAN VINYARD: Thank you.

MR. PHILIPCHUCK: Mr. Chairman?

CHAIRMAN VINYARD: Go ahead, sir.

MR. PHILIPCHUCK: If I may, I just had a comment. Perhaps the gentleman doesn't know, but the fact is is that the guarantees that he was talking about, that these things will happen as far as what promises we are making, I just wanted everyone to know that part of the annexation agreement for these properties, there is a requirement that before we can do anything on the property as far as any buildings, plans have to come before the City Council of the City of Yorkville and City Council will approve the plans.

I am telling you now that if there are no berms, if those setbacks aren't there, et cetera, et cetera, we are not going to get a plan approved.

I know change is uncomfortable, but the fact is we are doing the best we can given the situation. We are trying to assemble these properties with the Green Door and the Daniels Malinski properties that have an attractive campus for data centers.

I know there is going to be concern about, you know, lighting, traffic, et cetera, but the traffic generated by these data centers is usually minimal as compared to, say, a residential subdivision. In a residential subdivision, you are going to have street lighting and things of that nature.

So, I mean, there are gives and takes to all development, and I think the direction that we have here as to the lay of the land, we anticipate that stormwater management, which is an ancillary use to the actual development of the property as a data center, is something that because of the underlying zoning -- we are zoning it M-2, we anticipate that this -- or much of this area be adjacent to the residential uses are probably going to be stormwater management areas. I can't guarantee

it at this point, but it will certainly be looked at.

Given our overall land area that we have, that's what we are going to be looking at, but one thing we are committing to right now is the additional setback to the 250 feet, which would be behind this gentleman's home, and that there will be a berm, landscape berm, and open space, and there is not going to be a situation where we have buildings up to their property line, so I just wanted to make that clear, that there is a requirement any plans for this property must come to the City Council and we have to have City Council approval.

Thank you.

CHAIRMAN VINYARD: Thank you. Ma'am?

SARAH TESCH,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. TESCH: Good evening. Sarah Tesch. I am a Kylyn's Ridge resident, and I have already signed in.

CHAIRMAN VINYARD: Thank you.

MS. TESCH: I also oppose the rezoning

of the land directly alongside our subdivision. I know the slide was up earlier, but it's this triangle that really is just needling like, you know, all of us, and I just want to reiterate, some of this has been said, but after a data center campus is constructed, potential issues include the noise pollution, from an article I read, between 55 and 85 decibels typically, where 70 and over is considered too loud.

The noise tends to be more noticeable in rural areas, where massive nondescript buildings replace spaces that used to be forests or farmland.

It's a drain on resources, that's already been talked about, but one large data center can use between 1,000,000 and 5,000,000 gallons of water daily.

Additionally, they are among the most energy intensive buildings in existence, consuming up to more than 50 times more power than standard offices.

I understand that there will be a substation built, but it will likely continue to need help from the local electrical

infrastructure.

Number three, massive buildings replacing what used to be our sunset views in the west, decreasing home values, as were stated before. We don't know yet, but there is a data center in your backyard.

Kylyn's Ridge -- well, Yorkville, has been such a sought-after area and Kylyn's Ridge in particular, a sought-after subdivision in which to live.

There is the potential for greenhouse gases and pollution and potential EMF pollution. Data centers require very high power and current flow, which results in higher electromagnetic fields, so just lots of concerns for health.

Growth can be good, like the gentleman said so well, I shouldn't be following him, but growth can be good if we appreciate it, and I appreciate the additional concessions being made with the berms and the setbacks, but I still just don't feel there should be a behemoth of potentially five stories in people's backyards. Why so close to our homes and our neighborhood?

I ask you to just consider how much are you willing to change the landscape of this place that we call home. Yorkville will continue to be sought after potentially if we build right. Why would we diminish the value of what we have while we have it?

I moved here in 2006 and into Kylyn's in 2008. I didn't think I was going to stay and eventually there was some growth and I really fell in love with the diversity of the small and large businesses and the farmland and the forest preserves and the restaurants and the bike paths and the wonderful neighborhoods, and I just implore you to consider what you want Yorkville to look like in the future, and can we grow responsibly to keep the magic and the beauty of Yorkville alive.

I appreciate your consideration. Thank you.

CHAIRMAN VINYARD: Thank you.

MR. PHILIPCHUCK: Mr. Chairman?

CHAIRMAN VINYARD: Yes, sir.

MR. PHILIPCHUCK: I would just like to point out that some of the concerns that the

resident mentioned are -- with regard to the data center, much of that is interior, and, of course, the data centers know what things they need to do to minimize noise within the data centers, minimize the heat exposure.

Some of these other things like EMFs and things, a lot of that is out on the internet, and the bottom line is they are talking about coal-fired electrical generating facilities and that's how they point to oh, this -- you know, data centers are going to ruin the environment.

But, let's face it, we all need the data centers for our everyday uses of our computers these days, and of course with AI coming and growing stronger and stronger, it's going to be something that's going to be even more important to us all in the future.

But we will meet any city noise requirements as far as any ambient noise from the property, so, yes, I can understand the concern and I am glad that the young lady mentioned it, but I just wanted -- wanted you to understand, too, that we do have requirements that we will have to meet, and we will meet them, so we are

aware of some of these things and we certainly address them as we go along.

Thank you.

CHAIRMAN VINYARD: Thank you.

NANCY MONDEK,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. MONDEK: Nancy Mondek. I am at 1141 Blackberry Shore Lane, and this is going to be in my backyard. I oppose this.

CHAIRMAN VINYARD: I was just going to say, I am guessing you are opposing that. Thank you. Ma'am.

TIFFANY SCHRAEDER,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. SCHRAEDER: Hi. I signed in already. Tiffany Schraeder. I am actually the president of the Kylyn's Ridge Homeowner's Association, so I kind of speak for all the residents who didn't feel comfortable coming up. I don't have anything prepared.

But I have lived in that subdivision since 2003, and I guess I want to look at all of

you and I want to ask how would you feel if that big ass building, sorry, is in your backyard, okay? Like that's not okay.

My kids grew up in this home, I want my grandkids to grow up in this home. That's a horrible eyesore. We don't need that. There is so much more farmland. Like they said, there is another 950 acres they can build on.

They don't need to build on this little piece of land that's literally in our backyard. Literally. We have a little retention pond, a little retention pond, and then it's the land.

Like I walk my dogs every day and we walk down Faxon and we stop right where that land is and they enjoy that little land, but, anyways, like it's right there.

And I am researching it a little more now and it would affect our water. I am a breast cancer survivor of a year. I don't need any more health problems, so, I mean, now my health is concerned.

You know, when we were walking out last night, a gentleman mentioned Medinah had the

same thing. They got it shut down because it does affect your water, so would I hope you guys would look into that a little more. It can contaminate it. That's a big concern, I mean, for all of us.

CHAIRMAN VINYARD: Sure.

MS. SCHRAEDER: So I really, really, really oppose it and I really hope you guys take a drive down there, like they said, and take a look at it. It's literally in our backyard. There is no reason for that.

And if you start doing it there, what about these other subdivisions that have farmland? Are you going to do that all over Yorkville? Like they said, we're going to lose what Yorkville is. It's going to become an Elk Grove, and Elk Grove doesn't have much residential.

And we don't want to move. We love our homes, especially people on Blackberry Shore. They just built those beautiful, beautiful homes. Beautiful.

Yeah, our subdivision is very wanted. People -- the houses sell very quick.

That comes in, who is going to buy?

So thank you for your time and, like I said, please drive down there, just look at what we're talking about, because that little map that they showed doesn't really show really how close it would be.

CHAIRMAN VINYARD: I'm very familiar with the property.

MS. SCHRAEDER: You are.

CHAIRMAN VINYARD: Yes.

MS. SCHRAEDER: Okay. Well, appreciate that. Thank you.

CHAIRMAN VINYARD: Thank you. Go ahead, sir.

ERIK ANDERSON,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. ANDERSON: Erik Anderson, 1123 Western Lane in Kylyn's Ridge. As Tiffany just stated and the other bearded gentleman, this is our home. These are our homes. I am trying to make this, you know, something to keep continuing improvements on.

To the gentleman lawyer, I have a

few key points, I will try to be brief with everyone. As a Local 134 union electrician who has worked on many data centers, the concerns I do have, sir, are the construction traffic coming in off of Beecher or Faxon.

As somebody that has worked in numerous data centers, including Meta up in DeKalb, numerous in the city of Chicago, Elk Grove Village, all around, I for one hand or firsthand know the amount of construction traffic that goes into a data center.

So that would be a concern of entering the property. You have no access of off Eldamain through Faxon, so it's Beecher or Faxon or through the subdivision.

People fly through our neighborhood already as it is. Most of you might know me, I am the guy that's out there yelling at cars that fly through the bus stops or yell at them slow down, there is kids playing here. So I know firsthand on the construction that the data centers take.

The energy consumption is a major, major, major concern. Again, as a union

electrician who is also certified in high voltage splicing, I do work with companies like Meade, ComEd, Aldridge, that we do have to worry about the power grid and everything. Those are all improvements that are now going to have to be made.

I work in these places. That's a great job for me. I could walk to work. The overtime hours on this job is phenomenal. I don't poop where I eat. I don't want this in my backyard.

Also, as somebody who served eight years as a United States Army Ranger with sniper training, I would like to know your distances again.

For a 55-foot building at a 250-foot setback, what is an eight-foot berm going to do to limit visibility?

UNIDENTIFIED AUDIENCE MEMBER: Hear, hear.

(Applause.)

MR. ANDERSON: I would like to know that. What is an eight-foot berm, whether it's butt up to the people immediately on Iroquois

Lane or it's set back a hundred foot. An eight-foot berm on a 55-foot high building is not going to do anything for line of sight.

The other major concern I have, construction debris. Anyone that's lived on Blackberry Shore, Western Lane, Iroquois, anywhere in there, knows that those townhomes that have been built, we've had nothing but construction debris.

Now factor in how many parcels of land with how many acres, how many different buildings, not to mention the length of construction.

Meta has been going on for how many years now in construction? Bless you.

UNIDENTIFIED AUDIENCE MEMBER: Thank you.

MR. ANDERSON: I see how these data centers, they go up quick and everything, so these are my key concerns.

I'm sorry I am not eloquently spoken, I don't have anything prepared, I just kind of shoot from the hip.

Strongly oppose this, but I'd like

to know what the answers are to those questions.

MR. PHILIPCHUCK: Mr. Chairman?

CHAIRMAN VINYARD: Go ahead, sir.

MR. PHILIPCHUCK: First of all, I would like to thank the gentleman for his service.

MR. ANDERSON: I appreciate it.

MR. PHILIPCHUCK: We appreciate our veterans. The construction, as far as construction traffic, that obviously can be directed by the city as to what roads they want us to use.

We've got Eldamain, we also have Route 34 that would be available to us to bring construction traffic in and out.

And let's not forget, even if you were to build residential subdivisions in here, there is going to be construction traffic, there is going to be cranes coming in to set all of the roofing structures and things of that nature, so yeah, there is -- there is busyness at the time and constructions debris is an issue sometimes, it depends on who is looking after it, and that is important, and that's something that with the help of the neighbors, that if that becomes an

issue, we certainly want to address it, but I believe based on the information that I have been receiving about some of the data centers that that is something that's easily controlled.

So I would just want to say that we are not trying to hide the buildings with the berm, we are trying to say that, you know, when you look out your first -- at least your first story window, you know, with the setbacks that we have, we are not just talking about a berm and then there is going to be a 55-foot tall building behind it.

As I said earlier, I'm not sure that we will have any buildings back on this area or it will be all stormwater management, we don't know yet, but the idea, the fact that we set the buildings back from the residences -- the better the view would be for those folks, and that's certainly something that we are looking at and that's why we are providing more setback than what some of the earlier approvals have done.

So, again, I thank the gentleman for his comments.

MR. ANDERSON: May I interject really

quick?

CHAIRMAN VINYARD: Please.

MR. ANDERSON: So going back to the berm line issue again, you mentioned the first story window, okay, second story window. So instead of the sun setting at 7:00, the sun is going to set at 6:00 is basically what we're saying.

A 55-foot building is not going to be diminished by an eight-foot berm whether you are on the first story or not. We should have the freedom of that.

Going back to the power consumption issue, and as well as -- since we have had a civil engineer here talking about the water run-off, I have yet to hear anything about that.

These buildings tend to be substantial size on the roof. The run-off from these can be potentially great, you know, especially compared.

Now, when you bring in residential, working in the construction industry, I can tell you right now, at any given time, Meta out in DeKalb has had 700 wiremen out there, 700 A card and C card electricians out there at any given

time for the years that that project is going on. When they ramp up, they go to 900 wiremen. Been there. I've seen it from experience.

I work at a company right now that we do nothing but data centers and all kinds of things, so I was just in a data center downtown today.

So the construction traffic is significantly increased when you talk about manufacturing, commercial versus residential projects. I can almost guarantee that. I have worked both facets.

But going back to the water run-off and the power consumption, what's going to be done about that?

MR. PHILIPCHUCK: Mr. Chairman.

CHAIRMAN VINYARD: Go ahead, sir.

MR. PHILIPCHUCK: As to the power consumption, obviously the reason that this is an attractive area is because of the location of the ComEd facilities, the high power lines, that are coming through the area, the substations that are presently there or that will be built, and it's all about being able to deliver the kind of power

that the data centers require, and that's the reason this area is attractive and that's the reason that it is an ideal place in which to locate.

The amount of traffic can vary obviously depending on the size of the buildings. I understand they have some pretty large buildings out in the DeKalb area that they are putting up out there.

As of this time we don't know what the size of the buildings on our campus will be, but that's certainly one of the things that the City Council will be able to look at, they will be able to evaluate, and they have to approve our plans because our whole idea here is to try to assemble a parcel to take -- to take care of what the needs would be without, you know, a dramatic impact on the city.

As far as stormwater management, yes, that's why we are saying that we think some of this area over there is going to be stormwater management because, as the gentleman probably knows and you heard earlier with the townhome development over at the Parfection driving range,

we have to follow the City of Yorkville's stormwater management regulations, and so for all of the structural coverage we put on the property, there has to be stormwater management to take this run-off, and there are formulas that are out there in the stormwater ordinance, and as was stated earlier in the meeting tonight, we will have civil engineers that will be looking and working on these matters, and then, of course, the city's engineers will also be reviewing them, and the bottom line is that everyone has to be satisfied that we meet all of the standards of the stormwater ordinances in managing the water that is coming off of the improved site.

So, yes, that is an issue and, yes, that will be addressed, and that is something that the city looks very closely at.

Thank you.

MR. ANDERSON: Really quick I just want to say, one --

MS. LAMB: If I may. If I may. If I may, please. Hi. I am over here.

MR. ANDERSON: Oh, sorry.

MS. LAMB: This is intended to be public comment. It is a period when you guys get to voice your concerns. These --

MR. ANDERSON: These are my concerns, ma'am. With all due respect, these are my concerns.

MS. LAMB: Let me finish, please. Let me finish. It is not intended to be a question-and-answer session. You may state your concerns, but we're not going to let this be a continual back and forth.

MR. ANDERSON: Okay. Such as -- So as the gentleman so willingly grilled the first woman that spoke, these are my concerns, and, I'm sorry, in order to calm our concerns, some questions should be answered. I think most people here would agree with me on that.

CHAIRMAN VINYARD: Mr. Anderson, do you have any more questions?

MR. ANDERSON: The only thing I would like to say is I implore you of the board to really think about this. Think about this. This is your home, too. This is our home.

I really implore the board to think

about this and to go no on that. It's just -- it's not good for Yorkville.

The gentleman mentioned about the power needs for the data centers. What about the power needs for us? What about all the needs for us?

I really implore you to really go against this. Please. Thank you.

CHAIRMAN VINYARD: Very good. Thank you, sir.

One more thing. Can we keep the applause down to a minimum? We've got a lot of people and that actually does eat up a little bit of time, so just ask you for that. Ma'am?

DAWN WATSON,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. WATSON: Hi. My name is Dawn Watson. I live at 604 Yellowstone Lane, which is technically part of Cannonball Estates, but is right in with Kylyn's Ridge, so basically the same subdivision there. I am coming here very much opposed to rezoning to -- the parcel as manufacturing.

As a resident of Kylyn's Ridge slash Cannonball Estates, our family moved here in 2016. After driving through the neighborhood and seeing families outside, lots of small children, seeing all the Halloween decorations up, if you haven't been to our neighborhood at Halloween, we even have a house that puts up an actual haunted house and they have a food cart there, you can go get food. It's a huge community event.

We go and we celebrate at Christmas, we have another house that puts on a light show, you can go check that out, and for many, many years, including the year that we moved in, many houses do this whole community thing where they put green on the trunks of their trees and white on the top, and the reason why I am tying this in, I know you're probably like this has nothing to do with manufacturing, is I just want you to give a sense of this is a strong-knit community.

We moved here because it's residential and it has a strong-knit community. We never ever would have agreed to move here if we thought that this area behind us was going to turn into a manufacturing area.

And it's not just about our property values going down, which we know they will, and yay, we have a little extra bonus because maybe our taxes will go down, too, and so in the long run we can save a thousand and lose a hundred, but that's okay.

My biggest concern is the safety. I am a teacher, I am a mother. There are many small children that live in our neighborhood. Some of those small children are ones that I teach, and I am very concerned at looking at the water piece to it and also something that was addressed earlier, the EMFs.

And my friend Google, when I asked AI on Google, I googled how far away should you live from a data center to be safe from both EMFs and RFs, and AI answered me saying, according to current scientific understanding, living a few hundred feet away from a data center is generally considered safe enough to avoid any negative effects from EMF or RF radiation as the levels emitted are typically well below the safety standards; however, if concerned, maintaining a distance of a quarter mile, or 1,320 feet, or

more should be considered prudent based on precautionary measures.

So looking at the fact that we do have so many children in this community, and you have seen the visual, that is not a long distance, it's literally up against those property lines, I would ask that you please consider not rezoning this to manufacturing for the safety of the children that live in our area.

I planned to only speak on the children, but recently we included a senior housing center that's going to be going in and generally seniors have a lower immune system as well, so I also ask for you to specifically think about those seniors that we're asking to move in, that you have just given that approval for, and please consider their needs.

I also ask that you specifically think of the people that you just invited to live in Blackberry Shores. They just bought their houses and built there a few years ago, and I feel like it's like a big joke on them, of like hey, here's a great community for you to live in, and now let's flip it for you, and you can go

ahead and live next to a data center. You didn't see that one coming, did you?

Thank you for listening.

CHAIRMAN VINYARD: Thank you.

MR. PHILIPCHUCK: Mr. Chairman?

CHAIRMAN VINYARD: Go ahead, sir.

MR. PHILIPCHUCK: The concerns that was mentioned, you can go on the internet and you can find all kinds of things out there, pros and cons, and the thing is that, you know, for years there were concerns about the EMFs that were coming off of all of our high power lines, and, you know, there was people that said well, we can't build subdivisions anywhere near these high power lines because the EMFs are so dangerous, and yet I don't believe that it's been proven that, in fact, that has been the case, and we have subdivisions all over the area, and we ran into this a lot in Naperville years ago when that community was doing a lot of building of some of the power lines and new subdivisions that were going to be built in and adjacent to some of these lines, and my gosh, now we even have prairie paths and hiking paths and things right

underneath these high power lines.

So you can read and you can see all kinds of things, and I think we all just have to use some -- some common sense and look at what really has happened and not look at everything we see on the internet and believe everything we see on the internet.

Thank you.

CHAIRMAN VINYARD: Christine? Do you need a break?

THE REPORTER: No, let's keep going.

CHAIRMAN VINYARD: Are you sure?

THE REPORTER: Yes, let's get it done.

CHAIRMAN VINYARD: Okay. Ma'am?

THE REPORTER: Thank you.

CAROL KICKER,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. KICKER: Yes. Hello. My name is Carol Kicker and I live at 2301 Iroquois Lane, right in Kylyn's Ridge, and I will be one of the lucky ones who gets to have the data center in my backyard, so every day that I go and I look out my back window, I get the pleasure of seeing a 50

to 70-foot building, and the reason I bring this up is I am a teacher, I am a special education teacher, and I have been working out in Belvidere for four months, and every stinking day I drive past all those data centers up there, and I wasn't worried. I wasn't worried at all, and then all of a sudden I got this beautiful certified letter and my heart broke.

My family and I came here 20 years ago. My children and I came to Illinois from Pittsburgh, which is a manufacturing center, you know about the steel mills there.

We were looking for property, we were looking for peace. We went and visited Plainfield, not too crazy about all the construction there. Went to Oswego, not too crazy about there.

We came on to Yorkville, family oriented, peaceful. My children and I walked the back empty lots along the retention pond backing up to Rob Roy Creek. There were no houses there at the time, 20 years ago, just a bunch of markers.

My kids and I looked at that

property and we were like oh, my gosh, we finally have a little peace of heaven. We don't have to worry about anybody looking at our place.

One of the lots that backed up to Rob Roy farms is -- Rob Roy farm is where we decided to build our home. We even agreed, according to the contractor, which I'm sure was agreed to 20 years ago with the city, we agreed to pay an extra $10,000. Every single one of us who back up to Rob Roy farm paid an additional $10,000 to guarantee that no one would build behind us.

There was a retention pond and there was a floodplain, plus there was a beautiful farm. I understand farms go away. My parents owned seven acres, my mom and dad came to live with me until they both died of cancer.

I enjoyed raising my children in peace in my home at 2301 Iroquois Lane. Today my four-year-old grandson and my two-year-old granddaughter live in the area. I have them come and visit me. We sit on my back porch. They say GaGa, can we make a fire pit? Can we watch the stars? What's going to happen to that view?

It breaks my heart to look out and to think how terrible it's going to be to have a 50 to 70-foot data center backing up to our homes. There is going to be power lines and lights and noise.

I am constantly full of anxiety, and I would ask you to really think about and consider what's going to be happening to this property, and I would just like to say that I have always wanted to be an active member of Yorkville.

I am a substitute teacher, I've seen all of you around from time to time, and I want you to know it's a pleasure to see you face-to-face, the people that I vote to -- vote for on that ballot, and I hope to become more and more active now that -- since my mom and dad are gone.

Thank you.

CHAIRMAN VINYARD: Sarah, real quick. So what we've got out here, we have -- we are concerned with noise, right? We are concerned with possible EMFs, we are concerned with the lighting, we are concerned with the setback and

the view, construction debris, construction traffic, stormwater run-off.

Are we all in agreement --

UNIDENTIFIED AUDIENCE MEMBER: Yes.

CHAIRMAN VINYARD: -- that we are right there?

UNIDENTIFIED AUDIENCE MEMBER: Yes.

CHAIRMAN VINYARD: Could we start -- What else?

MS. SCHRAEDER: The water.

CHAIRMAN VINYARD: The water, yes. Could we start taking on a little more -- We understand that. Message received. We've got you there.

If anyone has any other concerns than those, again, please let us know. Go ahead, Sarah.

SARAH CHILELLI,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. CHILELLI: Hi. My name is Sarah Chilelli. I live at 2397 Iroquois in Kylyn's Ridge. Been there for 20 years.

And I will keep this brief. I am

just going to say that I oppose this because everything has already been addressed, so please consider not -- this little bitty parcel, that like 50, 60-acre parcel, I think that's all that any of us are really concerned about. The data centers are coming. Just if we could maintain that little area for Blackberry Shore and Iroquois Lane, that would be great.

Thank you.

CHAIRMAN VINYARD: Thank you. Next?

BAILEY CARRABOTTA,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. CARRABOTTA: Hi. My name is Bailey Carrabotta. A lot of what I will say has been touched on, but I want to share because I took the time to prepare.

I do want to start by saying a 250-foot setback and an eight-foot berm are unacceptable and I would expect at least 400 feet and maybe a ten-foot berm, something of that sort.

A lot of us are really uncomfortable with this in general and I don't -- like I said,

a lot of what I'll share is more emotional and I am not feeling a ton of empathy tonight outside of the folks in the crowd sharing, so I will just continue on, but, again, my name is Bailey Carrabotta.

Earlier you heard from my husband Brian. As he mentioned, we live on Blackberry Shore and our home backs up to the property being discussed today.

We moved into our home in 2022. We had a one-year-old daughter and I was eight months pregnant with our son. Don't recommend moving at eight months pregnant, but we did it, and especially for this home.

The home and the Yorkville community was one that we felt a really strong connection to. It combined all the conveniences of suburbia and the laid-back quietness of the cornfields.

This home and the neighborhood was one that we intended to stay in for the rest of our lives. With open residential lots still available on our street, we imagined those homes being built and filled with families similar to ours.

We imagined those lots -- with those lots filled we would finally have a sidewalk that ran all the way down for our kids to safely ride their bikes to their grandmother's house down the street or to the park.

Now we fear that converting the land directly behind our homes to manufacturing, especially with the current annexation terms, will not only bring non-residential traffic, constant noise and light pollution, but it's likely to impact the value of our homes and the empty lots to be filled.

Who knows if our sidewalk will ever be complete for our kids to enjoy. We, like many other homeowners who will be affected, have poured so much time, love and money into our homes.

Please don't promote the destruction of our investments and consider the number of lives impacted by these decisions. It's not the just the homeowners here today, but all that were unable to make it and all of their families.

Many parents don't have the luxury of stepping away from their kids late on a

weeknight. I am gracious for the support of my mother, who lives down the street from us and is able to watch our kids, but I am proud to be here representing the parents affected by this situation, as well as the children.

Thank you.

CHAIRMAN VINYARD: Thank you. Ma'am.

CHRISTY FALLON,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. FALLON: Hi. I am Christy Fallon. I live at 2321 Iroquois Lane, and this is literally in my backyard. I am on the opposite side of the pond and my view is going to be directly of this.

I know that most of these things have already been covered. It was pointed out that we are not supposed to look on the internet, but I don't know where else we are supposed to get information if we can't research this, so I just want to point out that maybe we don't have enough information then.

If you don't want us to search the internet and research this, then maybe we need to

do some more studies and find out how this could really affect us.

I can tell you that we spend lots of time in the summer in our backyard. We sit in our gazebo, we play games with our kids. I can't even imagine having this thing in my backyard.

I just want to say I strongly oppose.

CHAIRMAN VINYARD: Thank you. Ma'am.

MICHELLE PITSTICK,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. PITSTICK: My name is Michelle Pitstick. I am at 963 Western in Kylyn's Ridge. I want to strongly oppose this.

I feel that as a community, and I speak for many of us, that Kylyn's has given up a lot as it is. We were one of the first people in the second phase. When we moved in, we asked the city and looked for plans. There was nothing but residential around us.

I left Aurora for obvious reasons and came to Yorkville because I wanted a community like I had growing up.

I am finding that changing. We have already conceded quite a bit. We gave up everything for that albatross we now call Kendall Marketplace, with most of it being empty and undeveloped.

We have now conceded to a retirement community, beautiful, and got another strip mall that we don't need. I am just wondering why we have to keep giving up things when there is so many other areas to do that, you know.

And as someone else said, I don't think anyone here would want that in their backyard either. We have given a lot to this community, we have sacrificed a lot of space. I would ask that we not do this.

Thank you.

CHAIRMAN VINYARD: Thank you. Ma'am?

ERIN TRZEBIATOWSKI,

having been first duly sworn, testified before the Commission from the podium as follows:

MS. TRZEBIATOWSKI: Hi. My name is Erin Trzebiatowski and I live at 2121 Iroquois Lane, and I am here representing my family and my two young children, who are six and four.

We spend a lot of time outside. We are a homeschool family and we spend a lot of time in nature playing outside and I would just like the green space to remain the green space.

My daughter asked me, she was like now, what's going to be built? And I frankly told her, I was like I did not know. So I pulled up this song, it was the Big Yellow Taxi by Counting Crows, and there is a little piece of the line that says please don't pave our paradise to put up a parking lot, and for a six-year-old I felt like that was a good like little bit of knowledge for her to be like you're going to be taking down our land, our beautiful green land, and just replacing it.

So that's all, I just oppose the data center and want what we have, so thank you.

CHAIRMAN VINYARD: Thank you. Sir?

TOM FALLON,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. FALLON: Hi. My name is Tom Fallon, and most of what I was going to say has already been said, but one thing I did want to say is

that I trust or at least hope that one of the main responsibilities of this commission is to protect the residents of Yorkville from environmental and personal impacts of a project like this, so I just encourage you to -- before rezoning to actually consider all the impacts to our families and our neighborhood.

CHAIRMAN VINYARD: Absolutely.

MR. FALLON: Thank you.

CHAIRMAN VINYARD: You're very welcome. Todd?

TODD VANDERMYDE,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. VANDERMYDE: Mr. Chairman and members of the committee, Todd Vandermyde. I live at 2341 Iroquois Lane. My house backs up against this triangle.

So I am going to cover -- I will try not to be redundant to what's been covered earlier tonight.

A few years ago I had a small gun business. I applied for an exemption to the city of Yorkville code because the license I had at

the time was a manufacturer's license, and I asked to be able to run my business out of my garage, a couple hundred square feet, and it wasn't going to have any impact on the traffic in the neighborhood, it wasn't going to be a retail business, nothing like that, and somebody sitting up here on this dais sat there and recommended that I not get an exemption for my license because it was -- it had the word manufacture in it.

That's nowhere compared to putting a 200-plus-acre manufacturing zone up against a residential neighborhood.

My business -- I then moved my business out of Yorkville into Plano, and immediately following that we generated about $150,000 in sales taxes which went to the city of Plano.

With that, I understand that when you are talking, as the other data center has been proposed, $11,000,000 in revenue, and if this one matches that, that's $22,000,000, and now you are talking essentially, when the City of Yorkville has a $37,000,000 annual budget, that

the dollar signs on this are just huge for something that hasn't been planned into the budget and what that can do.

Unfortunately this money won't go towards our school districts if it's approved, it will go to the Plano school districts, and they get the benefit of the imposition on ours.

Last night -- I was at last night's meetings and they talked about a hundred foot berm, evidently that was a misspeak, because now they are talking about a ten-foot berm, and there is a huge difference, because if you make it a mowable berm, I did the quick calculations that a hundred foot berm would require 300 feet, but that was only for one side of it.

At a 3:1 slope, which is the IDOT rule for mowable, now you're -- that would have been a 600-base footprint, and I don't think they want to give up 600 feet.

But when they talked about the 250-foot setback last night, they brought up -- you know, they brought that up, but tonight -- Could you put that map back up on the board?

CHAIRMAN VINYARD: Yes.

MR. VANDERMYDE: Not that the one -- yeah, that one. So now -- Keep going, scroll down. I live right on that bend up there. You can zoom in, that's really good when you zoom it in, because now what they're talking about is they're not talking about a 250-foot setback all the way around there, they now want to use the pond that's behind several of our yards to include -- because they said there is an exemption, that that doesn't count for the 250 feet.

So why is our subdivision paying for something that would otherwise be a setback? That's our land, and now they want to include it in their setback because they said -- as I read what was put up there earlier tonight, it doesn't include that area for the 250-foot setback.

With that, I got a list, I am just going off some notes, I am trying to -- I think that, you know, the lawyer for the petitioners sat there and argued with the assessor about what the devaluation of potential future values of our properties may be.

If he is so convinced about that,

then why doesn't the Planning Commission or the City of Yorkville put a hold harmless fund together that's funded by this, so that if, after looking at other comparable properties in the Yorkville area, if our property values don't mature or increase at the same rate they do, that we then get reimbursed for the impact that it has on our property values?

If you're talking, you know, five to $11,000,000 on this, it doesn't seem that, you know, when you are talking 200 homes in Kylyn's Ridge and another 37 along Blackberry Shores, that -- you know, you can buy us out, you could rent it to your employees, whatever, but I think it's something that ought to be considered.

If this goes forward, a couple of things that come to mind are, number one, they talk about that area by us possibly being a retention area. I've been there over 20 years. I was there when they put the storm line through running from 34 all the way up towards Faxon, and they had generators and dewatering stations all along that.

I'd like to know from the city how

deep that storm line runs because I think that's going to have a negative impact on the amount of retention that you're going to actually get because those -- they were running four-inch pumps and there were 50 of them as I recall that were running 24/7 to dewater so they could cut a six-foot trench to get down to do what they did. I think, you know, that's an issue.

The question is then if we're going to build this, who is going to be employed there? Or is this just going to be a data center for, you know, customer service calls in India? Is it actually going to employ a number of local people?

I have a son who is going into the computer world, the IT world. Walking to work might be a nice idea for him, but in the construction phase -- and I absolutely agree with my brother 134 guy. I am a 150 guy. I am a heavy equipment operator by trade, so I know a little bit about building berms and what it takes to do all this.

When we bought it was a flood -- we were told about the floodplain back there and I

think Alderman Funkhouser has a drawing about that.

Well, in order to build residential back there on a floodplain, you are going to have to do a whole lot of work to bring that up to where it's going to drain properly and you are going to absorb all that.

And so I get it, if it's going to be a retention area, that mitigates some of our concerns up at Kylyn's Ridge -- not that I am for it -- but the other part of it would be that there should absolutely be nothing structural, north -- you know, north of the shopping center.

The shopping center, the north end of the shopping center where Kohl's is, the back side of that area, in my mind there should be -- to protect the people at Blackberry Shores and everybody else, all of the structures, the buildings, anything should be kept down off 34. There should be nothing remotely -- If you're going to put anything at Blackberry Shores, it's -- you know, I would suggest it's either got to be a parking lot, but that berm has got to be more than ten feet. I think it definitely needs

to be a mowable slope for that.

And the last thing I want to ask is if the City of Yorkville -- and it may not be in your purview -- to request a project labor agreement during the construction phases to make sure that it's built with homegrown labor and not travellers from out of state.

And my wife wanted me to bring up the $10,000 that we paid, but it was already covered by -- because it was a floodplain and we were told maybe residential, but 20 years ago -- and I understand plans change, but I'd be happy to answer any questions that you may have, but thank you for your time and consideration.

MR. PHILIPCHUCK: Mr. Chairman, I have a couple questions for the gentleman.

CHAIRMAN VINYARD: All right.

MR. PHILIPCHUCK: At the time that you said you applied for a variance and you needed manufacturing, it was your proposal to get an FFL, was it not?

CHAIRMAN VINYARD: Sir. Sir.

MR. PHILIPCHUCK: You were going to sell guns out of your garage.

CHAIRMAN VINYARD: Sir, this has nothing to do with the development here.

MR. PHILIPCHUCK: Well, he mentioned it in his testimony --

CHAIRMAN VINYARD: Yeah, I understand.

MR. PHILIPCHUCK: -- and that he wasn't given M-2 zoning, but it was because he was going to sell firearms out of his garage.

CHAIRMAN VINYARD: Sir. I --

MR. PHILIPCHUCK: Okay. And the other thing is I don't know where he came up with a hundred foot high berm. We never stated anywhere that we were going to build a 100-foot berm.

UNIDENTIFIED AUDIENCE MEMBER: Yes, you did. Yes, you did.

MR. PHILIPCHUCK: That makes absolutely no sense. And his last comment is a good one, that yes, this area probably is going to have more detention and that will be a benefit, and that's what we are anticipating.

It's just that until we actually have the user in hand and we take plans into the City Council, we just don't know for sure, but

it's certainly our intention to utilize as much of that area up behind the existing subdivisions for setbacks and/or the detention parcels. That would be ideal. And that's really what we are looking for --

CHAIRMAN VINYARD: Okay.

MR. PHILIPCHUCK: -- but until, again, we get a user, we just can't say, so that will all be addressed, though, at the time that we bring plans into the City Council.

Thank you.

MR. VANDERMYDE: Mr. Chairman, I wasn't -- my business was not primarily a retail establishment for selling firearms, which is what -- my license was a manufacturer's license and we required that because we destroyed evidence guns, including for the police department of Yorkville, but if the gentleman would like to talk to me more about that, you are free to subpoena me and depose me when this all goes down.

CHAIRMAN VINYARD: All right. Beautiful. Thank you very much.

Anybody else? Last chance.

Alderman Funkhouser? Oop.

MR. FRIEL: I just have one.

DEAN FRIEL,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. FRIEL: I am Dean Friel. I am at 1161 Blackberry Shore Lane. I just have one question.

It seems like didn't we jump the gun here a little bit? Shouldn't we have more facts for this meeting to know how many buildings he is going to build and how big they're going to be and how much water retention we're going to need, where the water retention is going to go?

Wouldn't that make more sense to have all that information and then we can have this meeting and talk about what it is?

CHAIRMAN VINYARD: So that's not required at this point for them to do. That would be as it moves along in the further stages of the project from my understanding.

MR. FRIEL: I'm just --

CHAIRMAN VINYARD: Sure.

MR. FRIEL: I'm just wondering why -- We

don't have enough information really to make good choices on what's -- how to go forward.

CHAIRMAN VINYARD: Sure.

MR. FRIEL: I mean, if they can build this and put the water retention in that one spot that we're talking about, in that triangle, I don't think there would be anybody here complaining about that at all.

CHAIRMAN VINYARD: Sure.

MR. FRIEL: But it's just well, maybe we can, maybe we can't, we don't know how many buildings we're going to have, how big they're going to be. You know, that's -- that's all stuff that we need to know.

CHAIRMAN VINYARD: At this point we -- that's stuff that we can't answer. This is an annexation agreement. This is basically --

MS. NOBLE: Rezoning.

CHAIRMAN VINYARD: I'm sorry, rezoning agreement. That will come back at a further -- at a further meeting.

MR. FRIEL: Okay.

CHAIRMAN VINYARD: Thank you. Alderman Funkhouser?

CHRIS FUNKHOUSER,

having been first duly sworn, testified before the Commission from the podium as follows:

ALDERMAN FUNKHOUSER: Good evening. Thank you for a minute here. Chris Funkhouser, resident of Kylyn's Ridge, Canyon Trail. Also 3rd Ward Alderman. Have been for 14 years.

Prior to that I also served five years on the Planning and Zoning Commission. Highly familiar with what goes on here.

I typically don't address the Plan Commission. This one is a little unique. I also have a background in land planning, land acquisition and home building, so I am generally qualified in this.

I have a relationship with the current attorney that's on here. John and I have done work in the past over different projects in the past 20 years, also with the current petitioner, so I wanted to make sure that I am disclosing that yes, I have worked with these gentlemen, I have worked with the firms and the owners throughout the past.

There is one thing about this

project that the other data center projects do not have. This is the only one that abuts a residential property. It is unique. It has unique characteristics.

So when you as the Plan Commission deliberate, you go through your rezoning standards, the seven criteria, there are two that concern me.

The first one, proposed map amendment is consistent with the Comprehensive Plan and the purposes of the UDO, and the second is the proposed map amendment is consistent with the existing and planned uses and zoning of nearby properties.

The other five I can get on board with. Those two. So let me speak to the first one, the Comprehensive Plan. The Comprehensive Plan has a language piece in it that says it will be used to guide future use and develop -- development and zoning decisions.

It is also meant to be adjusted and changed when circumstances warrant a change in planning direction in a given area of the city.

That's what you're doing. You are

looking at a rezoning, so you are considering that right now.

Now, to talk about the second point, which is the existing and the planned uses, M-2 District, in the UDO it states the district is intended to ensure the compatibility of manufacturing and industrial uses surrounding residential and commercial uses and to minimize off-site impacts such as noise, traffic and visual qualities.

The M-2 is our most intense use in the city. Absolutely. If you look at our zoning map, there is only one parcel that actually is M-2 adjacent to an existing residential use.

That happens to be the piece that was just annexed, the piece to the south of this, the Daniels piece, and it's about 1,000 feet, maybe 1200 feet that was generally I would say an oversight on the City Council for not having a restriction in that small corridor.

For this parcel, the 56, 60 acres that we are talking about, there will be a road that runs through this, it's the Beecher

extension. The developer -- or the -- not developer because we don't have a developer, the petitioner is well aware of that.

Also, this piece is going to be subjected to critical planning needs, the City Council will look at that. I do appreciate the fact that the petitioner did come back with some compromises, a height restriction, a setback and a berm. Those were not in the original proposal, so they have made some compromises.

My proposal was 400 feet from a residential property line to the setback of a building. They compromised. That's more than half of what I had asked them to do.

The berm, I appreciate that. The height restriction, 55 feet to the general building. We know that the appurtenances could be another 15, 20 feet on top of it.

I am not here to tell you that I am in favor or not in favor. I do support data centers in our community. They have a benefit. We currently have about 1,000 acres that are under development review. We have 3,000 acres that have been under discussion with city staff

in planning right now. So we are talking about a 60-acre piece of property?

John, I know you will not commit to any increase that backs on this piece, we've already had this discussion, so I appreciate that, but this piece is unique, so when you go into your deliberation after this hearing closes, give that due consideration.

And this is a challenge for me because I have a good relationship with the land owner of this property, the petitioner. This will put me in kind of a tough spot with them just for the fact that I am pushing back, but that is what I need to do.

And I am a very convicted person. I think anybody that knows me knows that I am convicted. I stand on my morals. I am convicted about these things.

250 feet is a good start. Ultimately I would like to see anything east of the Beecher extension, south of the creek, not be a data center or any building.

We keep saying data center. I think there are 12 or 13 uses that are allowed within

this annexation agreement that is proposed. You could get other uses, doesn't have to be a data center.

If somebody else came along with a warehouse, it could be a warehouse, it could be a nursery, it could be a bakery. Data center is the primary word that we are hearing because that's their intent, is to put together a large assemblage of 600 acres, give or take, and market it to national data centers.

I implore you to give good consideration. You are a recommending body to the City Council, of which I sit. You have the authority to recommend for approval or deny, as well as apply conditions.

So that's all I have. Thank you.

CHAIRMAN VINYARD: Thank you. All right. Is that it for everybody? All right.

MR. GILBERT: I'd like to speak online if I could.

CHAIRMAN VINYARD: Go ahead, sir.

MATT GILBERT,

having been first duly sworn, testified before the Commission via Zoom as follows:

MR. GILBERT: Hi. My name is Matt Gilbert. I am with Green Door Capital. I represent an adjacent landowner here. We also own several other parcels in the area.

I would like to speak on behalf -- in favor of the rezoning this evening and just put a couple of points on record.

First of all, we at Green Door have been working with the city in terms of the mayor, City Council, and the Economic Development person for over three years, about three and a half years.

We have been talking about data centers, we have been working very hard to attract data centers and, quite frankly, we have helped to put Yorkville on the map literally worldwide for a data center development community.

So we were the group that attracted CyrusOne to the area, and we also own the adjacent property directly to the east of the 50 or 60 acres that is the main point of discussion this evening.

So what I would like to just state

is a couple things with the data center use, and specifically that little corner that Kelaka owns and is trying to get rezoned.

First of all, as someone -- as someone has mentioned, I just want to reiterate, there will be a road likely going through this, the Beecher extension.

If it is a data center use, it's highly unlikely they would try to stuff a building on that side of the road right up against the property line and even as close as the suggested buffer, so that the petitioner has suggested 250 feet plus the 50-foot setback, so 300 total.

The other thing is these data centers, just because they can and want to -- you know, they want -- they want as much buffer as is possible, so I think the attractiveness of this larger site with the Daniels site and the Green Door site is that they can assemble a big piece of land and have buffers all around, especially against the neighborhood to the east, the neighborhoods to the east.

And then the other thing I think as

Mr. Philipchuck and Miss West have mentioned, the process that the city has set up here does allow for the final plan to come back and be approved through the PUD process, so I think that's vitally important for all of the neighbors to understand, that this is not the last say, they will see a site plan. There is no site plan now, there is no user now.

So, in conclusion, I do hear and understand the concerns that were voiced tonight, but I believe and trust that the City's zoning code and the PUD process will result in a positive outcome here.

Thank you very much.

CHAIRMAN VINYARD: Thank you. Anybody else?

(No response.)

CHAIRMAN VINYARD: Are there any questions from the Commissioners for the petitioner?

(No response.)

CHAIRMAN VINYARD: All right. Is the petitioner for PZC 2024-32, Kyle Corneils, present and prepared to make its presentation for

their proposed request?

MR. CORNEILS: Yes, I am.

CHAIRMAN VINYARD: Go ahead, sir.

KYLE CORNEILS,

having been first duly sworn, testified before the Commission from the podium as follows:

MR. CORNEILS: Hi. My name is Kyle Corneils. We are requesting a variance for the privacy fence code due to the way our home is positioned on the lot here in Yorkville.

Our house kind of faces the side of our neighbor's house; therefore, the property between us where you would typically put a privacy fence is considered to be beyond the front facade of my home.

I believe Sara's got some -- yeah, there they are, some pictures and things to kind of represent it.

Being we are on a cul-de-sac lot, odd shaped, we have a very far setback compared to what was required, the house was built kind of sideways on the lot, and out our front door we have always seen our neighbor's side yard and the side of their home.

We have been here for over 30 years now and it's been a project we've always wanted to undertake for some privacy.

CHAIRMAN VINYARD: Do you want me to interrupt him?

MS. NOBLE: Yes.

CHAIRMAN VINYARD: Hold on one second, would you? You guys realize that we haven't ruled on this yet?

UNIDENTIFIED AUDIENCE MEMBER: Right.

CHAIRMAN VINYARD: You guys are cool with that?

UNIDENTIFIED AUDIENCE MEMBER: Are you ruling tonight?

CHAIRMAN VINYARD: We are ruling tonight.

UNIDENTIFIED AUDIENCE MEMBER: I don't think everybody knew that.

UNIDENTIFIED AUDIENCE MEMBER: I don't either.

UNIDENTIFIED AUDIENCE MEMBER: There is something like March 11th that we thought was --

MS. NOBLE: That's the City Council.

CHAIRMAN VINYARD: No, that's the City

Council meeting.

UNIDENTIFIED AUDIENCE MEMBER: Oh.

CHAIRMAN VINYARD: Yep.

UNIDENTIFIED AUDIENCE MEMBER: Okay. Thank you.

CHAIRMAN VINYARD: My apologies, sir. You can continue.

MR. CORNEILS: Oh, that's okay. I see everything is in front of you.

CHAIRMAN VINYARD: Yes.

MR. CORNEILS: I know Sara Mendez prepared a packet and information and I think she was prepared to speak on this as well, kind of on my behalf if needed to be, but, you know, we are just trying to get the variance so that we can have that privacy fence between us and our neighbors.

CHAIRMAN VINYARD: Very good. Thank you.

Is there anyone present who wishes to speak in favor or opposition of this request?

(No response.)

CHAIRMAN VINYARD: Seeing as there are none, are there any questions from the

Commissioners for the petitioner?

(No response.)

CHAIRMAN VINYARD: Since all public testimony regarding the petitions has been taken, may I have a motion to close the taking of testimony and the public hearing?

COMMISSIONER WILLIAMS: So moved.

COMMISSIONER HYETT: Second.

CHAIRMAN VINYARD: Roll call, please.

MS. YOUNG: Yes. Forristall.

COMMISSIONER FORRISTALL: Yes.

MS. YOUNG: Hyett.

COMMISSIONER HYETT: Yes.

MS. YOUNG: Crouch.

COMMISSIONER CROUCH: Yes.

MS. YOUNG: Green.

COMMISSIONER GREEN: Yes.

MS. YOUNG: Linnane.

COMMISSIONER LINNANE: Yes.

MS. YOUNG: Vinyard.

CHAIRMAN VINYARD: Yes.

MS. YOUNG: And Williams.

COMMISSIONER WILLIAMS: Yes.

CHAIRMAN VINYARD: The public hearing

portion of tonight's meeting is now closed.

(Which were all the proceedings had in the public hearing portion of the meeting, concluding at 9:34 p.m.)

STATE OF ILLINOIS)
) SS:
COUNTY OF LASALLE)

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

That the foregoing public hearing transcript, Pages 1 through 152, was reported stenographically by me by means of machine shorthand, was simultaneously reduced to typewriting via computer-aided transcription under my personal direction, and constitutes a true record of the testimony given and the proceedings had;

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

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

I further certify that my certificate attached hereto applies to the original transcript and copies thereof signed and certified under my hand only. I assume no

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IN WITNESS WHEREOF, I do hereunto set my hand at Leland, Illinois, this 26th day of February, 2025.

/s/ Christine M. Vitosh

CHRISTINE M. VITOSH,
Illinois C.S.R. Certificate
No. 084-02883

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Memorandum

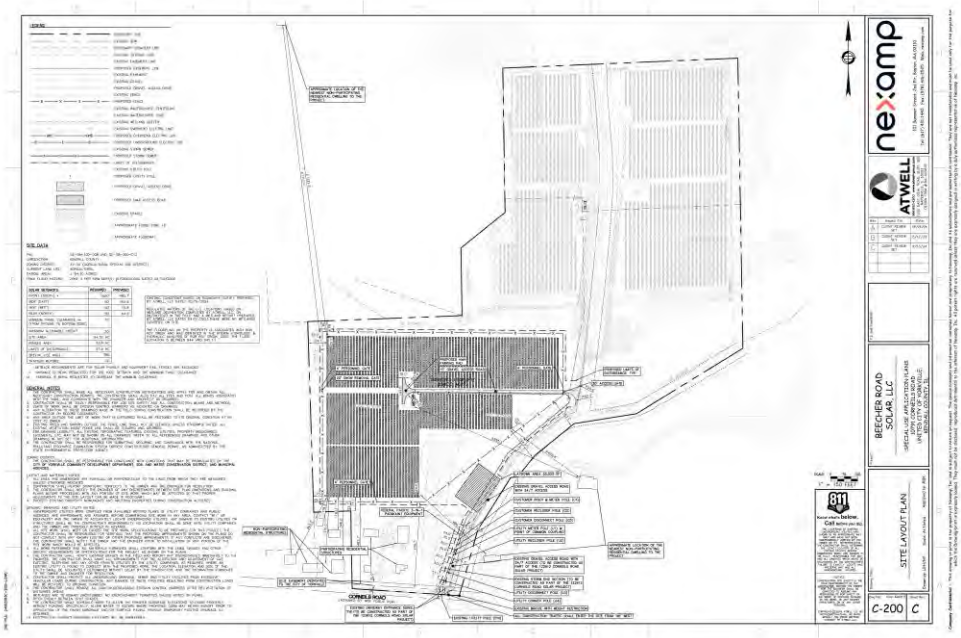
To: Planning and Zoning Commission
From: Sara Mendez, Planner I
CC: Bart Olson, City Administrator
Krysti Barksdale-Noble, Community Development Director
Date: February 21, 2025
Subject: **PZC 2024-22 Beecher Road Solar, LLC (Expansion)/Nexamp – Solar Farm**

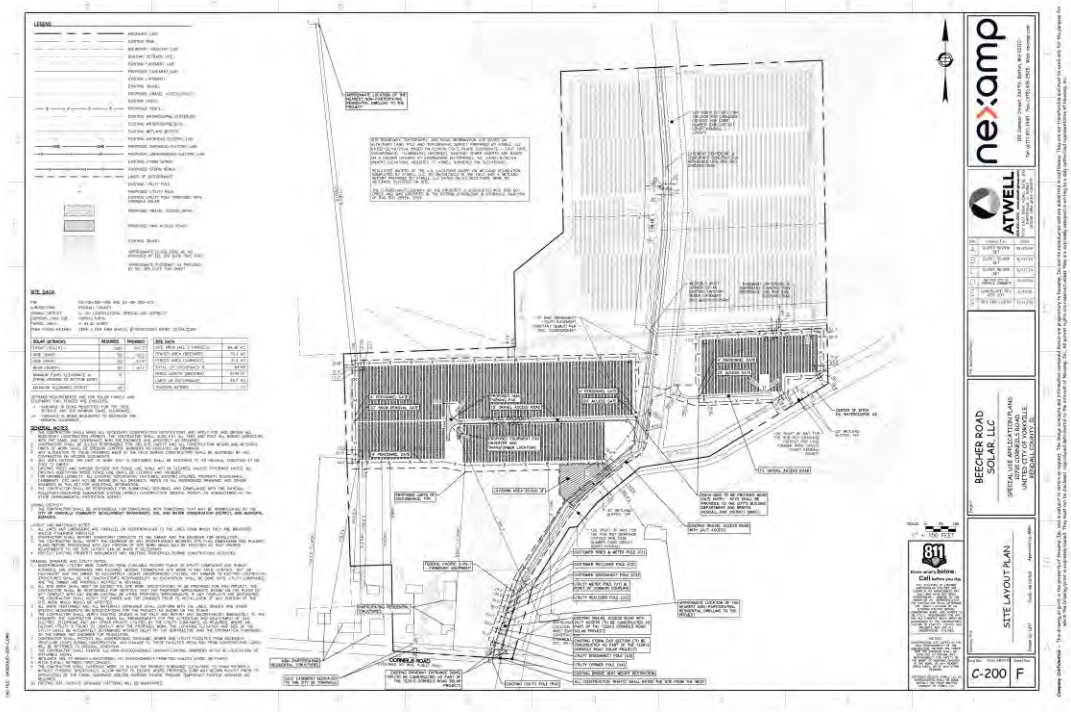
UPDATE:

The petitioner has amended their application and submitted revised plans, which will be detailed in the body of this memo. The primary change involves an increased setback from Corneils Road. The original plans showed a 482-foot setback between the nearest solar array and Corneils Road, whereas the required setback is 1,000 feet. The revised plans now indicate a setback of 917.3 feet. With the revised placement of the solar arrays, the solar farm will now be approximately 2,600 feet east of IL Route 47, compared to the originally planned 4,000 feet. Additionally, the petitioner has adjusted the proposed acreage and number of solar arrays, reducing the total project area from 23.6 acres to 20.3 acres and decreasing the number of solar arrays from 11,616 to 11,201.

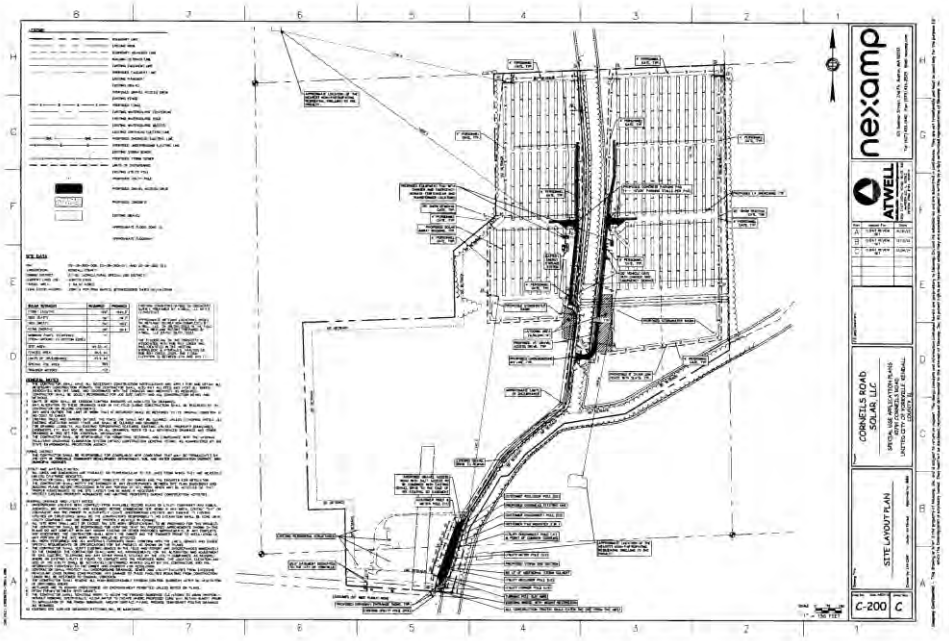
PROJECT SUMMARY:

The applicant, Daniel Kramer on behalf of Nexamp dba Beecher Road Solar, LLC, contract leasee, is requesting special use and variance permit approval to construct a 4.99 (AC) ground-mounted distributed generation solar garden facility. The newly proposed 20.3-acre solar farm will be situated on approximately 70 acres of existing farmland parcel located immediately north of Corneils Road, approximately 1,500 feet west of Beecher Road, and approximately 2,600 feet east of IL Route 47 (N. Bridge Street) in parcels (#02-08-300-008 and 02-08-300-012). The first photo below shows the previously proposed site plan for the Beecher Road Solar project with a 482-foot setback, while the second photo displays the updated site plan with a 917.3-foot setback.





The proposed solar farm is an expansion of the recently approved Corneils Road Solar project. The property proposed for the solar farm is a part of an approved annexation, rezoning, and special use approval for Corneils Road Solar, where the petitioner, Nexamp dba Corneils Road Solar, LLC, annexed parcels #02-08-300-008, #02-08-300-011, and #02-08-300-012 and rezoned them to A-1 Agricultural District under a special use designation for solar farm use. Below is the approved site plan for the Corneils Road Solar Farm project.



Lastly, the petitioner is requesting a variance to Section 10-4-13-B.8.c of the Unified Development Ordinance, seeking to reduce the required one thousand (1,000) foot setback from the nearest solar array to roadway network to the newly proposed setback of 917.3 feet between the nearest solar array and Corneils Road.

ZONING AND LAND USE

Through the approved Corneils Road Solar project, the subject property was annexed in May 2024 and rezoned to A-1 Agricultural District with a special use for the purpose of constructing a solar farm. The following are the current immediate surrounding zoning and land use:

	Zoning	Land Use
North	A-1 Agricultural (Special Use) District	Corneils Road Solar
South	Westbury South Village (R-4)	Agriculture
East	IL Route 47 Former Westbury East Village (A-1)	Agriculture/Approved Yorkville Renewables Solar Farm
West	Beecher Road Konicek Property (M-1, M-2)	Agriculture/Bright Farms

SPECIAL USE REQUEST:

The applicant is seeking special use authorization. Section 10-8-9C.1 of the Unified Development Ordinance states specific standards for variance requests which all recommendation bodies will review and will be entered into the public record as part of the public hearing process. The petitioner has provided answers to each of the criteria in the application to these standards. Below is a summary of the various components of the proposed 20.3-acre solar farm development.

VARIANCE REQUEST:

Location on Site

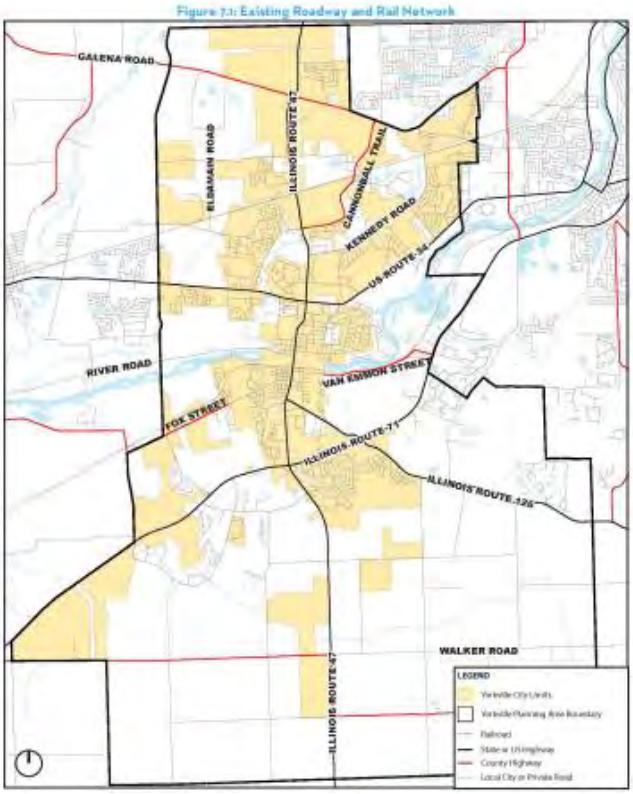
Section 10-4-13 Alternative Energy Use Standards in the City's Unified Development Ordinance provides setback specifics for solar farm uses in the A-1 Agricultural District. The following compares the yard setbacks required for solar farm uses and the petitioner's previously proposed setbacks and their updated setbacks:

	Minimum Setback for Equipment to Property Line	Previously Proposed Setback	Updated Proposed Setbacks
Front (South)	1000 feet	482 feet	917.3 feet
Side Yard (East)	50 feet from nonresidential/100 feet from residential	194.9 feet	50 feet
Side Yard (West)	50 feet from nonresidential/100 feet from residential	75.9 feet	57.8 feet
Rear (North)	50 feet from nonresidential/100 feet from residential	84.9 feet	50.1 feet

Section 10-8-9C.1 of the Unified Development Ordinance states specific standards for variance requests which all recommendation bodies will review. The petitioner has provided answers to each of the criteria in the application to these standards.

Solar Setbacks

The location of the solar panels meets the side (east and west) and the rear (north) setbacks for the Solar Farm use in the A-1 Agricultural District. Although Section 10-4-13B.8.a of the Unified Development Ordinance states the front yard setback for the solar farm use is one hundred (100) feet, Section 10-4-13B.8.c states the buffer area from the nearest solar array to roadway networks is one thousand (1,000) feet. Therefore, the solar panels appear to encroach into required front (south) yard setback.



Buffer Distances

Section 10-4-13B.8.c of the City's Unified Development Ordinance provides buffer requirements for solar farms in relation to roadway networks and the Fox River. The proposed solar panel encroaches into the required front yard setback to the south. The ordinance requires a minimum buffer of 1,000 feet from the nearest solar array to roadway networks as defined in Figure 7.1: Existing Roadway and Rail Network of the 2016 United City of Yorkville Comprehensive Plan. Currently, Corneils Road is not designated as a major arterial roadway network in Figure 7.1.

However, given that Corneils Road is likely to become a major arterial roadway in the future, the 1,000-foot buffer requirement from a roadway network to the nearest solar array remains applicable. The petitioner has submitted an updated variance request to allow for a 917.3-foot front yard setback compared to their previously proposed 482-foot front yard setback. Notably, the proposed solar panel location also exceeds the 1,000-foot setback required from the Fox River bank.

PROPOSED EQUIPMENT

The petitioner has submitted an updated site plan for the proposed community solar farm, reducing the number of solar arrays from 11,616 to 11,201. The petitioner's updated exhibit (C-200 F), last dated February 14, 2025, indicates the total number of tracker motors is 121. The petitioner has stated Beecher Road Solar, LLC intends to contract Nexamp Asset Management Services, INC (NAMS) to provide operations and maintenance services for the first ten years of the system operation. At that time, Beecher Road Solar, LLC will revisit the contract and intends to renew the term.

ALTERNATIVE ENERGY SYSTEMS REGULATIONS:

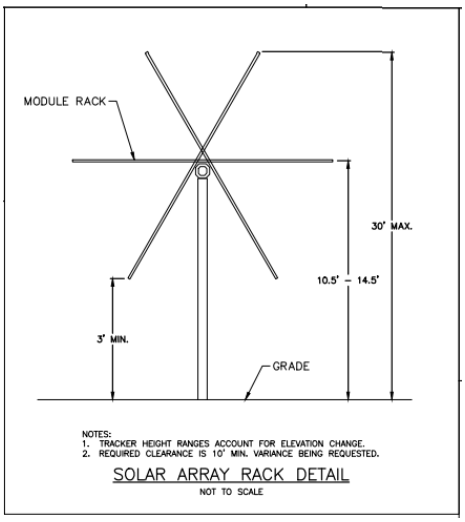
Section 10-4-13: Alternative Energy Use Standards of the City's Unified Development Ordinance establishes zoning parameters and regulations by which solar and wind systems may be installed in the city, which were used in the review of this request. The following describes how the proposed plan meets the regulations for Solar Farm:

Minimum Lot Size

Sections 10-4-13B.1 of the Unified Development Ordinance states no solar farms shall be erected on any lot less than three (3) acres in size. The petitioner's updated exhibit (C-200 F) last dated February 14, 2025, states the project intends to develop on approximately 20.3 acres of overall parcel.

Maximum Lot Coverage

Section 10-4-13B.2 of the Unified Development Ordinance states a solar farm use may occupy up to eighty (80) percent of a given parcel in this district. As previously proposed, the solar farm occupied approximately 33.7% (23.6-acres) of the overall existing 70 acres of existing farmland. The petitioner's updated plans indicate the solar farm will occupy approximately 29% (20.3-acres) of the overall existing 70 acres of existing farmland.



Height/Clearance

The maximum structure height for solar systems, equipment, and structures shall not exceed thirty feet (30') in height when ground mounted, per Section 10-4-13B.6 in the Unified Development Ordinance. The petitioner's exhibit (C-500 F Standard Details) illustrates a maximum solar array height as approximately 30 feet at maximum tilt. Additionally, the petitioner's exhibit (C-500 F Standard Details) indicates a minimum solar array clearance of 3 feet.

Accessory Use

Section 10-4-13-A.2 of the City's Unified Development Ordinance states solar and wind farms shall be an accessory to the principal permitted use of a site. Therefore, the area and scale of the solar farm must be less than the primary agricultural land use. Per the petitioner's updated site plans for the proposed solar farm, the solar farm will be accessory to the existing agricultural/farming land use, as only portion of the overall land is proposed for the community solar farm use (approx. 20.3 acres of 70 acres or ~29%).

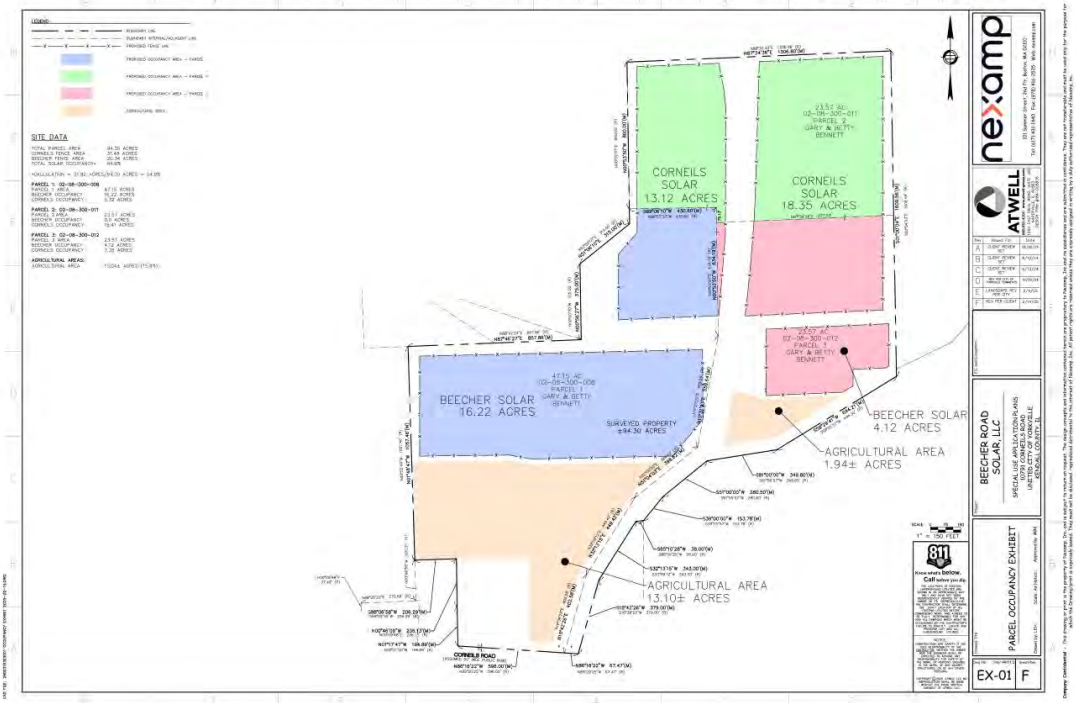
During staff review of the total acreage occupied by both the approved Corneils Road Solar project and the proposed Beecher Road Solar project, there was some confusion regarding whether the solar farm use would exceed the primary agricultural land use. To clarify, staff requested that the petitioner verify the total acreage occupied by the solar farm across parcels #02-08-300-008, #02-08-300-012, and #02-08-300-011, which are associated with the approved Corneils Road Solar project. The table below provides a breakdown of each parcel, including the total area and the area occupied by both the approved solar farm and the previous and updated proposed projects.

PARCEL	TOTAL PARCEL AREA	CORNEILS ROAD SOLAR OCCUPANCY	PREVIOUS BEECHER ROAD SOLAR OCCUPANCY	UPDATED BEECHER ROAD SOLAR OCCUPANCY
02-08-300-008	47.15 acres	5.72 acres	23.57 acres	16.22 acres
02-08-300-011	23.57 acres	18.42 acres	0 acres	0 acres
02-08-300-012	23.57 acres	7.35 acres	0 acres	4.12 acres

Combined the approved Corneils Road Solar and the proposed Beecher Road Solar will occupy 54.9% (51.82-acres) of the existing 94.30-acres of existing farmland. Each individual parcel associated with both solar farm projects maintains a lower occupancy percentage for the solar farm, with a greater portion remaining in agricultural use.

The first visual represents the previously submitted occupancy exhibit, illustrating the total acreage occupied by the approved and proposed solar farms for each parcel. The second visual presents the newly submitted occupancy exhibit, reflecting the updated acreage allocation.





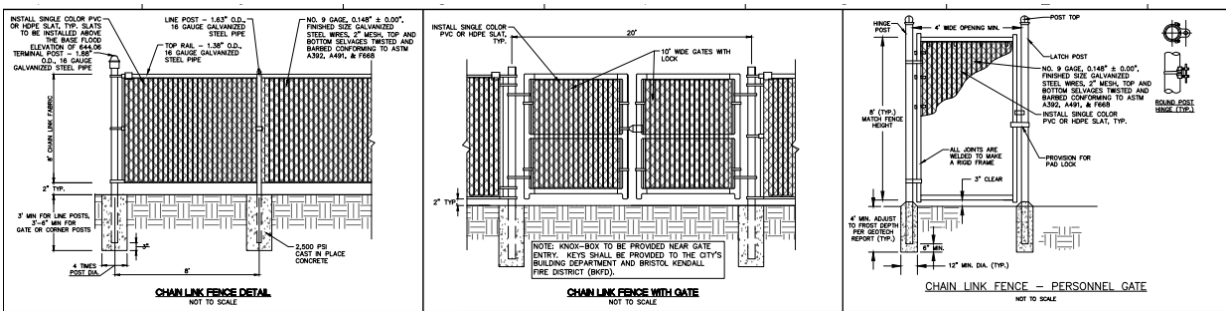
Distance from Residential Properties.
In addition to meeting the required minimum setbacks, the previously proposed closest array/module of the solar farm was 119.2 feet from the nearest residential parcel to the south along Corneils Road. The petitioner's updated plans now show the closest array/module at 392.8 feet, increasing the distance and further reducing potential impacts on adjacent properties.

Glare
Section 10-4-13B.13 of the Unified Development Ordinance states solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways. The panels shall be placed to face east and rotate west to follow the path of the sun to collect the most sunlight throughout the day. The petitioner has submitted a glare study and analysis which concludes that there was no potential for glint or glare identified by the analysis. Additionally, the petitioner's exhibit, shown below, displays viewshed from angles around the solar farm that illustrate how far the panels will be from the public-right-of-way (Corneils Road).





Fencing
The petitioner initially proposed an eight (8) foot tall galvanized chain-link fence with slats surrounding approximately 4,157 linear feet of the solar farm, including a 20-foot-wide vehicle access gate. The updated plans now show a revised perimeter of approximately 5,578 linear feet, maintaining the same access gate and the eight (8) foot tall galvanized chain-link fence with slats, as illustrated below. As stated in Section 10-4-13B.9 of the Unified Development Ordinance, Fence Regulations for Solar Farms, states that systems, equipment, and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. <u>A knox box and keys shall be provided to the City's Building Department and Bristol Kendall Fire District (BKFD) in the event of an emergency.</u>



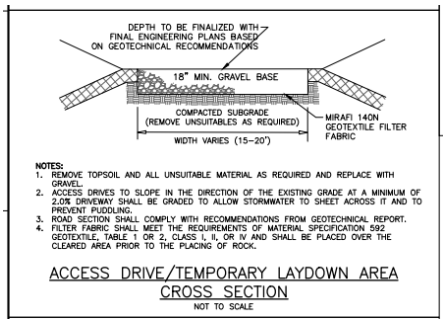
Noise
The transformer is the greatest source of noise on the property. As the petitioner previously proposed, the transformer was 995.5 feet to the nearest residence located to the south on Corneils. Per the petitioner's updated exhibit (C-200 F Site Plan Layout), the transformer is 961.7 feet to the nearest residence located to the south on Corneils Road.

Signage
Per Section 10-4-13B.9.a(1) and (2) of the City's Unified Development Ordinance, warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm. Additionally, the signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall be displayed. The petitioner's updated exhibit (C-500 F Standard Details) indicates signage information. The emergency contact sign (8.5" X 11") appears to be compliant with this regulation.

Utilities and Electric Service Provider
Per Section 10-4-13B.4 of the Unified Development Ordinance, power and communication lines running in between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The routing of the electrical infrastructure required to connect to the ComEd system includes electrical cables installed underground for the entire project with the exception of a series of overhead poles (approx. 4) for a wire connection near Corneils Road.

Section 10-4-13-B.4.a of the Unified Development Ordinance states that evidence that the electric utility service provider that serves the proposed site has been notified of the owner's intent to install an interconnected customer owned electricity generator. The petitioner has provided a copy of an Interconnection Agreement, as prepared by ComEd dated 01/20/2024.

Access Road
The proposed solar farm will utilize the same 20-ft. wide gravel entrance as the recently approved Corneils Road Solar project. Both solar farm access roads are located within the same parcels (#02-08-300-008 and #02-08-300-012). The path provides access to the equipment however, no formal parking stalls are provided, as no buildings, employees are planned on the site except for the occasional mowing or maintenance visits. Section 10-4-13-B.5 of the City's Unified Development Ordinance states off-street parking provided on site shall be paved. The petitioner's updated exhibit (C-200 F Site Layout Plan) indicates an HMA parking pad will be provided for off-street parking.



Landscape Plan
While landscaping is not required for solar farm uses, the petitioner has provided a landscape mix consistent with IDOT's class 7 seed mix outside fenced areas and site-specific pollinator friendly seed mix within the fenced areas beneath the solar panels. Review comments have been provided by the consultant, Hey & Associates, on the proposed landscape plan.

Abandoned Systems
In the Unified Development Ordinance, Section 10-4-13-A.3 states all alternative energy systems inactive or inoperable for a period of 12 continuous months shall be deemed abandoned and the owner is required to repair or remove the system from the property at the owner's expense within 90 days of notice from the City. To ensure compliance, the petitioner has provided a decommission plan narrative and construction estimate of $319,902.03 at year 25 with a 3% annual inflation rate. **Staff recommends** a security guarantee

in an amount of 120% of the approved removal cost value and the estimate will meet to be revised every three (3) years. The guarantee must also be in a form acceptable to the City Engineer as a condition of the Special Use approval.

In addition to the security guarantee, **staff also recommends** a blanket easement over the property to allow the City or its contractor to enter and remove the abandoned system in compliance with the City Code, as a condition of the Special Use approval. The petitioner is aware of these conditions which will be a part of their special use authorization.

ENGINEERING COMMENTS:

Please refer to the attached comments prepared by Engineering Enterprises Inc. (EEI) dated October 15, 2024 and February 27, 2025. **Staff recommends** the work items listed in the review letter will become conditions for the Special Use and a requirement for issuance of a building permit.

STAFF COMMENTS:

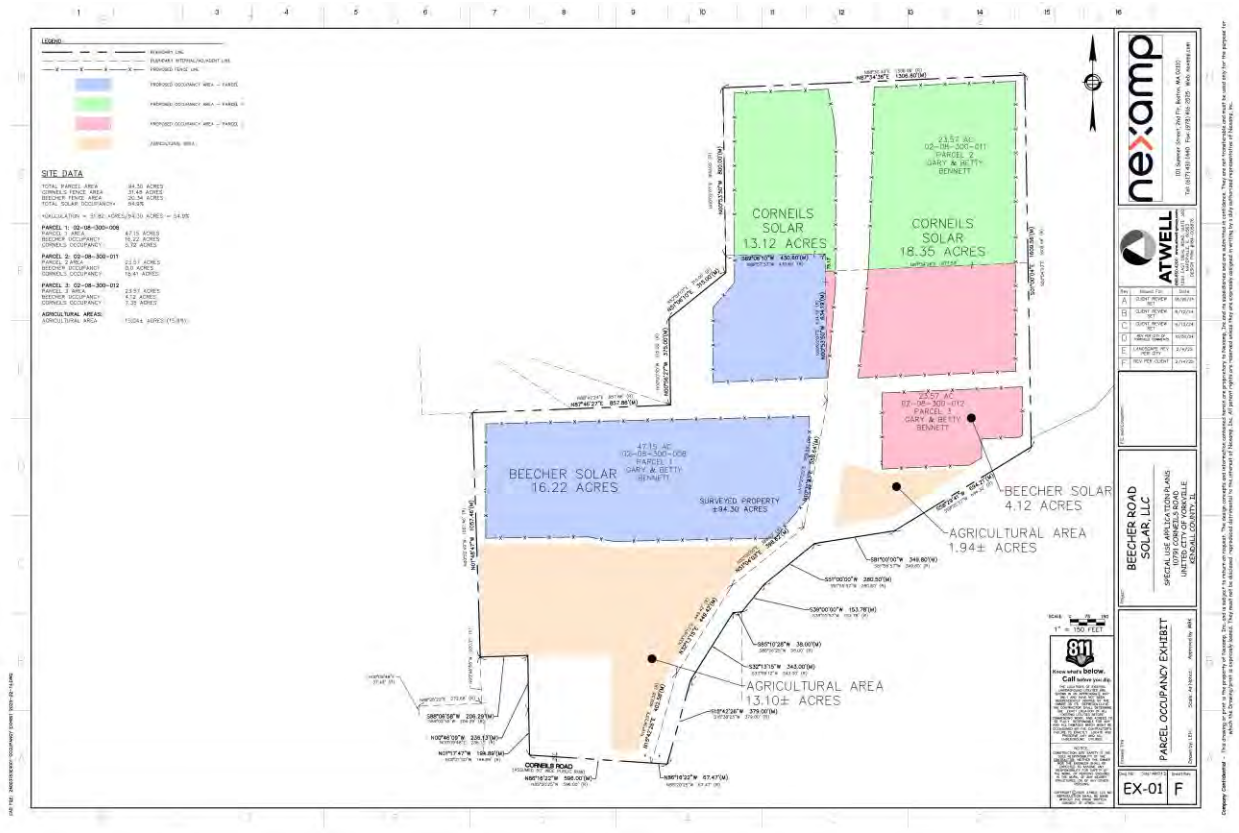
Previously, staff expressed opposition to the proposed expansion of the solar farm beyond the approved Corneils Road Solar project due to the 482-foot setback variance from the nearest solar array to the roadway network. However, with the petitioner's revised plans increasing the setback from Corneils Road to 917.3 feet, staff is now supportive of the proposed solar farm. Additionally, staff supports the petitioner's commitment to raising the slats above the base flood elevation to address concerns about potential obstruction of floodwater flow in the floodway/floodplain. Lastly, the updated plans further improve compliance by increasing the distance of the closest array/module to the nearest residential parcel to the south along Corneils Road from 119.2 feet to 392.8 feet, which staff also supports.

A presentation of the project will be held at the April 8, 2025 City Council meeting and the final vote is scheduled for the April 22, 2025 City Council meeting. Staff and the petitioner are seeking comments from the Planning and Zoning Commission about the proposed solar farm.

ECONOMIC DEVELOPMENT COMMITTEE COMMENTS:

During the January 7, 2025 Economic Development Committee meeting, concerns were raised over whether the proposed chain link fencing with slats could potentially cause any flood-related issues given its location in the floodway/floodplain. The City's engineering consultant, Engineering Enterprises Inc. (EEI), recommended that slats in the chain-link fence only be used on the portion of the fence above the base flood elevation to prevent obstruction in the HEC-RAS model. In response, the petitioner's engineer, confirmed that they will raise the slats above the base flood elevation and update the plans accordingly. Staff recommends these become conditions of the Special Use approval.

Concerns were also raised regarding the exact percentage of agricultural use associated with the combined approved Corneils Road Solar and Beecher Road Solar projects. Below is the occupancy exhibit provided by the petitioner, verifying the total acreage occupied by the solar farm across parcels #02-08-300-008, #02-08-300-012, and #02-08-300-011. The exhibit confirms that the combined occupancy of the approved Corneils Road Solar and the proposed Beecher Road Solar projects is 54.9%. However, each individual parcel associated with both solar farm projects does not exceed the maximum lot coverage of 80% for the A-1 Agricultural District for the solar farm use.



SPECIAL USE STANDARDS:

Section 10-8-5-D states specific standards for special use which all recommendation bodies will review. The petitioner has provided answers to each of the criteria in the application which are included in the packet for your review and will be entered into the public record as part of the public hearing process. The standards are:

1. 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.
2. 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 in which it is to be located.
3. 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.
4. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The proposed special use is not contrary to the objectives of the official comprehensive plan of the City as amended.

VARIANCE STANDARDS:

Section 10-8-9-C states specific standards for variations which all recommendation bodies will review. The petitioner has provided answers to each of the criteria in the application which are included in the packet for your review and will be entered into the public record as part of the public hearing process. The standards are:

1. A particular hardship to the owner would result because of the physical surroundings, shape, or topographical conditions of the subject property, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

2. The conditions upon which the petition for a Variation is based are unique to the subject property and are not applicable, generally, to other properties within the same zoning district.
3. The difficulty or hardship is not created by any person presently having an interest in the property.
4. 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.
5. The proposed Variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger to the public, or substantially diminish or impair property values within the neighborhood.
6. The proposed Variation is consistent with the official comprehensive plan and other development standards and policies of the City.

COMPREHENSIVE PLAN:

The 2016 Comprehensive Plan designates the future land use for this property as Estate/Conservation Residential (ERC). The Estate/Conservation Residential (ECR) designation is generally intended for future neighborhood developments that promote flexibility in residential designs, accommodates low density detached single family housing, and is sensitive to environmental and scenic features of the area and utilized this land designation as a "holding" classification for those areas, particularly on the outskirts or along the perimeter of the City's corporate boundaries that lacked the public infrastructure to support development of the land within the 10-year timeline of the plan.

While a solar farm is not consistent with the future land use designation in the 2016 Comprehensive Plan, the proposed solar farm is an expansion of the recently approved annexation, rezoning, and special use Corneils Road Solar project. Staff is currently preparing an amendment to the Comprehensive Plan to designate the property as part of the Agricultural Zone (AZ).

STAFF RECOMMENDATIONS:

Staff recommends the following conditions to the special use:

1. A security guarantee in this amount of 120% of the approved removal cost value as presented in a Decommissioning Plan prepared by Atwell, LLC dated 10/31/24. Said estimate will need to be revised every three (3) years. The guarantee must also be in a form acceptable to the City Engineer as a condition off the Special Use approval.
2. A blanket easement over the property to allow the City or its contractor to enter and remove the abandoned system in compliance with the City Code, as a condition of the Special Use approval.
3. Subject to the City Engineer's review, the chain-link fence slats shall only be used on the portion of the fence above the base flood elevation.
4. Substantial conformance with Special Use Application Plans prepared by Atwell, LLC and submitted by Nexamp last dated February 14, 2025.
5. Compliance with work items listed in the review letter prepared by Engineering Enterprises, Inc. (EEI) dated October 15, 2024 and February 27, 2025.

PROPOSED MOTIONS:

SPECIAL USE

In consideration of testimony presented during a Public Hearing on March 12, 2025 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 02/14/25 for approximately 20.3 acres located immediately north of Corneils Road, approximately 1,500 feet west of Beecher Road, and approximately 2,600 feet east of IL Route 47 (N Bridge Street), subject to staff recommendations in a memo dated February 21, 2025 and further subject to… {insert any additional conditions of the Planning and Zoning Commission}…

VARIANCE

In consideration of testimony presented during a Public Hearing on March 12, 2025 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 south property lines setback from 1000 feet to 917.3 feet, subject to… {insert any additional conditions of the Planning and Zoning Commission}…

ATTACHMENTS:

1) AC Electrical Diagram – dated 01.09.24 by Nexamp
2) Bifacial Module – dated 01.09.24 by SMA America, LLC
3) Decommissioning Narrative – dated 08.16.24 prepared by Nexamp
4) Decommissioning Plan – 10.31.24 by Atwell
5) Glare Study 1 (Pv Array 1) – dated 08.13.24 by Forge Solar
6) Glare Study 2 (Pv Array 2) – dated 08.13.24 by Forge Solar
7) Glare Study 3 (Pv Array 3) – dated 08.13.24 by Forge Solar
8) Interconnection Agreement – dated 01.20.24 by ComEd
9) Land Title Survey – dated 12.06.23 by Nexamp
10) Letter from Daniel Kramer – dated 08.15.24 by Law Offices of Daniel J. Kramer
11) Location Map – dated 08.07.24 by Nexamp
12) Legal Description – dated 09.13.24 by Atwell
13) Occupancy Exhibit – last dated 02.14.25 by Atwell
14) Operation and Maintenance Plan – prepared by Nexamp
15) Project Narrative – dated 08.16.24 by Nexamp
16) Property Owners Within 500 Feet
17) Response Letter – dated 10.31.24 by Atwell
18) Special Use Application Plans – last dated 02.14.25 by Atwell
19) Special Use Application – prepared by Beecher Road Solar, LLC
20) Variance Application – prepared by Beecher Road Solar, LLC
21) Vegetation Management Plan for Solar Sites Utilizing Native Vegetation – prepared by Natural Resource Services
22) Wetland Determination/Delineation – dated 09.1.23
23) Public Hearing Notice
24) Rendering – dated 01.07.25
25) Plan Council Packet (10-24-24)
26) EEI Comments – dated 10.15.24
27) EEI Comments – dated 02.27.25

CABLE SCHEDULE

CIRCUIT ID	VOLTAGE RATING	CONDUCTOR QUANTITY, SIZE AND MATERIAL	WIRE TYPE	QUANTITY OF CONDUITS	SIZE OF CONDUITS	CONDUIT TYPE	WATER
—	150 V	(2) #6 AWG Cu	(2) THWN-2 AWG				
G	150 V	(1) #8 AWG Cu	(1) THWN-2 AWG G	—	—	—	—
A	600 V	(3) #500 kcmil AWG Al	AWG 3/C	1	3"	PVC	WATER
B		FACTORY INSTALLED					
C	600 V	(1) #8 AWG Cu, (1) #1 AWG Cu	THWN-2	1	1"	PVC	

PROTECTIVE RELAY SETTINGS

INVERTER PROTECTIVE FUNCTION	TRIP OUTPUT	VOLTAGE SETTING (% OF 240 VAC [BASE])	FREQUENCY SETTING (HZ)	TOTAL CLEARING TIME (CYC [SEC])	CURRENT SETTING SEC (PRI)
27P1 - FAST UNDERVOLTAGE	X	(360) 55.00 (6.50%)		30 (.5)	
27P2 - UNDERVOLTAGE	X	(105.6) 6.135 (-38%)		1200 (2.)	
59P1 - OVERVOLTAGE	X	(132) 7.919 (+10%)		720 (12)	
59P2 - FAST OVERVOLTAGE	X	(144) 8.639 (+20%)		9.6 (0.16)	
81U1P1 - UNDERFREQUENCY	X		57	9.6 (0.16)	
81U1P2 - UNDERFREQUENCY	X		58.5	18000 (300)	
81O1P1 - OVERFREQUENCY	X		60.5	18000 (300)	
81O1P2 - OVERFREQUENCY	X		62	9.6 (0.16)	
51 - PHASE OVERCURRENT	X			CURVE: U4 - T D 2.0	0.89 (288.8A)
51 G - GROUND OVERCURRENT	X			CURVE: U4 - T D 2.0	0.586 (111.1A)
79 - RECLOSER	X	(216) 6859.6 (-10%) (264) 8391.5 (+10%)	59 (HASLTO 60 Hz)	18000 (300)	
ALARM	X			1320	

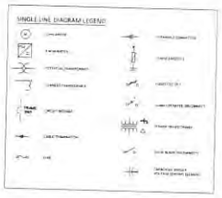
* VOLTAGE SETTING VALUES ARE L-N
* ALL TRIP TIMES ARE INCLUSIVE OF RECLOSER DWELL TIME (~3 CYCLES)

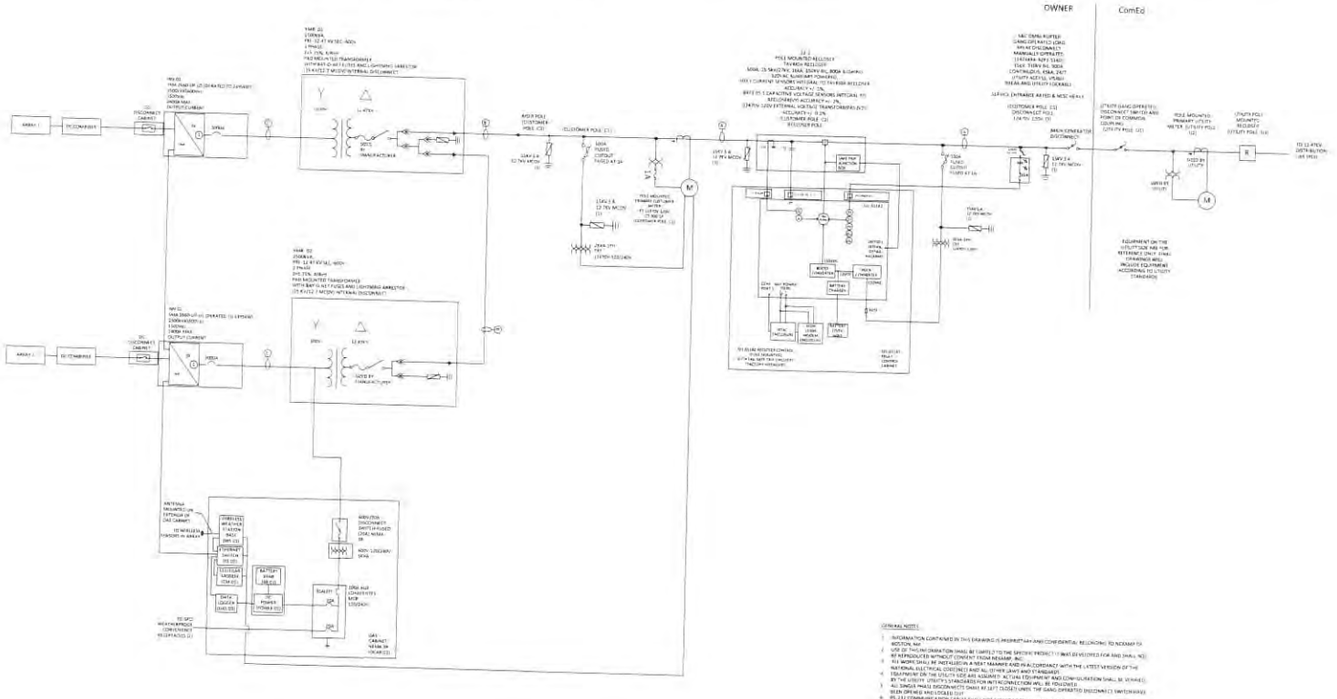
INVERTER (ENVOY-S) PROTECTIVE SETTINGS

INVERTER PROTECTIVE FUNCTION	VOLTAGE SETTING (VOLTS)	FREQUENCY SETTING (HZ)	TOTAL CLEARING TIME (CYC [SEC])
27 - FAST UNDERVOLTAGE	300 (50%)		9(11.5)
27 - UNDERVOLTAGE	420 (70%)		1440 (24)
27 - UNDERVOLTAGE	528 (88%)		1200 (20)
59 - OVERVOLTAGE	660 (110%)		780 (13)
59 - FAST OVERVOLTAGE	720 (120%)		9.6 (0.16)
81 - UNDERFREQUENCY		57.0	9.6 (0.16)
81 - UNDERFREQUENCY		58.5	18000 (300)
81 - OVERFREQUENCY		60.5	18000 (300)
81 - OVERFREQUENCY		61.8	9.6 (0.16)

* ONLY ONE SETTING SHOULD BE USED
* SETTINGS ARE BASED ON 240 / 120 V SPLIT PHASE AND MAY DIFFER FOR 208/120 V, 3 PHASE SYSTEMS

SINGLE LINE DIAGRAM LEGEND





GENERAL NOTES

1. INFORMATION CONTAINED IN THIS DRAWING IS PROPRIETARY AND CONFIDENTIAL BELONGING TO NEXAMP TO BOSTON, MA
2. USE OF THIS INFORMATION SHALL BE LIMITED TO THE SPECIFIC PROJECT FOR WHICH IT WAS RECEIVED AND SHALL NOT BE REPRODUCED WITHOUT CONSENT FROM NEXAMP, INC.
3. ALL WORK SHALL BE PERFORMED IN A NEAT MANNER AND IN ACCORDANCE WITH THE LATEST VERSION OF THE NATIONAL ELECTRICAL CODE (NEC) AND ALL OTHER JOINT AND STANDARDS
4. THE SYSTEM DESIGN SHOWN ON THIS DRAWING IS BASED ON ACTUAL EQUIPMENT AND CONFIGURATION SHALL BE VERIFIED BY THE UTILITY COMPANY PRIOR TO ANY INTERCONNECTION WILL BE FOLLOWED.
5. ALL SINGLE PHASE DISCONNECTS SHOWN AS LATCH CLOSED UNLESS THE GANG OPERATED DISCONNECT SWITCH SHOWN OPENED AND LOCKED OUT
6. IPC EEI COMMUNICATION CABLES SHALL NOT EXCEED 50.0' IN TOTAL LENGTH. INSULATION LEVELS SHALL BE
7. RS-485 COMMUNICATION CIRCUIT SHALL NOT EXCEED 4000'(1.2KM) IN TOTAL LENGTH
8. CAT 5 CABLES SHALL NOT EXCEED 500'(150M) IN TOTAL LENGTH
9. CONTACT POWER CIRCUITS WITHIN OR UTILITY METER CABINET SHALL BE NOT ALLOW IN CONDUIT. ETHERNET AND WIRING WITHIN DAS CABINET SHALL BE FACTORY INSTALLED
10. ALL DISCONNECTS SHALL BE IN ACCORDANCE WITH NEC ARTICLE 690.15 AND BE LISTED IN ACCORDANCE WITH UL 98
11. GANG OPERATED DISCONNECT SWITCH SHALL BE OPENED AND LOCKED OUT PRIOR TO ANY WORK INVOLVING EXPOSED ELECTRICAL CIRCUIT PARTS
12. THE GANG OPERATED DISCONNECT IS A VISIBLE BREAK AND IS ACCESSIBLE TO THE UTILITY 24/7
13. RECLOSER WILL ONLY BE ALLOWED TO CLOSE WHEN THE VOLTAGE AND FREQUENCY ARE IN COMPLIANCE WITH IEEE 1547, IEEE 1588 TABLE 7 R 1 & 2 AND ANSI C84.1, TABLE 1, RANGE A, WITHIN 5 MINUTES TO 95% OF NOMINAL VOLTAGES BASED ON LINE TO LINE VOLTAGE, FREQUENCY WITHIN 0.05 HZ TO 59.95 HZ
14. PV FUNCTION IS ONLY ENABLED ON VOLTAGE AND FREQUENCY DISTURBANCES. A 5 MINUTE DELAY FOR THE PC TO RECONNECT BASED ON VOLTAGE AND FREQUENCY DISTURBANCES ONLY. A 5 MINUTE DELAY WILL BE USED FOLLOWING UNDESIRABLE POOR QUALITY VOLTAGE. THE FIVE MINUTE TIME INTERVAL WILL RESTART IF THE UTILITY VOLTAGE OR FREQUENCY FALLS OUTSIDE OF THE WINDOW GIVEN IN NOTE 13. INVERTER WILL LOCK OUT ON DETECTING RE CONNECTION
15. RELAY WILL AUTOMATICALLY TRIP AND BLOCK CLOSE IF THERE IS A MINIMUM OF 5 VOLTS OR POWER SUPPLY FAILURE
16. (2) 30A# SCHNEIDER QO CENTRAL INVERTERS (84 RATED TO 7.695 kW)
17. THE SIZE OF THE FUSES TO 30A# SCHNEIDER/EQUIVALENT

nexamp
4 Liberty Square, Boston, MA 02109
Tel: (617) 431-1480 Fax: (978) 416-2525 Web: nexamp.com

Rev	Issued For	Date Issued
A	IUA	10/09/2024

PE certification:



Project:
152392 - Beecher Road Solar
10791 Cornells Road
Plano, IL 60545
41.69373, -88.46431

Drawing Title:
AC Electrical Diagram

Drawn by: Yavyas Akat Scale: N.T.S. Approved by:

Dwg No:	Sheet: D	Sheet Rev.
E-601	A	

Company Confidential - This drawing/ content is the property of Nexamp, Inc. and is subject to return on request. The design concepts and information contained herein are proprietary to Nexamp, Inc and its subsidiaries and are submitted in confidence. They are not transferable and must be used only for the purpose for which the Drawing/Print is expressly loaned. They must not be disclosed, reproduced detrimental to the interest of Nexamp, Inc. All patent rights are reserved unless they are expressly assigned in writing by a duly authorized representative of Nexamp, Inc

HELIENE

156HC M10 SL Bifacial Module

156 Half-Cut Monocrystalline 565W – 585W



21%

Utilizes the latest M10 size super high efficiency Monocrystalline PERC cells. Half cut design further reduces cell to module (CTM) losses.

Stability & Looks

Enhanced frame design to withstand higher wind, snow, and other mechanical stresses. Framed Glass–Backsheet aesthetic is ideal for high visibility installation.

Anti-Reflective

Premium solar glass with anti-reflective coating delivers more energy throughout the day

High Reliability

Proven resistance to PID and reliable in high temperature and humidity environments.

Intertek

ISO 9001:2015 Certified

Manufactured Using International Quality System Standards: ISO9001

Half-Cut Design with Split Junction Box Technology

Bifacial Technology Enabling Additional Energy Harvest from Rear Side

2% First Year Degradation & 0.50% Annual Power Degradation

World-class Quality

- Heliene's fully automated manufacturing facilities with state-of-the-art robotics and computer aided inspection systems ensure the highest level of product quality and consistency
- All manufacturing locations are compliant with international quality standards and are ISO 9001 certified
- Heliene modules have received Top Performer rankings in several categories from PV Evolution Labs (PV EL) independent quality evaluations

Bankable Reputation

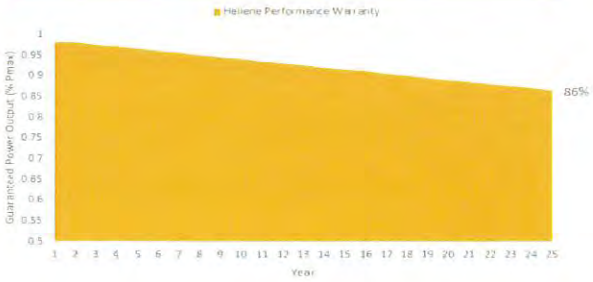
- Established in 2010, Heliene is recognized as highly bankable Tier 1 manufacturer of solar modules and has been approved for use by the U.S. Department of Defense, U.S. Army Corps of Engineers and from numerous top tier utility scale project debt providers
- By investing heavily in research and development, Heliene has been able to stay on the cutting edge of advances in module technology and manufacturing efficiency

Local Sales, Service, and Support

- With sales offices across the U.S. and Canada, Heliene prides itself on unsurpassed customer support for our clients. Heliene has become the brand of choice for many of the leading residential installers, developers and Independent Power Producers due to our innovative technology, product customization capability and just in time last-mile logistics support
- Local sales and customer support means answered phone calls and immediate answers to your technical and logistics questions. We understand your project schedules often change with little warning and endeavor to work with you to solve your project management challenges

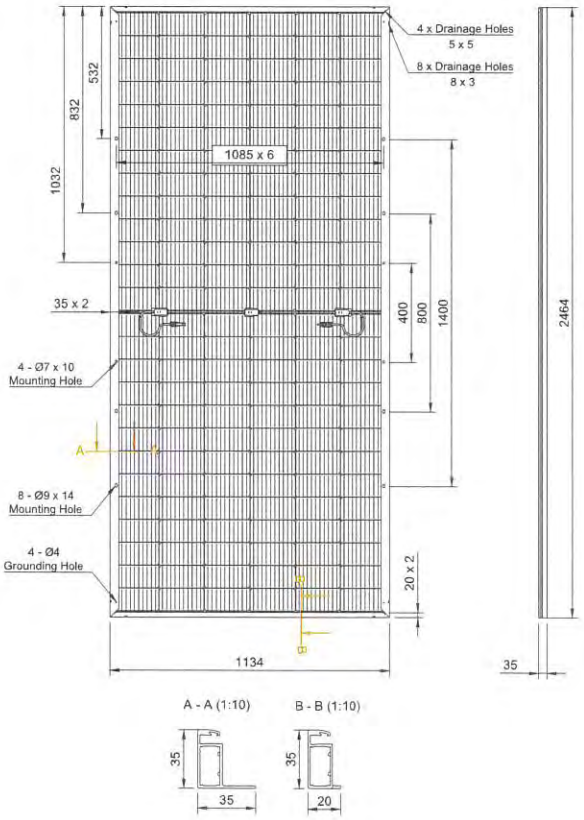
No Compromise Guarantee

15 Year Product Warranty
25 Year Linear Performance Guarantee

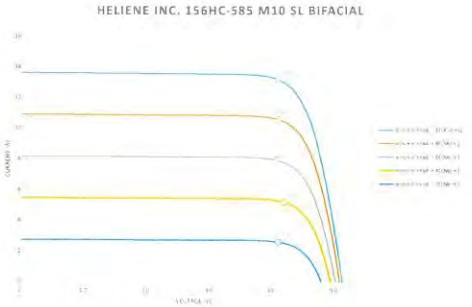


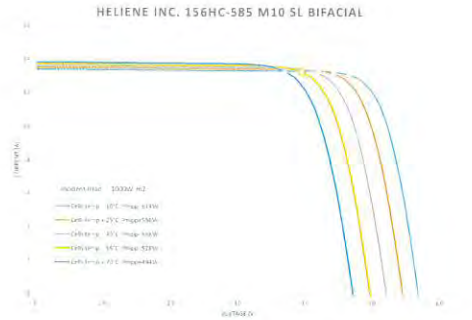
www.heliene.com

Dimensions for 156HC M10 SL Bifacial Series Modules



I-V Curves for 156HC M10 SL Bifacial Series Modules





Electrical Data (STC)

Peak Rated Power*	P_{mpp} (W)	585	580	575	570	565
Maximum Power Voltage	V_{mpp} (V)	45.85	45.64	45.44	45.23	45.02
Maximum Power Current	I_{mpp} (A)	12.77	12.70	12.64	12.58	12.52
Open Circuit Voltage*	V_{oc} (V)	54.41	54.13	53.86	53.33	52.79
Short Circuit Current**	I_{sc} (A)	13.50	13.44	13.37	13.32	13.28
Module Efficiency	Eff (%)	20.9	20.8	20.6	20.4	20.2
Maximum Series Fuse Rating	MF (A)	30	30	30	30	30
Power Sorting Range			- 0/+3%			
Bifaciality Factor			70 ± 2%			

STC - Standard Test Conditions: Irradiation 1000 W/m² - Air mass AM 1.5 - Cell temperature 25 °C;
*P_{mpp}: Production Tolerance ± 3%, V_{oc}: Production Tolerance ± 3%, **I_{sc}: Production Tolerance ± 4%

Electrical Data (NMOT)

Maximum Power	P_{mpp} (W)	434	430	426	423	419
Maximum Power Voltage	V_{mpp} (V)	43.28	43.08	42.90	42.70	42.50
Maximum Power Current	I_{mpp} (A)	10.03	9.99	9.95	9.91	9.87
Open Circuit Voltage	V_{oc} (V)	51.36	51.10	50.84	50.34	49.83
Short Circuit Current	I_{sc} (A)	10.87	10.83	10.77	10.73	10.70

NMOT - Nominal Module Operating Temperature:
Irradiance at 800W/m², Ambient Temperature 20°C, Wind speed 1m/s

Mechanical Data

Solar Cells	156 Half Cut, M10, 182mm, PERC Cells
Module Construction	Framed Glass–Backsheet
Dimensions (L x W x D)	2464 x 1134 x 35 mm (97.01 x 44.65 x 1.38 inch)
Weight	31 kg (68.34 lbs)
Frame	Double Webbed 15-Micron Anodized Aluminum Alloy
Glass	3.2mm Low-Iron Content, High-Transmission, PV Solar Glass with Anti Reflective Coating
Junction Box	IP-68 rated with 3 bypass diodes
Output Cables	1.6-meter Symmetrical Cables
Connectors	Multi-Contact/ Stäubli MC4

Certifications

UL Certification	UL61215, UL61730

Temperature Ratings

Nominal Operating Cell Temperature (NOCT)	+45°C (±2°C)
Temperature Coefficient of P_{max}	-0.34%/°C
Temperature Coefficient of V_{oc}	-0.25%/°C
Temperature Coefficient of I_{sc}	0.052%/°C

Maximum Ratings

Operational Temperature	-40°C to +85°C
Max System Voltage	1500V
Mech. Load Test (Front)	113 psf / 5400Pa
Mech. Load Test (Back)	50 psf / 2400 Pa
Fire Type	Type 1
Hail Test	25mm at 23m/s

Packaging Configuration

Modules per Pallet 40' Container:	31 pieces
Modules per 40' Container:	620 pieces
Modules per Pallet 53' Trailer:	28 pieces
Modules per 53' trailer:	588 pieces

Warranty

15 Year Product Warranty

25 Year Linear Power Guarantee

The specifications and key features contained in this datasheet may deviate slightly from our actual products due to the ongoing innovation and product enhancements. PV modules should be handled and installed only by qualified people. Please carefully read safety and installation instructions available for download from Heliene website before using Heliene PV modules. For warranty details, please refer to Product Warranty Document, also available for download from Heliene website.

January 9, 2024

SMA America, LLC
6020 West Oaks Blvd, Ste 300
Rocklin, CA 95765-3714
Tel.: +1 916 625 0870
Fax: +1 916 625 0871

To whom it may concern

RE: Nexamp Solar Project
SMA SC2660-UP-US – Inverter Power Limiting

Dear Sir/Madam,

This letter is to confirm that **(2) SMA SC2660 UP-US** inverter(s) will be output power limited to meet grid requirements. For this project, the output power of the inverters will be limited to 2495kVA and 2495kVA, respectively. The output power limit is only accessible by SMA Service after commissioning.

SMA will submit a letter to the customer stating the inverter power limit by inverter serial number as documented proof that the power limit has been completed. A secondary label will be installed near the inverter label indicating the unit is power limited.

Sincerely,

Ryan J. LeBlanc
Principal Applications Engineer
SMA America, LLC
Rocklin, CA

nexamp

BEECHER ROAD SOLAR, LLC - DECOMMISSIONING PLAN

Beecher Road Solar, LLC has prepared this Decommissioning Plan (the "Plan") for its proposed 4.99-Megawatt solar photovoltaic facility (the "Facility") to be constructed along Corneils Road, Yorkville, Illinois. The Plan describes the process for decommissioning the Facility in accordance with applicable federal, state, and local requirements. Decommissioning of the Facility shall be completed within six (6) months after operation of the solar facility stops being operational.

Facility Description

The Facility will consist of a 4.99-megawatt (AC) capacity solar power-generating array secured within a chain link fence surrounding the solar panels and equipment, accessed through a locked, 20-foot wide swing gate at the access road. The access road enters the project area off Corneils Road. The Facility will include the following site features:

- An approximate 25-acre area of photovoltaic (PV) modules, mounting system and associated equipment inside the perimeter fence;
- Driven piles supporting the PV modules;
- One or two transformers (filled with biodegradable mineral oil) and 2 central inverters;
- Perimeter fence with no barbed wire;
- Underground conduit and wires within the system area;
- Electrical interconnection equipment including several above ground poles to connect to the Commonwealth Edison (ComEd) distribution line on Corneils Road;
- A gravel access drive; and
- A metal security gate at the entrance to the array area.

Decommissioning Plan

The Facility will be decommissioned by completing the following major steps: Dismantlement, Demolition, Disposal or Recycle; and Site Stabilization, as further described below.

Dismantlement, Demolition, and Disposal or Recycle

A significant portion of the components that comprise the Facility will include recyclable or re-saleable components, including copper, aluminum, galvanized steel, and modules. Due to their re-sale monetary value, these components will be dismantled, disassembled, and recycled rather than being demolished and disposed of. All materials associated with the solar farm shall be removed from the site and legally disposed of or recycled.

Following coordination with ComEd regarding timing and required procedures for disconnecting the Facility from the utility distribution network, all electrical connections to the system will be disconnected and all connections will be tested locally to confirm that no electric current is

running through them before proceeding. All electrical connections to the PV modules will be severed at each module, and the modules will then be removed from their framework by cutting or dismantling the connections to the supports. Modules will be removed and sold to a purchaser or recycler. In the event of a total fracture of any modules, the interior materials are silicon-based and are not hazardous. Disposal of these materials at a landfill will be permissible.

The PV mounting system framework (tracking system) will be dismantled and recycled. The metal piles will be removed and recycled. All other associated structures will be demolished and removed from the site for recycling or disposal. This will include the site fence and gates, which will likely be reclaimed or recycled.

The driveway and all gravel areas will be removed in areas that the landlord does not want drives for farming operations. These areas will be restored to their original condition, which includes, ripping, re-topping with soil, and seeding. Concrete slabs will be crushed and disposed of off-site or recycled (reused off-site). Underground cabling at a depth of five (5) feet or less will be removed and recycled or disposed of. Underground cabling installed at a depth greater than five feet may be abandoned in place or removed. For the purposes of this estimate, removal of underground cabling is assumed.

Aboveground utility poles owned by Beecher Road Solar, LLC will be completely removed and disposed of off-site in accordance with utility best practices. Any overhead wires will be removed from the Facility and will terminate at the utility-owned (ComEd) connections. Coordination with ComEd personnel will be conducted to facilitate ComEd removal of any utility-owned equipment, poles, and overhead wires located on the site.

A final site walkthrough will be conducted to remove debris and/or trash generated during the decommissioning process and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of the facility being removed. Sanitary facilities will be provided on-site for the workers performing the decommissioning of the Facility.

Decommissioning Requirements

The following items shall be implemented during the decommissioning of the Facility:

- If underground drainage tiles are damaged by Deconstruction, they shall be repaired in a manner that assures the tile line's proper operation.
- After the topsoil has been replaced, all areas that are not directly under photovoltaic panels that were traversed by vehicles and Deconstruction equipment shall be ripped at least 18 inches deep, and all pasture and woodland shall be ripped at least 12 inches deep to the extent practicable. The existence of tile lines or underground utilities may necessitate less depth.

- Following the completion of Deconstruction, the disturbed area shall be restored, as closely as practical, to its original pre-construction elevation.
- Weed control shall be provided in a manner that prevents the spread of weeds onto agricultural land affected by Deconstruction. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

Site Stabilization

The areas of the Facility that are disturbed during decommissioning will be re-graded to establish a uniform slope and stabilized via hydroseeding with an appropriate ground treatment approved by the United City of Yorkville.

Permitting Requirements

Given the size and location of the Facility, several approvals will be obtained prior to initiation of the decommissioning process. Table 1 provides a summary of the expected approvals if the decommissioning were to take place at the time of the preparation of this Decommissioning Plan. Noting that the decommissioning is expected to occur at a much later date, the permitting requirements listed in the table below will be reviewed at that time and updated based on then current local, state, and federal regulations.

Table 1. Current Permitting Requirements for Decommissioning

Permit	Agency	Threshold/Trigger
Building Permit	United City of Yorkville	A building permit must be obtained for any construction, alteration, repair, demolition, or change to the use or occupancy of a building.
National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activity	Illinois Environmental Protection Agency (IEPA)	Ground disturbance of greater than one acre requires preparation of a Stormwater Pollution Prevention Plan, including erosion and sedimentation controls.
Agricultural Impact Mitigation Agreement (AIMA)	Illinois Department of Agriculture (IDOA)	Illinois requirement that an AIMA be entered into between owner of a solar facility on agricultural land and the IDOA.

The decommissioning process is estimated to take approximately six to eight (6-10) weeks and is intended to occur outside of the winter season.

Decommissioning Cost Estimate and Surety Proposal

Consistent with the requirements of the Illinois Agricultural Impact Mitigation Agreement, Beecher Road Solar, LLC proposes to provide a decommissioning surety fund to be held by the United City of Yorkville (City) and co-owned with Beecher Road Solar, LLC. The fund will provide the requisite capital for solar project decommissioning in the unlikely event that Beecher Road Solar, LLC is unable to meet its contractual obligations for solar project removal and restoration.

Before the issuance of a Building Permit by the City, Beecher Road Solar, LLC will submit an Engineer's Opinion of Probable Cost (EOPC) to decommissioning the facility. Beecher Road Solar, LLC will then obtain a bond to be held by the City with the bond value based on the percentage of the EOPC as required by the Agricultural Impact Mitigation Agreement.

Once the decommissioning is complete, and after the City's inspection that the work has been done in accordance with the Decommissioning Plan, the portion of the surety not needed to remediate shall be returned to the applicant/lessee.

ATWELL

Atwell, L.L.C.
1250 East Diehl Road, Suite 300
(630) 577-0800

Project	Beecher Solar
Location	United City of Yorkville
Site:	4.99 MWAC
Parcel ID:	02-08-300-008
Date	10/31/2024

Engineer's Opinion of Probable Decommissioning Cost for Beecher Solar During First 5 Years of Operation

	Estimated Quantity	Unit	Unit Cost	Removal Cost
Erosion Control/Contractor Fees				
Mobilization	1	LUMP SUM	$7,500.00	$7,500.00
Electrical Disconnect	1	EACH	$750.00	$750.00
Permitting (NPDES)	1	LUMP SUM	$750.00	$750.00
Silt Fence	1,607	LF	$3.00	$4,821.00
Seeding	32	ACRES	$1,000.00	$31,800.00
Sub-Total				$45,621.00
Site Demolition				
Remove Existing Fence (8' Chainlink Fence)	4,157	LF	$3.85	$16,004.45
Remove Existing Asphalt Parking Pad	474	SY	$5.00	$2,370.00
Haul off for Existing Asphalt Parking Pad	474	SY	$10.00	$4,740.00
Remove Existing Gravel Entrance (12" depth)	1,709	CY	$4.00	$6,836.00
Haul off for Existing Gravel Entrance (12" depth)	1,709	CY	$10.00	$17,090.00
Sub-Total				$47,040.45
Racking and Module Removal				
Pile Removal	862	EACH	$8.00	$6,896.00
Assembly Removal	121	EACH	$60.00	$7,260.00
PV Module Removal	11,616	EACH	$1.25	$14,520.00
PV Module Haul Off	372	TON	$45.00	$16,727.04
Sub-Total				$45,403.04
Wiring Removal				
Underground MV Wire	1,873	LF	$2.00	$3,746.00
Utility Pole Removal	7	EACH	$750.00	$5,250.00
Above Ground MV Wire	365	LF	$0.10	$36.50
Combiner Box Removal	28	EACH	$80.00	$2,240.00
Sub-Total				$11,272.50
Power Conditioning Equipment Removal				
PCU Station (inverters, etc.)	1	EACH	$400.00	$400.00
Scada Equipment	1	EACH	$500.00	$500.00
Transformer	1	EACH	$1,800.00	$1,800.00
Sub-Total				$2,700.00
Equipment Pad Removal				
Remove Pad	1	EACH	$750.00	$750.00
Sub-Total				$750.00
Decommisioning Total (Present Value)				**$152,786.99**
Decommisioning Total (3% Inflation over 25 Years)				**$319,902.03**

Assumptions:

1. Cost Estimate based on 5-year projections. Estimate to be redone in 5-years based on new fees at that time.
2. Cost Estimate is based on the Special Use Plans prepared by **Atwell, LLC** dated 10/30/2024.
3. Refer to Decommissioning Plan for further information.

Note: This Engineer's Opinion of Probable Cost is made on the basis of Engineer's experience and qualifications using estimated quantities and represents Engineer's best judgment as an experienced and qualified professional Engineer generally familiar with the construction industry. However, since Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, or over quantities of work actually performed, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from Opinions of Probable Construction Cost prepared by Engineer. This Opinion of Probable Construction Cost is limited to those items stated herein.

152392 - Beecher Road Solar

152392 - Beecher Road Solar - Pv Array 1

Created Aug 12, 2024
Updated Aug 13, 2024
Time-step 1 minute
Timezone offset UTC-5
Minimum sun altitude 0.0 deg
Site ID 126647.21664

Project type Basic
Project status: active
Category 500 kW to 1 MW
(1,000 kW / 8 acre limit)



Misc. Analysis Settings

DNI: **varies (1,000.0 W/m^2 peak)**
Ocular transmission coefficient: **0.5**
Pupil diameter: **0.002 m**
Eye focal length: **0.017 m**
Sun subtended angle: **9.3 mrad**

PV Analysis Methodology: **Version 2**
Enhanced subtended angle calculation: **On**

Summary of Results No glare predicted!

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 1	SA tracking	SA tracking	0	0	-

Component Data

PV Array(s)

Total PV footprint area: 8.0 acres

Name: PV array 1
Footprint area: 8.0 acres
Axis tracking: Single-axis rotation
Backtracking: None
Tracking axis orientation: 180.0 deg
Tracking axis tilt: 0.0 deg
Tracking axis panel offset: 0.0 deg
Maximum tracking angle: 52.0 deg
Rated power: -
Panel material: Smooth glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 8.43 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.694148	-88.466774	647.19	6.20	653.39
2	41.694196	-88.461582	641.28	6.20	647.48
3	41.693491	-88.461560	640.00	6.20	646.20
4	41.693507	-88.466753	647.62	6.20	653.82



Route Receptor(s)

Name: Car
Route type Two-way
View angle: 50.0 deg



Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.694617	-88.462995	642.89	3.00	645.89
2	41.694617	-88.461364	639.79	3.00	642.79
3	41.694473	-88.461107	641.54	3.00	644.54
4	41.693111	-88.461343	641.69	3.00	644.69
5	41.692390	-88.462501	641.34	3.00	644.34
6	41.691413	-88.463424	640.97	3.00	643.97
7	41.691381	-88.465205	645.58	3.00	648.58
8	41.690323	-88.465355	653.64	3.00	656.64
9	41.690403	-88.467952	654.95	3.00	657.95
10	41.690259	-88.463960	643.70	3.00	646.70
11	41.691381	-88.463403	641.28	3.00	644.28
12	41.692406	-88.462458	641.48	3.00	644.48
13	41.693127	-88.461343	641.62	3.00	644.62
14	41.694478	-88.461096	641.68	3.00	644.68
15	41.694630	-88.461359	639.63	3.00	642.63
16	41.694617	-88.462995	642.89	3.00	645.89

Name: Truck
Route type Two-way
View angle: 50.0 deg



Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.694649	-88.463070	643.73	7.00	650.73
2	41.694681	-88.461353	639.17	7.00	646.17
3	41.694457	-88.461096	641.75	7.00	648.75
4	41.693127	-88.461353	641.46	7.00	648.46
5	41.692422	-88.462491	641.11	7.00	648.11
6	41.691413	-88.463392	641.20	7.00	648.20
7	41.691413	-88.465216	645.37	7.00	652.37
8	41.690339	-88.465344	653.58	7.00	660.58
9	41.690435	-88.468048	654.20	7.00	661.20
10	41.690259	-88.464057	643.76	7.00	650.76
11	41.691413	-88.463413	641.05	7.00	648.05
12	41.692406	-88.462555	640.92	7.00	647.92
13	41.693159	-88.461268	639.13	7.00	646.13
14	41.694473	-88.461074	639.43	7.00	646.43
15	41.694633	-88.461375	639.59	7.00	646.59
16	41.694649	-88.463070	643.73	7.00	650.73

Discrete Observation Receptors

Number	Latitude	Longitude	Ground elevation	Height above ground	Total Elevation
	deg	deg	ft	ft	ft
OP 1	41.691893	-88.461268	648.85	6.00	654.85
OP 2	41.691990	-88.461074	642.39	20.00	662.39
OP 3	41.691153	-88.466382	652.26	6.00	658.26
OP 4	41.691233	-88.466586	651.29	20.00	671.29
OP 5	41.691177	-88.464912	646.31	6.00	652.31
OP 6	41.691089	-88.464976	646.55	20.00	666.55
OP 7	41.691196	-88.465706	649.08	6.00	655.08
OP 8	41.691196	-88.465556	648.36	20.00	668.36
OP 9	41.690638	-88.465669	655.24	6.00	661.24
OP 10	41.690642	-88.465583	655.00	20.00	675.00
OP 11	41.690652	-88.466892	655.38	6.00	661.38
OP 12	41.690652	-88.466806	655.45	20.00	675.45
OP 13	41.690821	-88.466160	654.62	6.00	660.62
OP 14	41.690827	-88.466232	654.31	20.00	674.31
OP 15	41.690851	-88.467313	653.40	6.00	659.40
OP 16	41.690853	-88.467244	653.31	20.00	673.31
OP 17	41.690752	-88.463125	642.82	6.00	648.82
OP 18	41.690752	-88.462953	642.62	20.00	662.62

Obstruction Components

Name: Obstruction 10
Upper edge height: 50.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.693104	-88.460069	640.86
2	41.692944	-88.461335	639.50
3	41.692118	-88.462644	636.52
4	41.691381	-88.463287	636.76
5	41.690340	-88.463792	639.94
6	41.691333	-88.463298	635.18
7	41.692126	-88.462644	637.45
8	41.692960	-88.461346	641.33
9	41.693104	-88.460069	640.86

Name: Obstruction 2
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.691545	-88.466779	652.08
2	41.691097	-88.466795	651.75
3	41.691545	-88.466779	652.08

Name: Obstruction 3
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.465529	650.48
2	41.690916	-88.465347	649.82
3	41.690920	-88.465529	650.48

Name: Obstruction 4
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.466463	652.74
2	41.690920	-88.466307	652.96
3	41.690920	-88.466463	652.74

Name: Obstruction 5
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.466087	652.81
2	41.690920	-88.465889	652.20
3	41.690920	-88.466087	652.81

Name: Obstruction 6
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690812	-88.465604	652.92
2	41.690812	-88.465808	653.58
3	41.690660	-88.465873	654.73
4	41.690524	-88.466098	655.45
5	41.690668	-88.465862	654.66
6	41.690816	-88.465814	653.45
7	41.690812	-88.465604	652.92

Name: Obstruction 7
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690808	-88.467165	653.51
2	41.690608	-88.467176	654.37
3	41.690808	-88.467165	653.51

Name: Obstruction 8
Upper edge height: 30.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690844	-88.466570	653.66
2	41.690424	-88.466575	656.21
3	41.690844	-88.466570	653.66

Name: Obstruction 9
Upper edge height: 30.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690776	-88.464821	646.37
2	41.690500	-88.464751	647.21
3	41.690776	-88.464821	646.37

Name: Tree
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.694366	-88.467598	649.23
2	41.694414	-88.465195	647.56
3	41.694254	-88.464369	649.75
4	41.694430	-88.465206	646.87
5	41.694366	-88.467598	649.23

Summary of PV Glare Analysis

PV configuration and total predicted glare

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced	Data File
	deg	deg	min	min	kWh	
PV array 1	SA tracking	SA tracking	0	0	-	-

PV & Receptor Analysis Results

Results for each PV array and receptor

PV array 1 no glare found

Component	Green glare (min)	Yellow glare (min)
OP: OP 1	0	0
OP: OP 2	0	0
OP: OP 3	0	0
OP: OP 4	0	0
OP: OP 5	0	0
OP: OP 6	0	0
OP: OP 7	0	0
OP: OP 8	0	0
OP: OP 9	0	0
OP: OP 10	0	0
OP: OP 11	0	0
OP: OP 12	0	0
OP: OP 13	0	0
OP: OP 14	0	0
OP: OP 15	0	0
OP: OP 16	0	0
OP: OP 17	0	0
OP: OP 18	0	0
Route: Car	0	0
Route: Truck	0	0

No glare found.

Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not automatically account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.
- Detailed system geometry is not rigorously simulated.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values and results may vary.
- The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.
- Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provi additional information on expected glare.

- The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.
- Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
- Refer to the **Help page** for detailed assumptions and limitations not listed here.

152392 - Beecher Road Solar

152392 - Beecher Road Solar - Pv Array 2

Created Aug 12, 2024
Updated Aug 13, 2024
Time-step 1 minute
Timezone offset UTC-5
Minimum sun altitude 0.0 deg
Site ID 126653.21664

Project type Basic
Project status: active
Category 500 kW to 1 MW
(1,000 kW / 8 acre limit)



Misc. Analysis Settings

DNI: **varies (1,000.0 W/m^2 peak)**
Ocular transmission coefficient: **0.5**
Pupil diameter: **0.002 m**
Eye focal length: **0.017 m**
Sun subtended angle: **9.3 mrad**

PV Analysis Methodology: **Version 2**
Enhanced subtended angle calculation: **On**

Summary of Results No glare predicted!

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 2	SA tracking	SA tracking	0	0	-

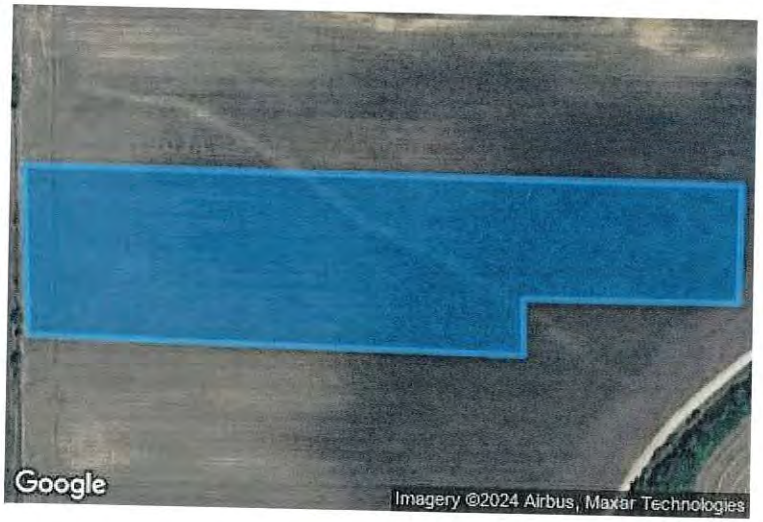
Component Data

PV Array(s)

Total PV footprint area: 8.0 acres

Name: PV array 2
Footprint area: 8.0 acres
Axis tracking: Single-axis rotation
Backtracking: None
Tracking axis orientation: 180.0 deg
Tracking axis tilt: 0.0 deg
Tracking axis panel offset: 0.0 deg
Maximum tracking angle: 52.0 deg
Rated power: -
Panel material: Smooth glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 8.43 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.693510	-88.466785	647.98	6.20	654.18
2	41.693486	-88.462129	640.75	6.20	646.95
3	41.692917	-88.462140	640.32	6.20	646.52
4	41.692917	-88.463545	641.33	6.20	647.53
5	41.692645	-88.463535	640.90	6.20	647.10
6	41.692693	-88.466742	649.59	6.20	655.79



Route Receptor(s)

Name: Car
Route type Two-way
View angle: 50.0 deg



Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.694617	-88.462995	642.89	3.00	645.89
2	41.694617	-88.461364	639.79	3.00	642.79
3	41.694473	-88.461107	641.54	3.00	644.54
4	41.693111	-88.461343	641.69	3.00	644.69
5	41.692390	-88.462501	641.34	3.00	644.34
6	41.691413	-88.463424	640.97	3.00	643.97
7	41.691381	-88.465205	645.58	3.00	648.58
8	41.690323	-88.465355	653.64	3.00	656.64
9	41.690403	-88.467952	654.95	3.00	657.95
10	41.690259	-88.463960	643.70	3.00	646.70
11	41.691381	-88.463403	641.28	3.00	644.28
12	41.692406	-88.462458	641.48	3.00	644.48
13	41.693127	-88.461343	641.62	3.00	644.62
14	41.694478	-88.461096	641.68	3.00	644.68
15	41.694630	-88.461359	639.63	3.00	642.63
16	41.694617	-88.462995	642.89	3.00	645.89

Name: Truck
Route type Two-way
View angle: 50.0 deg



Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.694649	-88.463070	643.73	7.00	650.73
2	41.694681	-88.461353	639.17	7.00	646.17
3	41.694457	-88.461096	641.75	7.00	648.75
4	41.693127	-88.461353	641.46	7.00	648.46
5	41.692422	-88.462491	641.11	7.00	648.11
6	41.691413	-88.463392	641.20	7.00	648.20
7	41.691413	-88.465216	645.37	7.00	652.37
8	41.690339	-88.465344	653.58	7.00	660.58
9	41.690435	-88.468048	654.20	7.00	661.20
10	41.690259	-88.464057	643.76	7.00	650.76
11	41.691413	-88.463413	641.05	7.00	648.05
12	41.692406	-88.462555	640.92	7.00	647.92
13	41.693159	-88.461268	639.13	7.00	646.13
14	41.694473	-88.461074	639.43	7.00	646.43
15	41.694633	-88.461375	639.59	7.00	646.59
16	41.694649	-88.463070	643.73	7.00	650.73

Discrete Observation Receptors

Number	Latitude	Longitude	Ground elevation	Height above ground	Total Elevation
	deg	deg	ft	ft	ft
OP 1	41.691893	-88.461268	648.85	6.00	654.85
OP 2	41.691990	-88.461074	642.39	20.00	662.39
OP 3	41.691153	-88.466382	652.26	6.00	658.26
OP 4	41.691233	-88.466586	651.29	20.00	671.29
OP 5	41.691177	-88.464912	646.31	6.00	652.31
OP 6	41.691089	-88.464976	646.55	20.00	666.55
OP 7	41.691196	-88.465706	649.08	6.00	655.08
OP 8	41.691196	-88.465556	648.36	20.00	668.36
OP 9	41.690638	-88.465669	655.24	6.00	661.24
OP 10	41.690642	-88.465583	655.00	20.00	675.00
OP 11	41.690652	-88.466892	655.38	6.00	661.38
OP 12	41.690652	-88.466806	655.45	20.00	675.45
OP 13	41.690821	-88.466160	654.62	6.00	660.62
OP 14	41.690827	-88.466232	654.31	20.00	674.31
OP 15	41.690851	-88.467313	653.40	6.00	659.40
OP 16	41.690853	-88.467244	653.31	20.00	673.31
OP 17	41.690752	-88.463125	642.82	6.00	648.82
OP 18	41.690752	-88.462953	642.62	20.00	662.62

Obstruction Components

Name: Obstruction 10
Upper edge height: 50.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.693104	-88.460069	640.86
2	41.692944	-88.461335	639.50
3	41.692118	-88.462644	636.52
4	41.691381	-88.463287	636.76
5	41.690340	-88.463792	639.94
6	41.691333	-88.463298	635.18
7	41.692126	-88.462644	637.45
8	41.692960	-88.461346	641.33
9	41.693104	-88.460069	640.86

Name: Obstruction 2
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.691545	-88.466779	652.08
2	41.691097	-88.466795	651.75
3	41.691545	-88.466779	652.08

Name: Obstruction 3
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.465529	650.48
2	41.690916	-88.465347	649.82
3	41.690920	-88.465529	650.48

Name: Obstruction 4
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.466463	652.74
2	41.690920	-88.466307	652.96
3	41.690920	-88.466463	652.74

Name: Obstruction 5
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.466087	652.81
2	41.690920	-88.465889	652.20
3	41.690920	-88.466087	652.81

Name: Obstruction 6
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690812	-88.465604	652.92
2	41.690812	-88.465808	653.58
3	41.690660	-88.465873	654.73
4	41.690524	-88.466098	655.45
5	41.690668	-88.465862	654.66
6	41.690816	-88.465814	653.45
7	41.690812	-88.465604	652.92

Name: Obstruction 7
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690808	-88.467165	653.51
2	41.690608	-88.467176	654.37
3	41.690808	-88.467165	653.51

Name: Obstruction 8
Upper edge height: 30.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690844	-88.466570	653.66
2	41.690424	-88.466575	656.21
3	41.690844	-88.466570	653.66

Name: Obstruction 9
Upper edge height: 30.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690776	-88.464821	646.37
2	41.690500	-88.464751	647.21
3	41.690776	-88.464821	646.37

Name: Tree
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.694366	-88.467598	649.23
2	41.694414	-88.465195	647.56
3	41.694254	-88.464369	649.75
4	41.694430	-88.465206	646.87
5	41.694366	-88.467598	649.23

Summary of PV Glare Analysis

PV configuration and total predicted glare

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced	Data File
	deg	deg	min	min	kWh	
PV array 2	SA tracking	SA tracking	0	0	-	-

PV & Receptor Analysis Results

Results for each PV array and receptor

PV array 2 no glare found

Component	Green glare (min)	Yellow glare (min)
OP: OP 1	0	0
OP: OP 2	0	0
OP: OP 3	0	0
OP: OP 4	0	0
OP: OP 5	0	0
OP: OP 6	0	0
OP: OP 7	0	0
OP: OP 8	0	0
OP: OP 9	0	0
OP: OP 10	0	0
OP: OP 11	0	0
OP: OP 12	0	0
OP: OP 13	0	0
OP: OP 14	0	0
OP: OP 15	0	0
OP: OP 16	0	0
OP: OP 17	0	0
OP: OP 18	0	0
Route: Car	0	0
Route: Truck	0	0

No glare found

Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not automatically account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.
- Detailed system geometry is not rigorously simulated.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values and results may vary.
- The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.
- Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provi additional information on expected glare.

- The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.
- Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
- Refer to the **Help page** for detailed assumptions and limitations not listed here.

152392 - Beecher Road Solar

152392 - Beecher Road Solar - Pv Array 3

Created Aug 12, 2024
Updated Aug 13, 2024
Time-step 1 minute
Timezone offset UTC-5
Minimum sun altitude 0.0 deg
Site ID 126655.21664

Project type Basic
Project status: active
Category 500 kW to 1 MW
(1,000 kW / 8 acre limit)



Misc. Analysis Settings

DNI: **varies (1,000.0 W/m^2 peak)**
Ocular transmission coefficient: **0.5**
Pupil diameter: **0.002 m**
Eye focal length: **0.017 m**
Sun subtended angle: **9.3 mrad**

PV Analysis Methodology: **Version 2**
Enhanced subtended angle calculation: **On**

Summary of Results No glare predicted!

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 3	SA tracking	SA tracking	0	0	-

Component Data

PV Array(s)

Total PV footprint area: 6.3 acres

Name: PV array 3
Footprint area: 6.3 acres
Axis tracking: Single-axis rotation
Backtracking: None
Tracking axis orientation: 180.0 deg
Tracking axis tilt: 0.0 deg
Tracking axis panel offset: 0.0 deg
Maximum tracking angle: 52.0 deg
Rated power: -
Panel material: Smooth glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 8.43 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.692715	-88.466767	650.17	6.20	656.37
2	41.692659	-88.463935	641.26	6.20	647.46
3	41.691710	-88.463886	640.71	6.20	646.91
4	41.691726	-88.466730	651.65	6.20	657.85



Route Receptor(s)

Name: Car
Route type Two-way
View angle: 50.0 deg



Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.694617	-88.462995	642.89	3.00	645.89
2	41.694617	-88.461364	639.79	3.00	642.79
3	41.694473	-88.461107	641.54	3.00	644.54
4	41.693111	-88.461343	641.69	3.00	644.69
5	41.692390	-88.462501	641.34	3.00	644.34
6	41.691413	-88.463424	640.97	3.00	643.97
7	41.691381	-88.465205	645.58	3.00	648.58
8	41.690323	-88.465355	653.64	3.00	656.64
9	41.690403	-88.467952	654.95	3.00	657.95
10	41.690259	-88.463960	643.70	3.00	646.70
11	41.691381	-88.463403	641.28	3.00	644.28
12	41.692406	-88.462458	641.48	3.00	644.48
13	41.693127	-88.461343	641.62	3.00	644.62
14	41.694478	-88.461096	641.68	3.00	644.68
15	41.694630	-88.461359	639.63	3.00	642.63
16	41.694617	-88.462995	642.89	3.00	645.89

Name: Truck
Route type Two-way
View angle: 50.0 deg



Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	41.694649	-88.463070	643.73	7.00	650.73
2	41.694681	-88.461353	639.17	7.00	646.17
3	41.694457	-88.461096	641.75	7.00	648.75
4	41.693127	-88.461353	641.46	7.00	648.46
5	41.692422	-88.462491	641.11	7.00	648.11
6	41.691413	-88.463392	641.20	7.00	648.20
7	41.691413	-88.465216	645.37	7.00	652.37
8	41.690339	-88.465344	653.58	7.00	660.58
9	41.690435	-88.468048	654.20	7.00	661.20
10	41.690259	-88.464057	643.76	7.00	650.76
11	41.691413	-88.463413	641.05	7.00	648.05
12	41.692406	-88.462555	640.92	7.00	647.92
13	41.693159	-88.461268	639.13	7.00	646.13
14	41.694473	-88.461074	639.43	7.00	646.43
15	41.694633	-88.461375	639.59	7.00	646.59
16	41.694649	-88.463070	643.73	7.00	650.73

Discrete Observation Receptors

Number	Latitude	Longitude	Ground elevation	Height above ground	Total Elevation
	deg	deg	ft	ft	ft
OP 1	41.691893	-88.461268	648.85	6.00	654.85
OP 2	41.691990	-88.461074	642.39	20.00	662.39
OP 3	41.691153	-88.466382	652.26	6.00	658.26
OP 4	41.691233	-88.466586	651.29	20.00	671.29
OP 5	41.691177	-88.464912	646.31	6.00	652.31
OP 6	41.691089	-88.464976	646.55	20.00	666.55
OP 7	41.691196	-88.465706	649.08	6.00	655.08
OP 8	41.691196	-88.465556	648.36	20.00	668.36
OP 9	41.690638	-88.465669	655.24	6.00	661.24
OP 10	41.690642	-88.465583	655.00	20.00	675.00
OP 11	41.690652	-88.466892	655.38	6.00	661.38
OP 12	41.690652	-88.466806	655.45	20.00	675.45
OP 13	41.690821	-88.466160	654.62	6.00	660.62
OP 14	41.690827	-88.466232	654.31	20.00	674.31
OP 15	41.690851	-88.467313	653.40	6.00	659.40
OP 16	41.690853	-88.467244	653.31	20.00	673.31
OP 17	41.690752	-88.463125	642.82	6.00	648.82
OP 18	41.690752	-88.462953	642.62	20.00	662.62

Obstruction Components

Name: Obstruction 10
Upper edge height: 50.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.693104	-88.460069	640.86
2	41.692944	-88.461335	639.50
3	41.692118	-88.462644	636.52
4	41.691381	-88.463287	636.76
5	41.690340	-88.463792	639.94
6	41.691333	-88.463298	635.18
7	41.692126	-88.462644	637.45
8	41.692960	-88.461346	641.33
9	41.693104	-88.460069	640.86

Name: Obstruction 2
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.691545	-88.466779	652.08
2	41.691097	-88.466795	651.75
3	41.691545	-88.466779	652.08

Name: Obstruction 3
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.465529	650.48
2	41.690916	-88.465347	649.82
3	41.690920	-88.465529	650.48

Name: Obstruction 4
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.466463	652.74
2	41.690920	-88.466307	652.96
3	41.690920	-88.466463	652.74

Name: Obstruction 5
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690920	-88.466087	652.81
2	41.690920	-88.465889	652.20
3	41.690920	-88.466087	652.81

Name: Obstruction 6
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690812	-88.465604	652.92
2	41.690812	-88.465808	653.58
3	41.690660	-88.465873	654.73
4	41.690524	-88.466098	655.45
5	41.690668	-88.465862	654.66
6	41.690816	-88.465814	653.45
7	41.690812	-88.465604	652.92

Name: Obstruction 7
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690808	-88.467165	653.51
2	41.690608	-88.467176	654.37
3	41.690808	-88.467165	653.51

Name: Obstruction 8
Upper edge height: 30.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690844	-88.466570	653.66
2	41.690424	-88.466575	656.21
3	41.690844	-88.466570	653.66

Name: Obstruction 9
Upper edge height: 30.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.690776	-88.464821	646.37
2	41.690500	-88.464751	647.21
3	41.690776	-88.464821	646.37

Name: Tree
Upper edge height: 60.0 ft



Vertex	Latitude	Longitude	Ground elevation
	deg	deg	ft
1	41.694366	-88.467598	649.23
2	41.694414	-88.465195	647.56
3	41.694254	-88.464369	649.75
4	41.694430	-88.465206	646.87
5	41.694366	-88.467598	649.23

Summary of PV Glare Analysis

PV configuration and total predicted glare

PV Name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced	Data File
	deg	deg	min	min	kWh	
PV array 3	SA tracking	SA tracking	0	0	-	-

PV & Receptor Analysis Results

Results for each PV array and receptor

PV array 3 no glare found

Component	Green glare (min)	Yellow glare (min)
OP: OP 1	0	0
OP: OP 2	0	0
OP: OP 3	0	0
OP: OP 4	0	0
OP: OP 5	0	0
OP: OP 6	0	0
OP: OP 7	0	0
OP: OP 8	0	0
OP: OP 9	0	0
OP: OP 10	0	0
OP: OP 11	0	0
OP: OP 12	0	0
OP: OP 13	0	0
OP: OP 14	0	0
OP: OP 15	0	0
OP: OP 16	0	0
OP: OP 17	0	0
OP: OP 18	0	0
Route: Car	0	0
Route: Truck	0	0

No glare found

Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not automatically account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.
- Detailed system geometry is not rigorously simulated.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values and results may vary.
- The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.
- Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provi additional information on expected glare.

- The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.
- Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.
- Refer to the **Help page** for detailed assumptions and limitations not listed here.

[redacted] 4990kW

Section 466.APPENDIX D Levels 1 to 4 Contract

STANDARD AGREEMENT FOR INTERCONNECTION OF DISTRIBUTED ENERGY RESOURCES FACILITIES WITH A CAPACITY LESS THAN OR EQUAL TO 10 MVA

This agreement (together with all attachments, the "Agreement") is made and entered into this _____ day of _____, by and betweenNexamp Solar, LLC ("interconnection customer"), as a _____ organized and existing under the laws of the State of _____ and Commonwealth Edison Company, ("Electric Distribution Company" or "EDC"), a corporation existing under the laws of the State of Illinois. Interconnection customer and EDC each may be referred to as a "Party", or collectively as the "Parties".

Recitals:

Whereas, interconnection customer is proposing to install or direct the installation of a distributed energy (DER) resources or is proposing a generating capacity addition to an existing DER facility, consistent with the interconnection request application form completed by interconnection customer on 1/20/2024; and

Whereas, the interconnection customer will operate and maintain, or cause the operation and maintenance of, the DER facility; and

Whereas, interconnection customer desires to interconnect the DER facility with EDC's electric distribution system.

Now, therefore, in consideration of the premises and mutual covenants set forth in this Agreement, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

Article 1. Scope and Limitations of Agreement

1.1 This Agreement shall be used for all approved interconnection requests for DER facilities that fall under Levels 2, 3 and 4 according to the procedures set forth in Part 466 of the Commission's rules (83 Ill. Adm. Code 466) (referred to as the Illinois Distributed Energy Resources Interconnection Standard).

1.2 This Agreement governs the terms and conditions under which the DER facility will interconnect to, and operate in parallel with, the EDC's electric distribution system.

1.3 This Agreement does not constitute an agreement to purchase or deliver the interconnection customer's power.

1.4 Nothing in this Agreement is intended to affect any other agreement between the EDC and the interconnection customer.

1.5 Terms used in this agreement are defined as in Section 466.30 of the Illinois Distributed Generation Interconnection Standard unless otherwise noted.

1.6 Responsibilities of the Parties

1.6.1 The Parties shall perform all obligations of this Agreement in accordance with all applicable laws and regulations.

1.6.2 The EDC shall construct, own, operate, and maintain its interconnection facilities in accordance with this Agreement.

1.6.3 The interconnection customer shall construct, own, operate, and maintain its DER facility and interconnection facilities in accordance with this Agreement.

1.6.4 Each Party shall operate, maintain, repair, and inspect, and shall be fully responsible for, the facilities that it now or subsequently may own unless otherwise specified in the attachments to this Agreement. Each Party shall be responsible for the safe installation, maintenance, repair and condition of its respective lines and appurtenances on its respective sides of the point of interconnection.

1.6.5 The interconnection customer agrees to design, install, maintain and operate its DER facility so as to minimize the likelihood of causing an adverse system impact on the electric distribution system or any other electric system that is not owned or operated by the EDC.

1.7 Parallel Operation Obligations
Once the DER facility has been authorized to commence parallel operation, the interconnection customer shall abide by all operating procedures established in IEEE Standard 1547 and any other applicable laws, statutes or guidelines, including those specified in Attachment 4 of this Agreement.

1.8 Metering
The interconnection customer shall be responsible for the cost to purchase, install, operate, maintain, test, repair, and replace metering and data acquisition equipment specified in Attachments 5 and 6 of this Agreement.

1.9 Reactive Power

1.9.1 Interconnection customers with a DER facility larger than or equal to 1 MVA shall design their DER facilities to maintain a power factor at the point of interconnection between .95 lagging and .95 leading at all times. Interconnection customers with a DER facility smaller than 1 MVA shall design their DER facility to maintain a power factor at the point of interconnection between .90 lagging and .90 leading at all times.

1.9.2 Any EDC requirements for meeting a specific voltage or specific reactive power schedule as a condition for interconnection shall be clearly specified in Attachment 4. Under no circumstance shall the EDC's additional requirements for voltage or reactive power schedules exceed the normal operating capabilities of the DER facility.

1.9.3 If the interconnection customer does not operate the DER facility within the power factor range specified in Attachment 4, or does not operate the distribute generation facility in accordance with a voltage or reactive power schedule specified in Attachment 4, the interconnection customer is in default under this Agreement, and the terms of Article 6.5 apply.

1.10 Standards of Operations

The interconnection customer must obtain all certifications, permits, licenses and approvals necessary to construct, operate and maintain the facility and to perform its obligations under this Agreement. The interconnection customer is responsible for coordinating and synchronizing the DER facility with the EDC's system. The interconnection customer is responsible for any damage that is caused by the interconnection customer's failure to coordinate or synchronize the DER facility with the electric distribution system. The interconnection customer agrees to be primarily liable for any damages resulting from the continued operation of the DER facility after the EDC ceases to energize the line section to which the DER facility is connected. In Attachment 4, the EDC shall specify the shortest reclose time setting for its protection equipment that could affect the DER facility. The EDC shall notify the interconnection customer at least 10 business days prior to adopting a faster reclose time on any automatic protective equipment, such as a circuit breaker or line recloser, that might affect the DER facility.

Article 2. Inspection, Testing, Authorization, and Right of Access

2.1 Equipment Testing and Inspection
The interconnection customer shall test and inspect its DER facility including the interconnection equipment prior to interconnection in accordance with IEEE Standard 1547 (2003) and IEEE Standard 1547.1 (2005). The interconnection customer shall not operate its DER facility in parallel with the EDC's electric distribution system without prior written authorization by the EDC as provided for in Articles 2.1.1-2.1.3.

2.1.1 The EDC shall perform a witness test after construction of the DER facility is completed, but before parallel operation, unless the EDC specifically waives the witness test. The interconnection customer shall provide the EDC at least 15 business days' notice of the planned commissioning test for the DER facility. If the EDC performs a witness test at a time that is not concurrent with the commissioning test, it shall contact the interconnection customer to schedule the witness test at a mutually agreeable time within 10 business days after the scheduled commissioning test designated on the application. If the EDC does not perform the witness test within 10 business days after the commissioning test, the witness test is deemed waived unless the Parties mutually agree to extend the date for scheduling the witness test, or unless the EDC cannot do so for good cause, in which case, the Parties shall agree to another date for scheduling the test within 10 business days after the original scheduled date. If the witness test is not acceptable to the EDC, the EDC shall deliver in writing a detailed technical description of all deficiencies of the DER facility identified by the EDC during the witness test. The interconnection customer has 30 business days after receipt of the written description to address and resolve any deficiencies. This time period may be extended upon agreement between the EDC and the interconnection customer. If the interconnection customer fails to address and resolve the deficiencies to the satisfaction of the EDC, the applicable cure provisions of Article 6.5 shall apply. The interconnection customer shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

2.1.2 If the interconnection customer conducts interim testing of the DER facility prior to the witness test, the interconnection customer shall obtain permission from the EDC before each occurrence of operating the DER facility in parallel with the electric distribution system. The EDC may, at its own expense, send qualified personnel to the DER facility to observe such interim testing, but it cannot mandate that these tests be considered in the final witness test. The EDC is not required to observe the interim testing or precluded from requiring the tests be repeated at the final witness test. During and leading up to the witness test, the EDC shall not limit the interconnection customer's ability to test the DER facility during normal working hours except for safety and reliability reasons.

2.1.3 After the DER facility passes the witness test, the EDC shall affix an authorized signature to the certificate of completion and return it to the interconnection

customer approving the interconnection and authorizing parallel operation. The authorization shall not be conditioned or delayed and the EDC shall return the signed certificate of completion to interconnection customer no more than 10 business days after the date that the DER facility passes the witness test.

2.2 Commercial Operation
The interconnection customer shall not operate the DER facility, except for interim testing as provided in Article 2.1, until such time as the certificate of completion is signed by all Parties.

2.3 Right of Access
The EDC must have access to the disconnect switch and metering equipment of the DER facility at all times. When practical, the EDC shall provide notice to the interconnection customer prior to using its right of access.

Article 3. Effective Date, Term, Termination, and Disconnection

3.1 Effective Date
This Agreement shall become effective upon execution by all Parties.

3.2 Term of Agreement
This Agreement shall become effective on the effective date and shall remain in effect unless terminated in accordance with Article 3.3 of this Agreement.

3.3 Termination

3.3.1 The interconnection customer may terminate this Agreement at any time by giving the EDC 30 calendar days prior written notice.

3.3.2 Either Party may terminate this Agreement after default pursuant to Article 6.5.

3.3.3 The EDC may terminate, upon 60 calendar days' prior written notice, for failure of the interconnection customer to complete construction of the DER facility within 12 months after the in-service date as specified by the Parties in Attachment 2, which may be extended by agreement between the Parties.

3.3.4 The EDC may terminate this Agreement, upon 60 calendar days' prior written notice, if the interconnection customer has abandoned, cancelled, permanently disconnected or stopped development, construction, or operation of the DER facility, or if the interconnection customer fails to operate the DER facility in parallel with the EDC's electric system for three consecutive years.

3.3.5 Upon termination of this Agreement, the DER facility will be disconnected from the EDC's electric distribution system. Terminating this Agreement does not relieve either Party of its liabilities and obligations that are owed or continuing when the Agreement is terminated.

3.3.6 If the Agreement is terminated, the interconnection customer loses its position in the interconnection queue.

3.4 Temporary Disconnection

A Party may temporarily disconnect the DER facility from the electric distribution system in the event one or more of the following conditions or events occurs:

3.4.1 Emergency conditions – shall mean any condition or situation: (1) that in the judgment of the Party making the claim is likely to endanger life or property; or (2) that the EDC determines is likely to cause an adverse system impact, or is likely to have a material adverse effect on the EDC's electric distribution system, interconnection facilities or other facilities, or is likely to interrupt or materially interfere with the provision of electric utility service to other customers; or (3) that is likely to cause a material adverse effect on the DER facility or the interconnection equipment. Under emergency conditions, the EDC or the interconnection customer may suspend interconnection service and temporarily disconnect the DER facility from the electric distribution system. The EDC must notify the interconnection customer when it becomes aware of any conditions that might affect the interconnection customer's operation of the DER facility. The interconnection customer shall notify the EDC when it becomes aware of any condition that might affect the EDC's electric distribution system. To the extent information is known, the notification shall describe the condition, the extent of the damage or deficiency, the expected effect on the operation of both Parties' facilities and operations, its anticipated duration, and the necessary corrective action.

3.4.2 Scheduled maintenance, construction, or repair – the EDC may interrupt interconnection service or curtail the output of the DER facility and temporarily disconnect the DER facility from the EDC's electric distribution system when necessary for scheduled maintenance, construction, or repairs on EDC's electric distribution system. The EDC shall provide the interconnection customer with notice no less than 5 business days before an interruption due to scheduled maintenance, construction, or repair, or the EDC shall provide notice immediately if the scheduled maintenance, construction, or repair is scheduled less than 5 business days in advance. The EDC shall coordinate the reduction or temporary disconnection with the interconnection customer; however, the interconnection customer is responsible for out-of-pocket costs incurred by the EDC for deferring or rescheduling maintenance, construction or repair at the interconnection customer's request.

3.4.3 Forced outages – The EDC may suspend interconnection service to repair the EDC's electric distribution system. The EDC shall provide the interconnection customer with prior notice, if possible. If prior notice is not possible, the EDC shall, upon written request, provide the interconnection customer with written documentation, after the fact, explaining the circumstances of the disconnection.

3.4.4 Adverse system impact – the EDC must provide the interconnection customer with written notice of its intention to disconnect the DER facility, if the EDC determines that operation of the DER facility creates an adverse system impact. The documentation that supports the EDC's decision to disconnect must be provided to the interconnection customer. The EDC may disconnect the DER facility if, after receipt of the notice, the interconnection customer fails to remedy the adverse system impact, unless emergency conditions exist, in which case, the provisions of Article 3.4.1 apply. The EDC may continue to leave the generating facility disconnected until the adverse system impact is corrected.

3.4.5 Modification of the DER facility – The interconnection customer must receive written authorization from the EDC prior to making any change to the DER facility, other than a minor equipment modification. If the interconnection customer modifies its facility without the EDC's prior written authorization, the EDC has the right to disconnect the DER facility until such time as the EDC concludes the modification poses no threat to the safety or reliability of its electric distribution system.

3.4.6 The EDC's compliance with Article 3 shall preclude any claim for damage for any lost opportunity or other costs incurred by the interconnection customer as a result of an interruption of service under Article 3. Any dispute over whether the EDC complied with Article 3 shall be resolved in accordance with the dispute resolution mechanism set forth in Article 8.

Article 4. Cost Responsibility for Interconnection Facilities and Distribution Upgrades

4.1 Interconnection Facilities

4.1.1 The interconnection customer shall pay, or reimburse the EDC, as applicable, for the cost of the interconnection facilities itemized in Attachment 3. The EDC shall identify the additional interconnection facilities necessary to interconnect the DER facility with the EDC's electric distribution system, the cost of those facilities, and the time required to build and install those facilities, as well as an estimated date of completion of the building or installation of those facilities.

4.1.2 The interconnection customer is responsible for its expenses, including overheads, associated with owning, operating, maintaining, repairing, and replacing its interconnection equipment.

4.2 Distribution Upgrades

The EDC shall design, procure, construct, install, and own any distribution upgrades. The actual cost of the distribution upgrades, including overheads, shall be directly assigned to the interconnection customer whose DER facility caused the need for the distribution upgrades.

Article 5. Billing, Payment, Milestones, and Financial Security

5.1 Billing and Payment Procedures and Final Accounting (Applies to additional reviews conducted under a Level 1, 2 or 3 review with EDC construction necessary for accommodating the DER facility and Level 4 reviews)

5.1.1 The EDC shall bill the interconnection customer for the design, engineering, construction, and procurement costs of EDC-provided interconnection facilities and distribution upgrades contemplated by this Agreement as set forth in Attachment 3. The billing shall occur on a monthly basis, or as otherwise agreed to between the Parties. The interconnection customer shall pay each bill within 30 calendar days after receipt, or as otherwise agreed to between the Parties.

5.1.2 Unless waived by the interconnection customer, within 90 calendar days after completing the construction and installation of the EDC's interconnection facilities and distribution upgrades described in Attachments 2 and 3 to this Agreement, the EDC shall provide the interconnection customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation of the EDC's interconnection facilities and distribution upgrades; and (2) the interconnection customer's previous deposit and aggregate payments to the EDC for the interconnection facilities and distribution upgrades. If the interconnection customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the interconnection customer for the amount due and the interconnection customer shall pay the EDC within 30 calendar days. If the interconnection customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the interconnection customer an amount equal to the difference within 30 calendar days after the final accounting report. Upon request from the interconnection customer, if the difference between the budget estimate and the actual cost exceeds 20%, the EDC will provide a written explanation for the difference.

5.1.3 If a Party disputes any portion of its payment obligation pursuant to this Article 5, the Party shall pay in a timely manner all non-disputed portions of its invoice, and the disputed amount shall be resolved pursuant to the dispute resolution provisions contained in Article 8. A Party disputing a portion of an Article 5 payment shall not be considered to be in default of its obligations under this Article.

5.2 Interconnection Customer Deposit
Within 15 business days after signing and returning the interconnection agreement to the EDC, the interconnection customer shall provide the EDC with a deposit equal to 100% of the estimated, non-binding cost to procure, install, or construct any such facilities (the "Security Deposit"). However, when the estimated date of completion of the building or installation of facilities exceeds three months from the date of notification, pursuant to Article 4.1.1 of this Agreement, this deposit may be held in escrow by a mutually agreed-

upon third-party, with any interest to inure to the benefit of the interconnection customer. To the extent that this interconnection agreement is terminated for any reason, the EDC shall return all deposits provided by the interconnection customer, less any actual costs incurred by the EDC.

Article 6. Assignment, Limitation on Damages, Indemnity, Force Majeure, and Default

6.1 Assignment

This Agreement may be assigned by either Party. If the interconnection customer attempts to assign this Agreement, the assignee must agree to the terms of this Agreement in writing and such writing must be provided to the EDC. Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a Party of its obligations, nor shall a Party's obligations be enlarged, in whole or in part, by reason of the assignment. An assignee is responsible for meeting the same obligations as the assignor.

6.1.1 Either Party may assign this Agreement without the consent of the other Party to any affiliate (including mergers, consolidations, or transfers, or a sale of a substantial portion of the Party's assets, between the Party and another entity), of the assigning Party that has an equal or greater credit rating and the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement.

6.1.2 The interconnection customer can assign this Agreement, without the consent of the EDC, for collateral security purposes to aid in providing financing for the DER facility.

6.2 Limitation on Damages

Except for cases of gross negligence or willful misconduct, the liability of any Party to this Agreement shall be limited to direct actual damages and reasonable attorney's fees, and all other damages at law are waived. Under no circumstances, except for cases of gross negligence or willful misconduct, shall any Party or its directors, officers, employees and agents, or any of them, be liable to another Party, whether in tort, contract or other basis in law or equity for any special, indirect, punitive, exemplary or consequential damages, including lost profits, lost revenues, replacement power, cost of capital or replacement equipment. This limitation on damages shall not affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement. The provisions of this Article 6.2 shall survive the termination or expiration of the Agreement.

6.3 Indemnity

6.3.1 This provision protects each Party from liability incurred to third parties as a result of carrying out the provisions of this Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 6.2.

6.3.2 The interconnection customer shall indemnify and defend the EDC and the EDC's directors, officers, employees, and agents, from all damages and expenses resulting from a third party claim arising out of or based upon the interconnection customer's (a) negligence or willful misconduct or (b) breach of this Agreement.

6.3.3 The EDC shall indemnify and defend the interconnection customer and the interconnection customer's directors, officers, employees, and agents from all damages and expenses resulting from a third party claim arising out of or based upon the EDC's (a) negligence or willful misconduct or (b) breach of this Agreement.

6.3.4 Within 5 business days after receipt by an indemnified Party of any claim or notice that an action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply has commenced, the indemnified Party shall notify the indemnifying Party of such fact. The failure to notify, or a delay in notification, shall not affect a Party's indemnification obligation unless that failure or delay is materially prejudicial to the indemnifying Party.

6.3.5 If an indemnified Party is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying Party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such claim, that indemnified Party may, at the expense of the indemnifying Party, contest, settle or consent to the entry of any judgment with respect to, or pay in full, the claim.

6.3.6 If an indemnifying Party is obligated to indemnify and hold any indemnified Party harmless under this Article, the amount owing to the indemnified person shall be the amount of the indemnified Party's actual loss, net of any insurance or other recovery.

6.4 Force Majeure

6.4.1 As used in this Article, a force majeure event shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing by the Party claiming force majeure.

6.4.2 If a force majeure event prevents a Party from fulfilling any obligations under this Agreement, the Party affected by the force majeure event ("Affected Party") shall notify the other Party of the existence of the force majeure event within one

business day. The notification must specify the circumstances of the force majeure event, its expected duration, and the steps that the Affected Party is taking and will take to mitigate the effects of the event on its performance. If the initial notification is verbal, it must be followed up with a written notification within one business day. The Affected Party shall keep the other Party informed on a continuing basis of developments relating to the force majeure event until the event ends. The Affected Party may suspend or modify its obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the force majeure event cannot be otherwise mitigated.

6.5 Default

6.5.1 No default shall exist when the failure to discharge an obligation (other than the payment of money) results from a force majeure event as defined in this Agreement, or the result of an act or omission of the other Party.

6.5.2 A Party shall be in default ("Default") of this Agreement if it fails in any material respect to comply with, observe or perform, or defaults in the performance of, any covenant or obligation under this Agreement and fails to cure the failure within 60 calendar days after receiving written notice from the other Party. Upon a default of this Agreement, the non-defaulting Party shall give written notice of the default to the defaulting Party. Except as provided in Article 6.5.3, the defaulting Party has 60 calendar days after receipt of the default notice to cure the default; provided, however, if the default cannot be cured within 60 calendar days, the defaulting Party shall commence the cure within 20 calendar days after original notice and complete the cure within six months from receipt of the default notice; and, if cured within that time, the default specified in the notice shall cease to exist.

6.5.3 If a Party has assigned this Agreement in a manner that is not specifically authorized by Article 6.1, fails to provide reasonable access pursuant to Article 2.3, and is in default of its obligations pursuant to Article 7, or if a Party is in default of its payment obligations pursuant to Article 5 of this Agreement, the defaulting Party has 30 days from receipt of the default notice to cure the default.

6.5.4 If a default is not cured as provided for in this Article, or if a default is not capable of being cured within the period provided for in this Article, the non-defaulting Party shall have the right to terminate this Agreement by written notice, and be relieved of any further obligation under this Agreement and, whether or not that Party terminates this Agreement, to recover from the defaulting Party all amounts due under this Agreement, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Article shall survive termination of this Agreement.

[redacted]

Article 7. Insurance

For DER facilities with a nameplate capacity of 1 MVA or above, the interconnection customer shall carry sufficient insurance coverage so that the maximum comprehensive/general liability coverage that is continuously maintained by the interconnection customer during the term shall be not less than $2,000,000 for each occurrence, and an aggregate, if any, of at least $4,000,000. The EDC, its officers, employees and agents shall be added as an additional insured on this policy. The interconnection customer agrees to provide the EDC with at least 30 calendar days advance written notice of cancellation, reduction in limits, or non-renewal of any insurance policy required by this Article.

Article 8. Dispute Resolution

8.1 Parties shall attempt to resolve all disputes regarding interconnection as provided in this Article in a good faith manner.

8.2 If there is a dispute between the Parties about implementation or an interpretation of the Agreement, the aggrieved Party shall issue a written notice to the other Party to the agreement that specifies the dispute and the Agreement articles that are disputed.

8.3 A meeting between the Parties shall be held within 10 days after receipt of the written notice. Persons with decision-making authority from each Party shall attend the meeting. If the dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each Party shall also attend the meeting. The meeting may be conducted by teleconference. The informal process between the parties shall extend 30 days after the receipt of written notice, after which the dispute is deemed resolved and the timeframes for decisions within the interconnection process procedures described in Article 8.4 or files a formal complaint at the Commission prior to the end of the 30-day period.

8.4 If the parties are unable to resolve the dispute through the process outlined in Article 8.3, either party may submit the interconnection dispute to an Ombudsman for non-binding arbitration. The party electing non-binding arbitration shall notify the other party of the request in writing. The non-binding arbitration process is limited to 60 days, absent mutual agreement of the parties and the Ombudsman to a longer period.

8.5 Each party shall bear its own fees, costs and expenses and an equal share of the expenses of the non-binding arbitration.

8.6 Within 10 days after the conclusion of the procedures in Article 8.4, either party may initiate a formal complaint with the Commission and ask for an expedited resolution of the dispute. If the complaint seeks expedited resolution, any written recommendation of the Ombudsman shall be appended to the complaint. The formal complaint shall proceed as a contested hearing pursuant to the Commission's Rules of Practice.

8.7 A party may, after good faith negotiations have failed, decline to pursue non-binding arbitration and instead initiate a formal complaint with the Commission. The formal complaint shall proceed as a contested hearing pursuant to the Commission's Rules of Practice.

8.8 Pursuit of dispute resolution may not affect an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

8.9 If the Parties fail to resolve their dispute under the dispute resolution provisions of this Article, nothing in this Article shall affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement.

Article 9. Miscellaneous

9.1 Governing Law, Regulatory Authority, and Rules
The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the State of Illinois, without regard to its conflicts of law principles. This Agreement is subject to all applicable laws and regulations. Each Party expressly reserves the right to seek change in, appeal, or otherwise contest any laws, orders or regulations of a governmental authority. The language in all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against the EDC or interconnection customer, regardless of the involvement of either Party in drafting this Agreement.

9.2 Amendment
Modification of this Agreement shall be only by a written instrument duly executed by both Parties.

9.3 No Third-Party Beneficiaries
This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the Parties, and the obligations in this Agreement assumed are solely for the use and benefit of the Parties, their successors in interest and, where permitted, their assigns.

9.4 Waiver

9.4.1 Except as otherwise provided in this Agreement, a Party's compliance with any obligation, covenant, agreement, or condition in this Agreement may be waived by the Party entitled to the benefits thereof only by a written instrument signed by the Party granting the waiver, but the waiver or failure to insist upon strict compliance with the obligation, covenant, agreement, or condition shall not operate as a waiver of, or estoppel with respect to, any subsequent or other failure.

9.4.2. Failure of any Party to enforce or insist upon compliance with any of the terms or conditions of this Agreement, or to give notice or declare this Agreement or the

rights under this Agreement terminated, shall not constitute a waiver or relinquishment of any rights set out in this Agreement, but the same shall be and remain at all times in full force and effect, unless and only to the extent expressly set forth in a written document signed by that Party granting the waiver or relinquishing any such rights. Any waiver granted, or relinquishment of any right, by a Party shall not operate as a relinquishment of any other rights or a waiver of any other failure of the Party granted the waiver to comply with any obligation, covenant, agreement, or condition of this Agreement.

9.5 Entire Agreement

Except as provided in Article 9.1, this Agreement, including all attachments, constitutes the entire Agreement between the Parties with reference to the subject matter of this Agreement, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties, or covenants that constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under this Agreement.

9.6 Multiple Counterparts

This Agreement may be executed in two or more counterparts, each of which is deemed an original, but all constitute one and the same instrument.

9.7 No Partnership

This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties, or to impose any partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

9.8 Severability

If any provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other governmental authority, (1) that portion or provision shall be deemed separate and independent, (2) the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by the ruling, and (3) the remainder of this Agreement shall remain in full force and effect.

9.9 Environmental Releases

Each Party shall notify the other Party of the release of any hazardous substances, any asbestos or lead abatement activities, or any type of remediation activities related to the DER facility or the interconnection facilities, each of which may reasonably be expected to affect the other Party. The notifying Party shall (1) provide the notice as soon as practicable, provided that Party makes a good faith effort to provide the notice no later than 24 hours after that Party becomes aware of the occurrence, and (2) promptly furnish

to the other Party copies of any publicly available reports filed with any governmental authorities addressing such events.

9.10 Subcontractors

Nothing in this Agreement shall prevent a Party from using the services of any subcontractor it deems appropriate to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing services and each Party shall remain primarily liable to the other Party for the performance of the subcontractor.

9.10.1 A subcontract relationship does not relieve any Party of any of its obligations under this Agreement. The hiring Party remains responsible to the other Party for the acts or omissions of its subcontractor. Any applicable obligation imposed by this Agreement upon the hiring Party shall be equally binding upon, and shall be construed as having application to, any subcontractor of the hiring Party.

9.10.2 The obligations under this Article cannot be limited in any way by any limitation of subcontractor's insurance.

Article 10. Notices

10.1 General

Unless otherwise provided in this Agreement, any written notice, demand, or request required or authorized in connection with this Agreement ("Notice") shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

If to Interconnection Customer:

Interconnection Customer: Nexamp Solar, LLC

Attention:

Address: 101 Summer St., 2nd Fl

City: Boston State: Massachusetts Zip: 02110

Phone: 617-431-1440 Fax: E-Mail: interconnections@nexamp.com

If to EDC:

EDC: Commonwealth Edison Company

Attention: DER Interconnection

Address: 2 Lincoln Center

City: Oakbrook Terrace State: IL Zip: 60181

Phone: 630-576-8158 E-Mail: interconnect@comed.com

Alternative Forms of Notice

Any notice or request required or permitted to be given by either Party to the other Party and not required by this Agreement to be in writing may be given by telephone, facsimile or e-mail to the telephone numbers and e-mail addresses set out above.

10.2 Billing and Payment

Billings and payments shall be sent to the addresses set out below:

If to Interconnection Customer

Interconnection Customer: Nexamp Solar, LLC

Attention:

Address: 101 Summer St., 2nd Fl

City: Boston State: Massachusetts Zip: 02110

Phone 617-431-1440 Fax Email interconnections@nexamp.com

If to EDC:

EDC: Commonwealth Edison

Attention: DER Interconnection

Address: 2 Lincoln Center

City: Oakbrook Terrace State: IL Zip: 60181

Phone _____ Fax _____ E-Mail _____

10.3 Designated Operating Representative

The Parties may also designate operating representatives to conduct the communications that may be necessary or convenient for the administration of this Agreement. This person will also serve as the point of contact with respect to operations and maintenance of the Party's facilities.

Interconnection Customer's Operating Representative: _____

Attention: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Phone _____ Fax _____ E-Mail _____

EDC's Operating Representative: Commonwealth Edison Company

Attention: Customer Operations

Address: ComEd - 2 Lincoln Center – Call Center

City: Oakbrook State: IL Zip: 60181

Phone 1-800-334-7661 Fax _____ E-Mail _____

_____

10.4 Changes to the Notice Information

Either Party may change this notice information by giving five business days written notice before the effective date of the change.

Article 11. Signatures

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

Project Name: 152392 Beecher Road Solar

For the Interconnection Customer:

Name: _____

Title: _____

Date: _____

For EDC:

Name: _____

Title: _____

Date: _____

Attachment 1

Definitions

Adverse system impact – A negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the electric distribution company (EDC) to other customers.

Applicable laws and regulations – All duly promulgated applicable federal, State and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives, or judicial or administrative orders, permits and other duly authorized actions of any governmental authority, having jurisdiction over the Parties.

Commissioning test – Tests applied to a energy resources facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts. At a minimum, the scope of the commissioning tests performed shall include the commissioning test specified by IEEE Standard 1547 Section 5.4 "Commissioning tests."

Distributed energy resources (DER) facility – The equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. A DER facility typically includes an electric generator, prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system or a local electric power system.

Distribution upgrades – A required addition or modification to the EDC's electric distribution system at or beyond the point of interconnection to accommodate the interconnection of a DER facility. Distribution upgrades do not include interconnection facilities.

Electric distribution company or EDC – Any electric utility entity subject to the jurisdiction of the Illinois Commerce Commission.

Electric distribution system – The facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas but generally carry less than 100 kilovolts of electricity. Electric distribution system has the same meaning as the term Area EPS, as defined in 3.1.6.1 of IEEE Standard 1547.

Facilities study – An engineering study conducted by the EDC to determine the required modifications to the EDC's electric distribution system, including the cost and the time required to build and install the modifications, as necessary to accommodate an interconnection request.

Force majeure event – Any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any

other cause beyond a Party's control. A force majeure event does not include an act of gross negligence or intentional wrongdoing.

Governmental authority – Any federal, State, local or other governmental regulatory or administrative agency, court, commission, department, board, other governmental subdivision, legislature, rulemaking board, tribunal, or other governmental authority having jurisdiction over the Parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that this term does not include the interconnection customer, EDC or any affiliate of either.

IEEE Standard 1547 – The Institute of Electrical and Electronics Engineers, Inc. (IEEE), 3 Park Avenue, New York NY 10016-5997, Standard 1547 (2003), "Standard for Interconnecting Distributed Resources with Electric Power Systems."

IEEE Standard 1547.1 – The IEEE Standard 1547.1 (2005), "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems."

Illinois standard distributed energy resources Interconnection Rules – The most current version of the procedures for interconnecting distributed energy resources facilities adopted by the Illinois Commerce Commission. See 83 Ill. Adm. Code 466

Interconnection agreement or Agreement – The agreement between the interconnection customer and the EDC. The interconnection agreement governs the connection of the DER facility to the EDC's electric distribution system and the ongoing operation of the DER facility after it is connected to the EDC's electric distribution system.

Interconnection customer – The entity entering into this Agreement for the purpose of interconnecting a DER facility to the EDC's electric distribution system.

Interconnection equipment – A group of components or an integrated system connecting an electric generator with a local electric power system or an electric distribution system that includes all interface equipment, including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

Interconnection facilities – Facilities and equipment required by the EDC to accommodate the interconnection of a DER facility. Collectively, interconnection facilities include all facilities, and equipment between the DER facility and the point of interconnection, including modification, additions, or upgrades that are necessary to physically and electrically interconnect the DER facility to the electric distribution system. Interconnection facilities are sole use facilities and do not include distribution upgrades.

Interconnection request – An interconnection customer's request, on the required form, for the interconnection of a new DER facility, or to increase the capacity or change the operating

characteristics of an existing DER facility that is interconnected with the EDC's electric distribution system.

Interconnection study – Any of the following studies, as determined to be appropriate by the EDC: the interconnection feasibility study, the interconnection system impact study, and the interconnection facilities study.

Load customer – An EDC customer whose primary business classification is not the production of electricity.

Parallel operation or Parallel – The state of operation that occurs when a DER facility is connected electrically to the electric distribution system.

Point of interconnection – The point where the DER facility is electrically connected to the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" defined in 3.1.13 of IEEE Standard 1547.

Witness test – For lab-certified equipment, verification (either by an on-site observation or review of documents) by the EDC that the interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the commissioning test required by IEEE Standard 1547 Section 5.4 have been adequately performed. For interconnection equipment that has not been lab-certified, the witness test shall also include verification by the EDC of the on-site design tests required by IEEE Standard 1547 Section 5.1 and verification by the EDC of production tests required by IEEE Standard 1547 Section 5.2. All tests verified by the EDC are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.

Attachment 2

Construction Schedule, Proposed Equipment & Settings

This attachment is to be completed by the interconnection customer and shall include the following:

1. The construction schedule for the DER facility.

   The proposed construction schedule for the DER facility is identified in Attachment 3, Schedule for Customer Work.

2. A one-line diagram indicating the DER facility, interconnection equipment, interconnection facilities, metering equipment, and distribution upgrades.

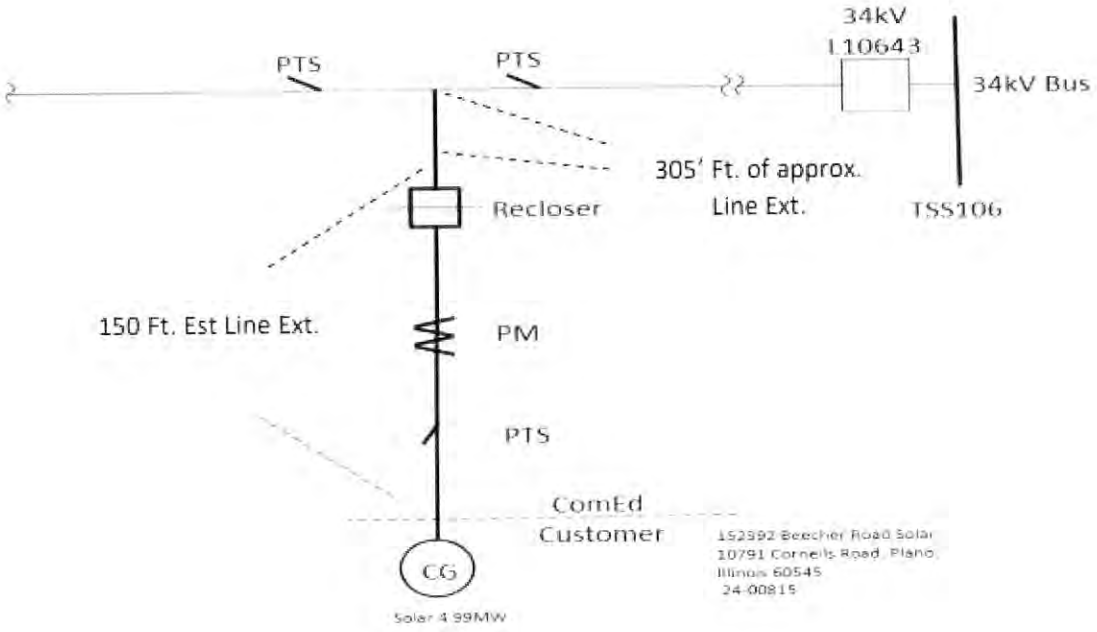
3. Component specifications for equipment identified in the one-line diagram.

4. Component settings.

5. Proposed sequence of operations.

6. A three line diagram showing current potential circuits for protective relays.

7. Relay tripping and control schematic diagram.



[redacted]

4990kW

Attachment 3

Description, Costs and Time Required to Build and Install the EDC's Interconnection Facilities

This attachment is to be completed by the EDC and shall include the following:

1. Facilities Address/ Location: 10791 Corneils Road,Plano, Illinois 60545

2. Capacity: 4990 kW

3. Required interconnection facilities, including any required metering*.

[redacted]

[redacted] 4990kW

4. An estimate of itemized costs charged by the EDC for interconnection, including overheads, is provided below*.

Cost Summary
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

**The scope of work and cost provided are intended to be an initial estimate based on information provided by the interconnection customer about its distributed generation system, and ComEd's engineering and design standards. The scope of work may be revised as location-specific conditions are identified during detailed design.*

5. An estimate for the time required to build and install the EDC's interconnection facilities based on results from prior studies and an estimate of the date upon which the facilities will be completed.

Schedule for EDC Work:

Project Authorization:	**Day 1 - The latter of execution of this agreement and receipt by the EDC of the security deposit set forth in Attachment 3.**
Deed, Plat of Survey and Demarcation Approval*:	**Day 0 -90**
Project Design:	**Day 20 - 254**
Material Procurement:	**Day 196 - 318**
Construction – Feeder Tie-In:	**Day 319 - 333**
Constructions – Substations Modifications:	**Day 334 - 341**
Acceptance Testing:	**Day 342 - 344**

**Deed and plat of survey need to be provided within 1 month of Project Authorization to start a site walkdown. The demarcation drawing will be issued by the EDC after the site walkdown and needs to be approved by the customer.*

Schedule for Customer Work per Attachment 2, Step 1:

Schedule for Customer Work		
Milestone	Description	Schedule (on/before)
2.1	Submittal of remainder of 100% deposit date	
2.1A	Submittal of deed, plat of survey and demarcation approval	
2.2	Begin construction date*	
2.3	Generator step-up transformers receive back feed power date	
2.4	Generating Test Date	
2.5	Desired In-Service Date	

**Construction date means customer has issued a notice to proceed to any contractor performing substantial work at the site AND physical activity has occurred at the site, such as grading, earthwork, equipment installation, or other civil works, signaling construction has begun.*
EDC/ComEd requires a schedule amendment to be reviewed for any change in milestone >90 calendar days.

[redacted] 4990kW

6. Contingency Projects – Any contingencies noted: Yes

Contingent upgrades have been identified for this interconnection request that are currently the responsibility of an interconnection request that is earlier in the queue than this interconnection request. The scope and costs in Attachment 3, along with the contingent upgrade costs, are required in order for this interconnection request to receive permission to operate. If the contingent upgrades are delayed or not built by the earlier-queued interconnection request, it could cause a need for restudies of this interconnection request, and the contingent upgrades may become the responsibility of this interconnection request

Contingency Work Scope		
	Cost	Scope
	$860,000	4300ft Line extension
	$280,000	Install new line side PTs

[redacted] 4990kW

Attachment 4

Operating Requirements for Distributed Energy Resources Facilities Operating in Parallel

The EDC shall list specific operating practices that apply to this DER interconnection and the conditions under which each listed specific operating practice applies.

See Articles 1,7 Parallel Operation Obligations 1.9, Reactive Power, 1.10, Standards of Operation and as identified in the prior studies.

Any additional operational practices listed below:

1)Customer Transformer(s) Connection(s) at PCC (34kV) - ComEd requires a Delta H.S. transformer winding for all customer connected transformers. The legacy design standard for the ComEd 34.5kV system is 200kV BIL. The current design standard for new 34kV lines is 150kV. All customer equipment should be rated accordingly.

2) Customer Photovoltaic System Inverter Modules - Transient Overvoltage (TOV) Limits: Customer inverters shall not by their design or application while interconnected to the ComEd system cause transient overvoltages (TOV) which exceed ComEd {12kV/34kV} line or equipment ratings during fault or switching operations. If the customer inverters cause objectionable overvoltages which exceed the ratings of the ComEd lines and equipment, then ComEd may require that the customer at their expense mitigate these issues to a level below the equipment design ratings.

3) Customer Equipment Short-Circuit Ratings - Customer equipment shall be rated for ultimate fault current levels: Ultimate 3 Phase - 16585 Amps and Ultimate 1 Phase - 21070 Amps.

4) Interconnections = 2.0MW using lab certified UL 1741 Inverters do not require any additional relay protection

5) All transformers require a high side protective operating device to operate under fault conditions.

6) ComEd Testing Group resources will be required to verify settings for required system protection prior to customer equipment being placed into service.

7) This photovoltaic installation shall only operate when it is connected to 34kV L10643 and when L10643 is fed from its normal breaker at TSS106.

8) Customer will be responsible to complete all subgrade and civil work on their property, if required for the interconnection facilities.

9) Customer will be responsible to purchase real estate or obtain the necessary right-of - way/ easements, to install the interconnection facilities.

Attachment 5

Monitoring and Control Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The EDC's monitoring and control requirements must be specified, along with a reference to the EDC's written requirements documents from which these requirements are derived.

2. An internet link to the requirements documents.

3. The If applicable, a copy of any agreement between the interconnection customer and the EDC enabling the EDC to monitor and control the distributed energy resources facility in order to preserve distribution system reliability.

https://www.comed.com/MyAccount/MyService/Pages/DistributionLess10k.aspx

http://standards.ieee.org

Attachment 6

Metering Requirements

This attachment is to be completed by the EDC and shall include the following:

1. The metering requirements for the energy resources facility.

   The specific metering requirements and equipment will be specified as part of the Detailed Engineering.

2. Identification of the appropriate tariffs that establish these requirements.

3. An internet link to these tariffs.

https://www.comed.com/MyAccount/MyService/Pages/DistributionLess10k.aspx

https://www.comed.com/MyAccount/MyBillUsage/Pages/CurrentRatesTariffs.aspx

Attachment 7

As Built Documents

This attachment is to be completed by the interconnection customer and shall include the following:

When it returns the certificate of completion to the EDC, the interconnection customer shall provide the EDC with documents detailing the as-built status of the following:

1. A one-line diagram indicating the distributed energy resources facility, interconnection equipment, interconnection facilities, and metering equipment.

2. Component specifications for equipment identified in the one-line diagram.

3. Component settings.

4. Proposed sequence of operations.

5. A three-line diagram showing current potential circuits for protective relays.

6. Relay tripping and control schematic diagram.

Attachment 8
Other Provisions

The Parties agree to the following terms and conditions in connection with the distributed generation facility.

1.1 Nothing in this Agreement shall constitute an express or implied representation or warranty on the part of EDC with respect to the current or future availability of transmission service or create any obligation on the part of EDC to accept deliveries of energy unless the interconnection customer or a third party taking delivery of such energy has arranged for transmission service with PJM Interconnection LLC, or its successor in interest, the organization that operates the EDC's transmission system ("PJM") in accordance with the PJM tariff and applicable laws and regulations. EDC may charge for service over its electric distribution system to deliver energy or power from the distributed generation facility to or from the facilities controlled or operated by PJM that are used to provide transmission service pursuant to the PJM tariff.

1.2 This Agreement does not constitute an agreement to interconnect the interconnection customer to a PJM point of interconnection.

1.3 The interconnection customer shall not be allowed to construct any facilities or install any equipment which will be owned or operated by the EDC, without the prior written consent of the EDC, which consent may be conditioned on the Parties negotiating and agreeing upon provisions to govern such construction or installation.

1.4 Tax Status. Based on information provided by the interconnection customer, EDC will make the determination as to whether all costs and other amounts payable, and property to be transferred, by interconnection customer to EDC under this Agreement (collectively, the "Paid Amounts") satisfy the tax law provisions for non-taxable status, as referenced in this Section 1.4. For any amounts that EDC determines do not qualify for non-taxable status, the interconnection customer shall comply with this Section 1.4, including without limitation paying the applicable income tax gross-up as set forth herein.

1.4.1 Tax Status

A. To qualify for non-taxable treatment with respect to the Paid Amounts, the interconnection customer must meet all qualifications and requirements as set forth in the tax laws ("Non-Taxable Treatment"). The determination of whether the Paid Amounts qualify for Non-Taxable Treatment shall be made by EDC, based on the information furnished by interconnection customer to determine tax treatment under the relevant tax law provisions.

B. To the extent EDC reasonably determines that all or a portion of the Paid Amounts qualify for Non-Taxable Treatment, both Parties intend to treat such

amounts as non-taxable contributions from interconnection customer to EDC for federal and state income tax purposes. With respect to any such Paid Amounts, interconnection customer agrees to maintain Non-Taxable Treatment for such amounts, and interconnection customer shall remain subject to the terms of this Section 1.4, in any subsequent or interim agreement related to this Agreement. To the extent EDC determines that all or a portion of the Paid Amounts are taxable, interconnection customer agrees to pay the income tax gross-up amount referenced in this Section 1.4.

1.4.2 Tax Indemnity

For any amounts the Parties treat as non-taxable pursuant to Section 1.4.1, interconnection customer shall indemnify and hold harmless EDC for any costs or taxes, penalties, and interest that EDC incurs in the event that the IRS and/or a state taxing authority determines that the Paid Amounts are taxable income to EDC. In such an event, interconnection customer shall pay to EDC, on demand, the amount of any income taxes that the IRS or a state taxing authority assesses EDC in connection with the Paid Amounts, plus any applicable interest and/or penalties assessed EDC. In the event that EDC in its sole discretion chooses to contest such assessment and prevails in reducing or eliminating the tax, interest and/or penalties assessed against it, EDC shall refund to interconnection customer the excess of the amount paid to EDC pursuant to this Section 1.4 over the amount of the tax, interest and penalties for which EDC is finally determined to be liable. Interconnection customer's tax indemnification obligation under this section shall survive any termination of this Agreement or of any subsequent or interim agreement related to this Agreement.

1.4.3 Income Tax Gross-Up

A. In the event that interconnection customer does not establish to EDC's satisfaction within 15 days of the execution of this Agreement (the "Specified Date") that the Paid Amounts are or will be non-taxable, interconnection customer shall increase the amount of the Security Deposit to include any amounts described under this Section 1.4 regarding income tax gross-up.

B. The required increase in the Security Deposit shall equal the amount necessary to permit EDC to pay all applicable income taxes ("Current Taxes") on the amounts to be paid by interconnection customer under this Agreement after taking into account the present value of future tax deductions for depreciation that would be available as a result of the anticipated payments or property transfers (the "Present Value Depreciation Amount"), with respect to such amounts. For this purpose, Current Taxes shall be computed based on the composite federal and state income

tax rates applicable to EDC at the time the Security Deposit is increased, determined using the highest marginal rates in effect at that time (the "Current Tax Rate"), and (ii) the Present Value Depreciation Amount shall be computed by discounting EDC's anticipated tax depreciation deductions associated with such payments or property transfers by its current weighted average cost of capital. EDC may draw on the Security Deposit on a quarterly basis based on the Paid Amounts received by EDC.

C. Interconnection customer must provide the increase in the Security Deposit, in a form and with terms as acceptable to EDC, within 15 days of the Specified Date unless EDC notifies interconnection customer otherwise. The requirement for the increase in the Security Deposit under this Paragraph shall be treated as a milestone for purposes of Attachment 3 of this Agreement.

D. Each Party shall cooperate with the other to maintain the other Party's tax status. Nothing in this Agreement is intended to adversely affect any entity's tax exempt status with respect to the issuance of bonds including, but not limited to, local furnishing bonds.

E. In the event, and to the extent, (i) EDC subsequently determines that amounts for which interconnection customer has paid EDC are non-taxable, and (ii) EDC successfully obtains a refund of federal and/or state income tax originally paid with respect to such amounts, EDC shall timely return such amounts to the interconnection customer. For purposes hereof, EDC may make such a determination in light of subsequent IRS guidance, or other relevant authority. In the event of a successful refund claim by EDC, EDC shall return the remaining Security Deposit attributable to this Section 1.4, but no more than it obtains from the relevant taxing authority, less any reasonable fees incurred to secure such tax refund, to interconnection customer.

1.5 If any of EDC's facilities, in addition to those described in Section 2.3, are or will be located on interconnection customer's property, EDC shall have access to such facilities at all times and when practical, the EDC shall provide notice to the interconnection customer prior to using its right of access. Upon EDC's completion of final, detailed engineering, if EDC identifies any facilities which will be located on interconnection customer's property and requests written property rights in order to have such access, the interconnection customer shall provide such rights.

1.6 Interconnection customer shall also be responsible for paying in full to EDC all approved FERC and ICC rates and charges applicable to interconnection customer's connection to and usage of the electric distribution system, if any.

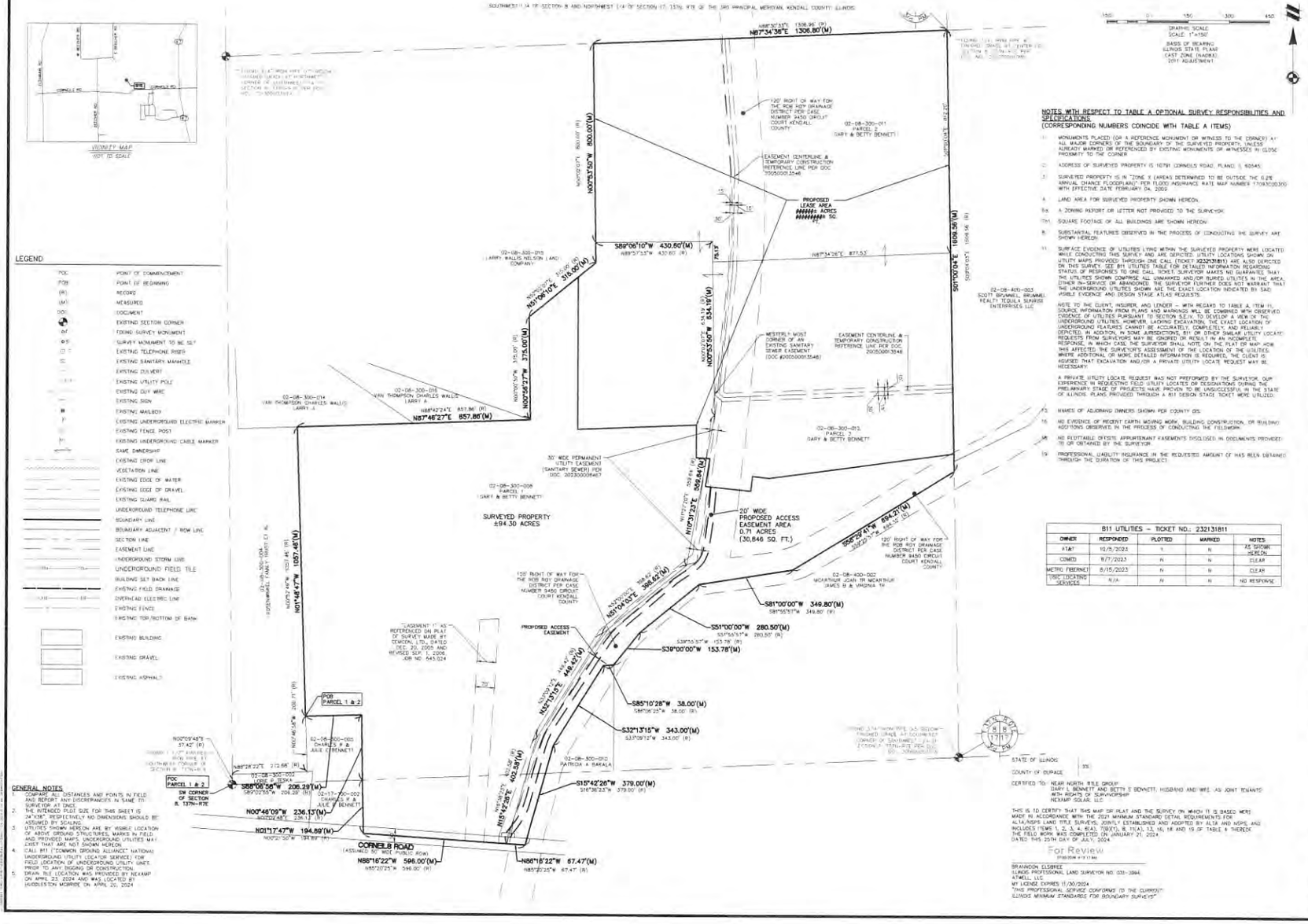
1.7 Interconnection customer shall not disclose any information labeled "CEII" or "Critical Energy Infrastructure Information" or other information labeled "Confidential" obtained pursuant to or in connection with this Agreement to any third party without the express written consent of the EDC, provided that interconnection customer may produce such information in response to a subpoena, discovery request or other compulsory process issued by a judicial body or governmental agency upon reasonable notice to the interconnection customer.

1.8 Each of the Parties shall provide the other party access to areas under its control as reasonably necessary to permit the other Party to perform its obligations under this Agreement, including operation and maintenance obligations. A Party that obtains such access shall comply with all safety rules applicable to the area to which access is obtained. Each Party agrees to inform the other Party's representatives of safety rules applicable to an area.

1.9 Article 5.1.2 of the Interconnection Agreement shall be modified as followed;

The parties agree Article 5 Section 1.2 is stricken in its entirety and replaced with, "Within 120 calendar days after completing the construction and installation of the EDC's interconnection facilities and distribution upgrades described in Attachments 2 and 3 to this Agreement, the EDC shall provide the interconnection customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation of the EDC's interconnection facilities and distribution upgrades; and (2) the interconnection customer's previous deposit and aggregate payments to the EDC for the interconnection facilities and distribution upgrades. If the interconnection customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the interconnection customer for the amount due and the interconnection customer shall make payment to the EDC within 30 calendar days. If the interconnection customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the interconnection customer an amount equal to the difference within 30 calendar days after the final accounting report. Upon request from the interconnection customer, if the difference between the budget estimate and the actual cost exceeds 20%, the EDC will provide a written explanation for the difference."

ALTA/NSPS LAND TITLE SURVEY



NOTES WITH RESPECT TO TABLE A OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS
(CORRESPONDING NUMBERS COINCIDE WITH TABLE A ITEMS)

1. MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER
2. ADDRESS OF SURVEYED PROPERTY IS 16791 CORNELS ROAD, PLANO, IL 60545.
3. SURVEYED PROPERTY IS IN "ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)" PER FLOOD INSURANCE RATE MAP NUMBER 17093C0310 WITH EFFECTIVE DATE FEBRUARY 04, 2009
4. LAND AREA FOR SURVEYED PROPERTY SHOWN HEREON.
- 6a. A ZONING REPORT OR LETTER NOT PROVIDED TO THE SURVEYOR.
- 7(a). SQUARE FOOTAGE OF ALL BUILDINGS ARE SHOWN HEREON.
8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ARE SHOWN HEREON.
11. SURFACE EVIDENCE OF UTILITIES LYING WITHIN THE SURVEYED PROPERTY WERE LOCATED WHILE CONDUCTING THIS SURVEY AND ARE DEPICTED. UTILITY LOCATIONS SHOWN ON UTILITY MAPS PROVIDED THROUGH ONE CALL (TICKET #232131811) ARE ALSO DEPICTED ON THIS SURVEY. SEE 811 UTILITIES TABLE FOR DETAILED INFORMATION REGARDING STATUS OF RESPONSES TO ONE CALL TICKET. SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL UNMARKED AND/OR BURIED UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE THE EXACT LOCATION INDICATED BY SAID VISIBLE EVIDENCE AND DESIGN STAGE ATLAS REQUESTS.

NOTE TO THE CLIENT, INSURER, AND LENDER – WITH REGARD TO TABLE A, ITEM 11, SOURCE INFORMATION FROM PLANS AND MARKINGS WILL BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.IV. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.

A PRIVATE UTILITY LOCATE REQUEST WAS NOT PREFORMED BY THE SURVEYOR. OUR EXPERIENCE IN REQUESTING FIELD UTILITY LOCATES OR DESIGNATIONS DURING THE PRELIMINARY STAGE OF PROJECTS HAVE PROVEN TO BE UNSUCCESSFUL IN THE STATE OF ILLINOIS. PLANS PROVIDED THROUGH A 811 DESIGN STAGE TICKET WERE UTILIZED.

13. NAMES OF ADJOINING OWNERS SHOWN PER COUNTY GIS.
16. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 17. NO PLOTTABLE OFFSITE APPURTENANT EASEMENTS DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR.
19. PROFESSIONAL LIABILITY INSURANCE IN THE REQUESTED AMOUNT OF HAS BEEN OBTAINED THROUGH THE DURATION OF THIS PROJECT.

811 UTILITIES – TICKET NO.: 232131811

OWNER	RESPONDED	PLOTTED	MARKED	NOTES
AT&T	10/5/2023	Y	N	AS SHOWN HEREON
COMED	9/7/2023	N	N	CLEAR
METRO FIBERNET	8/15/2023	N	N	CLEAR
UTILITY LOCATING SERVICES	N/A	N	N	NO RESPONSE

GENERAL NOTES
1. COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES IN SAME TO SURVEYOR AT ONCE.
2. THE INTENDED PLOT SIZE FOR THIS SHEET IS 24"x36", RESPECTIVELY. NO DIMENSIONS SHOULD BE ASSUMED BY SCALING.
3. UTILITIES SHOWN HEREON ARE BY VISIBLE LOCATION OF ABOVE GROUND STRUCTURES, MARKS IN FIELD AND PROVIDED MAPS. UNDERGROUND UTILITIES MAY EXIST THAT ARE NOT SHOWN HEREON.
4. CALL 811 (COMMON GROUND ALLIANCE, NATIONAL UNDERGROUND UTILITY LOCATOR SERVICE) FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES, PRIOR TO ANY DIGGING OR CONSTRUCTION.
5. DRAIN TILE LOCATION WAS PROVIDED BY NEXAMP ON APRIL 23, 2024 AND WAS LOCATED BY HUDDLESTON MORRIS ON APRIL 20, 2024

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

CERTIFIED TO: NEAR NORTH TITLE GROUP
GARY L BENNETT AND BETTY S BENNETT, HUSBAND AND WIFE, AS JOINT TENANTS
NEXAMP SOLAR, LLC

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(b)(1), 8, 11(a), 13, 16, 18 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 21, 2024.
DATED THIS 25TH DAY OF APRIL, 2024

For Review

BRANDON ELSBREE
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3994
ATWELL, LLC
MY LICENSE EXPIRES 11/30/2024
"THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS"

Know what's below. Call before you dig.
811

ATWELL
(866) 850-4200 www.atwell-group.com
2500 EAST NEW YORK STREET, SUITE 350
AURORA, IL 60502
CORPORATE OFFICE: ATLANTA, GA

SECTION 8
TOWN 37 NORTH, RANGE 7 EAST
BRISTOL TOWNSHIP
KENDALL COUNTY, ILLINOIS

CLIENT: NEXAMP SOLAR, LLC
ALTA/NSPS LAND TITLE SURVEY
CORNELLS ROAD SOLAR
KENDALL COUNTY, IL

DATE: 12/6/2023

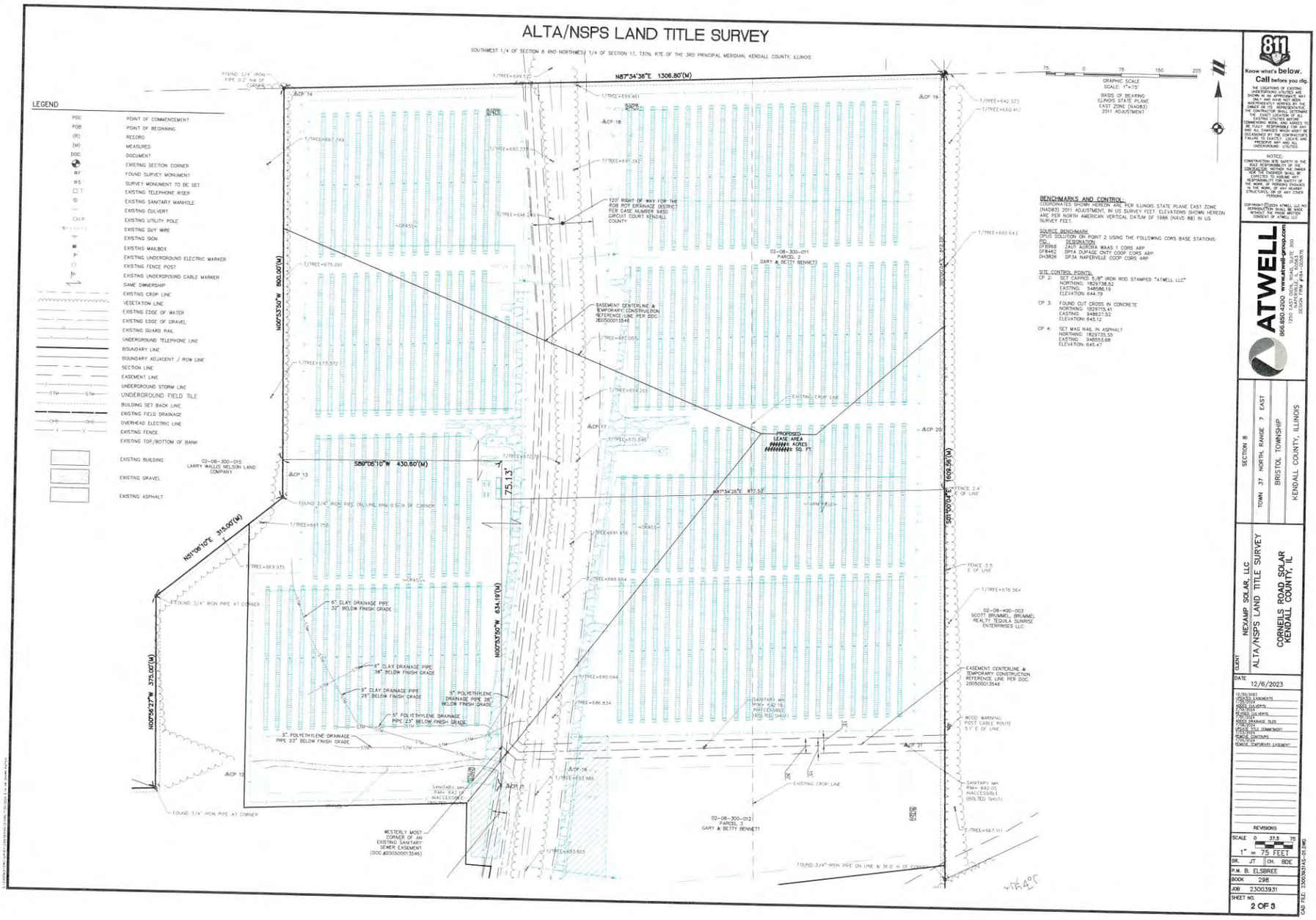
REVISIONS

SCALE: 0 75 150
1" = 150 FEET
DR. JT CH. BDE
P.M. B. ELSBREE
BOOK 298
JOB 23003931
SHEET NO. 1 OF 3

CAD FILE: 23003931SS-BT.DWG

ALTA/NSPS LAND TITLE SURVEY

SOUTHWEST 1/4 OF SECTION 8 AND NORTHWEST 1/4 OF SECTION 17, T37N, R7E OF THE 3RD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS



LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
(R)	RECORD
(M)	MEASURED
DOC	DOCUMENT
	EXISTING SECTION CORNER
SIP	FOUND SURVEY MONUMENT
IRS	SURVEY MONUMENT TO BE SET
T	EXISTING TELEPHONE RISER
S	EXISTING SANITARY MANHOLE
	EXISTING CULVERT
CMP	EXISTING UTILITY POLE
	EXISTING GUY WIRE
	EXISTING SIGN
M	EXISTING MAILBOX
	EXISTING UNDERGROUND ELECTRIC MARKER
	EXISTING FENCE POST
	EXISTING UNDERGROUND CABLE MARKER
	SAME OWNERSHIP
	EXISTING CROP LINE
	VEGETATION LINE
	EXISTING EDGE OF WATER
	EXISTING EDGE OF GRAVEL
	EXISTING GUARD RAIL
	UNDERGROUND TELEPHONE LINE
	BOUNDARY LINE
	BOUNDARY ADJACENT / ROW LINE
	SECTION LINE
	EASEMENT LINE
STM	UNDERGROUND STORM LINE
	UNDERGROUND FIELD TILE
	BUILDING SET BACK LINE
	EXISTING FIELD DRAINAGE
OHE	OVERHEAD ELECTRIC LINE
	EXISTING FENCE
	EXISTING TOP/BOTTOM OF BANK
	EXISTING BUILDING
	EXISTING GRAVEL
	EXISTING ASPHALT

BENCHMARKS AND CONTROL:

COORDINATES SHOWN HEREON ARE PER ILLINOIS STATE PLANE EAST ZONE (NAD83) 2011 ADJUSTMENT, IN US SURVEY FEET. ELEVATIONS SHOWN HEREON ARE PER NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) IN US SURVEY FEET.

SOURCE BENCHMARK
OPUS SOLUTION ON POINT 2 USING THE FOLLOWING CORS BASE STATIONS:

ID	DESIGNATION
DF8968	ZAUT AURORA WAAS 1 CORS ARP
DF8442	DPTA DUPAGE CNTY COOP CORS ARP
DH3826	DPJA NAPERVILLE COOP CORS ARP

SITE CONTROL POINTS:

CP 2: SET CAPPED 5/8" IRON ROD STAMPED "ATWELL LLC"
NORTHING: 1829738.52
EASTING: 948586.19
ELEVATION: 644.79

CP 3: FOUND CUT CROSS IN CONCRETE
NORTHING: 1829715.41
EASTING: 948627.32
ELEVATION: 645.12

CP 4: SET MAG NAIL IN ASPHALT
NORTHING: 1829735.59
EASTING: 948553.68
ELEVATION: 645.47

Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OF THE UTILITY. BEFORE THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF PERSONS OR PROPERTY. STRONG CHANGES IN THE WORK, OR ADDITIONS TO THE STRUCTURES, OR OF ANY OTHER PERSONS.

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ATWELL
866.850.4300 www.atwell-group.com
1250 EAST DIEHL ROAD, SUITE 303
NAPERVILLE, IL 60563
DESIGN FIRM #184-005976

SECTION 8
TOWN 37 NORTH, RANGE 7 EAST
BRISTOL TOWNSHIP
KENDALL COUNTY, ILLINOIS

CLIENT: NEXAMP SOLAR, LLC

ALTA/NSPS LAND TITLE SURVEY

CORNEILS ROAD SOLAR
KENDALL COUNTY, IL

DATE: 12/6/2023

12/20/2023 ADD EASEMENTS
2/05/2024 CLIENTS
2/19/2024 CLIENTS
3/15/2024 REVISIONS
4/05/2024 ADDED DRAINAGE TILES
4/08/2024 TITLE COMMITMENT
4/15/2024 ADD CONTOURS
4/25/2024 REMOVE TEMPORARY EASEMENT

REVISIONS

SCALE 0 37.5 75
1" = 75 FEET

DR. JT | CH BDE
P.M. B. ELSBREE
BOOK 298
JOB 23003931
SHEET NO. 2 OF 3

CAD FILE: 23003931ALTA-SHT.DWG

ALTA/NSPS LAND TITLE SURVEY

SOUTHWEST 1/4 OF SECTION 8 AND NORTHWEST 1/4 OF SECTION 17, T37N, R7E OF THE 3RD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS

LEGAL DESCRIPTION PER NEAR NORTH TITLE GROUP AS ISSUING AGENT FOR CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. IL1808635-166, COMMITMENT DATE: JUNE 7, 2022 AT 12:00 A.M.

PARCEL 1:

THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS POLICY AND COVERED HEREIN IS LEASEHOLD ESTATE. AS LEASEHOLD ESTATE IS DEFINED IN PARAGRAPH 1.C. OF THE ALTA LEASEHOLD ENDORSEMENTS) ATTACHED HERETO, CREATED BY THE INSTRUMENT HEREIN REFERRED TO AS THE LEASE, AS AMENDED, MADE BY AND BETWEEN GARY L BENNETT AND BETTY S BENNETT, HUSBAND AND WIFE, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP (LANDLORD) AND NEXAMP SOLAR, LLC (TENANT) DATED JANUARY 30, 2022, AS EVIDENCED BY THAT CERTAIN MEMORANDUM OF OPTION AND GROUND LEASE RECORDED MARCH 30, 2023, AS DOCUMENT 202300003360, AND AMENDED BY THAT CERTAIN MEMORANDUM DATED AS OF _____, AND RECORDED _____, AS DOCUMENT _____, WHICH LEASE DEMISES THE FOLLOWING LAND FOR A TERM OF YEARS MORE PARTICULARLY DESCRIBED THEREIN:

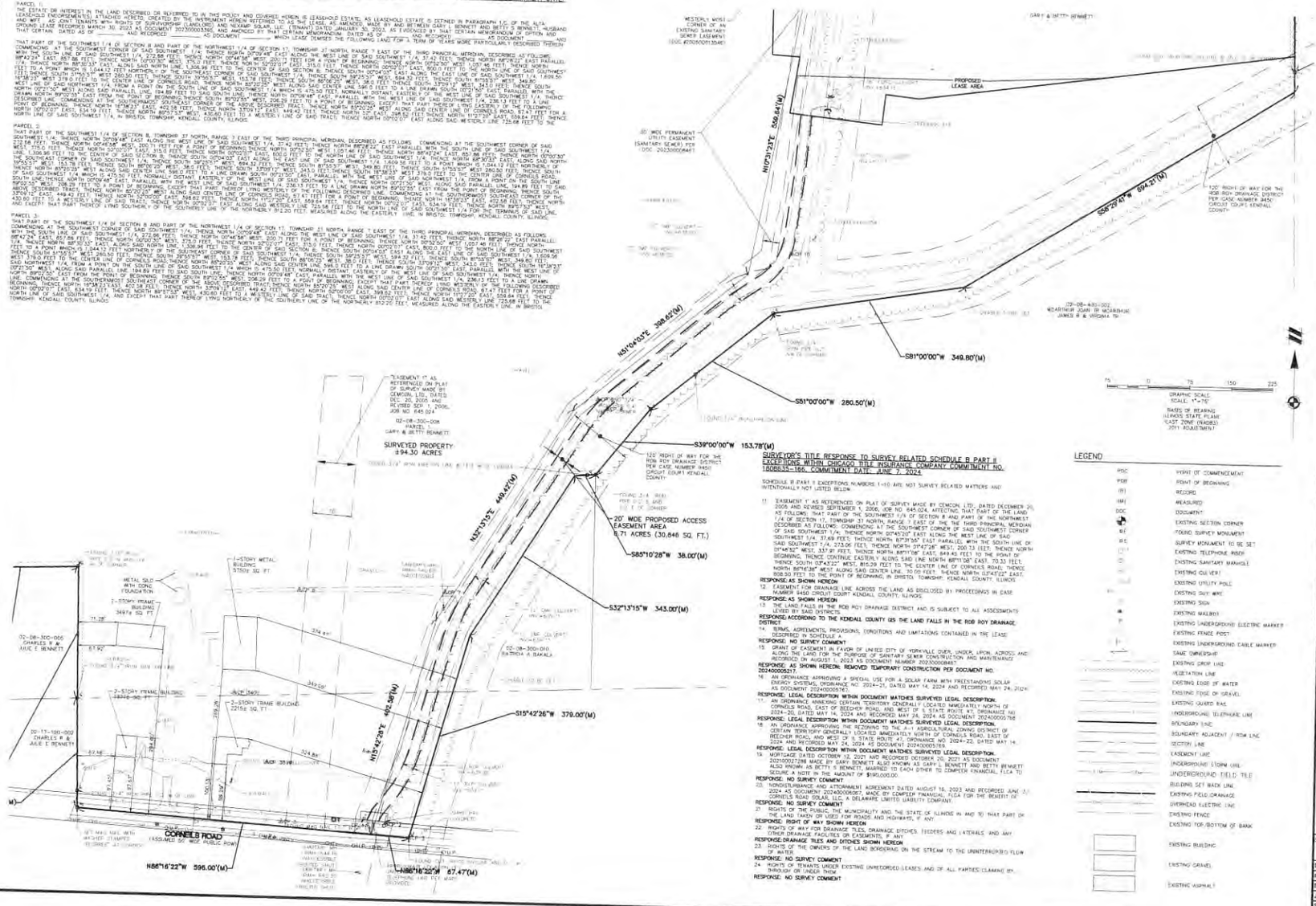
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 89°42'23" EAST, 857.86 FEET; THENCE NORTH 0°09'48" EAST, 200.13 FEET FOR A POINT OF BEGINNING; THENCE SOUTHEAST 1/4; THENCE NORTH 89°38'33" EAST ALONG SAID NORTH LINE, 1,308.96 FEET; THENCE NORTH 0°09'37" EAST, 313.0 FEET; THENCE NORTH 89°50'23" WEST, 1,057.46 FEET; THENCE NORTH 0°09'37" EAST, 900.0 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 89°50'23" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,606.56 FEET; THENCE SOUTH 39°55'57" WEST, 260.50 FEET; THENCE SOUTH 39°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 349.80 FEET; THENCE SOUTH 1°09'37" EAST, 343.0 FEET; THENCE SOUTH 89°50'23" WEST ALONG SAID CENTER LINE, 590.0 FEET TO A LINE DRAWN SOUTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 1,644.12 FEET TO A POINT WHICH IS 1,644.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 89°50'23" WEST, 1,606.56 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 0°09'48" WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,606.56 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART THEREOF LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 89°42'23" EAST, 857.86 FEET; THENCE NORTH 0°09'48" EAST, 200.13 FEET FOR A POINT OF BEGINNING; THENCE NORTH 89°38'33" EAST ALONG SAID NORTH LINE, 1,308.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE NORTH 0°09'37" EAST, 313.0 FEET; THENCE NORTH 89°50'23" WEST, 1,057.46 FEET; THENCE NORTH 0°09'37" EAST, 900.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 89°50'23" EAST ALONG SAID NORTH LINE, 1,606.56 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 39°55'57" WEST, 260.50 FEET; THENCE SOUTH 39°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 349.80 FEET; THENCE SOUTH 1°09'37" EAST, 343.0 FEET; THENCE SOUTH 89°50'23" WEST ALONG SAID CENTER LINE, 590.0 FEET TO A LINE DRAWN SOUTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 1,644.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 89°50'23" WEST, 1,606.56 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 0°09'48" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,606.56 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 89°42'23" EAST, 857.86 FEET; THENCE NORTH 0°09'48" EAST, 200.13 FEET FOR A POINT OF BEGINNING; THENCE NORTH 89°50'23" WEST, 1,057.46 FEET; THENCE NORTH 89°42'24" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 1,308.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 0°09'37" WEST, 313.0 FEET; THENCE NORTH 89°50'23" EAST, 1,606.56 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 39°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 349.80 FEET; THENCE SOUTH 1°09'37" EAST, 343.0 FEET; THENCE SOUTH 89°50'23" WEST ALONG SAID CENTER LINE, 590.0 FEET TO A LINE DRAWN SOUTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 1,644.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 89°50'23" WEST, 1,606.56 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 0°09'48" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,606.56 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL 3:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 89°42'23" EAST, 857.86 FEET; THENCE NORTH 0°09'48" EAST, 200.13 FEET FOR A POINT OF BEGINNING; THENCE NORTH 89°50'23" WEST, 1,057.46 FEET; THENCE NORTH 89°42'24" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 1,308.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 0°09'37" EAST, 313.0 FEET; THENCE NORTH 89°50'23" WEST, 1,057.46 FEET; THENCE NORTH 0°09'37" EAST, 900.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 89°50'23" EAST ALONG SAID NORTH LINE, 1,606.56 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 39°55'57" WEST, 260.50 FEET; THENCE SOUTH 39°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 349.80 FEET; THENCE SOUTH 1°09'37" EAST, 343.0 FEET; THENCE SOUTH 89°50'23" WEST ALONG SAID CENTER LINE, 590.0 FEET TO A LINE DRAWN SOUTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 1,644.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 89°50'23" WEST, 1,606.56 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 0°09'48" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,606.56 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART THEREOF LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 89°42'23" EAST, 857.86 FEET; THENCE NORTH 0°09'48" EAST, 200.13 FEET FOR A POINT OF BEGINNING; THENCE NORTH 89°38'33" EAST ALONG SAID NORTH LINE, 1,308.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE NORTH 0°09'37" EAST, 313.0 FEET; THENCE NORTH 89°50'23" WEST, 1,057.46 FEET; THENCE NORTH 0°09'37" EAST, 900.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 89°50'23" EAST ALONG SAID NORTH LINE, 1,606.56 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 39°55'57" WEST, 260.50 FEET; THENCE SOUTH 39°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 694.32 FEET; THENCE SOUTH 89°55'57" WEST, 349.80 FEET; THENCE SOUTH 1°09'37" EAST, 343.0 FEET; THENCE SOUTH 89°50'23" WEST ALONG SAID CENTER LINE, 590.0 FEET TO A LINE DRAWN SOUTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 0°09'37" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 1,644.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 89°50'23" WEST, 1,606.56 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 0°09'48" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,606.56 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF THE SOUTHERLY LINE OF THE NORTHERLY 91.20 FEET, MEASURED ALONG THE EASTERLY LINE, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.



SURVEYOR'S TITLE RESPONSE TO SURVEY RELATED SCHEDULE B PART II EXCEPTIONS WITHIN CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 1808635-166, COMMITMENT DATE: JUNE 7, 2024

SCHEDULE B PART II EXCEPTIONS NUMBERS 1-10 ARE NOT SURVEY RELATED MATTERS AND INTENTIONALLY NOT LISTED BELOW.

11 EASEMENT 'I' AS REFERENCED ON PLAT OF SURVEY MADE BY CEMCON, LTD., DATED DECEMBER 20, 2005 AND REVISED SEPTEMBER 1, 2006, JOB NO. 645.024, AFFECTING THAT PART OF THE LAND AS FOLLOWS: THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 89°38'33" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.69 FEET; THENCE NORTH 89°31'55" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 213.06 FEET; THENCE NORTH 01°47'26" WEST, 200.13 FEET; THENCE NORTH 01°44'52" WEST, 337.91 FEET; THENCE NORTH 89°31'55" EAST, 849.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG SAID LINE NORTH 88°11'08" EAST, 70.33 FEET; THENCE SOUTH 02°43'22" WEST, 815.29 FEET TO THE CENTER LINE OF CORNELIS ROAD; THENCE NORTH 86°16'38" WEST ALONG SAID CENTER LINE, 70.00 FEET; THENCE NORTH 02°43'22" EAST, 808.50 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS

RESPONSE: AS SHOWN HEREON

12 EASEMENT FOR DRAINAGE LINE ACROSS THE LAND AS DISCLOSED BY PROCEEDINGS IN CASE NUMBER 3450 CIRCUIT COURT KENDALL COUNTY, ILLINOIS

RESPONSE: AS SHOWN HEREON

13 THE LAND FALLS IN THE ROB ROY DRAINAGE DISTRICT AND IS SUBJECT TO ALL ASSESSMENTS LEVIED BY SAID DISTRICTS.

RESPONSE: ACCORDING TO THE KENDALL COUNTY GIS THE LAND FALLS IN THE ROB ROY DRAINAGE DISTRICT

14 TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND LIMITATIONS CONTAINED IN THE LEASE DESCRIBED IN SCHEDULE A

RESPONSE: NO SURVEY COMMENT

15 GRANT OF EASEMENT IN FAVOR OF UNITED CITY OF YORKVILLE OVER, UNDER, UPON, ACROSS AND ALONG THE LAND FOR THE PURPOSE OF SANITARY SEWER CONSTRUCTION AND MAINTENANCE RECORDED ON AUGUST 1, 2023 AS DOCUMENT NUMBER 202300008487

RESPONSE: AS SHOWN HEREON. REMOVED TEMPORARY CONSTRUCTION PER DOCUMENT NO. 202400005217.

16 AN ORDINANCE APPROVING A SPECIAL USE FOR A SOLAR FARM WITH FREESTANDING SOLAR ENERGY SYSTEMS, ORDINANCE NO. 2024-21, DATED MAY 14, 2024 AND RECORDED MAY 24, 2024 AS DOCUMENT 202400005767.

RESPONSE: LEGAL DESCRIPTION WITHIN DOCUMENT MATCHES SURVEYED LEGAL DESCRIPTION.

17 AN ORDINANCE AMENDING CERTAIN TERRITORY GENERALLY LOCATED IMMEDIATELY NORTH OF CORNELIS ROAD, EAST OF BEECHER ROAD, AND WEST OF IL STATE ROUTE 47, ORDINANCE NO. 2024-20, DATED MAY 14, 2024 AND RECORDED MAY 24, 2024 AS DOCUMENT 202400005768

RESPONSE: LEGAL DESCRIPTION WITHIN DOCUMENT MATCHES SURVEYED LEGAL DESCRIPTION.

18 AN ORDINANCE APPROVING THE REZONING TO THE A-1 AGRICULTURAL ZONING DISTRICT OF CERTAIN TERRITORY GENERALLY LOCATED IMMEDIATELY NORTH OF CORNELIS ROAD, EAST OF BEECHER ROAD, AND WEST OF IL STATE ROUTE 47, ORDINANCE NO. 2024-22, DATED MAY 14, 2024 AND RECORDED MAY 24, 2024 AS DOCUMENT 202400005769

RESPONSE: LEGAL DESCRIPTION WITHIN DOCUMENT MATCHES SURVEYED LEGAL DESCRIPTION.

19 MORTGAGE DATED OCTOBER 12, 2021 AND RECORDED OCTOBER 20, 2021 AS DOCUMENT 202100027288 MADE BY GARY BENNETT ALSO KNOWN AS GARY L BENNETT AND BETTY BENNETT ALSO KNOWN AS BETTY S BENNETT, MARRIED TO EACH OTHER TO COMPEER FINANCIAL, FLCA TO SECURE A NOTE IN THE AMOUNT OF $1,920,000.00

RESPONSE: NO SURVEY COMMENT

20 NONDISTURBANCE AND ATTORNMENT AGREEMENT DATED AUGUST 16, 2023 AND RECORDED JUNE 7, 2024 AS DOCUMENT 202400006067, MADE BY COMPEER FINANCIAL FLCA FOR THE BENEFIT OF CORNELIS ROAD SOLAR, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

RESPONSE: NO SURVEY COMMENT

21 RIGHTS OF THE PUBLIC, THE MUNICIPALITY AND THE STATE OF ILLINOIS IN AND TO THAT PART OF THE LAND TAKEN OR USED FOR ROADS AND HIGHWAYS, IF ANY.

RESPONSE: RIGHT OF WAY SHOWN HEREON

22 RIGHTS OF WAY FOR DRAINAGE TILES, DRAINAGE DITCHES, FEEDERS AND LATERALS AND ANY OTHER DRAINAGE FACILITIES OR EASEMENTS, IF ANY.

RESPONSE: DRAINAGE TILES AND DITCHES SHOWN HEREON

23 RIGHTS OF THE OWNERS OF THE LAND BORDERING ON THE STREAM TO THE UNINTERRUPTED FLOW OF WATER

RESPONSE: NO SURVEY COMMENT

24 RIGHTS OF TENANTS UNDER EXISTING UNRECORDED LEASES AND OF ALL PARTIES CLAIMING BY, THROUGH OR UNDER THEM

RESPONSE: NO SURVEY COMMENT

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
(R)	RECORD
(M)	MEASURED
DOC	DOCUMENT
⊕	EXISTING SECTION CORNER
○	FOUND SURVEY MONUMENT
●	SURVEY MONUMENT TO BE SET
☎	EXISTING TELEPHONE RISER
Ⓢ	EXISTING SANITARY MANHOLE
	EXISTING CULVERT
	EXISTING UTILITY POLE
	EXISTING GUY WIRE
	EXISTING SIGN
	EXISTING MAILBOX
	EXISTING UNDERGROUND ELECTRIC MARKER
	EXISTING FENCE POST
	EXISTING UNDERGROUND CABLE MARKER
	SAME OWNERSHIP
	EXISTING DROP LINE
	VEGETATION LINE
	EXISTING EDGE OF WATER
	EXISTING EDGE OF GRAVEL
	EXISTING GUARD RAIL
	UNDERGROUND TELEPHONE LINE
	BYLINDARY LINE
	BOUNDARY ADJACENT / ROW LINE
	SECTION LINE
	EASEMENT LINE
	UNDERGROUND STORM LINE
	UNDERGROUND FIELD TILE
	BUILDING SET BACK LINE
	EXISTING FIELD DRAINAGE
	OVERHEAD ELECTRIC LINE
	EXISTING FENCE
	EXISTING TOP/BOTTOM OF BANK
	EXISTING BUILDING
	EXISTING GRAVEL
	EXISTING ASPHALT

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OF ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR ATWELL, LLC IS EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY INJURY OR DAMAGE TO PERSONS OR PROPERTY OCCURRING

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ATWELL
(630) 562-4200 www.atwell-group.com
2500 S. HIGHLAND AVE., SUITE 200
LOMBARD, IL 60148

SECTION 8 | TOWN 37 NORTH | RANGE 7 EAST | BRISTOL TOWNSHIP | KENDALL COUNTY, ILLINOIS

CLIENT: NEXAMP SOLAR, LLC

ALTA/NSPS LAND TITLE SURVEY

CORNELIS ROAD SOLAR
KENDALL COUNTY, IL

DATE: 12/8/2023

REVISIONS

SCALE: 0 37.5 75 — 1" = 75 FEET

DR: JT | CH: BDE

P.M.: B. ELSBREE

BOOK: 298

JOB: 23003931

SHEET NO.: 3 OF 3

CAD FILE: 23003931-ALTA-07.DWG

LAW OFFICES
OF
Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

KELLY A. HELLAND
D.J. KRAMER

August 15, 2024

Krysti Barksdale-Noble
Director of Community Development
Via E-mail and Hand Delivery: knoble@yorkville.il.us

Sarah Mendez
City Planner
smendez@yorkville.il.us

Re: Beecher Road Solar, LLC/Gary Bennett and Betty Bennett Owners Special Use and Variance Applications

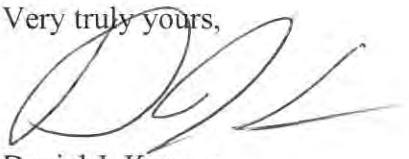
Dear Krysti and Sarah

Enclosed please find the Application for Special Use and Application for Variance along with the following items:

1. Application for Variance executed by Owners and Petitioner
2. Application for Special Use executed by Owners and Petitioner
3. $21,035.00 check for Annexation and Special Use Fee
4. List of Adjoining Owners within 500 feet
5. Tax Print out showing property ownership
6. Cover letter detailing the project narrative/system design summary
7. Special Use Permit Plan Set
8. Electrical Diagram
9. Manufacturer's Specifications
10. Glare Analysis
11. Interconnection Agreement
12. Decommissioning Plan
13. Plat of Survey
14. Legal Description
15. Aerial Map
16. Vegetation Management Plan for Solar Site Utilizing Native Vegetation

Please review the same and if you have any questions or concerns please feel free to contact me. Please let me know the schedule of meetings.

Very truly yours,



Daniel J. Kramer
Attorney at Law

DJK/cth
Enclosures



nexamp

Beecher Road Solar, LLC

08/07/2024

- Parcels
- Forested Wetland
- Non-Forested Wetland
- Salt Marsh
- Water

This map was created using Lataputt | www.lataputt.com | Bigger Data Faster Maps Stronger Decisions

ATWELL

BEECHER ROAD SOLAR, LLC
JULY 25, 2024
02-08-300-008, 02-08-300-012, 02-08-300-011
ILLINOIS DESIGN FIRM #184-005876

LEGAL DESCRIPTION PER NEAR NORTH TITLE GROUP AS ISSUING AGENT FOR CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. IL1808635--166, COMMITMENT DATE: SEPTEMBER 6, 2022 AT 7:00 A.M.

PARCEL 1:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00”09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.42 FEET; THENCE NORTH 88°28'22" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 00”46'58" WEST, 200.71 FEET FOR A POINT OF BECINNING; THENCE NORTH 00”52'50" WEST 1,057.46 FEET; THENCE NORTH 88°42'24" EAST, 857.86 FEET; THENCE NORTH 00”00'30" WEST, 375.0 FEET; THENCE NORTH 52”02'07" EAST, 315.0 FEET, THENCE NORTH 00”02'07" EAST, 800.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 88"30'33" EAST, ALONG SAID NORTH LINE, 1,306.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 00"04'03' EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,609.56 FEET TO A POINT WHICH IS 1,044.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 59”25'57" WEST, 694.32 FEET; THENCE SOUTH 81”55'57" WEST, 349.80 FEET; THENCE SOUTH 51”55'57” WEST 280.50 FEET; THENCE SOUTH 39°55'57' WEST, 153.78 FEET; THENCE SOUTH 86”06'25" WEST, 38.0 FEET THENCE SOUTH 33”09'12' WEST, 343.0 FEET; THENCE SOUTH 16”38'23" WEST 379.0 FEET TO THE CENTER LINE OF CORNEILS ROAD: THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE 596.0 FEET TO A LINE DRAWN SOUTH 00”21'50" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00”21'50" WEST ALONG SAID PARALLEL LINE, 194.89 FEET TO SAID SOUTH LINE; THENCE NORTH 00°09'48" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 236.13 FEET TO A LINE DRAWN NORTH 89”02'55" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°02'55" WEST, 206.29 FEET TO A POINT OF BEGINNINC; EXCEPT THAT PART THEREOF LYING EASTERLY OF THE FOLLOMNC DESCRIBED LINE: COMMENCING AT THE SOUTHERNMOST SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE OF CORNEILS ROAD, 67.47 FEET FOR A POINT OF BEGINNING; THENCE NORTH 16”38'2S" EAST, 402.58 FEET; THENCE NORTH 33”09'12" EAST, 449.42 FEET; THENCE NORTH 52° EAST, 398.62 FEET; THENCE NORTH 11”27'20" EAST, 559.64 FEET; THENCE NORTH 00”02'07" EAST, 634.19 FEET; THENCE NORTH 89”57'53" WEST, 430.60 FEET TO A WESTERLY LINE OF SAID TRACT; THENCE NORTH 00”02'07” EAST ALONG SAID WESTERLY LINE 725.68 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS;

PARCEL 2:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.42 FEET; THENCE NORTH 88”28'22" EAST PARALLEL \MTH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 00°46'58" WEST, 200.71 FEET FOR A POINT OF BEGINNINC; THENCE NORTH 00”52'50" WEST 1,057.46 FEET; THENCE NORTH 88”42'24" EAST, 857.86 FEET; THENCE NORTH 00°00'30" WEST, 375.0 FEET; THENCE NORTH 52°02'07" EAST, 315.0 FEET, THENCE NORTH 00”02'07" EAST, 800.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 88”30'3S" EAST, ALONG SAID NORTH LINE, 1,306.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 00°04'03' EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,609.56 FEET TO A POINT WHICH IS 1,044.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 59”25'57" WEST, 694.32 FEET; THENCE SOUTH 81”55'57" WEST, 349.80 FEET; THENCE SOUTH 51”55'57" WEST

ATWELL

280.50 FEET; THENCE SOUTH 39°55'57" WEST, 153.78 FEET; THENCE SOUTH 86"06'25" WEST, 38.0 FEET; THENCE SOUTH 33"09'12" WEST, 343.0 FEET; THENCE SOUTH 16"38'23" WEST 379.0 FEET TO THE CENTER LINE OF CORNEILS ROAD; THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE 596.0 FEET TO A LINE DRAWN SOUTH 00"21'50' EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00"21'50" WEST, ALONG SAID PARALLEL LINE, 194.89 FEET TO SAID SOUTH LINE; THENCE NORTH 00"09'48" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 236.13 FEET TO A LINE DRAWN NORTH 89"02'55" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89"02'55" WEST, 206.29 FEET TO A POINT OF BEGINNING; EXCEPT THAT PART THEREOF LYING WESTERLY OF THE FOLLOMNC DESCRIBED LINE: COMMENCING AT THE SOUTHERNMOST SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE OF CORNEILS ROAD, 67.47 FEET FOR A POINT OF BEGINNING; THENCE NORTH 16°38'23" EAST, 402.58 FEET; THENCE NORTH 33"09 12" EAST, 449.42 FEET; THENCE NORTH 52"00'00" EAST, 398.62 FEET; THENCE NORTH 11"27'20" EAST, 559.64 FEET; THENCE NORTH 00°02'07" EAST, 634.19 FEET; THENCE NORTH 89"57'53" WEST, 430.60 FEET TO A WESTERLY LINE OF SAID TRACT; THENCE NORTH 00°02'07" EAST ALONG SAID WESTERLY LINE 725.68 FEET TO THE NORTH LINE OF SAID SOUTH WEST 1/4 FOR THE TERMINUS OF SAID LINE, AND EXCEPT THAT PART THEREOF LYINC SOUTHERLY OF THE SOUTHERLY LINE OF THE NORTHERLY 812.20 FEET, MEASURED ALONG THE EASTERLY LINE, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS;

PARCEL 3:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.42 FEET; THENCE NORTH 88"26'22" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTH WEST 1/4, 272.66 FEET;THENCE NORTH 00°46'58" WEST, 200.71 FEET FOR A POINT OF BEGINNING; THENCE NORTH 00"52'50" WEST 1,057.46 FEET; THENCE NORTH 88"42'24" EAST, 857.86 FEET; THENCE NORTH 00"00'30" WEST, S75.0 FEET; THENCE NORTH 52"02'07" EAST, 315.0 FEET, THENCE NORTH 00"02'07" EAST, 800.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 88"30'33" EAST, ALONG SAID NORTH LINE, 1,306.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 00°04'03" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,609.56 FEET TO A POINT WHICH IS 1,044.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 59°25'57" WEST, 694.32 FEET; THENCE SOUTH 81°55'57" WEST, 349.80 FEET; THENCE SOUTH 51"55'57" WEST 280.50 FEET; THENCE SOUTH 39"55'57" WEST, 153.78 FEET; THENCE SOUTH 86°06'25" WEST, 38.0 FEET; THENCE SOUTH 33"09'12" WEST, 343.0 FEET; THENCE SOUTH 16"38'23" WEST 379.0 FEET TO THE CENTER LINE OF CORNEILS

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TO A POINT OF BEGINNING; EXCEPT THAT PART THEREOF LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHERNMOST SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 85"20 25' WEST ALONG SAID CENTER LINE OF CORNEILS ROAD, 67.47 FEET FOR A POINT OF BEGINNING; THENCE NORTH 16"38'23" EAST, 402.58 FEET; THENCE NORTH 33"09'12" EAST, 449.42 FEET; THENCE NORTH 52"00'00" EAST, 398.62 FEET; THENCE NORTH 11°27'20" EAST, 559.64 FEET; THENCE NORTH 00"02'07" EAST, 634.19 FEET; THENCE NORTH 89"57'53" WEST, 430.60 FEET TO A WESTERLY LINE OF SAID TRACT; THENCE NORTH 00"02'07" EAST ALONG SAID WESTERLY LINE 725.68 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4, AND EXCEPT THAT PART THEREOF LYINC NORTHERLY OF THE SOUTHERLY LINE OF THE NORTHERLY 812.20 FEET, MEASURED ALONG THE EASTERLY LINE, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

LEGEND

- BOUNDARY LINE
- BOUNDARY INTERNAL/ADJACENT LINE
- PROPOSED FENCE LINE
- PROPOSED OCCUPANCY AREA – PARCEL 1
- PROPOSED OCCUPANCY AREA – PARCEL 2
- PROPOSED OCCUPANCY AREA – PARCEL 3
- AGRICULTURAL AREA

SITE DATA

TOTAL PARCEL AREA	94.30 ACRES
CORNEILS FENCE AREA	31.48 ACRES
BEECHER FENCE AREA	20.34 ACRES
TOTAL SOLAR OCCUPANCY*	54.9%

*CALCULATION = 51.82 ACRES/94.30 ACRES = 54.9%

PARCEL 1: 02-08-300-008

PARCEL 1 AREA	47.15 ACRES
BEECHER OCCUPANCY	16.22 ACRES
CORNEILS OCCUPANCY	5.72 ACRES

PARCEL 2: 02-08-300-011

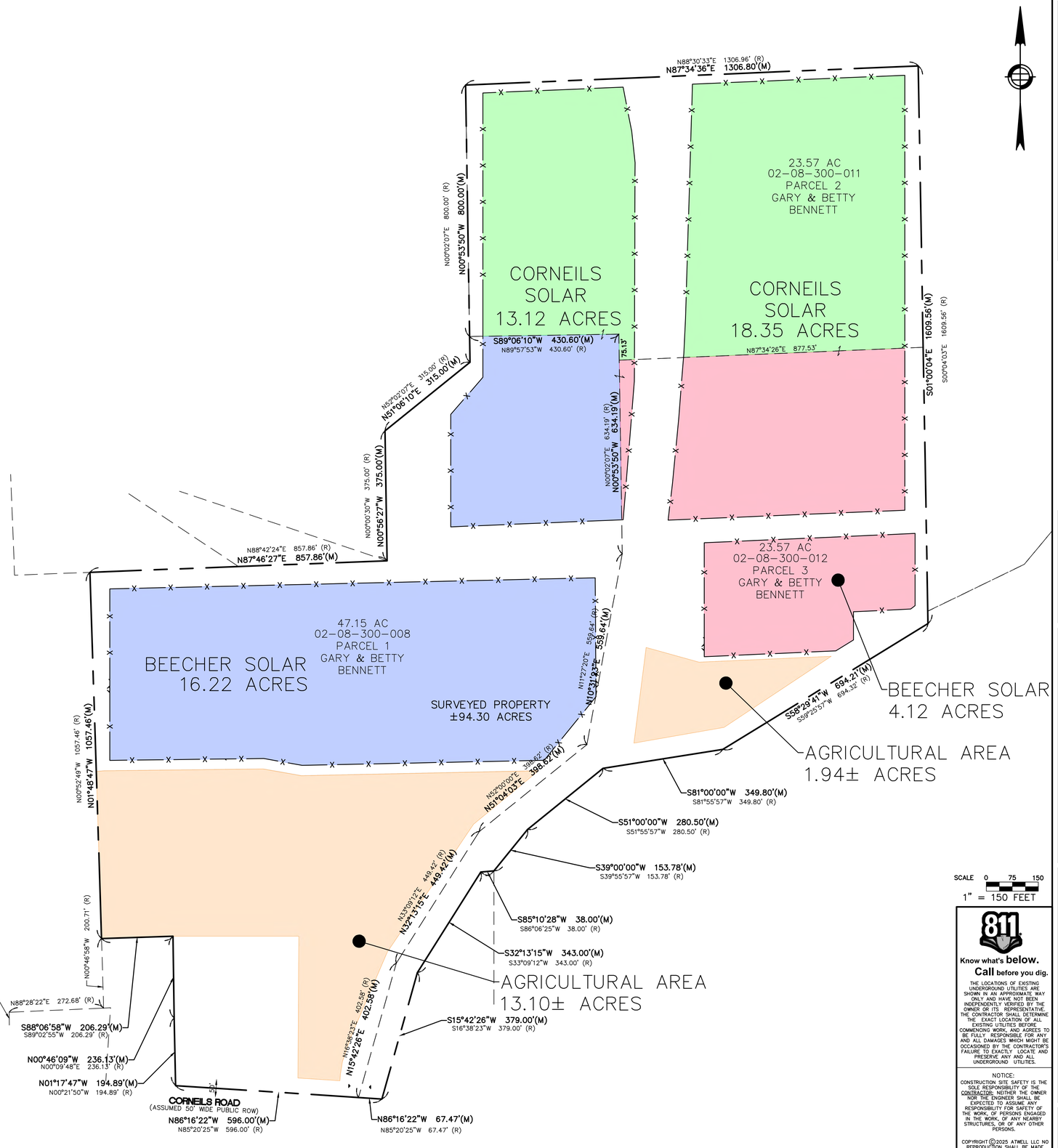
PARCEL 2 AREA	23.57 ACRES
BEECHER OCCUPANCY	0.0 ACRES
CORNEILS OCCUPANCY	18.41 ACRES

PARCEL 3: 02-08-300-012

PARCEL 3 AREA	23.57 ACRES
BEECHER OCCUPANCY	4.12 ACRES
CORNEILS OCCUPANCY	7.35 ACRES

AGRICULTURAL AREAS:

AGRICULTURAL AREA	15.04± ACRES (15.9%)



SCALE 0 75 150
1" = 150 FEET

811 Know what's **below.** **Call** before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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ATWELL
866.850.4200 www.atwell-group.com
1250 EAST DIEHL ROAD, SUITE 300
NAPERVILLE, IL 60563
DESIGN FIRM #184-005878

Rev	Issued For	Date
A	CLIENT REVIEW SET	06/26/24
B	CLIENT REVIEW SET	8/12/24
C	CLIENT REVIEW SET	9/13/24
D	REV PER CITY OF YORKVILLE COMMENTS	10/30/24
E	LANDSCAPE REV PER CITY	2/4/25
F	REV PER CLIENT	2/14/25

P.E. seal/Consultant:

Project:
BEECHER ROAD SOLAR, LLC
SPECIAL USE APPLICATION PLANS
10791 CORNEILS ROAD
UNITED CITY OF YORKVILLE,
KENDALL COUNTY, IL

Drawing Title:
PARCEL OCCUPANCY EXHIBIT

Drawn by: LEH | Scale: As Noted | Approved by: MBK

Dwg No: EX-01 | Size: ARCH D | Sheet Rev: F

CAD FILE: 240031B3EX001 OCCUPANCY EXHIBIT 2025-02-14.DWG

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Beecher Road Solar, LLC - O&M Services Plan

Beecher Road Solar, LLC, a wholly-owned subsidiary of Nexamp, Inc., as the developer and construction manager of an approximately 4.99-megawatt (AC) solar PV array on property owned by Gary L. Bennett and Betty S. Bennett at 10791 Corneils Road, Yorkville, Illinois is pleased to provide this Operation and Maintenance (O&M) services plan.

Nexamp Asset Management Services, Inc. (NAMS) is a full service photovoltaic Operations and Maintenance company, servicing more than 800 MW DC as of 2024. Beecher Road Solar, LLC intends to contract with NAMS in order to provide O&M services for the project for the first ten years of the system operation. At that time, Beecher Road Solar, LLC will revisit that contract and intends to renew the term.

Attached to this Services Plan is a typical scope of work for an O&M provider for a large-scale solar PV array. NAMS has used this scope of work as the basis for its services for infrastructure that it currently maintains. In the following template, “Contractor” represents NAMS and “Owner” represents the project owner, Beecher Road Solar, LLC.

The primary services under the scope of an O&M agreement include:

- Annual array maintenance inspections, remote monitoring and operation, unscheduled maintenance (fault detection and repair), and scheduled equipment replacement.
- On-site services typically require one or two pick-up trucks and two to four licensed technicians.
- Technicians perform work with hand tools and battery-operated power tools and rarely require generators or any motorized or heavy equipment.
- The array is designed to facilitate major equipment replacement using truck mounted boom lift every 10-15 years.
- Nexamp Solar, LLC will develop the site using a pile driven or screw mounting system for the array.

Maintenance Activities:

- Mowing operations are typically conducted zero to four times per season, depending on the weather conditions and resultant growth. Animal grazing is considered an alternative to mowing and may be employed at this site.
- If pollinator vegetation is installed at this site, the vegetation may be maintained up to 36 inches in height. During the establishment period (first 3 to 5 years following installation) mowing may be required more frequently. Once the pollinators are established mowing may occur as few as zero to one time per year.

- The entire Site is inspected for any erosion upon each site visit and maintenance activity, a minimum of two times per year. Any erosion to roads, embankments, drainage structures/basins, ground cover, etc. is repaired using similar methods to the initial install, with like equipment and materials. Potentially, additional erosion control blankets, jute netting, etc. will be added to protect the maintenance improvement.
- Depending on the array location and surrounding vegetation, an arborist with boom truck will thin shading tree growth and limbs adjacent to power lines.
- In the event that weed control is required, NAMS uses only non-persistent solutions previously approved for use by DEP and many municipalities for use in regulated and protected areas. The frequency of this activity is typically once annually, if at all. Work is typically performed by licensed applicators using trailer born and backpack spraying apparatus.
- Beecher Road Solar, LLC does not anticipate conducting module washing at this site. In the event that modules are washed, cleaning solution consists of 100% filtered water. Work is typically performed by two to four technicians using backpacks and scrubbing wands.
- Some snow removal may be required to allow site access during winter months, however no snow removal operations will be performed within the array areas. Snow clearing from modules may be completed depending on the amount and type of snow, two to four times per winter, to facilitate production. Snow clearing is completed manually by three to six laborers using hand held brooms and squeegees.
- Inspection of the storm water management facilities will occur at each site inspection, no less than biannually, with maintenance provided to restore the facilities to their original condition.

Scope of Work – O&M Services Contract

Nexamp Asset Management Services (the "Contractor") will provide O&M services for the proposed 4.99-Megawatt (AC) solar photovoltaic system located on property owned by Gary L. Bennett and Betty S. Bennett at 10791 Corneils Road, Yorkville, Illinois (the "Facility"). The services to be provided will include the operation, repair, monitoring and maintenance services listed below.

FACILITY OPERATIONS

The Facility will be remotely operated in conformity to the operating specifications and requirements set forth in the O&M Manual, in compliance with prudent industry practices, in accordance with the terms and conditions of the interconnection agreement between the Owner and the local distribution utility, and in accordance with applicable law.

PERFORMANCE MONITORING AND OPERATIONS REPORTING

During the Service Term, Contractor shall:

- At all times perform basic remote monitoring and operation of the Facility to make sure Facility is fully functional including all necessary remote data collection and record and report all meter data consistent with all Solar Program requirements.

- Provide Owner with web access to basic monitoring data.

- Provide Owner with monthly reporting of performance against predicted power and historical performance beginning two calendar months after the Commercial Operations Date (as defined as "Substantial Completion" in the EPC Agreement) is achieved, including, summaries of energy measured and reported by the Facility's revenue grade meters, a summary of planned maintenance, and a summary of all forced outages and emergency response measures and the steps that were taken to resolve such forced outages and emergency situations.

- Provide copies of all such information no later than thirty (30) calendar days of making or receiving information pertaining to maintenance and/or repair pertaining to the system and/or any portion thereof or the Interconnection.

- Maintain warranty records with all inverter, module, and mounting suppliers.

- Maintain service agreements with DAS suppliers.

Prepare and submit required monthly reports, as the agent of Owner and after obtaining Owner's prior approval, to report all metered data to the Production Tracking Facility (PTS).

SCHEDULED INSPECTION AND MAINTENANCE

- Contractor will perform required maintenance of the Facility in accordance with the written manufacturer requirements for operation and maintenance of the equipment that is part of the Facility (such written instructions are included in the O&M Manual).

- Contractor will provide continuous 24/7 active monitoring of Facility performance and provide a single point of contact for Facility maintenance and repair related issues.

- Contractor will implement the preventive maintenance schedule, if any, for each item of equipment that is part of the Facility, as set forth in the relevant portions of the O&M Manual.

- Contractor will maintain maintenance logs, records and reports documenting the provision of O&M Services hereunder in sufficient detail to allow Owner to verify that the Facility is performing in accordance with the Project Warranty and the performance requirements for the Facility. Contractor shall maintain current revisions of the drawings, specifications, lists, clarifications and other materials relating to the Facility.

- Contractor will complete and submit to Owner in a timely manner maintenance log sheets to document Contractor's provision of Services as required hereby in sufficient detail to allow Owner to verify that the Facility is performing in accordance with the Project Warranty and the performance requirements for the Facility.

- Contractor will regularly maintain the Facility, in accordance with the O&M Manual, and provide annual on-site inspections by completing the following.

    - Visual inspection of all feeder terminations for corrosion.
    - Visual check of all power terminations/connections associated with the system e.g. DC combiner boxes, DC and AC disconnects, surge arrestors, inverters and PV modules and re-torque as necessary.
    - Test of ground continuity and correct any unsafe or abnormal issues.
    - Check of all DC and AC fuses in inverters, combiner boxes, and disconnects.
    - Testing and recording of voltage and amperage of the arrays at the string level.
    - Inspection of combiner boxes, disconnects and inverters with an infrared camera, with the purpose of detecting hotspots, bad connections, etc.
    - Conduct aerial infrared drone inspection to detect module and string issues
    - Checking of the mechanical and structural integrity of the system.

- Cleaning or replacement of inverter air filters where applicable if necessary.
- Checking of inverter housing for dust/water ingress.
- Checking and replacement of any unserviceable system labeling as necessary.
- Visual inspection of weather stations and calibration verification against monitored data.
- Checking of modules for excessive dirt and debris. Cleaning is excluded.
- Providing written documentation to include summary report of findings including actions taken and recommendations for additional maintenance or repairs, etc.

FAULT DETECTION AND DISPATCH

- Contractor shall respond to all alarms, alerts and service requests pertaining to the system within 24 hours of such alarm, alert and/or service request, as personnel safety and weather conditions permit.

- Contractor shall monitor and respond to forced outages and performance trends. Contractor and Owner shall notify the other as soon as practically possible, but in no event later than twenty-four (24) hours following their discovery, of "**Forced Outage**", which is defined as: (a) any material malfunction in the operation of the Facility and/or (b) any interruption in the delivery of energy to the Facility's revenue grade meters. Contractor shall apply safe industry best practices to fully resolve any Forced Outage as quickly as possible. To the extent the correction of the Forced Outage requires either O&M Services or Warranty Services, Contractor shall initiate the O&M Services or Warranty Services needed to return the Facility to service within 24 hours of such notice, and where applicable, as manufacturer service capabilities permit. Contractor shall provide Owner with an estimate of the time necessary to return the Facility to fully operational service. Contractor agrees to notify the Owner as soon as practicable when the Facility returns to service, but in no event later than twenty-four (24) hours following the Facility's return to service.

- Emergency. Contractor and Owner agree to notify the other upon the discovery of an Emergency condition pertaining to the Facility. If Contractor is notified of an Emergency condition by Owner or otherwise learns of an Emergency condition, Contractor agrees to promptly dispatch appropriate personnel to address such Emergency as quickly as possible in accordance with industry best practices, and as personnel safety permits. Contractor maintains the right to disconnect the Facility and/or to otherwise isolate the Facility from the electric distribution system servicing Owner's and Owner's property as a result of any Emergency condition pertaining to the Facility as determined at the Contractor's discretion; provided, however, that the Contractor shall be responsible for any adverse consequences caused by such exercise of discretion if the exercise is negligent or represents a breach hereof.

nexamp

August 16, 2024

Krysti Barksdale-Noble, Community Development Director
United City of Yorkville
651 Prairie Pointe Drive
Yorkville, IL 60560

Re: SUP Application – Beecher Road Solar, LLC
Proposed 4.99-MW(AC) Commercial Solar Collector System

Applicant: Beecher Road Solar, LLC.
Project Location: 10791 Corneils Road, Yorkville, IL 60545

Dear Members of the Planning and Zoning Board, and County Board:

On behalf of Beecher Road Solar, LLC., please find enclosed and below is our:

- Project narrative and with project details
- Special Use Permit Application:
  - Special Use Permit Application
  - Special Use Permit Plan Set
  - Electrical Diagram
  - Manufacturer's Specifications
  - Glare Analysis
  - Interconnection Agreement
  - Decommissioning Plan
  - Plat of Survey
  - Legal Description
  - Aerial Map
- Application Fee

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Project Narrative:

Beecher Road Solar, LLC is requesting approval of a Special Use Permit to allow for development and operation of a 4.99 (AC) ground-mounted distributed generation solar garden facility on the approximately 70-acre subject property (PINS: 02-08-300-008, 02-08-300-012). The project intends develop approximately 30 acres of the overall parcel. The arrays would be installed over existing farmland and enclosed with a fenced area for safety and security measures.

Nexamp Background:

In 2007, U.S. Army veterans Will Thompson and Dan Leary realized a vision for making a range of renewable energy options more affordable and accessible to homeowners and businesses throughout the Commonwealth of Massachusetts. The pair launched NexGen Energy Solutions, a turnkey provider of renewable energy and carbon solutions, in their hometown of North Andover, Massachusetts. NexGen became Nexamp later in 2007.

During the early years, Nexamp delivered a variety of energy systems for residential, commercial, municipal and agricultural customers. Energy solutions offered included solar PV, solar thermal, micro-wind, geothermal heating and cooling, and a wide array of energy efficiency services. In 2011, the company began shifting its focus fully toward commercial and industrial solar facilities, working with businesses and municipalities that wanted to offset their traditional utility energy power using on-site renewable solar generation.

2015 marked Nexamp's first Community Solar project and the beginning of a new chapter for the company. Leveraging its integrated approach of developing, building, owning and operating solar plants, Nexamp turned its focus to community solar, and alongside that the mission of making the benefits of solar power available to everyone—homeowners, renters, non-profits, small businesses, farms and more. Nexamp was named NECEC Clean Energy Company of the Year in 2015 and a Solar Power World Top 3 Commercial Solar Developer in 2017.

In 2016, Mitsubishi's Diamond Generating Corporation made a significant investment in Nexamp, and in 2018 the group made an additional investment that gave it a controlling interest. Nexamp secured an additional round of investment in 2021, this time with Generate Capital, a leading clean energy private equity firm. Serving a rapidly expanding network of individuals, property owners, businesses and communities that benefit from its nationally distributed portfolio of solar assets, Nexamp is a Massachusetts-based, nationally headquartered solar company that is laying the groundwork for a cleaner, more secure and resilient energy future.

nexamp

Nexamp entered the Illinois market in 2018, and has since become a market leader, with a large share of the currently operating community solar projects in the state.

Project Details:

In your review of this Special Use Permit request, we ask that staff, the Planning and Zoning Board, and City Council consider the following:

I. Project components:

- Solar modules (i.e. panels) are mounted on racking that slowly rotate and track the sun; there are approximately 11,616 modules proposed to be installed;
- At full tilt, the height of the solar array will be more than 20 feet in height;
- The solar modules are treated with anti-reflective coating to minimize glare;
- The racking is mounted to metal piles. Concrete foundations are not anticipated;
- The system will be remotely monitored, meaning there will be little traffic generated;
- Electrical cables will be installed underground for the entire project with exception of a series of poles necessary to interconnect with ComEd along Corneils Road;
- Perimeter security fencing up to 8 ft. height;
- Location of proposed structures is in compliance with City setback requirements;
- Existing drainage patterns will be maintained throughout the site to the maximum extent possible;
- Limited area of gravel driveway for site access and maintenance;
- The inverter and transformer will be located within the fence-on a concrete equipment pad;
- Disturbed areas will be re-vegetated with a pollinator friendly seed mix;

II. Construction:

- Estimated approximately 20 to 30 jobs will be created during construction;
- Most jobs will be local but some may be brought in if the skill set required is not available;
- Typical jobs created include construction jobs - i.e. equipment operators, electricians, fence installers, laborers and construction managers;

III. Development Schedule:

- Anticipated construction start is Spring of 2026, depending on a number of factors;
- Duration of construction is typically +/- 6 months;

nexamp

IV. Traffic:

- Construction traffic will typically be standard semi-tractor trailers – oversized loads are not anticipated;
- At the start of construction there may be a half dozen deliveries a day and will then taper off to 1 to 2 delivery trucks per day;
- There will be proximately 30 – 40 employees at a time during construction;

V. Maintenance:

- There are typically several site visits per year to maintain the system;
- No employees will be permanently located on-site;
- The site will be remotely monitored;
- Typically, Nexamp relies on rainfall to clean the panel surfaces. As such, it is not anticipated chemicals for cleaning the solar panels will be used, stored or disposed of on this site;
- Typically, any snowfall will slide off the panels. Therefore, we do not anticipate any snow removal unless necessary.

On behalf of Beecher Road Solar, LLC we thank you in advance for your consideration of our request for approval. We look forward to review of our submittal at the next Community Development meeting and Planning & Zoning Commission meetings. In the interim, please contact us with any questions regarding our submittal or if any additional information is required.

Sincerely,

Matt Kwiatkowski
Business Development Manager
P: 317-760-3190
E: MKwiatkowski@nexamp.com

PATRICIA A BAKALA
10711 CORNEILS RD
PLANO IL 60545

JOHN MEYER
90 SHORE DR
OGDEN DUNES IN 463681007

MCARTHUR JOAN TR MCARTHUR JAMES B VIRGINIA TR
10417 CORNEIL RD
PLANO IL 60545

VAN THOMPSON CHARLES WALLIS LARRY A
55 LANE 140B LAKE GEORGE
FREMONT IN 46737

JOHN MEYER
90 SHORE DR
OGDEN DUNES IN 463681007

GARY BETTY BENNETT
10791 CORNEILS RD
PLANO IL 60545

JOHN MEYER
90 SHORE DR
OGDEN DUNES IN 463681007

VAN THOMPSON CHARLES WALLIS LARRY A
55 LANE 140 B LAKE GEORGE
FREMONT IN 46737

ROSENWINKEL FAMILY TRUST ET AL
JOHN ROSENWINKEL
10735 CHICAGO RD
WATERMAN IL 60556

LORIE P TESKA
1 ROYAL OAKS CT
BRISTOL IL 60512

ROSENWINKEL FAMILY TRUST ET AL 501
JOHN ROSENWINKEL
10735 CHICAGO RD
WATERMAN IL 60556

PATRICIA A BAKALA
10711 CORNEILS RD
PLANO IL 60545

CHARLES R JULIE E BENNETT
10907 CORNEILS RD
PLANO IL 60545

LARRY WALLIS NELSON LAND COMPANY
55 LANE 140 B
LAKE GEORGE
FREMONT IN 46737

CHARLES R JULIE E BENNETT
10907 CORNEILS RD
PLANO IL 60545

GARY L BETTY S BENNETT
10791 CORNIELS RD
PLANO IL 60545

GARY BETTY BENNETT
10791 CORNEILS RD
PLANO IL 60545

ROSENWINKEL FAMILY TRUST ET AL 501
JOHN ROSENWINKEL
10735 CHICAGO RD
WATERMAN IL 60556

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10791 CORNIELS RD
PLANO IL 60545

MCARTHUR JOAN TR MCARTHUR JAMES B VIRGINIA TR
10417 CORNEIL RD
PLANO IL 60545

JOHN MEYER
90 SHORE DR
OGDEN DUNES IN 463681007

CHICAGO WB INVESTORS LLC
c/o SAM ZABALA
315 FLATBUSH AVE 302
BROOKLYN NY 11217

GARY BETTY BENNETT
10791 CORNEILS RD
PLANO IL 60545

JOHN MEYER
90 SHORE DR
OGDEN DUNES IN 463681007

SCOTT BRUMMEL BRUMMEL REALTY TEQUILA SUNRISE ENTERPRISES LLC
1107 S BRIDGE ST STE D
YORKVILLE IL 60560

GARY BETTY BENNETT
10791 CORNEILS RD
PLANO IL 60545

PATRICIA A BAKALA
10711 CORNEILS RD
PLANO IL 60545

LARRY WALLIS NELSON LAND COMPANY
55 LANE 140 B
LAKE GEORGE
FREMONT IN 46737

Property Information

Parcel Number
02-08-300-008

Tax Year
2023 (Payable 2024)

Sale Status
None

Property Class
0011 - HOMESITE-DWELLING

Net Taxable Value
169,338

Township
Bristol Township

Tract Number

Legal Description
SEC.17-37-7 DOC.87-1552

Site Address
10791 CORNEILS RD
PLANO, IL 60545

Neighborhood Code

Tax Code
BR001 -

Tax Rate
8.202910

Acres
47.1859

Lot Size

Owner Name & Address
BENNETT, GARY & BETTY
10791 CORNEILS RD
PLANO, IL, 60545

Land Use

Tax Status
Taxable

Total Tax
$14,126.40

Mailing Address

TIF Base Value
0

Assessments

Level	Homesite	Dwelling	Farm Land	Farm Building	Mineral	Total
DOR Equalized	13,000	137,788	21,550	8,000	0	180,338
Department of Revenue	13,000	137,788	21,550	8,000	0	180,338
Board of Review Equalized	13,000	137,788	21,550	8,000	0	180,338
Board of Review	13,000	137,788	21,550	8,000	0	180,338
S of A Equalized	13,000	137,788	21,550	8,000	0	180,338
Supervisor of Assessments	13,000	137,788	21,550	8,000	0	180,338
Township Assessor	13,000	137,788	21,550	8,000	0	180,338
Prior Year Equalized	13,000	137,788	21,550	8,000	0	180,338

Billing

	1st Installment (Due 06/11/2024)	2nd Installment (Due 09/11/2024)	Totals
Tax Billed	$6,945.32	$6,945.32	$13,890.64
Penalty Billed	$0.00	$0.00	$0.00
Cost Billed	$0.00	$0.00	$0.00
Fees/Liens/SSA Billed	$117.88	$117.88	$235.76
Total Billed	$7,063.20	$7,063.20	$14,126.40
Amount Paid	$7,063.20	$0.00	$7,063.20
Total Unpaid	**$0.00**	**$7,063.20**	**$7,063.20**
Paid By	**BENNETT, GARY & BETTY**		
Date Paid	**6/11/2024**		

No Forfeiture Information

Exemptions

Exemption Type	Requested Date	Granted Date	Renewal Date	Prorate Date	Requested Amount	Granted Amount
Owner Occupied	3/30/2010	3/30/2010	2/16/2023		6,000	6,000
Senior Citizen	2/24/2015	2/24/2015	2/16/2023		5,000	5,000

Farmland

Land Type	Acres	EAV
HOMESITE	1.8586	0
CROPLAND	41.5251	21,310
OTHER FARMLAND	3.4766	240
PUBLIC ROAD	0.3256	0
Totals	**47.1859**	**21,550**

Click to open Farmland Details

No Genealogy Information

Related Names

Parcel Owner BENNETT, GARY & BETTY
10791 CORNEILS RD
PLANO, IL, 60545

Mailing Flags Tax Bill, Change Notice, Delinquent Notice, Exemption Notice

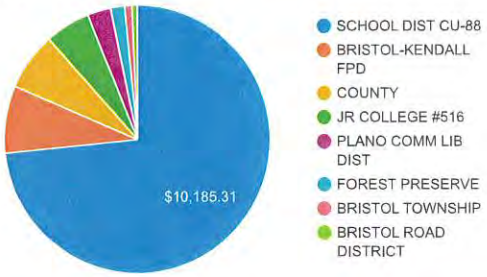
Sales History

Year	Document #	Sale Type	Sale Date	Sold By	Sold To	Gross Price	Personal Property	Net Price
2023	202300008467		10/24/2022	GARY & BETTY BENNET	UNITED CITY OF YORKVILLE	$12,500.00	$0.00	$12,500.00
2023	202300008468		10/24/2022	GARY & BETTY BENNET	UNITED CITY OF YORKVILLE	$12,500.00	$0.00	$12,500.00

No Redemptions

Taxing Bodies

District	Tax Rate	Extension
SCHOOL DIST CU-88	6.014780	$10,185.31
BRISTOL-KENDALL FPD	0.671570	$1,137.22
COUNTY	0.567050	$960.22
JR COLLEGE #516	0.451510	$764.58
PLANO COMM LIB DIST	0.227420	$385.11
FOREST PRESERVE	0.142570	$241.43
BRISTOL TOWNSHIP	0.074290	$125.80
BRISTOL ROAD DISTRICT	0.053720	$90.97
TOTAL	**8.202910**	**$13,890.64**



Property Information

Parcel Number
02-08-300-012

Site Address

Owner Name & Address
BENNETT, GARY L & BETTY S
10791 CORNIELS RD
PLANO, IL, 60545

Tax Year
2023 (Payable 2024)

Sale Status
None

Neighborhood Code

Land Use

Property Class
0021 - FARMLAND

Tax Code
BR001 -

Tax Status
Taxable

Net Taxable Value
12,560

Tax Rate
8.202910

Total Tax
$1,139.80

Township
Bristol Township

Acres
21.9399

Mailing Address

Tract Number

Lot Size

TIF Base Value
0

Legal Description
SEC 8 & 17-37-7 23.58 ACS DOC 89-2491 PT SW SEC 8-37-7 & PT NW SEC 17-37-7 LYG N OF RD

Assessments

Level	Homesite	Dwelling	Farm Land	Farm Building	Mineral	Total
DOR Equalized	0	0	12,560	0	0	12,560
Department of Revenue	0	0	12,560	0	0	12,560
Board of Review Equalized	0	0	12,560	0	0	12,560
Board of Review	0	0	12,560	0	0	12,560
S of A Equalized	0	0	12,560	0	0	12,560
Supervisor of Assessments	0	0	12,560	0	0	12,560
Township Assessor	0	0	12,560	0	0	12,560
Prior Year Equalized	0	0	11,770	0	0	11,770

Billing

	1st Installment (Due 06/11/2024)	2nd Installment (Due 09/11/2024)	Totals
Tax Billed	$515.15	$515.15	$1,030.30
Penalty Billed	$0.00	$0.00	$0.00
Cost Billed	$0.00	$0.00	$0.00
Fees/Liens/SSA Billed	$54.75	$54.75	$109.50
Total Billed	$569.90	$569.90	$1,139.80
Amount Paid	$569.90	$0.00	$569.90
Total Unpaid	**$0.00**	**$569.90**	**$569.90**
Paid By	**BENNETT, GARY L & BETTY S**		
Date Paid	**6/11/2024**		

No Forfeiture Information

No Exemptions

Farmland

Land Type	Acres	EAV
CROPLAND	18.6696	12,330
OTHER FARMLAND	2.3796	190
WASTELAND - CONTRIB	0.8793	40
PUBLIC ROAD	0.0114	0
Totals	**21.9399**	**12,560**

Click to open Farmland Details

No Genealogy Information

Related Names

Parcel Owner BENNETT, GARY L & BETTY S
10791 CORNIELS RD
PLANO, IL, 60545

Mailing Flags Tax Bill, Change Notice, Delinquent Notice, Exemption Notice

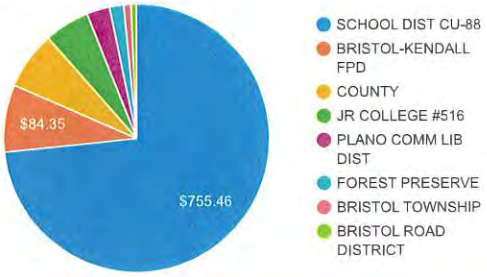
Sales History

Year	Document #	Sale Type	Sale Date	Sold By	Sold To	Gross Price	Personal Property	Net Price
2023	202300008467		10/24/2022	GARY & BETTY BENNET	UNITED CITY OF YORKVILLE	$12,500.00	$0.00	$12,500.00
2023	202300008468		10/24/2022	GARY & BETTY BENNET	UNITED CITY OF YORKVILLE	$12,500.00	$0.00	$12,500.00
2000	2000-3689	Deed	3/1/2000	KRESL, DORCAS A	BENNETT, GARY L & BETTY S	$68,500.00	$0.00	$68,500.00

No Redemptions

Taxing Bodies

District	Tax Rate	Extension
SCHOOL DIST CU-88	6.014780	$755.46
BRISTOL-KENDALL FPD	0.671570	$84.35
COUNTY	0.567050	$71.23
JR COLLEGE #516	0.451510	$56.71
PLANO COMM LIB DIST	0.227420	$28.56
FOREST PRESERVE	0.142570	$17.91
BRISTOL TOWNSHIP	0.074290	$9.33
BRISTOL ROAD DISTRICT	0.053720	$6.75
TOTAL	**8.202910**	**$1,030.30**



ONE COMPANY.
INFINITE SOLUTIONS.

October 31, 2024

Ms. Sara Mendez, Planner I
United City of Yorkville
Community Development
651 Prairie Pointe
Yorkville, IL 60560

RE: PZC 2024-22 Beecher Road Solar, LLC (Expansion) – Solar Farm
Special Use and Variance

Atwell, LLC Project No. 24003183

Ms. Mendez,

Atwell, LLC is in receipt of City of Yorkville's Review Comments from the Planner, EEI's and Hey and Associate's as provided in the Memorandum, dated October 16, 2024, and reviewed in the Plan Council Meeting on October 24, 2024. regarding their review of the submittal made for the proposed Beecher Solar, LLC project at 10791 Cornelis Road, Yorkville Illinois. We have revised the plans according to those comments, and we offer the following responses.

City of Yorkville Planner I (Sara Mendez) Comments:

Comment 1: *The petitioner shall provide staff with a written response of the operations phase of the lease for the proposed solar farm project.*

Response: ***The Operations and Maintenance Plan was submitted to Sara on October 30th but Matt Kwiatkowski via email.***

Comment 2: The solar panels appear to encroach into the required front (south) yard setback. The minimum distance required for the front (south) yard is 1000 feet. The petitioner has filed a variance request to maintain 482 feet from the front (south) setback.

Response: ***This comment has been acknowledged.***

Comment 3: Staff notes the approved Corneils Road Solar project, in addition to the proposed solar farm on parcel number #02-08-300-008, may exceed the allowed 80% occupancy for a solar farm use in the A-1 Agricultural District. Staff requests that the petitioner verify the total acreage occupied by the solar farm use for each parcel (#02-08-300-008, #02-08-300-012, and #02-08-300-011) associated with the approved Corneils Road Solar project.

Response: ***An exhibit detailing out these areas have been provided with this submission. In addition, this computation has been provided on Sheet C-200.***

Comment 4: Staff requests the petitioner provide a viewshed from angles around the solar farm which illustrate how far away the panels will be from the public right-of-way (Corneils Road).

Response: ***This exhibit will be provided for the meeting on November 6th.***

Comment 5: Staff requests the petitioner provide the total linear foot perimeter that the fence will enclose. A Knox box and keys shall be provided to the City's building department and Bristol Kendall Fire District (BKFD).

Response: ***The total linear footage of the perimeter fence is 4,157 feet. This has been added to the site date table on Sheet C-200. A note for the knox-box has been added to the access point on sheet C-200 and to the Chain Link fence detail on sheet C-500.***

Comment 6: In addition to the decommissioning plan narrative, a construction estimate for the life of the lease must be provided with a 3% annual inflation rate which must be reviewed and approved by the City Engineer.

Response: ***A Decommissioning with the 3% annual inflation rate has been provided with this submission.***

Comment 7: Staff notes the acreage for the approved Corneils Road Solar in addition to the proposed solar farm would be greater than the primary agricultural use for parcel #02-08-300-008. Staff requests that the petitioner verify the total acreage occupied by the solar farm use for each parcel (#02-08-300-008, #02-08-300-012, and #02-08-300-011) associated with the approved Corneils Road Solar project.

Response: ***An exhibit detailing out these areas have been provided with this submission. In addition, this computation has been provided on Sheet C-200.***

EEI Review Comments:

Comment 1: *The following permits may be required during final engineering and should be provided to the city when obtained. The City and EEI should be copied on all correspondence with the agencies.*

- *IEPA NPDES General Construction Permit is required. The Notice of Intent must be filed with IEPA 30 days prior to start of construction.*
- *Stormwater permit application in accordance with the Yorkville Storm Water Management Ordinance*
- *IDNR for work in the floodway*

Response: **Acknowledged, the listed permits will be obtained with the Final Engineering Plans.**

Comment 2: *Since the project is a non-residential development on more than 3 acres it must meet the stormwater detention requirements per the Stormwater Ordinance. In addition, solar farms can follow the guidance of the "Detention Requirements for Solar Developments" memo dated 7/10/2024. A stormwater management report should be submitted.*

Response: **Per the threshold outlined in the memo, the proposed project proposes 0.47 acres (20,629 SF) of new impervious area which is below the 32,00 SF threshold for detention. The project "development area" is less than the 45,000 SF threshold as well. Thus, detention is not required.**

Comment 3: *Any impacts to wetlands should be designed in accordance with the United City of Yorkville's Wetland Protection Regulations.*

Response: **Acknowledged, the property will be developed in accordance with the City of Yorkville's Wetland Protection Regulations.**

Comment 4: *A field tile survey will be required.*

Response: **Acknowledged, a drain tile survey will be provided with final engineering permits.**

Comment 5: *A portion of the site is in the floodplain of Rob Roy Creek. The property will have to be developed in accordance with the floodplain provisions of the City's stormwater ordinance.*

Response: **Acknowledged, the property will be developed in accordance with the floodplain provisions of the City's stormwater ordinance.**

Comment 6: *A portion of the site is in the floodway of Rob Roy Creek. Any work in the floodway will require a permit from IDNR. Since solar fields do not fit the conditions of a statewide permit, an individual permit would likely be needed.*

Response: **An IDNR permit will be obtained with Final Engineering Plans.**

Comment 7: *No solar equipment will be allowed within existing sanitary sewer easements.*

Response: **No solar equipment is proposed within the existing sanitary sewer easements.**

Comment 8: *The decommissioning bond or letter of credit will need to be 120°/» of the approved estimate.*

Response: **A draft of the decommissioning estimate based on the SUP plans has been provided with this submittal. A final estimate and bond/letter of credit will be provided with final the final engineering plans.**

Comment 9: *It is our understanding that the annexation will include portions of Corneils Road, therefore a 40' right-of- way dedication will be required. In addition, Corneils Road is currently not constructed to City standards and per code, improvements will be required. In place of constructing the improvements, the developer may choose to pay the value of the roadway improvements to the city. We have completed a cost estimate for the section of roadway across the frontage of the development. The total cost is estimated to be $482,210. Therefore the amount due for this development would be half of the total or $241,105.*

Response: **Acknowledged, this will be provided with Final Engineering.**

Comment 10: *We have provided the landscaping plans to the City's landscaping consultant and comments will be forwarded when available*.

Response: **Acknowledged.**

Comment 11: The following will need to be submitted with Final Engineering Plans:

a) Additional information as shown in the provided checklist.
b) Truck turning exhibits for delivery and emergency vehicles.
c) Photometric plan
d) Decommissioning cost estimate
e) Stormwater management submittal

Response: **Acknowledged. The decommissioning cost estimate for the SUP plans has been provided with the submittal. No lighting is proposed. All other information will be provided with Final Engineering Plans.**

Hey and Associates, Inc Review Comments:

Comment 1: *For reasons described below, this landscape plan is not recommended for approval at this time. Wetland comments are also included. A response letter from the petitioner which addresses all review comments should be provided with their next submittal.*

Response: **Acknowledged.**

Comment 2: *The reviewed plans were largely illegible due to small size and low resolution. Comments must be addressed before landscape plan approval can be recommended. If there are any changes to the proposed project, additional comments may be provided. Please note that the requirements of each section are in addition to the requirements of all other sections of the ordinance (i.e., trees and other plant materials cannot be "double counted" to meet multiple requirements).*

Response: **A detailed view of the proposed landscaping has been provided. Please note that the PDF file being submitted from our end is legible. If they appear to be illegible on your end, please reach out to us and we can provide a new PDF or a hard copy. There may be an issue with the file sizes.**

Comment 3: *Building Foundation Landscape Zone*
No buildings are proposed, so therefore building foundation landscape zone requirements do not apply.

Response: **Acknowledged.**

Comment 4: *Parking Area Perimeter Landscape Zone*
No off-street parking areas abut public or private right-of-way (excluding alleys), so therefore parking area perimeter landscape zone requirements do not apply.

Response: **Acknowledged.**

Comment 5: *Parking Area Interior Landscape Zone*
No off-street parking areas consisting of 10 or more spaces are proposed, so therefore parking area interior landscape zone requirements do not apply.

Response: **Acknowledged.**

Comment 6: *Transition Zone*
Because adjacent land use is agricultural, transition zone requirements do not apply.

Response: **Acknowledged.**

Comment 7: *Species Diversity Requirement*
The landscape plan indicates a "Pollinator Friendly Seed Mix" will be installed but is illegible.

Response: **The pollinator friendly seed mix has been enlarged for readability.**

Comment 8: *Tree Preservation and Removal*
No live tree with a 4" or greater DBH may be removed without approval. A review of Google Earth imagery reveals trees are present on the site throughout the creek corridor. It is not clear from the plans whether any trees are to be removed. A tree survey is required; tree replacement may also be required.
The landscape plan indicates a "Pollinator Friendly Seed Mix" will be installed but is illegible.

Response: **No trees along the corridor are proposed to be removed with the Beecher Solar project. The pollinator friendly seed mix has been enlarged for readability.**

Comment 9: *Street Trees*
Previous submittals included street tree plantings, but none are shown on the current plans.

Response: **Please reference the shade trees along Corneils Road. These are noted to be installed with the Corneils Solar project, but if they are not installed then they are to be installed with the Beecher development.**

Comment 10: *General*
The landscape plan indicates a "Pollinator Friendly Seed Mix" will be installed. A maintenance plan should abo be submitted describing how this landscape will be maintained to ensure that desired species become established, persist, and the area is not overtaken by weeds.

A Plant Schedule included on the Landscape Plan sheet C-400 indicates 39 evergreen trees and 195 shrubs are proposed, but these plantings were not found on the plan.

Response: **The pollinator friendly seed mix has been enlarged for readability. A Vegetation Management and Maintenance Plan will be provided with final engineering plans. A detail view of proposed landscaping layout is provided on Sheet C-401. The specific locations of the proposed species will be provided with final engineering plans.**

Comment 11: *Wetlands*
A valid wetland delineation and jurisdictional determination of the proposed project area are required.

A linear buffer along all watercourses is required. Buffer width shall be calculated per City or USACE requirements, whichever is more stringent.

Any impacts to wetlands or waters must be clearly identified on the plans. Additional comments may be provided after complete information is submitted.

Response: **A Wetland Determination/Delineation report has been provided with this submittal. We determined there are no wetlands located on site. An existing watercourse buffer is shown on sheet C-200 which is being avoided.**

We trust that these responses will satisfy the concerns outlined in your review letter. Should there be any additional questions or concerns, please contact me at (630) 281-8424.

Sincerely,
ATWELL, LLC



Micheal B. Keith, P.E.
Project Manager

BEECHER ROAD SOLAR, LLC

A 4.99 MW (AC) GROUND-MOUNTED SOLAR POWER GENERATING FACILITY

10791 CORNEILS ROAD
UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

SPECIAL USE APPLICATION PLANS

DEVELOPMENT TEAM

PROJECT OWNER
NEXAMP, INC.
101 SUMMER STREET, SECOND FLOOR
BOSTON, MA 02110
PHONE: (617) 431-1440

APPLICANT/CONTRACTOR
BEECHER ROAD SOLAR, LLC
101 SUMMER STREET, SECOND FLOOR
BOSTON, MA 02110
PHONE: (317) 760-3190
CONTACT: MATT KWIATKOWSKI

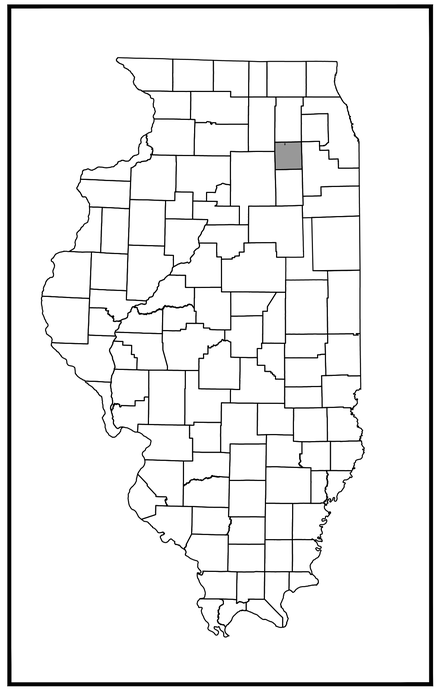
CIVIL ENGINEER/LANDSCAPE ARCHITECT/SURVEYOR
ATWELL, LLC
1250 EAST DIEHL ROAD, SUITE 300
NAPERVILLE, IL 60563
PHONE: (630) 577-0800
FAX: (630) 577-0900
CONTACT: MICHAEL KEITH, P.E.

GOVERNING AGENCIES CONTACTS

PLANNING
UNITED CITY OF YORKVILLE
651 PRARIE POINTE DRIVE
YORKVILLE, IL 60560
(630) 553-8573
CONTACT: KRYSTI BARKSDALE-NOBLE

EROSION & SEDIMENTATION
KENDALL COUNTY SOIL & WATER CONSERVATION DISTRICT
7775A ROUTE 47
YORKVILLE, IL 60560
(630) 553-5821 X 3
CONTACT: JULIE BROWN

HIGHWAY
UNITED CITY OF YORKVILLE ENGINEERING DEPARTMENT
651 PRAIRIE POINTE DRIVE
YORKVILLE, ILLINOIS, 60560
(630) 466-6700



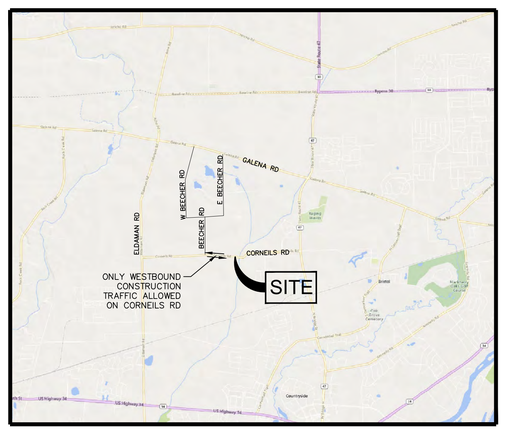
ILLINOIS
NOT TO SCALE

SHEET INDEX

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C-100 EXISTING CONDITIONS PLAN
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C-400 LANDSCAPE PLAN
C-401 DETAILED LANDSCAPE PLAN
C-500 STANDARD DETAILS



KENDALL COUNTY
NOT TO SCALE



VICINITY MAP
SCALE: 1" = 5000'

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NAPERVILLE, IL 60563
DESIGN FIRM #184-005878

Rev	Issued For	Date
A	CLIENT REVIEW SET	06/26/24
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F	REV PER CLIENT	2/14/25

P.E. seal/Consultant:

Project:
BEECHER ROAD SOLAR, LLC
SPECIAL USE APPLICATION PLANS
10791 CORNEILS ROAD
UNITED CITY OF YORKVILLE, KENDALL COUNTY, IL

Drawing Title:
COVER SHEET

Drawn by: LEH | Scale: As Noted | Approved by: MBK

Dwg No: C-000 | Size: ARCH D | Sheet Rev: F

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CAD FILE: 240031830-000-CV.DWG

LEGEND

- BOUNDARY LINE
- EXISTING ROW
- BOUNDARY ADJACENT LINE
- EXISTING EASEMENT LINE
- EXISTING SETBACK LINE
- 640 / 642 EXISTING CONTOUR
- EXISTING PAVEMENT
- EXISTING GRAVEL
- EXISTING STORM SEWER
- OHE EXISTING OVERHEAD ELECTRIC
- OHTV EXISTING OVERHEAD CABLE
- ROB ROY CREEK
- X EXISTING FENCE
- EXISTING WATERCOURSE CENTERLINE
- EXISTING WATERCOURSE EDGE
- EXISTING WETLAND BUFFER
- EXISTING VEGETATION LINE
- 100 BASE FLOOD ELEVATION = 644.06 FT AS PROVIDED IN PRELIMINARY FLOODPLAIN ANALYSIS (SEE NOTE THIS SHEET)
- SECTION CORNER
- oF FOUND IRON ROD
- ×F FOUND PK NAIL
- EXISTING SIGN
- EXISTING TREE
- EXISTING SANITARY MANHOLE
- EXISTING FLARED END SECTION
- □T EXISTING TELEPHONE RISER
- EXISTING ELECTRIC MARKER
- oU.P. EXISTING UTILITY POLE
- EXISTING MAILBOX
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING BUILDING
- EXISTING GRAVEL
- APPROXIMATE FLOOD ZONE AE AS PROVIDED BY EEI, SEE NOTE THIS SHEET
- APPROXIMATE FLOODWAY AS PROVIDED BY EEI, SEE NOTE THIS SHEET

LEGAL DESCRIPTION PER NEAR NORTH TITLE GROUP AS ISSUING AGENT FOR CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. IL1808635--166, COMMITMENT DATE: SEPTEMBER 6, 2022 AT 7:00 A.M.

PARCEL 1:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.42 FEET; THENCE NORTH 88°28'22" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 00°46'58" WEST, 200.71 FEET FOR A POINT OF BEGINNING; THENCE NORTH 00°52'50" WEST 1,057.46 FEET; THENCE NORTH 88°42'24" EAST, 857.86 FEET; THENCE NORTH 00°00'30" WEST, 375.0 FEET; THENCE NORTH 52°02'07" EAST, 315.0 FEET, THENCE NORTH 00°02'07" EAST, 800.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 88°30'33" EAST, ALONG SAID NORTH LINE, 1,306.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 00°04'03" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,609.56 FEET TO A POINT WHICH IS 1,044.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 59°25'57" WEST, 694.32 FEET; THENCE SOUTH 81°55'57" WEST, 349.80 FEET; THENCE SOUTH 51°55'57" WEST 280.50 FEET; THENCE SOUTH 39°55'57" WEST, 153.78 FEET; THENCE SOUTH 86°06'25" WEST, 38.0 FEET THENCE SOUTH 33°09'12" WEST, 343.0 FEET; THENCE SOUTH 16°38'23" WEST 379.0 FEET TO THE CENTER LINE OF CORNEILS ROAD: THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE 596.0 FEET TO A LINE DRAWN SOUTH 00°21'50" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00°21'50" WEST ALONG SAID PARALLEL LINE, 194.89 FEET TO SAID SOUTH LINE; THENCE NORTH 00°09'48" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 236.13 FEET TO A LINE DRAWN NORTH 89°02'55" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°02'55" WEST, 206.29 FEET TO A POINT OF BEGINNING, EXCEPT THAT PART THEREOF LYING EASTERLY OF THE FOLLOMNG DESCRIBED LINE: COMMENCING AT THE SOUTHERNMOST SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE OF CORNEILS ROAD, 67.47 FEET FOR A POINT OF BEGINNING; THENCE NORTH 16°38'25" EAST, 402.08 FEET; THENCE NORTH 33°09'12" EAST, 449.42 FEET; THENCE NORTH 52° EAST, 398.62 FEET; THENCE NORTH 11°27'20" EAST, 559.64 FEET; THENCE NORTH 00°02'07" EAST, 634.19 FEET; THENCE NORTH 89°57'53" WEST, 430.60 FEET TO A WESTERLY LINE OF SAID TRACT; THENCE NORTH 00°02'07"EAST ALONG SAID WESTERLY LINE 725.68 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS:

PARCEL 3:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.42 FEET; THENCE NORTH 88°26'22" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTH WEST 1/4, 272.66 FEET;THENCE NORTH 00°46'58" WEST, 200.71 FEET FOR A POINT OF BEGINNING; THENCE NORTH 00°52'50" WEST 1,057.46 FEET; THENCE NORTH 88°42'24" EAST, 857.86 FEET; THENCE NORTH 00°00'30" WEST, 375.0 FEET; THENCE NORTH 52°02'07" EAST, 315.0 FEET, THENCE NORTH 00°02'07" EAST, 800.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 88°30'33" EAST, ALONG SAID NORTH LINE, 1,306.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 00°04'03" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,609.56 FEET TO A POINT WHICH IS 1,044.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 59°25'57" WEST, 694.32 FEET; THENCE SOUTH 81°55'57" WEST, 349.80 FEET; THENCE SOUTH 51°55'57" WEST 280.50 FEET; THENCE SOUTH 39°55'57" WEST, 153.78 FEET; THENCE SOUTH 86°06'25" WEST, 38.0 FEET; THENCE SOUTH 33°09'12" WEST, 343.0 FEET; THENCE SOUTH 16°38'23" WEST 379.0 FEET TO THE CENTER LINE OF CORNEILS ROAD; THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE 596.0 FEET TO A LINE DRAWN SOUTH 00°21'50" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00°21'50" WEST, ALONG SAID PARALLEL LINE, 194.89 FEET TO SAID SOUTH LINE; THENCE NORTH 00°09'48" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 236.13 FEET TO A LINE DRAWN NORTH 89°02'55" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°02'55" WEST, 206.29 FEET

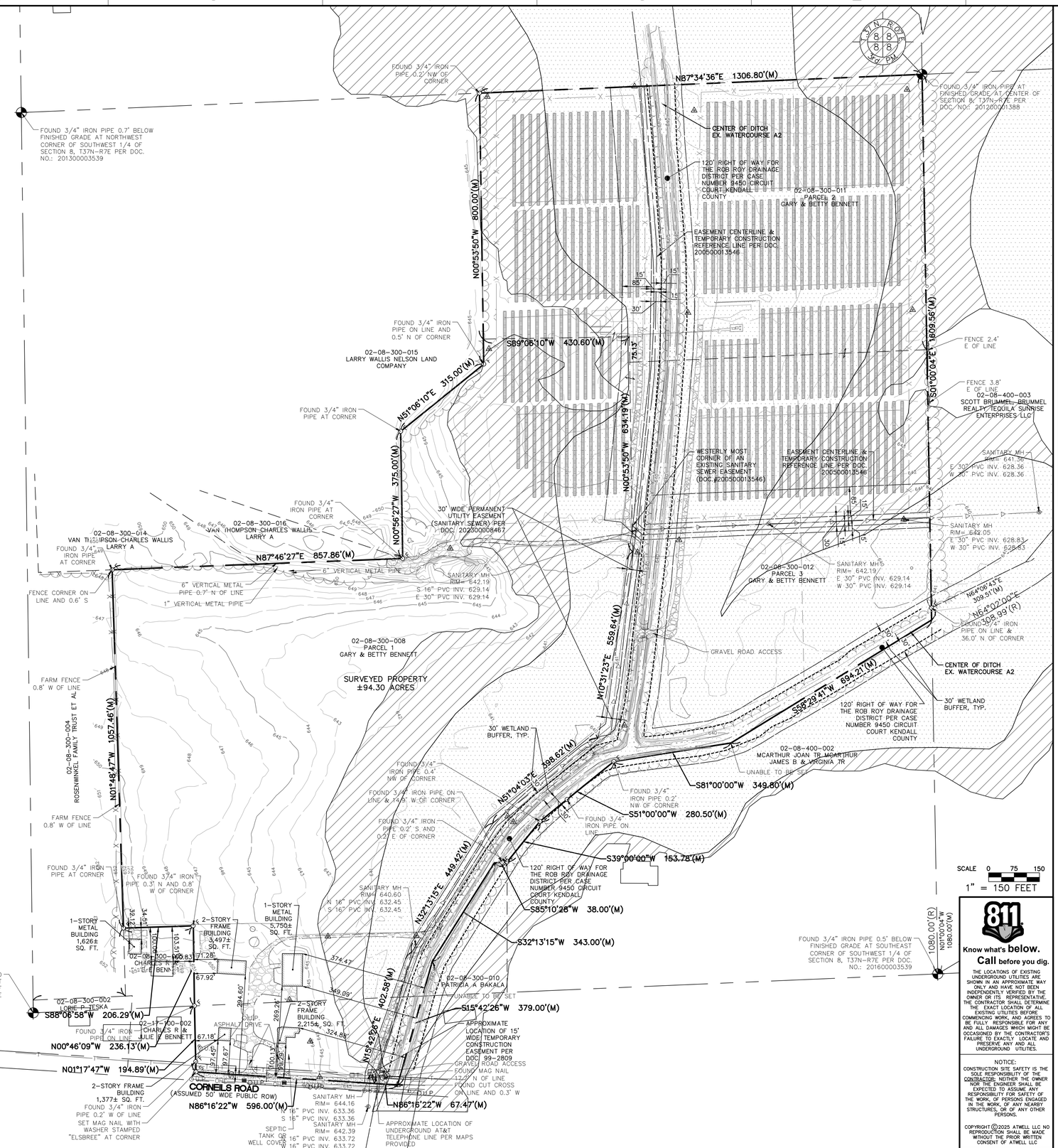
TO A POINT OF BEGINNING; EXCEPT THAT PART THEREOF LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHERNMOST SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 85°20 25" WEST ALONG SAID CENTER LINE OF CORNEILS ROAD, 67.47 FEET FOR A POINT OF BEGINNING; THENCE NORTH 16°38'23" EAST, 402.58 FEET; THENCE NORTH 33°09'12" EAST, 449.42 FEET; THENCE NORTH 52°00'00" EAST, 398.62 FEET; THENCE NORTH 11°27'20" EAST, 559.64 FEET; THENCE NORTH 00°02'07"EAST, 634.19 FEET; THENCE NORTH 89°57'53" WEST, 430.60 FEET TO A WESTERLY LINE OF SAID TRACT; THENCE NORTH 00°02'07"EAST ALONG SAID WESTERLY LINE 725.68 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4, AND EXCEPT THAT PART THEREOF LYINC NORTHERLY OF THE SOUTHERLY LINE OF THE NORTHERLY 812.20 FEET, MEASURED ALONG THE EASTERLY LINE, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

SITE BOUNDARY, TOPOGRAPHY, AND ROAD INFORMATION ARE BASED ON ALTA/NSPS LAND TITLE AND TOPOGRAPHIC SURVEY PREPARED BY ATWELL, LLC DATED 02/15/2024. BASED ON ILLINOIS STATE PLANE GRID COORDINATE – EAST ZONE. CONVERGENCE: –0.08684722 (DEGREES). SANITARY SEWER INVERTS ARE BASED ON A RECORD DRAWING BY ENGINEERING ENTERPRISES, INC. DATED 9/20/24 (INVERT ELEVATIONS ADJUSTED TO ATWELL SURVEYED RIM ELEVATIONS).

REGULATED WATERS OF THE U.S. LOCATIONS BASED ON WETLAND DELINEATION COMPLETED BY ATWELL, LLC. ON 08/09/2023 IN THE FIELD AND A WETLAND REPORT PREPARED BY ATWELL, LLC DATED 09/01/2023.THERE WERE NO WETLANDS IDENTIFIED ON SITE.

THE FLOODPLAIN/FLOODWAY ON THE PROPERTY IS ASSOCIATED WITH ROB ROY CREEK AND WAS IDENTIFIED IN THE INTERIM HYDROLOGIC & HYDRAULIC ANALYSIS OF ROB ROY CREEK, 2005.

THE BASE FLOOD ELEVATION WAS IDENTIFIED IN THE CORNEILS STORMWATER REPORT BY ATWELL, LLC DATED 3/22/24 AS 644.06 FT



811 Know what's below. Call before you dig.

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NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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P.E. seal/Consultant:

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BEECHER ROAD SOLAR, LLC
SPECIAL USE APPLICATION PLANS
10791 CORNEILS ROAD
UNITTED CITY OF YORKVILLE,
KENDALL COUNTY, IL

Drawing Title:
EXISTING CONDITIONS PLAN

Drawn by: LEH | Scale: As Noted | Approved by: MBK

Dwg No: C-100 | Size: ARCH D | Sheet Rev: F

CAD FILE: 240031830--100--EC.DWG

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LEGEND

- BOUNDARY LINE
- EXISTING ROW
- BOUNDARY ADJACENT LINE
- BUILDING SETBACK LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- EXISTING PAVEMENT
- EXISTING GRAVEL
- PROPOSED GRAVEL ACCESS DRIVE
- EXISTING FENCE
- PROPOSED FENCE
- EXISTING WATERCOURSE CENTERLINE
- EXISTING WATERCOURSE EDGE
- EXISTING WETLAND BUFFER
- EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED OVERHEAD ELECTRIC LINE
- PROPOSED UNDERGROUND ELECTRIC LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- LIMITS OF DISTURBANCE
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE
- EXISTING UTILITY POLE PROPOSED WITH CORNEILS SOLAR
- PROPOSED GRAVEL ACCESS DRIVE
- PROPOSED HMA ACCESS ROAD
- EXISTING GRAVEL
- APPROXIMATE FLOOD ZONE AE AS PROVIDED BY EEI, SEE NOTE THIS SHEET
- APPROXIMATE FLOODWAY AS PROVIDED BY EEI, SEE NOTE THIS SHEET

SITE DATA

PIN: 02-08-300-008 AND 02-08-300-012
JURISDICTION: KENDALL COUNTY
ZONING DISTRICT: A1-SU (AGRICULTURAL SPECIAL USE DISTRICT)
CURRENT LAND USE: AGRICULTURAL
PARCEL AREA: ± 94.30 ACRES
FEMA FLOOD HAZARD: ZONE X PER FIRM MAP(S) #17093C0030G DATED 02/04/2009

SOLAR SETBACKS	REQUIRED	PROVIDED
FRONT (SOUTH) *	1000'	917.3'
SIDE (EAST)	50'	50.0'
SIDE (WEST)	50'	57.8'
REAR (NORTH)	50'	50.1'
MINIMUM PANEL CLEARANCE ** (FROM GROUND TO BOTTOM EDGE)	10'	
MAXIMUM ALLOWABLE HEIGHT	30'	

SITE DATA	
SITE AREA (ALL 3 PARCELS)	94.30 AC
FENCED AREA (BEECHER)	20.3 AC
FENCED AREA (CORNEILS)	31.5 AC
TOTAL LOT OCCUPANCY %	54.9%
FENCE LENGTH (BEECHER)	5578 LF
LIMITS OF DISTURBANCE	25.7 AC
TRACKER MOTORS	121

SETBACK REQUIREMENTS ARE FOR SOLAR PANELS AND EQUIPMENT PAD, FENCES ARE EXCLUDED.

* VARIANCE IS BEING REQUESTED FOR THE 1000' SETBACK AND THE MINIMUM PANEL CLEARANCE.

** VARIANCE IS BEING REQUESTED TO DECREASE THE MINIMUM CLEARANCE.

GENERAL NOTES

1. THE CONTRACTOR SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN ALL NECESSARY CONSTRUCTION PERMITS. THE CONTRACTOR SHALL ALSO PAY ALL FEES AND POST ALL BONDS ASSOCIATED WITH THE SAME, AND COORDINATE WITH THE ENGINEER AND ARCHITECT AS REQUIRED.
2. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY AND ALL CONSTRUCTION MEANS AND METHODS.
3. LIMITS OF WORK SHALL BE EROSION CONTROL BARRIERS AS INDICATED ON DRAWINGS.
4. ANY ALTERATION TO THESE DRAWINGS MADE IN THE FIELD DURING CONSTRUCTION SHALL BE RECORDED BY THE CONTRACTOR ON RECORD DOCUMENTS.
5. ANY AREA OUTSIDE THE LIMIT OF WORK THAT IS DISTURBED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AT NO COST TO OWNER.
6. EXISTING TREES AND SHRUBS OUTSIDE THE FENCE LINE SHALL NOT BE CLEARED, UNLESS OTHERWISE NOTED. ALL EXISTING VEGETATION INSIDE FENCE LINE SHALL BE CLEARED AND GRUBBED.
7. FOR DRAWING LEGIBILITY, ALL EXISTING TOPOGRAPHIC FEATURES, EXISTING UTILITIES, PROPERTY BOUNDARIES, EASEMENTS, ETC. MAY NOT BE SHOWN ON ALL DRAWINGS. REFER TO ALL REFERENCED DRAWINGS AND OTHER DRAWINGS IN THIS SET FOR ADDITIONAL INFORMATION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING, SECURING, AND COMPLIANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION GENERAL PERMIT, AS ADMINISTERED BY THE STATE ENVIRONMENTAL PROTECTION AGENCY.

ZONING DISTRICT:

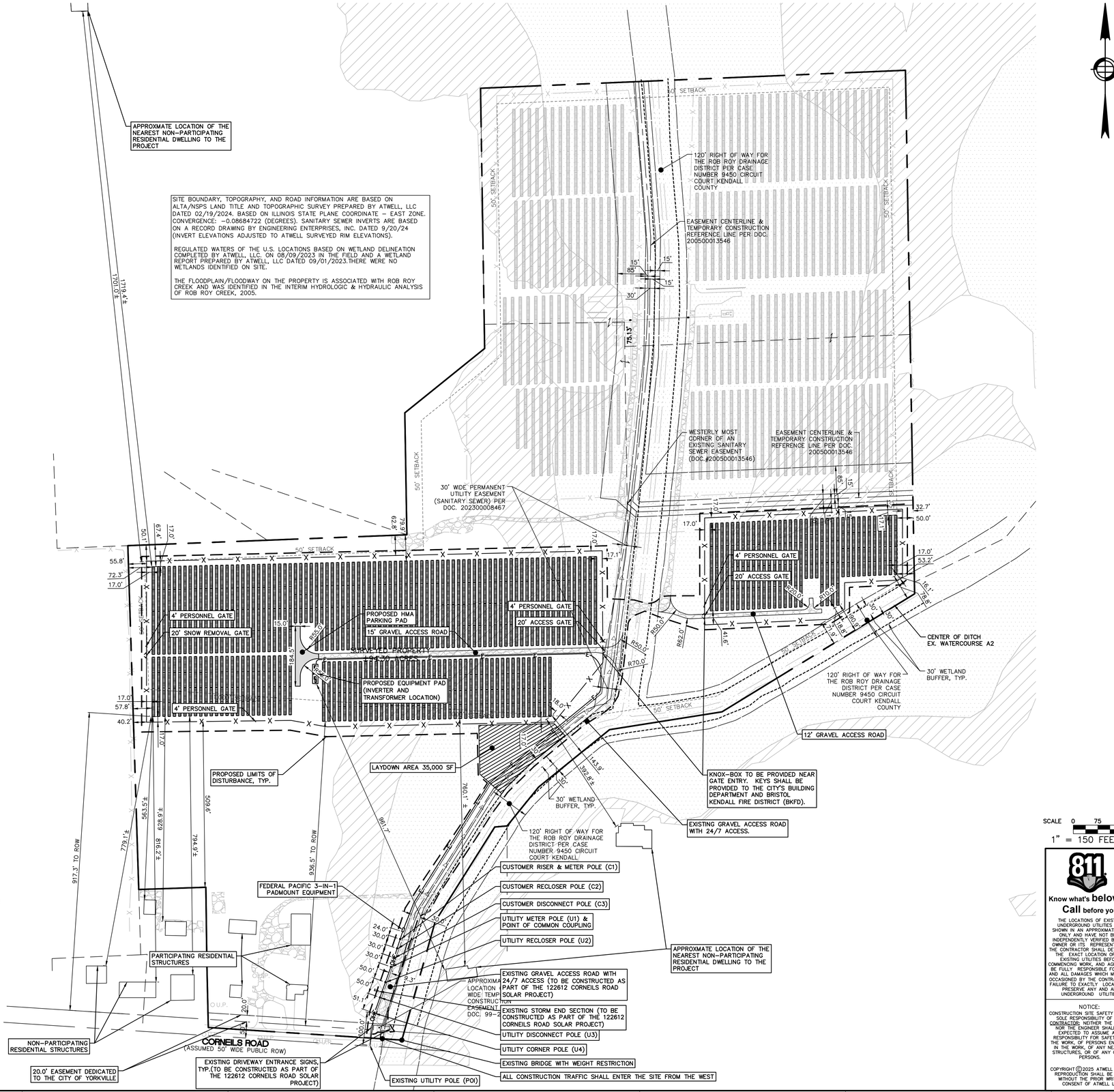
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH CONDITIONS THAT MAY BE PROMULGATED BY THE **CITY OF YORKVILLE COMMUNITY DEVELOPMENT DEPARTMENT, SOIL AND WATER CONSERVATION DISTRICT, AND MUNICIPAL AGENCIES.**

LAYOUT AND MATERIALS NOTES:

1. ALL LINES AND DIMENSIONS ARE PARALLEL OR PERPENDICULAR TO THE LINES FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE INDICATED.
2. CONTRACTOR SHALL REPORT SIGNIFICANT CONFLICTS TO THE OWNER AND THE ENGINEER FOR RESOLUTION.
3. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN SITE PLAN DIMENSIONS AND BUILDING PLANS BEFORE PROCEEDING WITH ANY PORTION OF SITE WORK WHICH MAY BE AFFECTED SO THAT PROPER ADJUSTMENTS TO THE SITE LAYOUT CAN BE MADE IF NECESSARY.
4. PROTECT EXISTING PROPERTY MONUMENTS AND ABUTTING PROPERTIES DURING CONSTRUCTION ACTIVITIES.

GRADING, DRAINAGE AND UTILITY NOTES:

1. UNDERGROUND UTILITIES WERE COMPILED FROM AVAILABLE RECORD PLANS OF UTILITY COMPANIES AND PUBLIC AGENCIES, ARE APPROXIMATE AND ASSUMED. BEFORE COMMENCING SITE WORK IN ANY AREA, CONTACT "811" OR EQUIVALENT AND THE OWNER TO ACCURATELY LOCATE UNDERGROUND UTILITIES. ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES SHALL BE THE CONTRACTOR'S RESPONSIBILITY. NO EXCAVATION SHALL BE DONE UNTIL UTILITY COMPANIES AND THE OWNER ARE PROPERLY NOTIFIED IN ADVANCE.
2. ALL SITE WORK SHALL MEET OR EXCEED THE SITE WORK SPECIFICATIONS TO BE PREPARED FOR THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK WHICH WOULD BE AFFECTED.
3. ALL WORK PERFORMED AND ALL MATERIALS FURNISHED SHALL CONFORM WITH THE LINES, GRADES AND OTHER SPECIFIC REQUIREMENTS OR SPECIFICATIONS FOR THE PROJECT AS SHOWN ON THE PLANS.
4. THE CONTRACTOR SHALL VERIFY EXISTING GRADES IN THE FIELD AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ENGINEER. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENT OF GAS, ELECTRIC, TELEPHONE AND ANY OTHER PRIVATE UTILITIES BY THE UTILITY COMPANIES, AS REQUIRED. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR, AND THE INFORMATION FURNISHED TO THE OWNER AND ENGINEER FOR RESOLUTION.
5. CONTRACTOR SHALL PROTECT ALL UNDERGROUND DRAINAGE, SEWER AND UTILITY FACILITIES FROM EXCESSIVE VEHICULAR LOADS DURING CONSTRUCTION. ANY DAMAGE TO THESE FACILITIES RESULTING FROM CONSTRUCTION LOADS WILL BE RESTORED TO ORIGINAL CONDITION.
6. THE CONTRACTOR SHALL REMOVE ALL NON-BIODEGRADABLE EROSION CONTROL BARRIERS AFTER RE-VEGETATION OF DISTURBED AREAS.
7. WETLANDS ARE TO REMAIN UNDISTURBED. NO ENCROACHMENT PERMITTED UNLESS NOTED ON PLANS.
8. PITCH EVENLY BETWEEN SPOT GRADES.
9. THE CONTRACTOR SHALL SCHEDULE WORK TO ALLOW THE FINISHED SUBGRADE ELEVATIONS TO DRAIN PROPERLY WITHOUT PONDING. SPECIFICALLY, ALLOW WATER TO ESCAPE WHERE PROPOSED CURB MAY RETAIN RUNOFF PRIOR TO APPLICATION OF THE FINISH SUBGRADE AND/OR SURFACE PAVING. PROVIDE TEMPORARY POSITIVE DRAINAGE AS REQUIRED.
10. EXISTING SITE SURFACE DRAINAGE PATTERNS WILL BE MAINTAINED.



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Drawn by: LEH Scale: As Noted Approved by: MBK
Dwg No: C-200 Size: ARCH D Sheet Rev: F

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CAD FILE: 240031B3C-200-LDWG

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SITE DATA TABLE	
TOTAL PROJECT AREA (ACRES)	94.3
TOTAL DISTURBED AREA (ACRES)	25.7
*EXISTING IMPERVIOUS AREA (ACRES)	0.7
*PROPOSED IMPERVIOUS AREA (ACRES)	0.7

*WITHIN LIMITS OF DISTURBED AREA

STORMWATER SUMMARY

- THE DRAINAGE AREA WILL NOT BE ALTERED BETWEEN THE EXISTING CONDITIONS AND THE PROPOSED CONDITIONS.
- DUE TO THE LARGE REDUCTION IN CURVE NUMBER BETWEEN THE EXISTING AND PROPOSED CONDITIONS USING FAVORABLE GROUND COVER PLANTINGS, THE PROPOSED RUNOFF WILL BE REDUCED; THUS, CAUSING NO NEGATIVE IMPACTS ON THE DOWNSTREAM TRIBUTARY AREAS. FINAL REPORT AND ANALYSIS WILL BE PROVIDED WITH FINAL ENGINEERING PLANS.

EROSION CONTROL AND SEDIMENTATION NOTES:

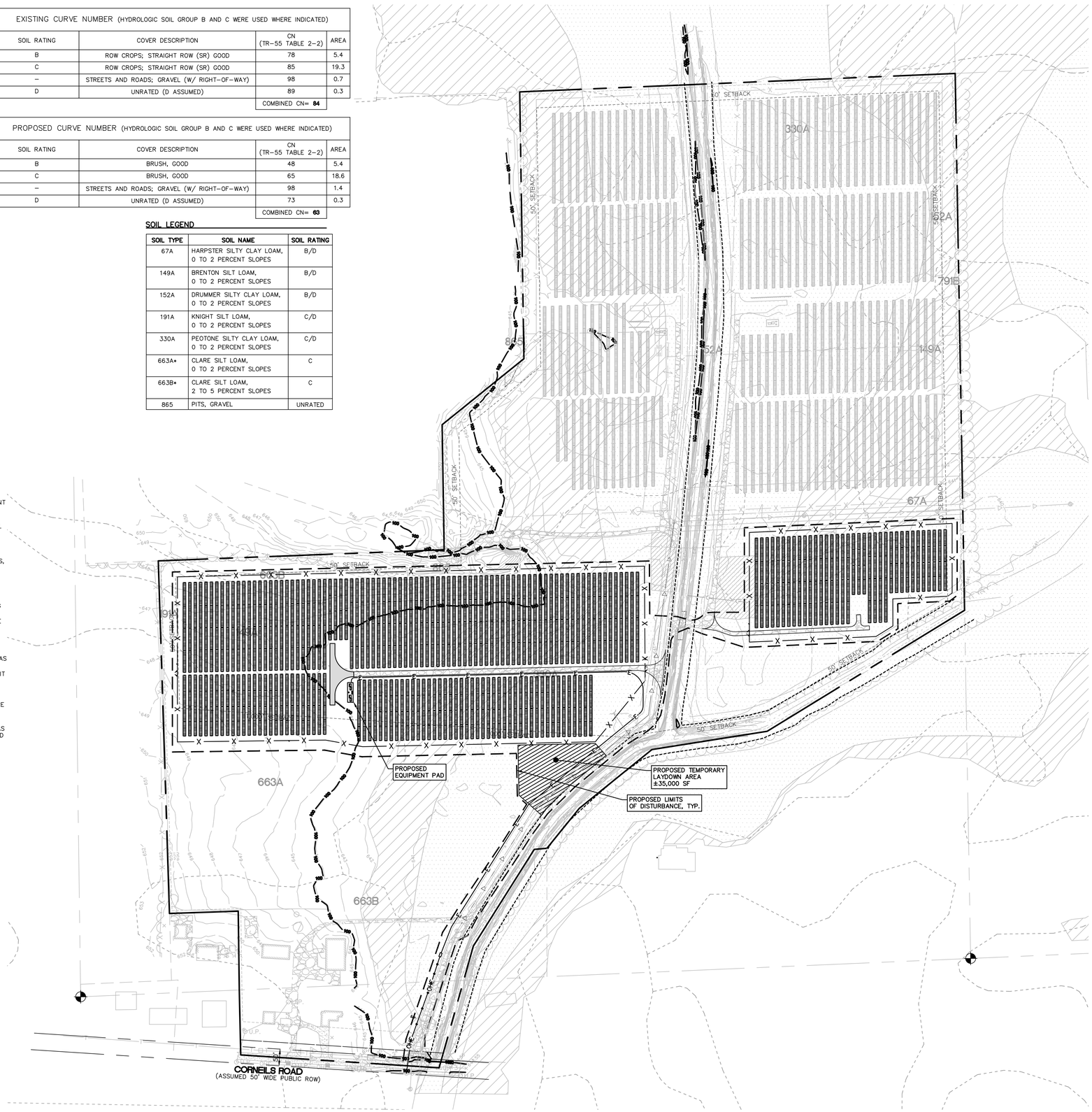
1. AN EROSION CONTROL BARRIER SHALL BE INSTALLED AS INDICATED IN THE PLAN PRIOR TO THE COMMENCEMENT OF DEMOLITION OR CONSTRUCTION OPERATIONS.
2. CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES DURING THE ENTIRE CONSTRUCTION PERIOD.
3. ANY SEDIMENT TRACKED ONTO PUBLIC RIGHTS–OF–WAY SHALL BE SWEPT AT THE END OF EACH WORKING DAY.
4. ALL STOCKPILE AREAS SHALL BE LOCATED WITHIN LIMIT OF WORK LINE AND STABILIZED TO PREVENT EROSION.
5. ALL DEBRIS GENERATED DURING SITE PREPARATION ACTIVITIES SHALL BE LEGALLY DISPOSED OF OFF–SITE.
6. SITE ELEMENTS TO REMAIN MUST BE PROTECTED FOR THE DURATION OF THE PROJECT.
7. ALL TOPSOIL ENCOUNTERED WITHIN THE LIMITS OF THE PROPOSED PERMANENT AND TEMPORARY GRAVEL ROADS, EQUIPMENT PAD AREA, AND AREAS OF CUT AND FILL SHALL BE STRIPPED AS NEEDED AND STOCKPILED FOR REUSE. EXCESS TOPSOIL SHALL BE DISPOSED OF ON SITE AS DIRECTED BY OWNER. TOPSOIL PILES SHALL REMAIN SEGREGATED FROM EXCAVATED SUBSURFACE SOIL MATERIALS.
8. ADDITIONAL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AS CONDITIONS WARRANT OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
9. ALL POINTS OF CONSTRUCTION EGRESS OR INGRESS SHALL BE MAINTAINED TO PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC ROADS.
10. TEMPORARY DIVERSION DITCHES, PERMANENT DITCHES, CHANNELS, EMBANKMENTS, AND ANY DENUDED SURFACE WHICH WILL BE EXPOSED FOR AN EXTENDED PERIOD OF TIME SHALL BE STABILIZED AS REQUIRED.
11. SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A DAILY BASIS DURING CONSTRUCTION TO ENSURE THAT CHANNELS, DITCHES, AND PIPES ARE CLEAR OF DEBRIS AND THAT THE EROSION CONTROL BARRIERS ARE IN TACT.
12. DUST SHALL BE CONTROLLED AS NEEDED BY SPRINKLING OR OTHER APPROVED METHODS AS NECESSARY, OR AS DIRECTED BY THE OWNER OR REPRESENTATIVE.
13. CARE SHALL BE EXERCISED SO AS TO PREVENT ANY UNSUITABLE MATERIAL FROM MIGRATING OUTSIDE THE LIMIT OF WORK.
14. ADDITIONAL EROSION CONTROL SHALL BE LOCATED AS CONDITIONS WARRANT OR AS DIRECTED BY THE OWNER OR REPRESENTATIVE.
15. CLEAN AND MAINTAIN EROSION CONTROL BARRIER AS REQUIRED DURING CONSTRUCTION OPERATIONS TO ENSURE ITS CONTINUED FUNCTIONALITY.
16. OVERALL SITE DEVELOPMENT WILL MAINTAIN EXISTING TOPOGRAPHY AND STORMWATER DRAINAGE PATTERNS.
17. THE OVERALL DEVELOPMENT WILL BE RE–SEEDED AS NEEDED TO DEVELOP A PERMANENT VEGETATIVE COVER AS INDICATED ON THE LANDSCAPE PLAN. COVER CROP OR OTHER TEMPORARY STABILIZATION WILL BE IMPLEMENTED IN THE INTERIM.
18. NO CONSTRUCTION ACTIVITIES, AS PART OF THE SITE DEVELOPMENT, SHALL OCCUR WITHIN ANY DELINEATED WETLANDS OR WETLAND BUFFERS, AS REQUIRED BY THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES.

EXISTING CURVE NUMBER (HYDROLOGIC SOIL GROUP B AND C WERE USED WHERE INDICATED)			
SOIL RATING	COVER DESCRIPTION	CN (TR–55 TABLE 2–2)	AREA
B	ROW CROPS; STRAIGHT ROW (SR) GOOD	78	5.4
C	ROW CROPS; STRAIGHT ROW (SR) GOOD	85	19.3
–	STREETS AND ROADS; GRAVEL (W/ RIGHT–OF–WAY)	98	0.7
D	UNRATED (D ASSUMED)	89	0.3
		COMBINED CN= **84**	

PROPOSED CURVE NUMBER (HYDROLOGIC SOIL GROUP B AND C WERE USED WHERE INDICATED)			
SOIL RATING	COVER DESCRIPTION	CN (TR–55 TABLE 2–2)	AREA
B	BRUSH, GOOD	48	5.4
C	BRUSH, GOOD	65	18.6
–	STREETS AND ROADS; GRAVEL (W/ RIGHT–OF–WAY)	98	1.4
D	UNRATED (D ASSUMED)	73	0.3
		COMBINED CN= **63**	

SOIL LEGEND

SOIL TYPE	SOIL NAME	SOIL RATING
67A	HARPSTER SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES	B/D
149A	BRENTON SILT LOAM, 0 TO 2 PERCENT SLOPES	B/D
152A	DRUMMER SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES	B/D
191A	KNIGHT SILT LOAM, 0 TO 2 PERCENT SLOPES	C/D
330A	PEOTONE SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES	C/D
663A*	CLARE SILT LOAM, 0 TO 2 PERCENT SLOPES	C
663B*	CLARE SILT LOAM, 2 TO 5 PERCENT SLOPES	C
865	PITS, GRAVEL	UNRATED



SCALE 0 75 150
1" = 150 FEET

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P.E. seal/Consultant:

Project:
BEECHER ROAD SOLAR, LLC
SPECIAL USE APPLICATION PLANS
10791 CORNEILS ROAD
UNITED CITY OF YORKVILLE,
KENDALL COUNTY, IL

Drawing Title:
STORMWATER MANAGEMENT PLAN

Drawn by: LEH | Scale: As Noted | Approved by: MBK

Dwg No: C-300 | Size: ARCH D | Sheet Rev: F

CAD FILE: 240031830–300–G.DWG

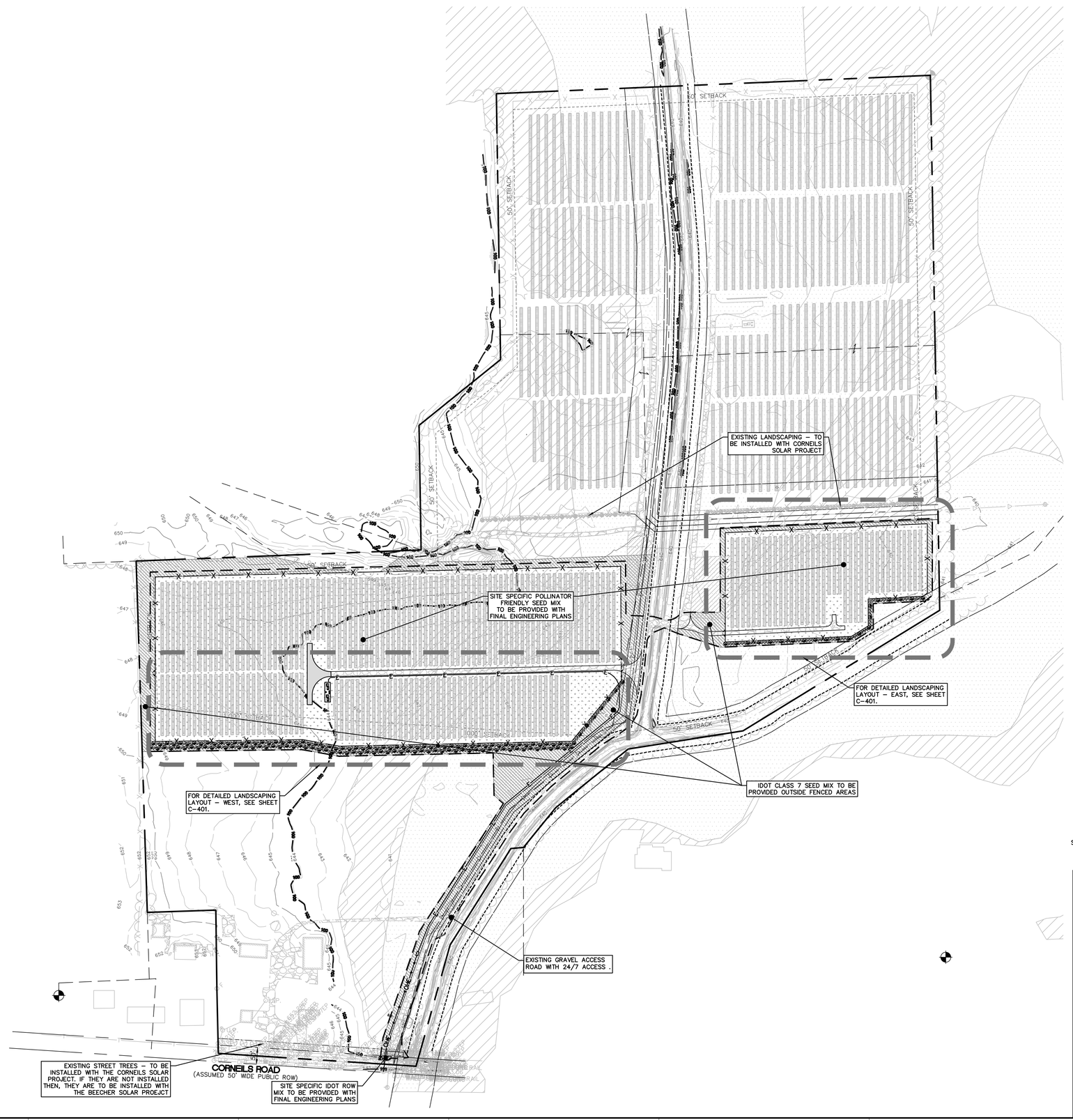
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LEGEND

- BOUNDARY LINE
- BOUNDARY ADJACENT LINE
- EXISTING ROW
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- EXISTING WATERCOURSE CENTERLINE
- EXISTING WATERCOURSE EDGE
- EXISTING WETLAND BUFFER
- EXISTING CONTOUR
- EXISTING STORM SEWER
- EXISTING OVERHEAD ELECTRIC
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED OVERHEAD ELECTRIC
- EXISTING OVERHEAD CABLE
- EXISTING FENCE
- PROPOSED FENCE
- LIMITS OF DISTURBANCE
- EXISTING VEGETATION LINE
- PROPOSED POLLINATOR FRIENDLY SEED MIX
- PROPOSED IDOT CLASS 7 SEED MIX
- PROPOSED IDOT SEED MIX IN ROW
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- APPROXIMATE FLOODWAY AS PROVIDED BY EEI, SEE NOTE THIS SHEET
- PROPOSED SHRUBS
- PROPOSED EVERGREEN TREE
- PROPOSED SHADE TREE

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Drawing Title:
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Drawn by: LEH Scale: As Noted Approved by: MBK

Dwg No: C-400 Size: ARCH D Sheet Rev: F

CAD FILE: 240031830-400-LS.DWG

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- EXISTING CONTOUR (640 / 642)
- EXISTING STORM SEWER
- EXISTING OVERHEAD ELECTRIC
- PROPOSED UNDERGROUND ELECTRIC
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PLANT CALCULATIONS

ORDINANCE COMPLIANCE MATRIX
Acres: 25.8 acres
Street Frontage (Cornells Rd): 596.00 feet
USDA Zone: 5 (-20 degrees to -10 degrees)

Ch. 12, LANDSCAPE ORDINACE
Section 8-12-3: GENERAL STANDARDS

Lot landscaping:

requirement	required	provided
2. Nonresidential: Two (2) shade trees and fifteen (15) shrubs shall be provided for every twenty thousand (20,000) square feet of lot area.	112 trees	154 trees
"Assume City of Yorkville can adminstratively approve less total shrubs on the basis that a solar development would be hindered by more plant material.	843 shrubs	384 *shrubs

PLANT SCHEDULE

EVERGREEN TREES

KEY	QTY.	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MIXTURE %	
PA	52	*Picea abies 'Cupressina'	Columnar Norway Spruce	20' H	34%	*Request approval of
JS	51	*Juniperus scopulorum 'Cologreen'	Cologreen Juniper	15-20' H	33%	suggested alternative
PF	51	Pinus flexilis 'Vanderwolf's Pyramid'	Vanderwolf Pine	20-25' H	33%	evergreen species
Total	**154**					

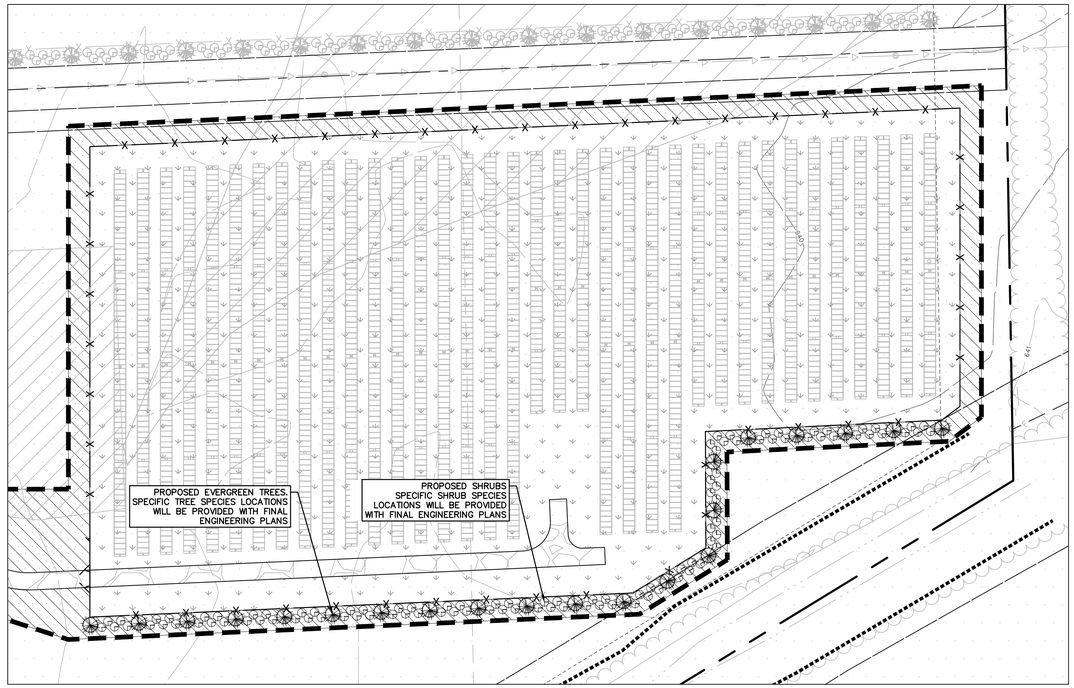
SHRUBS

KEY	QTY.	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MIXTURE %
CS	96	Cornus sericea	Redtwig Dogwood	6-12' H	25%
EA	96	Euonymus alatus	Winged Euonymus	8-12' H	25%
ID	96	Ilex decidua	Possumhaw	7-15' H	25%
SN	96	Sambucus nigra canadensis	Common Elderberry	8-12'	25%
Total	**384**				

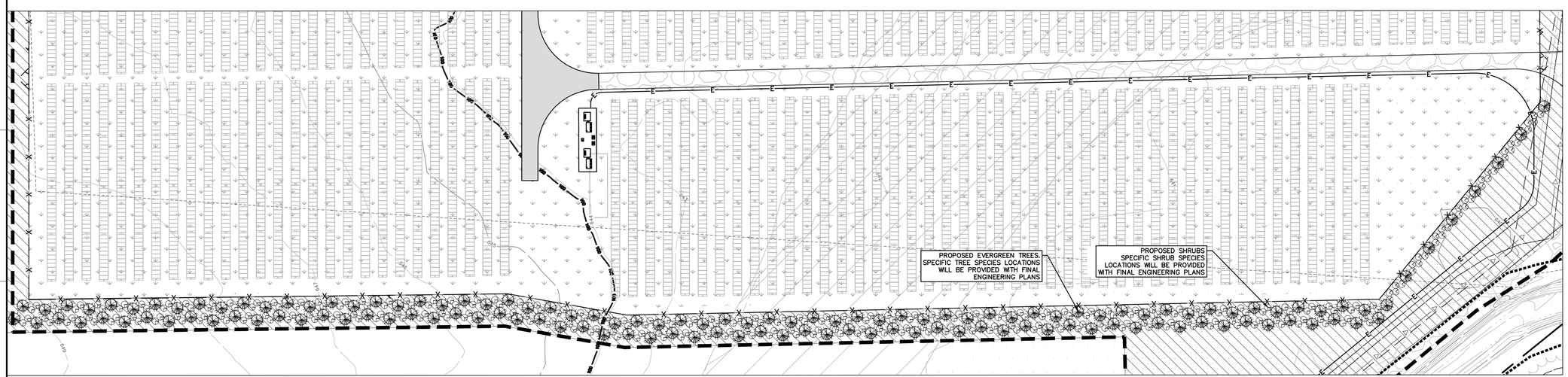
Natural Resource Services

Nexamp Representative Pollinator Friendly Seed Mix

Common Name	Scientific Name	% of Mix	Seeds/ft²
Grasses			
Sideoats Grama	Bouteloua curtipendula	34.25%	9.43
Prairie Brome	Bromus kalmii	0.80%	0.29
Plains Oval Sedge	Carex brevior	2.80%	3.72
Bicknell's Sedge	Carex bicknellii	0.96%	0.75
Troublesome Sedge	Carex molesta	1.84%	2.11
Brown Fox Sedge	Carex vulpinoidea	2.00%	9.18
Silky Wild Rye	Elymus villosus	6.00%	1.52
Little Bluestem	Schizachyrium scoparium	26.96%	18.57
Prairie Dropseed	Sporobolus heterolepis	0.40%	0.29
Forbs			
Common Yarrow	Achillea millefolium	0.44%	3.63
Nodding Onion	Allium cernuum	0.24%	0.08
Lead Plant	Amorpha canescens	1.33%	0.98
Canada Anemone	Anemone canadensis	0.04%	0.02
Wild Columbine	Aquilegia canadensis	0.04%	0.07
Common Milkweed	Asclepias syriaca	0.34%	0.06
Butterfly Milkweed	Asclepias tuberosa	0.32%	0.06
Canada Milkvetch	Astragalus canadensis	1.08%	0.84
Calico Aster	Symphyotrichum lateriflorum	0.04%	0.48
Partridge Pea	Chamaecrista fasciculata	3.11%	0.39
White Prairie Clover	Dalea candida	4.08%	3.56
Purple Prairie Clover	Dalea purpurea	6.02%	4.98
Cream Gentian	Gentiana flavida	0.04%	0.27
Prairie Blazing Star	Liatris pycnostachya	0.24%	0.12
Virginia Mountain Mint	Pycnanthemum virginianum	0.09%	0.95
Prairie Wild Rose	Rosa arkansana	0.29%	0.03
Black-eyed Susan	Rudbeckia hirta	1.92%	8.13
Gray Goldenrod	Solidago nemoralis	0.04%	0.57
Ohio Goldenrod	Solidago ohiensis	0.04%	0.21
Sky Blue Aster	Symphyotrichum oolentangiense	0.16%	0.57
Ohio Spiderwort	Tradescantia ohiensis	0.24%	0.09
Hoary Vervain	Verbena stricta	1.44%	1.85
Golden Alexanders	Zizia aurea	2.40%	1.21



DETAILED LANDSCAPING LAYOUT – EAST
SCALE: 1" = 50'



DETAILED LANDSCAPING LAYOUT – WEST
SCALE: 1" = 50'

SCALE 0 25 50
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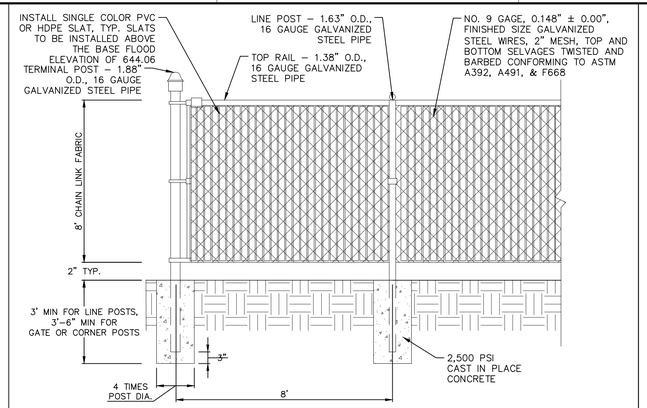
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DETAILED LANDSCAPE PLAN

Drawn by: LEH | Scale: As Noted | Approved by: MBK

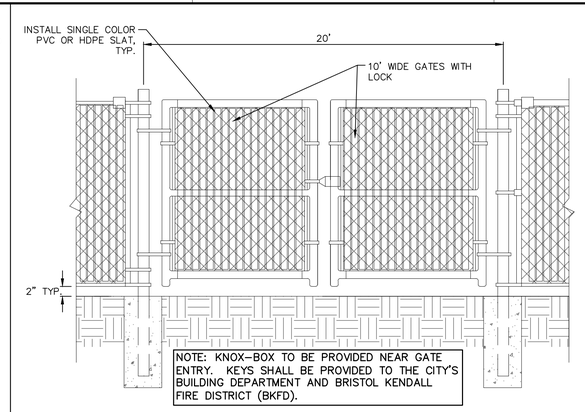
Dwg No: C-401 | Size: ARCH D | Sheet Rev: F

CAD FILE: 240031830-400-LS.DWG

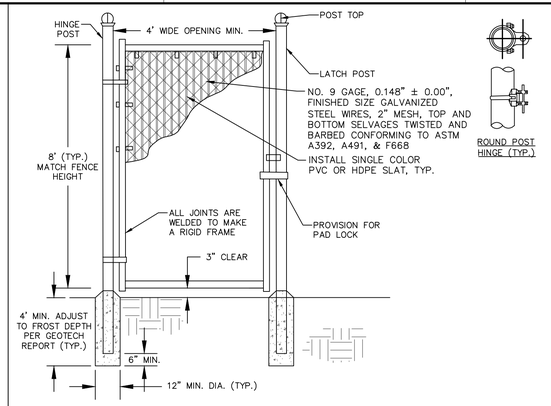
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CHAIN LINK FENCE DETAIL
NOT TO SCALE



CHAIN LINK FENCE WITH GATE
NOT TO SCALE

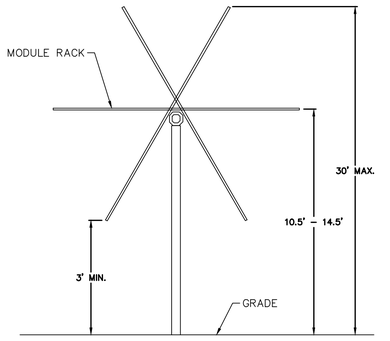


CHAIN LINK FENCE – PERSONNEL GATE
NOT TO SCALE

DANGER

HIGH VOLTAGE - KEEP AWAY
AUTHORIZED PERSONNEL ONLY
NO TRESPASSING. THIS SITE IS MONITORED BY SURVEILLANCE.

"DANGER" WARNING SIGN
NOT TO SCALE



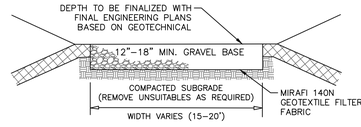
NOTES:
1. TRACKER HEIGHT RANGES ACCOUNT FOR ELEVATION CHANGE.
2. REQUIRED CLEARANCE IS 10' MIN. VARIANCE BEING REQUESTED.

SOLAR ARRAY RACK DETAIL
NOT TO SCALE

IN THE EVENT OF AN EMERGENCY
PLEASE DIAL 9-1-1
FOLLOWED BY A SECOND CALL TO:
857-239-0057
YOUR LOCATION IS:
TBD
nexamp
8 1/2"
11"

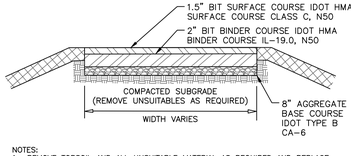
NOTES:
1. WHITE LABEL WITH BLACK LETTERING AND NEXAMP LOGO.
2. INSTALL ON SITE ENTRANCE AND AT EQUIPMENT PADS IN A CONSPICUOUS PLACE.

EMERGENCY CONTACT SIGN
NOT TO SCALE



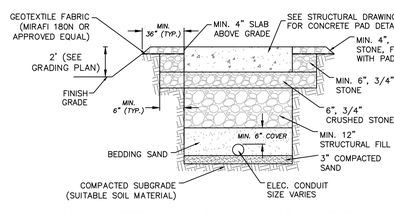
NOTES:
1. REMOVE TOPSOIL AND ALL UNSUITABLE MATERIAL AS REQUIRED AND REPLACE WITH GRAVEL.
2. ACCESS DRIVES TO SLOPE IN THE DIRECTION OF THE EXISTING GRADE AT A MINIMUM OF 2.0% DRIVEWAY SHALL BE GRADED TO ALLOW STORMWATER TO SHEET ACROSS IT AND TO PREVENT PUDDLING.
3. ROAD SECTION SHALL COMPLY WITH RECOMMENDATIONS FROM GEOTECHNICAL REPORT.
4. FILTER FABRIC SHALL MEET THE REQUIREMENTS OF MATERIAL SPECIFICATION 592 GEOTEXTILE, TABLE 1 OR 2, CLASS I, II, OR IV AND SHALL BE PLACED OVER THE CLEARED AREA PRIOR TO THE PLACING OF ROCK.

ACCESS DRIVE/TEMPORARY LAYDOWN AREA CROSS SECTION
NOT TO SCALE



NOTES:
1. REMOVE TOPSOIL AND ALL UNSUITABLE MATERIAL AS REQUIRED AND REPLACE WITH GRAVEL.
2. ACCESS DRIVES TO SLOPE IN THE DIRECTION OF THE EXISTING GRADE. DRIVEWAY SHALL BE GRADED TO ALLOW STORMWATER TO SHEET DRAIN ACROSS IT AND TO PREVENT PUDDLING.

HMA ACCESS DRIVE CROSS SECTION
NOT TO SCALE



SUBSOIL EQUIPMENT FOUNDATION DETAIL
NOT TO SCALE

nexamp
101 Summer Street, 2nd Flr, Boston, MA 02110
Tel: (617) 431-1440 Fax: (978) 416-2525 Web: nexamp.com

ATWELL
888.850.4200 www.atwell-group.com
1250 EAST DIEHL ROAD, SUITE 300
NAPERVILLE, IL 60563
DESIGN FIRM # 184-005376

Rev	Issued For	Date
A	CLIENT REVIEW SET	06/26/24
B	CLIENT REVIEW SET	8/12/24
C	CLIENT REVIEW SET	9/13/24
D	REV PER CITY OF YORKVILLE COMMENTS	10/30/24
E	LANDSCAPE REV PER CITY	2/4/25
F	REV PER CLIENT	2/14/25

P.E. seal/Consultant:

Project:
BEECHER ROAD SOLAR, LLC
SPECIAL USE APPLICATION PLANS
10791 CORNELL'S ROAD
UNITED CITY OF YORKVILLE,
KENDALL COUNTY, IL

Drawing Title:
STANDARD DETAILS

Drawn by: LEH | Approved by: MBK | Scale: As Noted

Dwg No: C-500 | Size: ARCH D | Sheet Rev: F

CAD FILE: 240031830-500-DT.DWG

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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 SPECIAL USE

INTENT AND PURPOSE

The purpose of the zoning code is based upon the authority of the City to divide its land into districts by use, bulk, and structures, in a substantially uniform manner. It is recognized that while some uses are permitted under the zoning code to keep uniformity, a case-by-case analysis must be conducted for certain permitted uses to discover the impact of those uses on neighboring land. In these cases a special use must be granted.

This packet explains the process to successfully submit and complete an Application for Special Use. It includes a detailed description of the process, outlines required submittal materials, and contains the application for special use.

For a complete explanation of what is legally required throughout the Special Use process, please refer to "Title 10, Chapter 4, Section 9: Special Uses" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE

STEP 1

APPLICATION SUBMITTAL

SUBMIT APPLICATION, FEES, AND PLANS TO THE COMMUNITY DEVELOPMENT DEPT.

The following must be submitted:

- ☐ One (1) original signed and notarized application.
- ☐ Legal description of the property in Microsoft Word.
- ☐ Three (3) copies each of the exhibits, proposed drawings, location map, and site plan. All exhibits and plans must be an appropriate size for all details and descriptions to be legible.
- ☐ Appropriate application and filing fee. Checks may be written to the United City of Yorkville.
- ☐ Signed Applicant Deposit Account/Acknowledgment of Financial Responsibility form.
- ☐ One (1) electronic copy (PDF) of all materials submitted including application and exhibits.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. An incomplete submittal could delay the scheduling of the project.

The petitioner is responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The petitioner will be required to establish a deposit account with the City to cover these fees.

Once a submitted and complete, Community Development staff will provide a tentative schedule of meetings as well as all needed documents for the process.

STEP 2

PLAN COUNCIL

MEETS ON THE 2ND & 4TH THURSDAY OF THE MONTH

The petitioner must present the proposed request to the Plan Council. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. This meeting is held to provide the petitioner with guidance from all City staff departments to ensure the petitioner is aware of all requirements and regulations for their development. Upon recommendation by the Plan Council, the petitioner will move forward to the Economic Development Committee.

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APPLICATION FOR SPECIAL USE

STEP 3

ECONOMIC DEVELOPMENT COMMITTEE

MEETS ON THE 1ST TUESDAY OF THE MONTH

The petitioner must present the proposed plan to the Economic Development Committee. The committee consists of four alderman who will provide feedback to the petitioner regarding their request. This feedback allows the petitioner to gather comments and concerns prior to full City Council considerations. It also allows the City Council members to review the request prior to its arrival at City Council.

STEP 4

PLANNING & ZONING COMMISSION

MEETS ON THE 2ND WEDNESDAY OF THE MONTH

The petitioner will attend and present their request at a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council. No special use shall be recommended by the Planning and Zoning Commission unless it follows the standards set forth in City's Zoning Ordinance.

The petitioner is responsible for sending certified public hearing notices to adjacent property owners within five hundred (500) feet of the subject property no less than fifteen (15) days and no more than thirty (30) days prior to the public hearing date. The public hearing notice will be drafted by the City as well as published in a local newspaper. Additionally, a public hearing notice sign must be placed on the property no less than fifteen (15) days prior to the public hearing.

A certified affidavit must be filed by the petitioner with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Certified Mailing Affidavit form is attached to this document.

STEP 5

CITY COUNCIL

MEETS ON THE 2ND & 4TH TUESDAY OF THE MONTH

The petitioner will attend the City Council meeting where the recommendation of the special use will be considered. City Council will make the final approval of the special use. If approved, City staff will have a drafted ordinance to be signed by the Council and must be recorded with the County Clerk before any further steps may be taken by the petitioner.

SUMMARY OF RESPONSIBILITIES

Below is a summary breakdown of what will be required by the petitioner and what will be completed by the City:

PETITIONER

- ☐ Signed and Notarized Application
- ☐ Required Plans, Exhibits, and Fees
- ☐ Certified Mailing of Public Notice
- ☐ Signed Certified Affidavit of Mailings
- ☐ Attendance at All Meetings

CITY STAFF

- ☐ Detailed Schedule After Complete Submission
- ☐ Public Hearing Notice Language
- ☐ Posting of the Public Notice in a Local Newspaper
- ☐ Public Hearing Sign Application
- ☐ Draft Ordinance & Signatures for Recording

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APPLICATION FOR SPECIAL USE

SAMPLE MEETING SCHEDULE



This is a sample of what a schedule may look like after submission. The Step 1 Submission must be completed before the Plan Council Meeting can be scheduled. This timeline represents an ideal schedule. Throughout the review process, there may be requests or changes to the submission requested by the committees which may delay the meeting schedule. As illustrated, there is a small amount of time between meeting dates and the deadline for updated materials to be submitted for review. Depending on the complexity and nature of the request, this timeline may be extended to give the petitioner and staff enough time to review requested updates to the submission.

DORMANT APPLICATIONS

The Community Development Director shall determine if an application meets or fails to meet the submission requirements. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial planning and zoning commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)

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APPLICATION FOR SPECIAL USE

INVOICE & WORKSHEET PETITION APPLICATION		
CONCEPT PLAN REVIEW	☐ Engineering Plan Review deposit $500.00	Total: $
AMENDMENT	☐ Annexation $500.00 ☐ Plan $500.00 ☐ Plat $500.00 ☐ P.U.D. $500.00	Total: $
ANNEXATION	☐ $250.00 + $10 per acre for each acre over 5 acres ____ - 5 = ____ x $10 = ____ + $250 = $ ____ # of Acres / Acres over 5 / Amount for Extra Acres / Total Amount	Total: $
REZONING *If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee*	☐ $200.00 + $10 per acre for each acre over 5 acres ____ - 5 = ____ x $10 = ____ + $200 = $ ____ # of Acres / Acres over 5 / Amount for Extra Acres / Total Amount	Total: $
SPECIAL USE	☐ $250.00 + $10 per acre for each acre over 5 acres 25 - 5 = 20 x $10 = $200.00 + $250 = $ $450.00 # of Acres / Acres over 5 / Amount for Extra Acres / Total Amount	Total: $ 450.00
ZONING VARIANCE	☐ $85.00 + $500.00 outside consultants deposit	Total: $
PRELIMINARY PLAN FEE	☐ $500.00	Total: $
PUD FEE	☐ $500.00	Total: $
FINAL PLAT FEE	☐ $500.00	Total: $
ENGINEERING PLAN REVIEW DEPOSIT	☐ Less than 1 acre $5,000.00 ☐ Over 1 acre, less than 10 acres $10,000.00 ☒ Over 10 acres, less than 40 acres $15,000.00 ☐ Over 40 acres, less than 100 acres $20,000.00 ☐ Over 100 acres $25,000.00	Total: $ 15,000.00
OUTSIDE CONSULTANTS DEPOSIT *Legal, land planner, zoning coordinator, environmental services* For Annexation, Subdivision, Rezoning, and Special Use:	☐ Less than 2 acres $1,000.00 ☐ Over 2 acres, less than 10 acres $2,500.00 ☒ Over 10 acres $5,000.00	Total: $ 5,000.00
	TOTAL AMOUNT DUE:	$21,700.00

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APPLICATION FOR SPECIAL USE

DATE: August , 2024	PZC NUMBER:	DEVELOPMENT NAME: Beecher Road Solar, LLC
PETITIONER INFORMATION		
NAME: Matt Kwiatkowski		COMPANY: Beecher Road Solar, LLC
MAILING ADDRESS:		
CITY, STATE, ZIP:		TELEPHONE: ◉ BUSINESS ○ HOME 317-760-3190
EMAIL: mkwiatkowski@nexamp.com		FAX:
PROPERTY INFORMATION		
NAME OF HOLDER OF LEGAL TITLE: Gary L. Bennett and Betty S. Bennett		
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:		
PROPERTY STREET ADDRESS: 10791 Corneils Road, Yorkville, Illinois 60560		
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION:		
CURRENT ZONING CLASSIFICATION: A-1		COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION: A-1/R-2
REQUESTED SPECIAL USE: A-1 Special Use for a Solar array		
ZONING AND LAND USE OF SURROUNDING PROPERTIES		
NORTH: A-1 and R-2		
EAST: A-1 and R-2		
SOUTH: A-1		
WEST: County of Kendall A-1/M-1/ Special Use		

KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)			
02-08-300-008			
02-08-300-012			

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APPLICATION FOR SPECIAL USE

ATTORNEY INFORMATION	
NAME: Daniel J. Kramer	COMPANY: Law Offices of Daniel J. Kramer
MAILING ADDRESS: 1107A S. Bridge Street	
CITY, STATE, ZIP: Yorkville, Illinois 60560	TELEPHONE: 630-553-9500
EMAIL: dkramer@dankramerlaw.com	FAX: 630-553-5764
ENGINEER INFORMATION	
NAME: Michael Keith	COMPANY: Atwell
MAILING ADDRESS: 1250 E. Diehl Road, Suite 300	
CITY, STATE, ZIP: Naperville, IL 60563	TELEPHONE: 630-281-8424
EMAIL: mkeith@atwell-group.com	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME: Michael Keith	COMPANY: Atwelll
MAILING ADDRESS: 1250 E. Diehl Road, Suite 300	
CITY, STATE, ZIP: Naperville, IL 60563	TELEPHONE: 630-281-8424
EMAIL: mkeith@atwellgroup.com	FAX:

ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

Petitioner must list the names and addresses of any adjoining or contiguous landowners within five hundred (500) feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

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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 Beecher Road Solar, 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 arrray 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 imped 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 an 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.

M R W

Matthew R. Walsh, VP of Business Development — PETITIONER SIGNATURE

8/14/2024 — DATE

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

X Gary Bennett
X Betty Bennett

OWNER SIGNATURE

8/15/2024 — DATE

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

"OFFICIAL SEAL"
COLLEEN T HANSON
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION NO. 979188
MY COMMISSION EXPIRES 10/6/2027

Colleen Hanson 8/15/2024

United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
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Website: www.yorkville.il.us

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS:

PETITIONER DEPOSIT ACCOUNT FUND:

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the **INVOICE & WORKSHEET PETITION APPLICATION**. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

NAME: Matt Kwiatkowski	COMPANY: Beecher Road Solar, LLC
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE: 317-760-3190
EMAIL: mkwiatkowski@nexamp.com	FAX:

FINANCIALLY RESPONSIBLE PARTY:

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

Matthew R Walsh
PRINT NAME

VP of Business Development
TITLE

M R W
SIGNATURE*

8/14/2024
DATE

**The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS

ENGINEERING DEPOSITS:		LEGAL DEPOSITS:	
Up to one (1) acre	$5,000	Less than two (2) acres	$1,000
Over one (1) acre, but less than ten (10) acres	$10,000	Over two (2) acres, but less than ten (10) acres	$2,500
Over ten (10) acres, but less than forty (40) acres	$15,000	Over ten (10) acres	$5,000
Over forty (40) acres, but less than one hundred (100)	$20,000		
In excess of one hundred (100.00) acres	$25,000		

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Website: www.yorkville.il.us

APPLICATION FOR PUBLIC HEARING SIGN

PERMIT NUMBER:	**DATE/TIME RECEIVED:**
SITE ADDRESS: 10791 Corneils Road, Yorkville, IL 60560	PARCEL NUMBER: 02-08-300-008 & 02-08-300-012
SUBDIVISION: N/A	LOT/UNIT:
APPLICANT INFORMATION	
NAME: Beecher Road Solar, LLC	TELEPHONE: O HOME O BUSINESS 317-760-3190
ADDRESS:	E-MAIL: O HOME O BUSINESS mkwiatkowski@nexamp.com
CITY, STATE, ZIP:	FAX:
SIGN INFORMATION	
DATE OF PICK UP:	NUMBER OF SIGNS:
DATE OF PUBLIC HEARING:	SIGN RETURN DATE:

The undersigned hereby states that they have acquired Public Hearing Signs from the United City of Yorkville's Community Development Department and agrees to return said sign/s to Yorkville City Hall, 800 Game Farm Road, Yorkville, Illinois, immediately following the date of the public hearing.

Petitioner or Representative agrees to pay to the United City of Yorkville a deposit of $50 for each sign. The deposit will be returned to the petitioner when the public hearing sign/s have been returned to the City.

Petitioner or Representative further agrees to pay to the United City of Yorkville the full amount of the purchase price for each sign not returned to the United City of Yorkville within seven (7) days after the date of the public hearing.

M R W — Matthew R Walsh — 8/14/2024

SIGNATURE/AUTHORIZED AGENT — VP of Business Development — DATE

DATE RETURNED: _____

RECEIVED BY: _____ PZC# _____

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

INTENT AND PURPOSE

The purpose of a variance is to provide relief from certain regulations of the zoning ordinance to permit the use of land in a way that is not otherwise permitted under the ordinance. A variance is granted when the terms of the zoning ordinance, if literally applied, would create an unreasonable hardship on the landowner, making the property virtually useless.

This packet explains the process to successfully submit and complete an Application for a Variance Request. It includes a detailed description of the process, outlines required submittal materials, and contains the application for variance.

For a complete explanation of what is legally required throughout the Variance Request process, please refer to "Title 10, Chapter 4, Section 7 Variations" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE

STEP 1

APPLICATION SUBMITTAL

SUBMIT APPLICATION, FEES, AND PLANS TO THE COMMUNITY DEVELOPMENT DEPT.

The following must be submitted:

- ☒ One (1) original signed and notarized application.
- ☒ Legal description of the property in Microsoft Word.
- ☒ Three (3) copies each of exhibits, proposed drawings, location map, and site plan. All exhibits and plans must be an appropriate size for all details and descriptions to be legible.
- ☒ Appropriate application and filing fee. Checks may be written to the United City of Yorkville.
- ☒ Signed Applicant Deposit Account/Acknowledgment of Financial Responsibility form.
- ☒ One (1) electronic copy (PDF) of all materials submitted including application and exhibits.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. An incomplete submittal could delay the scheduling of the project.

The petitioner is responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The petitioner will be required to establish a deposit account with the City to cover these fees.

Once a submitted and complete, Community Development staff will provide a tentative schedule of meetings as well as all needed documents for the process.

STEP 2

PLAN COUNCIL

MEETS ON THE 2ND & 4TH THURSDAY OF THE MONTH

This step is dependent on the complexity of the request and may be skipped at the discretion of staff.

The petitioner must present the proposed request to the Plan Council. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. This meeting is held to provide the petitioner with guidance from all City staff departments to ensure the petitioner is aware of all requirements and regulations for their development. Upon recommendation by the Plan Council, the petitioner will move forward to the Economic Development Committee.

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APPLICATION FOR VARIANCE

STEP 3

ECONOMIC DEVELOPMENT COMMITTEE

MEETS ON THE 1ST TUESDAY OF THE MONTH

The petitioner must present the proposed request to the Economic Development Committee. The committee consists of four alderman who will provide feedback to the petitioner regarding their request. This feedback allows the petitioner to gather comments and concerns prior to full City Council considerations. It also allows the City Council members to review the request prior to its arrival at City Council.

STEP 4

PLANNING & ZONING COMMISSION

MEETS ON THE 2ND WEDNESDAY OF THE MONTH

The petitioner will attend and present their request at a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council.

If the variance request adheres to any of the following standards then the variance may be granted by the Planning and Zoning Commission without City Council approval:

- ☐ Reducing a required setback by no more than twenty-five percent (25%).
- ☐ Reducing the lot width or lot size regulation not less than ninety percent (90%) of the required width or area.
- ☐ Permitting the same off street parking spaces for two or more uses provided each use does not take place at approximately the same hours of the same days of the week.
- ☐ Reducing the required off street parking spaces or loading spaces by no more than one (1) or twenty percent (20%) of the regulations (whichever is greater).
- ☐ Increasing by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.
- ☐ Allowing for the deferment of required parking facilities for a reasonable period of time as specified in the variance.
- ☐ Increasing no more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.
- ☐ If eminent domain by any authorized government agency results in exceeding one of the previously listed variance requests.

The petitioner is responsible for sending certified public hearing notices to adjacent property owners within five hundred (500) feet of the subject property no less than fifteen (15) days and no more than thirty (30) days prior to the public hearing date. The public hearing notice will be drafted by the City as well as published in a local newspaper. Additionally, a public hearing notice sign must be placed on the property no less than fifteen (15) days prior to the public hearing.

A certified affidavit must be filed by the petitioner with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Certified Mailing Affidavit form is attached to this document.

STEP 5

CITY COUNCIL

MEETS ON THE 2ND & 4TH TUESDAY OF THE MONTH

This step may be skipped if the variance request adheres to the authorized requests listed above.

The petitioner will attend the City Council meeting where the recommendation of the variance will be considered. City Council will make the final approval of the variance. If approved, City staff will have a drafted ordinance to be signed by the Council and must be recorded with the County Clerk before any further steps may be taken by the petitioner.

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APPLICATION FOR VARIANCE

SUMMARY OF RESPONSIBILITIES

Below is a summary breakdown of what will be required by the petitioner and what will be completed by the City:

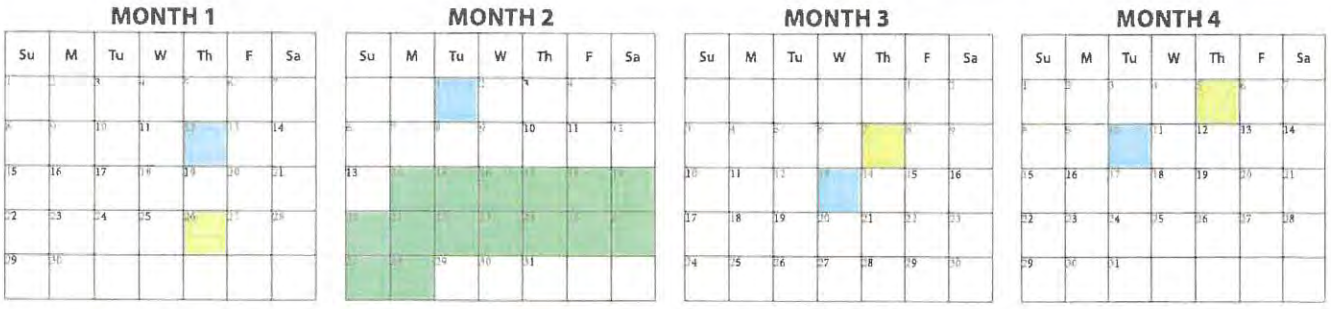
PETITIONER

- ☐ Signed and Notarized Application
- ☐ Required Plans, Exhibits, and Fees
- ☐ Certified Mailing of Public Notice
- ☐ Signed Certified Affidavit of Mailings
- ☐ Attendance at All Meetings

CITY STAFF

- ☐ Detailed Schedule After Complete Submission
- ☐ Public Hearing Notice Language
- ☐ Posting of the Public Notice in a Local Newspaper
- ☐ Public Hearing Sign Application
- ☐ Draft Ordinance & Signatures for Recording

SAMPLE MEETING SCHEDULE



This is a sample of what a schedule may look like after submission. The Step 1 Submission must be completed before the Plan Council Meeting can be scheduled. This timeline represents an ideal schedule. Throughout the review process, there may be requests or changes to the submission requested by the committees which may delay the meeting schedule. As illustrated, there is a small amount of time between meeting dates and the deadline for updated materials to be submitted for review. Depending on the complexity and nature of the request, this timeline may be extended to give the petitioner and staff enough time to review requested updates to the submission.

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APPLICATION FOR VARIANCE

DORMANT APPLICATIONS

The Community Development Director shall determine if an application meets or fails to meet the submission requirements. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial planning and zoning commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)

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APPLICATION FOR VARIANCE

INVOICE & WORKSHEET PETITION APPLICATION			
CONCEPT PLAN REVIEW	☐ Engineering Plan Review deposit	$500.00	Total: $
AMENDMENT	☒ Annexation ☐ Plan ☒ Plat ☐ P.U.D.	$500.00 $500.00 $500.00 $500.00	Total: $
ANNEXATION	☐ $250.00 + $10 per acre for each acre over 5 acres ____ (# of Acres) - 5 = ____ (Acres over 5) x $10 = ____ (Amount for Extra Acres) + $250 = $ ____ (Total Amount)		Total: $
REZONING *If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee*	☐ $200.00 + $10 per acre for each acre over 5 acres ____ (# of Acres) - 5 = ____ (Acres over 5) x $10 = ____ (Amount for Extra Acres) + $200 = $ ____ (Total Amount)		Total: $
SPECIAL USE	☐ $250.00 + $10 per acre for each acre over 5 acres ____ (# of Acres) - 5 = ____ (Acres over 5) x $10 = ____ (Amount for Extra Acres) + $250 = $ ____ (Total Amount)		Total: $
ZONING VARIANCE	☒ $85.00 + $500.00 outside consultants deposit		Total: $ 585.00
PRELIMINARY PLAN FEE	☐ $500.00		Total: $
PUD FEE	☐ $500.00		Total: $
FINAL PLAT FEE	☐ $500.00		Total: $
ENGINEERING PLAN REVIEW DEPOSIT	☐ Less than 1 acre ☐ Over 1 acre, less than 10 acres ☐ Over 10 acres, less than 40 acres ☐ Over 40 acres, less than 100 acres ☐ Over 100 acres	$5,000.00 $10,000.00 $15,000.00 $20,000.00 $25,000.00	Total: $
OUTSIDE CONSULTANTS DEPOSIT *Legal, land planner, zoning coordinator, environmental services* For Annexation, Subdivision, Rezoning, and Special Use:	☐ Less than 2 acres ☐ Over 2 acres, less than 10 acres ☐ Over 10 acres	$1,000.00 $2,500.00 $5,000.00	Total: $
	TOTAL AMOUNT DUE:		585.00

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APPLICATION FOR VARIANCE

DATE: August , 2024	PZC NUMBER:	DEVELOPMENT NAME: Beecher Road, Solar, LLC

PETITIONER INFORMATION

NAME: Matt Kwiatkowski	COMPANY: Beecher Road Solar, LLC
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE: ○ BUSINESS ○ HOME 317-760-3190
EMAIL: mkwiatkowski@nexamp.com	FAX:

PROPERTY INFORMATION

NAME OF HOLDER OF LEGAL TITLE: Gary L. Bennett and Betty S. Bennett

IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:

PROPERTY STREET ADDRESS: 17091 Corneils Road, Yorkville, IL 60560

DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION:
10791 Corneils Road, Yorkville, IL 60560

CURRENT ZONING CLASSIFICATION:

ZONING AND LAND USE OF SURROUNDING PROPERTIES

NORTH: A-1 and R-2

EAST: A-1 and R-2

SOUTH: A-1

WEST: County of Kendall A-1/M-1/ Special Use

KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)

02-08-300-008			
02-08-300-012			

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APPLICATION FOR VARIANCE

ATTORNEY INFORMATION	
NAME: Daniel J. Kramer	COMPANY: Law Offices of Daniel J. Kramer
MAILING ADDRESS: 1107A S. Bridge Street	
CITY, STATE, ZIP: Yorkville, IL 60560	TELEPHONE: 630-553-9500
EMAIL: dkramer@dankramerlaw.com	FAX: 630-553-5764
ENGINEER INFORMATION	
NAME: Michael Keith	COMPANY: Atwell
MAILING ADDRESS: 1250 E. Diehl Road, Suite 300	
CITY, STATE, ZIP: Naperville, IL 60563	TELEPHONE: 630-281-8424
EMAIL: mkeith@atwellgroup.com	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME: Michael Keith	COMPANY: Atwell
MAILING ADDRESS: 1250 E. Diehl Road, Suite 300	
CITY, STATE, ZIP: Naperville, IL 60563	TELEPHONE: 630-281-8424
EMAIL: mkeith@atwellgroup.com	FAX:

ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

Petitioner must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

VARIANCE STANDARDS

PLEASE CONFIRM THE PROPOSED VARIATION IS CONSISTENT WITH THE OFFICIAL COMPREHENSIVE PLAN AND OTHER DEVELOPMENT STANDARDS AND POLICIES OF THE CITY.

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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 Ordinance. Petitioner requests a Variance from a 1,000 foot setback from the Right-of-Way to a 482 foot setback from the Right-Way

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.

MRW

Matthew R. Walsh, VP of Business Development — PETITIONER SIGNATURE

8/14/2024 — DATE

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

x Gary Bennett
x Betty Bennett — OWNER SIGNATURE

8/15/2024 — DATE

"OFFICIAL SEAL"
COLLEEN T HANSON
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION NO. 979188
MY COMMISSION EXPIRES 10/6/2027

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

Colleen Hansen 8/15/2024

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.

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APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: 10791 Corneils Road, Plano, IL 60545

PETITIONER DEPOSIT ACCOUNT FUND:

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the **INVOICE & WORKSHEET PETITION APPLICATION**. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

NAME: Matt Kwiatkowski	COMPANY: Beecher Road Solar, LLC
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE: 317-760-3190
EMAIL: mkwiatkowski@nexamp.com	FAX:

FINANCIALLY RESPONSIBLE PARTY:

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

Matthew R Walsh
PRINT NAME

VP of Business Development
TITLE

M R W
SIGNATURE*

8/14/2024
DATE

**The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS

ENGINEERING DEPOSITS:	
Up to one (1) acre	$5,000
Over one (1) acre, but less than ten (10) acres	$10,000
Over ten (10) acres, but less than forty (40) acres	$15,000
Over forty (40) acres, but less than one hundred (100)	$20,000
In excess of one hundred (100.00) acres	$25,000

LEGAL DEPOSITS:	
Less than two (2) acres	$1,000
Over two (2) acres, but less than ten (10) acres	$2,500
Over ten (10) acres	$5,000

CERTIFIED MAILING
AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

I/We, Daniel J. Kramer, petitioner, being first duly sworn, do hereby state under oath that to the best of my knowledge the **attached** list is a true, correct and **complete list of all permanent parcel numbers, and names and addresses of owners**, of all lots and parts of lots located within 500 feet (exclusively of any public streets and alleys) of the property legally described on the attached application for annexation, rezoning, special use permit, planned unit development, variation, or other zoning amendment. I further state that said list was obtained from the current tax rolls of the Kendall County Treasurer's Office. I further state that I mailed by U.S. Certified Mail, Return Receipt Requested, a copy of the Public Notice of Public Hearing before the United City of Yorkville Planning and Zoning Commission for the Public Hearing held on Wednesday, _____, at the United City of City Council Chambers, Yorkville, Illinois. The notice was mailed to the attached list of all of the permanent parcel numbers and names and addresses of owners at the U.S. Post office on August 16, 2024.

X _____
Signature of Petitioner(s)
Kelly in Fact for Petitioners

Subscribed and sworn to before me this
16th day of August, 2024

_____
Notary Public

"OFFICIAL SEAL"
COLLEEN T HANSON
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION NO. 979188
MY COMMISSION EXPIRES 10/6/2027

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Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR PUBLIC HEARING SIGN

PERMIT NUMBER:	**DATE/TIME RECEIVED:**
SITE ADDRESS: 10791 Corneils Road,Yorkville, IL 60560	PARCEL NUMBER: 02-08-300-008 & 02-08-300-012
SUBDIVISION: N/A	LOT/UNIT: N/A
APPLICANT INFORMATION	
NAME: Beecher Road Solar, LLC	TELEPHONE: ○ HOME ◉ BUSINESS 317-760-3190
ADDRESS:	E-MAIL: ○ HOME ◉ BUSINESS nkwiatkowski@nexamp.com
CITY, STATE, ZIP:	FAX:
SIGN INFORMATION	
DATE OF PICK UP:	NUMBER OF SIGNS:
DATE OF PUBLIC HEARING:	SIGN RETURN DATE:

The undersigned hereby states that they have acquired Public Hearing Signs from the United City of Yorkville's Community Development Department and agrees to return said sign/s to Yorkville City Hall, 800 Game Farm Road, Yorkville, Illinois, immediately following the date of the public hearing.

Petitioner or Representative agrees to pay to the United City of Yorkville a deposit of $50 for each sign. The deposit will be returned to the petitioner when the public hearing sign/s have been returned to the City.

Petitioner or Representative further agrees to pay to the United City of Yorkville the full amount of the purchase price for each sign not returned to the United City of Yorkville within seven (7) days after the date of the public hearing.

M R W

SIGNATURE/AUTHORIZED AGENT

Matthew R Walsh
VP of Business Development

August 14, 2024
DATE

DATE RETURNED: _____

RECEIVED BY: _____ PZC# _____

Vegetation Management Plan for Solar Sites Utilizing Native Vegetation

Natural Resource Services

35-Year Solar Site Habitat Management

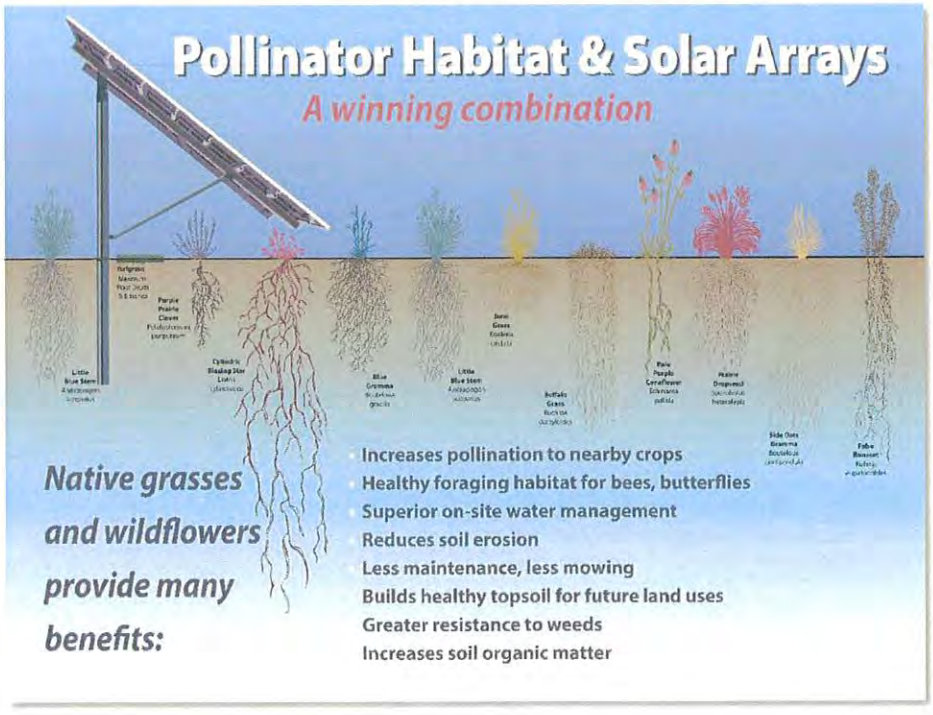
Economical production of power is the foremost goal on solar sites. There is a parallel opportunity to provide critically important native pollinator friendly habitat throughout the array while capitalizing on the long-term low maintenance needs of native vegetation.

Establishing prairies and other native plant communities within the confines of solar sites provides a tremendous opportunity to restore ecosystems that have been severely degraded and eliminated across all areas of the country.

Native plants have profound root systems, many reaching 10 or more feet deep into the soil. Rainwater follows those roots into the ground, helping reduce water runoff and promote the drainage of standing water into the aquafer. Those deep roots also stabilize the soil, preventing erosion from rain and wind. The plants provide seeds for songbirds, cover for game birds and, of course, provide the blossoms and host plants for our beloved butterflies and other nectar loving insects.

Native grasses and forbs will be selected based on their ecological appropriateness to the specific conditions of this site, with consideration to their mature height as to not interfere with panel productivity. These species will not require irrigation, fertilizer or other soil amendments.

The contribution to habitat restoration cannot be overstated given the acreage impacted and lifespan of the project.



Recommended Vegetation Management Procedures

Establishment Phase (growing seasons 1, 2 and 3)

Year 1: Complete site mowings to control annual/biennial weed canopy and prevent production of viable seed.

- 2-3 mowings (unless grazed by animals) are typical depending on soils, weather patterns and planting dates.
- Mowing to be done using specialized zero-radius mowers, orchard mowers and/or flail mowers
- Target mowing height of 4-6 inches.
- Reporting to your designated contact following each visit including a recap of activities, site conditions and recommendations for future management.

Year 2: Complete site mowing to control annual/biennial weed canopy and prevent production of viable seed.

- 2 mowings (unless grazed by animals) likely in the late spring or early summer.
- Mowing to be done using specialized zero-radius mowers, orchard mowers and/or flail mowers
- Target mowing height of 4-6 inches.
- Reporting to your designated contact following each visit including a recap of activities, site conditions and recommendations for future management.

Integrated Vegetation Management (IVM)

- 1 site visit is typical depending on growth and weed populations.
- Includes spot mowing, spot herbicide application, herbicide wicking, etc.
- Equipment used includes tractor and/or ATV mounted sprayers.
- Reporting to your designated contact following each visit including a recap of activities, site conditions and recommendations for future management.

Year 3: Integrated Vegetation Management (IVM)

- 3 site visits are typical depending on growth and weed populations.
- Includes spot mowing (unless grazed by animals), spot herbicide application, herbicide wicking, etc.
- Equipment used includes tractor and/or ATV mounted sprayers.
- Reporting to your designated contact following each visit including a recap of activities, site conditions and recommendations for future management.

Development and Maturations Phases (growing seasons 4 through 9, 10 through 34)

Years 4 - 9: Integrated Vegetation Management (IVM)

- Two partial site visits are typical depending on vegetation status
- Includes spot herbicide applications and/or herbicide wicking.
- Equipment used includes tractor and/or ATV mounted sprayers.
- Includes a complete site mowing (unless grazed by animals) once every 3 years to mulch up biomass and recycle nutrients. On years when a mowing occurs, only one IVM visit will be necessary.
- Reporting to your designated contact following each visit including a recap of activities, site conditions and recommendations for future management.

Years 10 – 34: Integrated Vegetation Management

- Two partial site visits are typical depending on vegetation status
- Includes spot herbicide applications and/or herbicide wicking.
- Equipment used includes tractor and/or ATV mounted sprayers.
- Includes a complete site mowing (unless grazed by animals) once every 3 years to mulch up biomass and recycle nutrients. On years when a mowing occurs, only one IVM visit will be necessary.
- Reporting to your designated contact following each visit including a recap of activities, site conditions and recommendations for future management.

Notes:

- The Partial Site Visits referred to in years 4-34 imply that only portions of the site will need treatment. The entire project area will be assessed during these visits.
- For projects located outside of the Upper Midwest, the recommended vegetation management procedures may need to be adjusted.

Monitoring

Consistent monitoring of the project is essential in order to evaluate vegetative establishment, weed presence and possible erosion concerns. This information helps determine which management technique to use, the proper timing of the implementation and whether or not any other remedial action is required.

It is important to note that management activities may need to be implemented in a phased approach based on when a particular area of the site was seeded. This is mainly true on large-scale sites where the initial seeding may take several months. For example, this project may have areas that are newly seeded and other areas that are in their full 1st growing season. Careful management of project will be required to ensure that right management techniques are implemented in the right areas at the right time.

Other Notes on Vegetation Management:

- Establishing a successful native landscape is important but the vegetation also needs to be managed so that the array can function to its full capacity. It is likely, that as the potential vegetation management contractor, we would be responsible for general "weed" control throughout the project site. This would include controlling vegetation along roads, combiner boxes, power panels, etc. These responsibilities would need to be further defined prior to finalizing an agreement.
- Solar crews will mechanically control weed growth underneath the panel. Mowing/trimming around every post is not included and not necessary from a plant community health standpoint.
- On larger scale sites, solar crews will utilize GPS units to ensure complete and consistent coverage.
- After establishment, the site should be mowed once every 3-4 years. This mulching mowing most closely replicates the beneficial aspects of a prescribed burn which cannot be used on a solar site for obvious reasons. These mowings would typically occur during the winter (snow-free) or spring, often before the ground thaws. Depending on the geographic area of the country and the target plant community, mowings may be needed more or less often.
- Additional mowing or trimming may be needed if shading of the panels occurs, either by native or non-native vegetation. As a general rule, this type of mowing, if needed, should be limited to the areas immediately in front of the panel's lower edge. Mowing

the entire aisles would entail potentially mowing flowers in bloom which would defeat the purpose of the pollinator planting.



ONE COMPANY.
INFINITE SOLUTIONS.

September 1, 2023

Mr. Matt Walsh
Nexamp
200 W. Monroe Street, Suite 620
Chicago, Illinois 60606

Atwell, LLC Project No. 23003931

Re: Wetland Determination/Delineation
Corneils Road Solar
Kendall County, Illinois

Mr. Walsh:

Nexamp (Client) contracted Atwell, LLC (Agent) to conduct a wetland delineation/determination and assessment for an approximately 94-acre parcel in Sections 8 and 17 of Township 37 North, Range 07 East, Kendall County, Illinois (hereinafter referred to as "site") to support a proposed solar development. The site is located approximately 0.3 miles east of the intersection of Beecher Road and Corneils Road.

The purpose of the wetland determination and delineation was to determine if wetlands, watercourses, and/or bodies of water are present on the site, and if so, if they fall under the jurisdiction of the U.S. Army Corps of Engineers (USACE).

Prior to the field survey, Atwell reviewed the following data for any ecological and environmental constraints: aerial photography, U.S. Geological Survey (USGS) 7.5-Minute Topographic Maps, U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Maps, Flood Insurance Rate Maps (FIRMs) provided by the Federal Emergency Management Agency (FEMA), and county soil data from the Natural Resources Conservation Service (NRCS).

The results of the wetland delineation site visit conducted August 9, 2023, are summarized below.

Site Setting and Characteristics

A review of aerial photography and a site visit were conducted to characterize the site and surrounding area. The surrounding landscape consists primarily of undeveloped forested and herbaceous land, agricultural field, commercial and residential development, paved and unpaved roads, wetlands, and watercourses. The site itself is undeveloped agricultural field with hedgerows and riparian corridors along the perimeter of the site.

The entire site was observed to be upland in nature and currently in active agricultural use. The most common upland tree species found within the riparian corridors on-site include boxelder maple (*Acer negundo*), cottonwood (*Populus deltoides*), and hackberry (*Celtis occidentalis*). Common upland scrub-shrub species found on-site include grey dogwood (*Cornus racemosa*) and honeysuckle (*Lonicera spp.*). Common herbaceous vegetation within uplands includes agricultural crops, Timothy (*Phleum pratense*), white clover (*Trifolium repens*), and field thistle (*Cirsium discolor*).

Wetland Delineation

The wetland delineation was performed in accordance with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region* (USACE 2010). The delineation of any wetland depends on three basic parameters: 1) the presence of hydrophytic vegetation (plants adapted to living in saturated soils), 2) hydric soils (distinctive soil types that develop under saturated conditions), and 3) wetland hydrology (the presence of water at or near the surface for a specific period of time). The above parameters are virtually always inter-related and present in wetland systems.

In Illinois, the USACE regulates the discharge of dredged or fill material into jurisdictional wetlands and waters of the U.S. under Section 404 of the Clean Water Act (CWA). Wetlands that are hydrologically connected or adjacent to traditional navigable waters of the U. S. are regulated under Section 404. If impacts are anticipated to federally jurisdictional waters or wetlands, then a Section 404 permit obtained through review from the USACE and a Section 401 permit after review from the Illinois Environmental Protection Agency (ILEPA) would be required.

Floodplains and floodways are regulated by the Illinois Department of Natural Resources (ILDNR). All construction activities in the floodways of streams (the channel and the adjacent portion of the floodplain that is needed to safely convey and store flood waters) in urban areas where the stream drainage area is one square mile or more or in rural areas where the stream drainage area is ten square miles or more must be permitted by the ILDNR prior to construction. If impacts are anticipated to floodplains along streams with a drainage area greater than 10 square miles, then a permit would also be required from the ILDNR.

Atwell did not complete a Floristic Quality Assessment (FQA) of the site wetlands, as this assessment is only required if a permit application is needed, and Atwell is assuming that all wetland impacts would be avoided as a result of the project.

Atwell conducted a wetland determination and delineation for the site on August 9, 2023. Atwell identified two watercourses (Watercourses A1 [Rob Roy Creek] and A2) on the site. Atwell did not identify any wetlands on the site. Refer to the enclosed *Site Features Map* for information and locations of the on-site features. Refer to the *Photographic Log* for site conditions and physical characteristics at the time of inspection. The results of the USACE Antecedent Precipitation Tool are also included as an attachment to this report.

Watercourse A1 (Rob Roy Creek) is a perennial stream located adjacent to the southeast boundary of the site. It enters the site at the southeast corner of the site and exits along the southern boundary of the site flowing the southwest. OHWM width is approximately 18 feet for this feature and a water depth of approximately two feet.

Watercourse A2 is a perennial stream and an unnamed tributary of Watercourse A1 (Rob Roy Creek). It enters the site along the north boundary and flows south into watercourse A1 bisecting the site. OHWM width is approximately 25 feet for this feature and a water depth of approximately two feet.

According to the U.S. Department of Agriculture (USDA) NRCS Web Soil Survey, the soils contained within the site have been mapped as Peotone silty clay loam, 0 to 2 percent slopes (330A), Drummer silty clay loam, 0 to 2 percent slopes (152A), Clare silt loam, 0 to 2 percent slopes (663A), Clare silt loam, 2 to 5 percent slopes (663B), Brenton silt loam, 0 to 2 percent slopes (149A), Harpster silty clay loam, 0 to 2 percent slopes (67A), and Knight silt loam, 0 to 2 percent slopes (191A). Most of these soil types are considered hydric and do not contain significant nonhydric components. Hydric soils are conducive to the growth and regeneration of hydrophytic vegetation by their ability to hold water for extended periods of time (NRCS 2010).

FEMA FIRMs were reviewed to determine if portions of the site are mapped as floodplains, floodways, or other flood prone areas. These maps record the following data: 100-year (1% chance of annual flooding) and 500-year (0.2% annual chance of flooding) floodplains, the height of the base flood elevation, and the risk to premium areas developed across a floodplain. According to FEMA map 17089C0380J dated 7/17/2012 and map 17093C0030G dated 2/4/2009, this site lies within Zone X, areas outside of the 100-year floodplain. Zone X indicates an Area of Minimal Flood Hazard. Therefore, regulated floodplains are likely not present within the site.

Conclusions and Recommendations

Based on the desktop review of online databases and a site visit, the site contains two watercourses (Watercourses A1 [Rob Roy Creek] and A2). It is Atwell's professional opinion the on-site watercourses appear to meet the criteria of Section 404 under the CWA. Therefore, the watercourses on site are likely regulated by the USACE. According to FEMA map 17089C0380J dated 7/17/2012 and map 17093C0030G dated 2/4/200, this site lies within Zone X, areas outside of the 100-year floodplain. Zone X indicates an Area of Minimal Flood Hazard. Therefore, regulated floodplains are likely not present within the site.

It is Atwell's understanding that all watercourse impacts would be avoided under the current scope of the project. However, if the proposed scope of the project changes and impacts to Waters of the United States or other jurisdictional resources are anticipated a permit may be required by the USACE before any proposed work (*e.g.*, filling, dredging, construction, draining, and/or other development) that takes place within the boundaries of a regulated wetland, watercourse, lake, pond, or floodplain. The USACE has the final authority on the jurisdictional status, in addition to the extent of regulated wetlands, lakes, streams, ponds, and floodplains in the State of Illinois.

We appreciate the opportunity to be of service to you on this project. Should you have any questions, please contact us at (248) 447-2000.

Sincerely,

ATWELL, LLC



David Nigro
Environmental Technician
Environmental Services Group



Pete Hill
Project Manager
Environmental Services Group

Enclosures: Site Location Map
Site Features Map
Photographic Log
USACE Antecedent Precipitation Tool

REFERENCES

NRCS, [Natural Resources Conservation Service]. 2010. "Field Indicators of Hydric Soils in the United States (Version 7.0)." http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046970.pdf.

USACE, [U.S. Army Corps of Engineers]. 2010. "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)." ERDC/ EL TR-12-1. Vicksburg (MS): U.S. Army Engineer Research and Development Center. https://usace.contentdm.oclc.org/utils/getfile/collection/p266001coll1/id/7630.



LEGEND

ASSESSMENT AREA (± 93.74 ACRES)

811
Know what's **below.**
Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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866.850.4200 www.atwell-group.com

SECTION 7-8, 17-18
TOWN 21 NORTH, RANGE 07 EAST
BRISTOL TOWNSHIP
KENDALL COUNTY, ILLINOIS

NEXAMP
KENDALL COUNTY, IL – NEXAMP – CORNEILS ROAD SOLAR

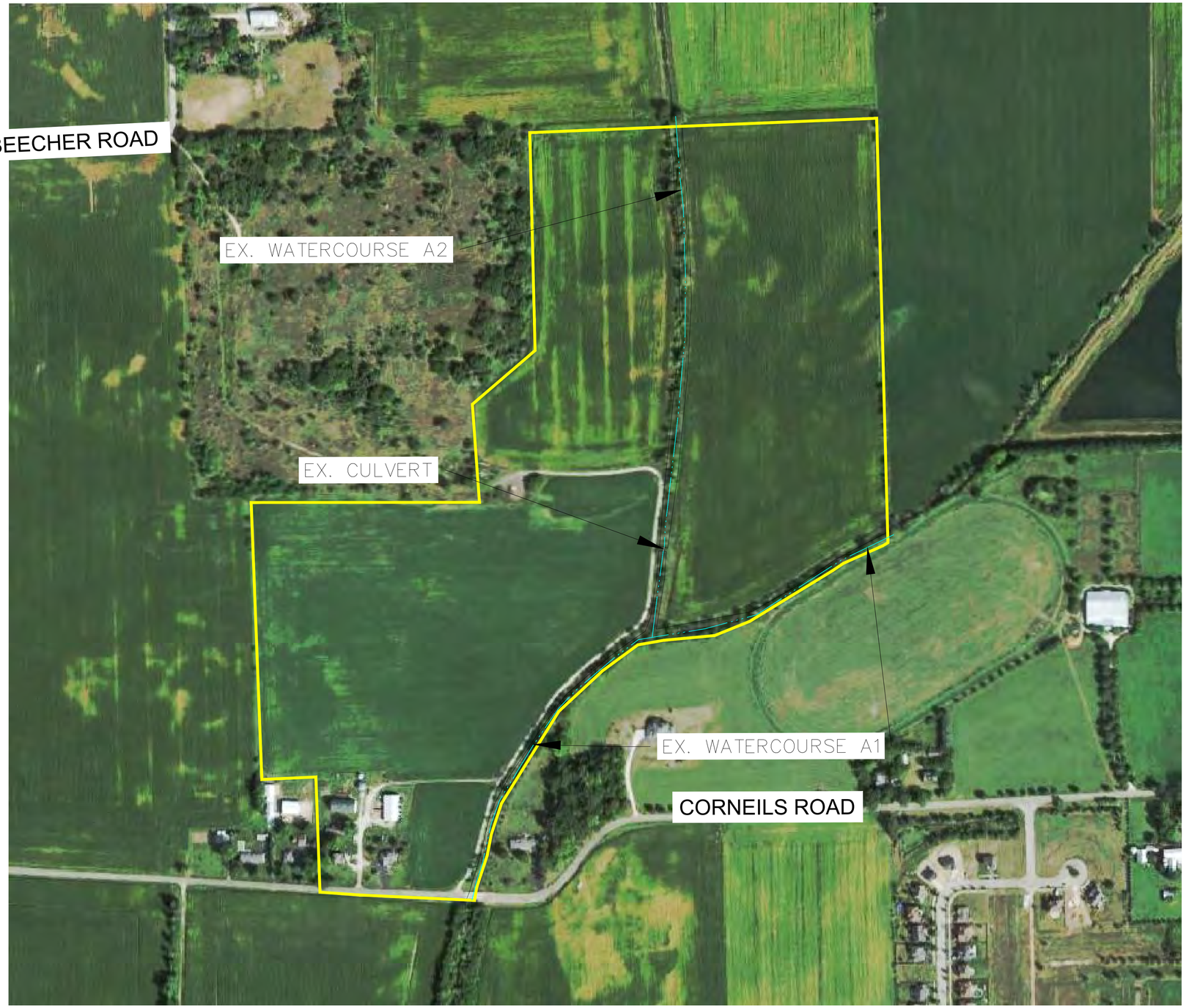
SITE LOCATION MAP

DATE
AUGUST 28TH, 2023

REVISIONS

0 1000 2000
SCALE: 1" = 2000'

DRAWN BY: MB
CHECKED BY:
P.M.: PH
JOB #: 23003931
FILE CODE: –
SHEET NO. 01



LEGEND

- ASSESSMENT AREA (± 93.74 ACRES)
- EXISTING TOP OF BANK
- EXISTING WATERCOURSE CENTERLINE
- EXISTING CULVERT

NOTE: THIS ILLUSTRATION IS AN APPROXIMATE DEPICTION OF THE WETLANDS THAT APPEAR TO BE LOCATED ON THE SUBJECT PROPERTY AS DELINEATED BY ATWELL ON AUGUST 11TH, 2023. USACE HAS THE FINAL AUTHORITY ON THE EXTENT OF REGULATED WETLANDS, LAKES, AND STREAMS IN THE STATE OF ILLINOIS.

811 Know what's **below.** **Call** before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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SECTION 7-8, 17-18
TOWN 21 NORTH, RANGE 07 EAST
BRISTOL TOWNSHIP
KENDALL COUNTY, ILLINOIS

NEXAMP
KENDALL COUNTY, IL – NEXAMP – CORNEILS ROAD SOLAR

SITE FEATURES MAP

DATE
AUGUST 28TH, 2023

–

REVISIONS

0 100 200
SCALE: 1" = 200'

DRAWN BY: MB
CHECKED BY:
P.M.: PH
JOB #: 23003931
FILE CODE: –
SHEET NO. 02

PHOTO LOG

Corneils Road Solar, Wetland Report

August 8, 2023 - Kendall County, Illinois



Photo 1. An overall view of the Project Area including a typical agricultural field.



Photo 2. A representative photo of a typical riparian corridor within the site.



Photo 3. A representative photo of a typical gravel access road within the site.



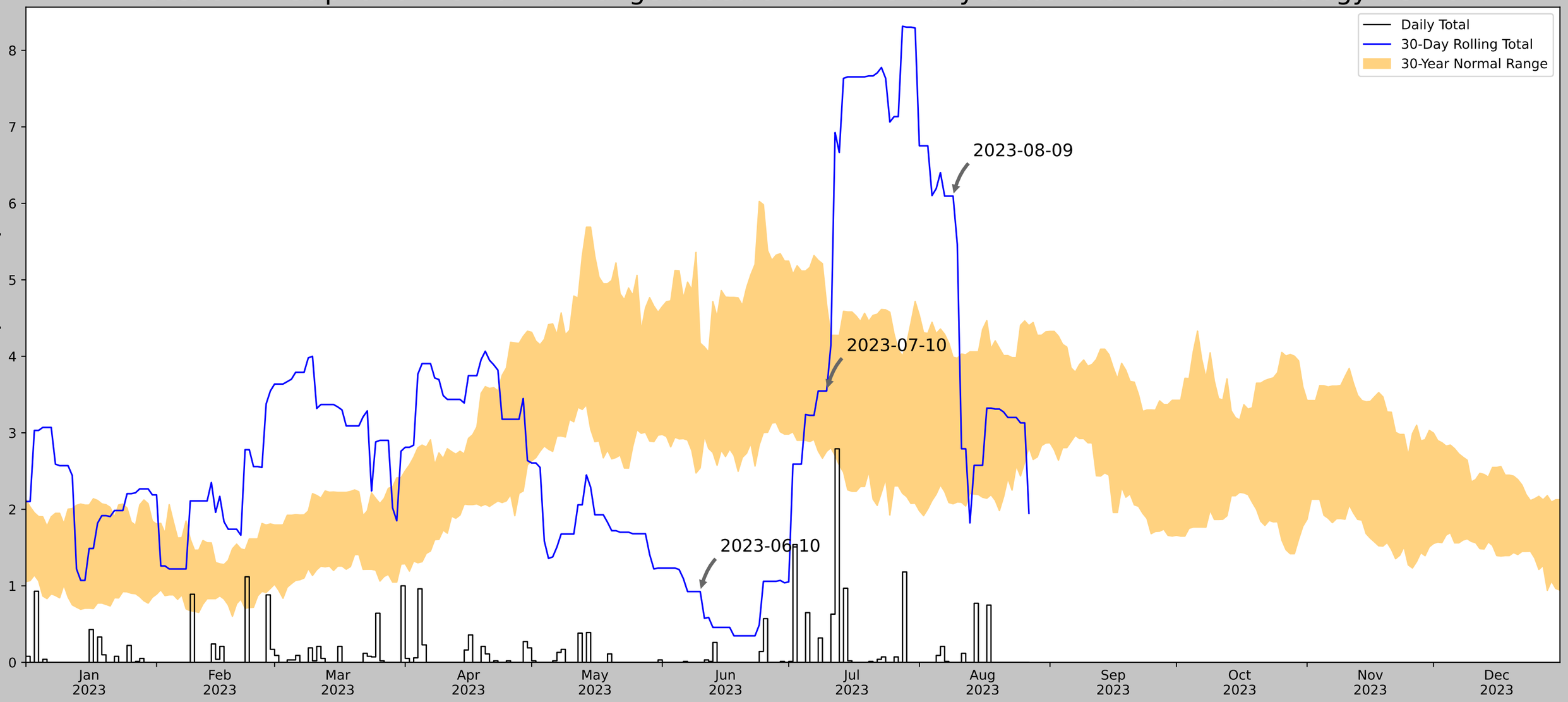
Photo 4. An upstream photo of watercourse A1 (Rob Roy Creek).



Photo 5. An upstream photo of watercourse A2.



Photo 6. A photo of a culverted crossing of watercourse A2.



Coordinates	41.694595, -88.461363
Observation Date	2023-08-09
Elevation (ft)	640.105
Drought Index (PDSI)	Incipient drought (2023-07)
WebWIMP H_2O Balance	Dry Season

30 Days Ending	30th %ile (in)	70th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-08-09	2.072047	3.98937	6.094488	Wet	3	3	9
2023-07-10	2.757874	4.676772	3.547244	Normal	2	2	4
2023-06-10	2.541339	4.172835	0.925197	Dry	1	1	1
Result							Normal Conditions - 14

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
CHICAGO AURORA MUNI AP	41.7714, -88.4814	701.116	5.406	61.011	2.763	8701	90
SUGAR GROVE 0.7 NE	41.7762, -88.4478	714.895	1.763	13.779	0.818	29	0
SUGAR GROVE 1.4 ENE	41.7787, -88.4343	688.976	2.479	12.14	1.146	2	0
AURORA 3.1 WSW	41.7565, -88.3518	704.068	6.758	2.952	3.061	1	0
AURORA	41.7803, -88.3092	660.105	8.894	41.011	4.367	2573	0
WHEATON 3 SE	41.8128, -88.0728	680.118	21.242	20.998	10.005	47	0

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2024-22

NOTICE IS HEREBY GIVEN THAT Beecher Road Solar, LLC, contract lessee, and Gary and Betty Bennett, property owners, petitioners, have filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use authorization and a bulk regulation variance approval. The real property is generally located immediately north of Corneils Road, approximately 1,500 feet west of Beecher Road, and approximately 4,000 feet east of IL Route 47 (N. Bridge Street) consisting of approximately 70 acres. The petitioners are 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 10-4-13-8.c of the Unified Development Ordinance, seeking a reduction from the required one thousand (1,000) foot setback from the nearest solar array to roadway network to 482 feet from Corneils Road.

The legal description is as follows:

PARCEL 1:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00”09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.42 FEET; THENCE NORTH 88°28'22" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 272.68 FEET; THENCE NORTH 00”46'58" WEST, 200.71 FEET FOR A POINT OF BECINNING; THENCE NORTH 00”52'50" WEST 1,057.46 FEET; THENCE NORTH 88°42'24" EAST, 857.86 FEET; THENCE NORTH 00”00'30" WEST, 375.0 FEET; THENCE NORTH 52”02'07" EAST, 315.0 FEET, THENCE NORTH 00”02'07" EAST, 800.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 88"30'33" EAST, ALONG SAID NORTH LINE, 1,306.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 00"04'03' EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,609.56 FEET TO A POINT WHICH IS 1,044.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 59”25'57" WEST, 694.32 FEET; THENCE SOUTH 81”55'57" WEST, 349.80 FEET; THENCE SOUTH 51”55'57” WEST 280.50 FEET; THENCE SOUTH 39°55'57' WEST, 153.78 FEET; THENCE SOUTH 86”06'25" WEST, 38.0 FEET THENCE SOUTH 33”09'12' WEST, 343.0 FEET; THENCE SOUTH 16”38'23" WEST 379.0 FEET TO THE CENTER LINE OF CORNEILS ROAD: THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE 596.0 FEET TO A LINE DRAWN SOUTH 00”21'50" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00”21'50" WEST ALONG SAID PARALLEL LINE, 194.89 FEET TO SAID SOUTH LINE; THENCE NORTH 00°09'48" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 236.13 FEET TO A LINE DRAWN NORTH 89”02'55" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°02'55" WEST, 206.29 FEET TO A POINT OF BEGINNINC; EXCEPT THAT PART THEREOF LYING EASTERLY OF THE FOLLOMNC DESCRIBED LINE: COMMENCING AT THE SOUTHERNMOST SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 85°20'25" WEST ALONG SAID CENTER LINE OF CORNEILS ROAD, 67.47 FEET FOR A POINT OF BEGINNING; THENCE NORTH 16”38'2S" EAST, 402.58 FEET; THENCE NORTH 33”09'12" EAST, 449.42 FEET; THENCE NORTH 52° EAST, 398.62 FEET; THENCE NORTH 11”27'20" EAST, 559.64 FEET; THENCE NORTH 00”02'07" EAST, 634.19 FEET; THENCE NORTH 89”57'53" WEST, 430.60 FEET TO A WESTERLY LINE OF SAID TRACT; THENCE NORTH 00”02'07” EAST ALONG SAID WESTERLY LINE 725.68 FEET TO THE NORTH LINE OF SAID SOUTHWEST

1/4, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS;

PARCEL 2:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 8 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00°09'48" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 37.42 FEET; THENCE NORTH 88”26'22" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTH WEST 1/4, 272.66 FEET;THENCE NORTH 00°46'58" WEST, 200.71 FEET FOR A POINT OF BEGINNING; THENCE NORTH 00”52'50" WEST 1,057.46 FEET; THENCE NORTH 88”42'24" EAST, 857.86 FEET; THENCE NORTH 00”00'30" WEST, S75.0 FEET; THENCE NORTH 52”02'07" EAST, 315.0 FEET, THENCE NORTH 00”02'07" EAST, 800.0 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 88”30'33" EAST, ALONG SAID NORTH LINE, 1,306.96 FEET TO THE CENTER OF SAID SECTION 8; THENCE SOUTH 00°04'03" EAST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1,609.56 FEET TO A POINT WHICH IS 1,044.12 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 59°25'57" WEST, 694.32 FEET; THENCE SOUTH 81°55'57" WEST, 349.80 FEET; THENCE SOUTH 51”55'57" WEST 280.50 FEET; THENCE SOUTH 39”55'57" WEST, 153.78 FEET; THENCE SOUTH 86°06'25" WEST, 38.0 FEET; THENCE SOUTH 33”09'12” WEST, 343.0 FEET; THENCE SOUTH 16”38'23" WEST 379.0 FEET TO THE CENTER LINE OF CORNEILS

ROAD; THENCE NORTH 85”20'25" WEST ALONG SAID CENTER LINE 596.0 FEET TO A LINE DRAWN SOUTH 00”21'50" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 WHICH IS 475.50 FEET, NORMALLY DISTANT, EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00°21'50" WEST, ALONG SAID PARALLEL LINE, 194.89 FEET TO SAID SOUTH LINE; THENCE NORTH 00”09'48" EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 236.13 FEET TO A LINE DRAWN NORTH 89”02'55" EAST FROM THE POINT OF BECINNING; THENCE SOUTH 89”02'55" WEST, 206.29 FEET

TO A POINT OF BEGINNING; EXCEPT THAT PART THEREOF LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHERNMOST SOUTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 85”20 25' WEST ALONG SAID CENTER LINE OF CORNEILS ROAD, 67.47 FEET FOR A POINT OF BEGINNING; THENCE NORTH 16”38'23" EAST, 402.58 FEET; THENCE NORTH 33”09'12" EAST, 449.42 FEET; THENCE NORTH 52”00'00" EAST, 398.62 FEET; THENCE NORTH 11°27'20" EAST, 559.64 FEET; THENCE NORTH 00”02'07” EAST, 634.19 FEET; THENCE NORTH 89”57'53" WEST, 430.60 FEET TO A WESTERLY LINE OF SAID TRACT; THENCE NORTH 00”02'07” EAST ALONG SAID WESTERLY LINE 725.68 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4, AND EXCEPT THAT PART THEREOF LYINC NORTHERLY OF THE SOUTHERLY LINE OF THE NORTHERLY 812.20 FEET, MEASURED ALONG THE EASTERLY LINE, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PINs: 02-08-300-008 and 02-08-300-012

A copy of the application is available for review during normal City business hours at the office of the Community Development Director.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a Public Hearing on said applications on **Wednesday, February 12, 2025 at 7 p.m.** at the United City of Yorkville, City Hall, located at 651 Prairie Pointe Drive, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

Application and information materials regarding this notice are available for public review and can be

accessed by scanning the QR code below. Any questions or written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 651 Prairie Pointe Drive, Yorkville, Illinois 60560. All interested parties are invited to attend the public hearing and will be given an opportunity to be heard.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

JORI BEHLAND
City Clerk

View Shed #1

Beecher Road Solar, LLC

From southeast corner looking north from Corneils Road towards Site.





View Shed #2

Beecher Road Solar, LLC

From south looking north from Corneils Road towards Site.





Memorandum

To: Plan Council
From: Sara Mendez, Planner I
Date: October 16, 2024
Subject: **PZC 2024-22 Beecher Road Solar, LLC (Expansion)– Solar Farm** Special Use and Variance

---

I have reviewed the applications for the Special Use and Variance request dated August 2024 as submitted by Daniel Kramer on behalf of Nexamp, Beecher Road Solar, LLC, petitioner. The following supplemental materials were included within the original applications including the newly submitted supplemental materials from August 20, 2024:

1) AC Electrical Diagram – dated 01.09.24 by Nexamp
2) Bifacial Module – dated 01.09.24 by SMA America, LLC
3) Decommissioning Plan – dated 08.16.24 prepared by Nexamp
4) Glare Study 1 (Pv Array 1) – dated 08.13.24 by Forge Solar
5) Glare Study 2 (Pv Array 2) – dated 08.13.24 by Forge Solar
6) Glare Study 3 (Pv Array 3) – dated 08.13.24 by Forge Solar
7) Interconnection Agreement – dated 01.20.24 by ComEd
8) Land Title Survey – dated 12.06.23 by Nexamp
9) Letter from Daniel Kramer – dated 08.15.24 by Law Offices of Daniel J. Kramer
10) Location Map – dated 08.07.24 by Nexamp
11) Legal Description – dated 07.25.24 by Nexamp
12) Project Narrative – dated 08.16.24 by Nexamp
13) Property Owners Within 500 Feet
14) Special Use Application Plans – dated 09.13.24 by Atwell
15) Special Use Application – prepared by Beecher Road Solar, LLC
16) Variance Application – prepared by Beecher Road Solar, LLC
17) Vegetation Management Plan for Solar Sites Utilizing Native Vegetation – prepared by Natural Resource Services

The petitioner is seeking to construct a 4.99 (AC) ground-mounted distributed generation solar garden facility. The proposed 30-acre solar farm will be situated on approximately 70 acres of existing farmland parcel located immediately north of Corneils Road, approximately 1,500 feet west of Beecher Road, and approximately 4,000 feet east of IL Route 47 (N. Bridge Street).

The petitioner is also requesting a variance to Section 10-4-13-B.8.c of the Unified Development Ordinance, seeking to reduce the required one thousand (1,000) foot setback from the nearest solar array to roadway network to 482 feet between the nearest solar array and Corneils Road.

Based upon my review of the application documents and preliminary plans, I have compiled the following comments (requests to the petitioner are underlined):

VARIANCE COMMENTS

1. Section 10-4-13-B.8.c Alternative Energy Use Standards in the City's Unified Development Ordinance outlines buffer requirements for solar farm uses in the A-1 Agricultural District. The petitioner is seeking a variance to decrease the minimum buffer area from 1,000 feet between the nearest solar array to roadway networks to 482 feet.

2. Section 10-8-9C.1 of the Unified Development Ordinance states specific standards for variance requests which all recommendation bodies will review. The petitioner has provided answers to each of the criteria in the application to these standards.

SPECIAL USE COMMENTS:

Zoning

The subject property consists of two (2) parcels (#02-08-300-008 and 02-08-300-012) which are currently zoned A-1 Agricultural Special Use District. The following are the current immediate surrounding zoning and land uses:

	Zoning	Land Use
North	A-1 Agricultural (Special Use) District	Corneils Road Solar
South	Westbury South Village (R-4)	Agriculture
East	IL Route 47 Former Westbury East Village (A-1)	Agriculture/Proposed Yorkville Renewables Solar Farm
West	Beecher Road Konicek Property (M-1, M-2)	Agriculture/Bright Farms

- The proposed community solar farm will consist of approximately 11,616 arrays, per the Project Narrative dated August 16, 2024.
- The petitioner's exhibit (C-200 C) indicates the total number of tracker motors is 121.
- **The petitioner shall provide staff with a written response of the operations phase of the lease for the proposed solar farm project.**

Location on Site

Section 10-4-13 Alternative Energy Use Standards in the City's Unified Development Ordinance provides setback specifics for solar farm uses in the A-1 Agricultural District. The following compares the yard setbacks required for solar farm uses:

	Minimum Setback for Equipment to Property Line	Proposed Setback
Front (South)	1000 feet	482 feet
Side Yard (East)	50 feet from nonresidential/100 feet from residential	194.9 feet
Side Yard (West)	50 feet from nonresidential/100 feet from residential	75.9 feet
Rear (North)	50 feet from nonresidential/100 feet from residential	84.9 feet

- The location of the solar panels meets the side (east and west) and the rear (north) setbacks for the Solar Farm uses in the A-1 Agricultural District.
- **However, the solar panels appear to encroach into the required front (south) yard setback.**
    - **The minimum distance required for the front (south) yard is 1000 feet.**
    - **The petitioner has filed a variance request to maintain 482 feet from the front (south) setback.**
- Section 10-4-13B.8.c of the Unified Development Ordinance requires a minimum buffer area of 1,000 feet from the nearest solar array to roadway network.
- **The petitioner's exhibit (C-200 C) indicates the distance of the proposed solar farm and/or the fence line to the nearest participating and non-participating residential parcels to the south along Corneils Road.**
- The location of the solar panels exceeds the one thousand (1,000) foot setback from the nearest solar array to the edge of the bank of the Fox River.

Minimum Lot Size
Section 10-4-13B.1 of the Unified Development Ordinance states no solar farms shall be erected on any lot less than three (3) acres in size.

- In the Project Narrative dated August 16, 2024 the petitioner has stated the project intends to develop on approximately 30 acres of overall parcel.

Maximum Lot Coverage
Section 10-4-13B.2 of the Unified Development Ordinance states a solar farm use may occupy up to eighty (80) percent of a given parcel in this district.

- **Staff notes the approved Corneils Road Solar project, in addition to the proposed solar farm on parcel number #02-08-300-008, may exceed the allowed 80% occupancy for a solar farm use in the A-1 Agricultural District.**
- **Staff requests that the petitioner verify the total acreage occupied by the solar farm use for each parcel (#02-08-300-008, #02-08-300-012, and #02-08-300-011) associated with the approved Corneils Road Solar project.**

Height
The maximum structure height for solar systems, equipment, and structures shall not exceed thirty feet (30') in height when ground mounted, per Section 10-4-13B.6 in the Unified Development Ordinance.

- The petitioner's exhibit (C-500 B Standard Details) appears to indicate a maximum solar array height as approximately 30 feet at maximum tilt
- The petitioner's exhibit (C-500 B Standard Details) appears to indicate a minimum solar array clearance as 3 feet.

Glare/Lighting
Section 10-4-13B.13 of the Unified Development Ordinance states solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways. The panels shall be placed to face east and rotate west to follow the path of the sun to collect the most sunlight throughout the day.

- The petitioner has submitted a glare study and analysis which concludes that there was no potential for glint or glare identified by the analysis.
- It is also noted the solar modules will be treated with anti-reflective coating to minimize glare.
- **Staff requests the petitioner provide a viewshed from angles around the solar farm which illustrate how far away the panels will be from the public right-of-way (Corneils Road).**

Noise
The transformer is the greatest source of noise on the property.

- The petitioner's exhibit (C-200 C Site Plan Layout) indicates the transformer is 995.5 feet to the nearest residence located to the south on Corneils Road.

Fencing
The petitioner has proposed an eight (8) foot tall, galvanized chain link fence with slats to surround solar farm, along with a 20-foot-wide vehicle access gate. As stated in Section 10-4-13B.9 of the Unified Development Ordinance, Fence Regulations for Solar Farms, states that systems, equipment, and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet.

- **Staff requests the petitioner provide the total linear foot perimeter that the fence will enclose.**
- **A Knox box and keys shall be provided to the City's building department and Bristol Kendall Fire District (BKFD).**

Access Road
The proposed site access is via a 20-ft. wide gravel driveway proposed off Corneils Road.

- The path provides access to the equipment, however, no formal parking stalls are provided, as no buildings, employees are planned on the site except for the occasional mowing or maintenance visits.

- Section 10-4-13-B.5 of the City's Unified Development Ordinance states off-street parking provided on site shall be paved.
    - The petitioner's exhibit (C-200 C) indicates an HMA parking pad will be provided for off-street parking.
- Gravel roads are not permitted for vehicle travel.
    - The proposed solar farm is utilizing the same access as the approved Corneils Road Solar project, as both solar farms access road is located in the same parcels (#02-08-300-008 and #02-08-300-012).
    - **Staff defers to the City Public Works Director and City Engineer for comment on the road composition.**

Decommissioning Estimate/Plan

The petitioner has provided a decommission plan.

- **In addition to the decommissioning plan narrative, a construction estimate for the life of the lease must be provided with a 3% annual inflation rate which must be reviewed and approved by the City Engineer.**
- Staff defers to City Engineer.

Accessory Use

Section 10-4-13-A.2 of the City's Unified Development Ordinance states solar and wind farms shall be an accessory to the principal permitted use of a site. Therefore, the area and scale of the solar farm must be less than the primary agricultural land use.

- As proposed, the solar farm will occupy approximately 30 acres of the overall existing 70 acres of farmland.
- **However, staff notes the acreage for the approved Corneils Road Solar in addition to the proposed solar farm would be greater than the primary agricultural use for parcel #02-08-300-008.**
- **Staff requests that the petitioner verify the total acreage occupied by the solar farm use for each parcel (#02-08-300-008, #02-08-300-012, and #02-08-300-011) associated with the approved Corneils Road Solar project.**

Signage

Per Section 10-4-13B.9.a(1) and (2) of the City's Unified Development Ordinance, warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm.

- Additionally, the signs shall be less than four (4) square feet and made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall be displayed.
- The petitioner's exhibit (C-500 B Standard Details) indicates signage information. The emergency contact sign (8.5'' X 11'') appears to be compliant with this regulation.

Landscaping

- Defer to Engineering Comments related to landscaping.
    - It is noted that the petitioner will provide IDOT class 7 seed mix outside the fenced areas and site-specific pollinator friendly seed mix within the fenced areas beneath the solar panels.

Utilities

Per Section 10-4-13B.4 of the Unified Development Ordinance, power and communication lines running in between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

- The routing of the electrical infrastructure required to connect to the ComEd system includes electrical cables installed underground for the entire project with the exception of a series of overhead poles (approx. 4) for a wire connection near Corneils Road.

Utility Service Provider
Section 10-4-13-B.4.a of the Unified Development Ordinance states that evidence that the electric utility service provider that serves the proposed site has been notified of the owner's intent to install an interconnected customer owned electricity generator.

- The petitioner has provided a copy of an Interconnection Agreement, as prepared by ComEd dated 01/20/2024.

Special Use Standards
Section 10-8-5-D state specific standards for special use which all recommendation bodies will review. The petitioner has provided answers to each of the criteria in the application as well as providing an additional attachment to these standards.

Easement Access
Section 10-4-13-B.14 of the City's Unified Development Ordinance states an easement, or other authorized means of access as determined by the City Attorney, shall be provided over the property to allow the City or its contractor to enter and remove the abandoned system in compliance with the City Code.

October 15, 2024

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
651 Prairie Pointe
Yorkville, IL 60560

Re: ***Beecher Road Solar***
Special Use & Rezoning Request – 1st Submittal, Landscape Only
United City of Yorkville

Dear Krysti:

We have reviewed the following items for the above-referenced project:

- Special Use & Variance Permit Applications
- Special Use Application Plans
- Other Supporting Documentation

Our review of these plans and reports are to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

The comments in the attached review letter from the City's landscaping consultant should be addressed and a revised landscaping plan submitted.

If you have any questions or require additional information, please contact our office.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.

Bradley P. Sanderson, P.E.
Chief Operating Officer / President

BPS/tnp/pgw2

pc: Mr. Bart Olson, City Administrator (via email)
Ms. Erin Willrett, Assistant City Administrator (via email)
Mr. Eric Dhuse, Director of Public Works (via email)
Mr. Pete Ratos, Building Department (via email)
Ms. Gina Nelson, Admin Assistant (via email)
Ms. Jori Behland, City Clerk (via email)
Building Department (via email) Bzpermits@yorkville.il.us
Mr. Matt Kwiatkowski, NexAmp (via email)
Mr. Dan Kramer, Attorney (via email)
TNP, PGW2, EEI (via e-mail)

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Hey and Associates, Inc.
Engineering, Ecology and Landscape Architecture

8755 W. Higgins Road, Suite 835
Chicago, Illinois 60631
Phone (773) 693-9200
Fax (773) 693-9200

October 11, 2024

Pamela Whitfield, PE, CFM
Senior Project Engineer II
Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, IL 60554

Project No.: 21-0275 AF

Re: Landscape Plan and Wetland Review
YO2402-DR Corneils Road Solar, LLC

Dear Pamela:

We have completed our second landscape plan review of the proposed Corneils Road Solar facility located at 10791 Corneils Road in Yorkville.

Landscape Plan – NOT RECOMMENDED FOR APPROVAL

For reasons described below, this landscape plan is not recommended for approval at this time. Wetland comments are also included. A response letter from the petitioner which addresses all review comments should be provided with their next submittal.

Review Comments

The reviewed plans were largely illegible due to small size and low resolution. Comments must be addressed before landscape plan approval can be recommended. If there are any changes to the proposed project, additional comments may be provided. Please note that the requirements of each section are in addition to the requirements of all other sections of the ordinance (i.e., trees and other plant materials cannot be "double counted" to meet multiple requirements).

Building Foundation Landscape Zone

No buildings are proposed, so therefore building foundation landscape zone requirements do not apply.

Parking Area Perimeter Landscape Zone

No off-street parking areas abut public or private right-of-way (excluding alleys), so therefore parking area perimeter landscape zone requirements do not apply.

Parking Area Interior Landscape Zone

No off-street parking areas consisting of 10 or more spaces are proposed, so therefore parking area interior landscape zone requirements do not apply.

Transition Zone

Because adjacent land use is agricultural, transition zone requirements do not apply.

Species Diversity Requirements

The landscape plan indicates a "Pollinator Friendly Seed Mix" will be installed but is illegible.

Tree Preservation and Removal

No live tree with a 4" or greater DBH may be removed without approval. A review of Google Earth imagery reveals trees are present on the site throughout the creek corridor. It is not clear from the plans whether any trees are to be removed. A tree survey is required; tree replacement may also be required.

Street Trees

Previous submittals included street tree plantings, but none are shown on the current plans.

General

The landscape plan indicates a "Pollinator Friendly Seed Mix" will be installed. A maintenance plan should also be submitted describing how this landscape will be maintained to ensure that desired species become established, persist, and the area is not overtaken by weeds.

A Plant Schedule included on the Landscape Plan sheet C-400 indicates 39 evergreen trees and 195 shrubs are proposed, but these plantings were not found on the plan.

Wetlands

A valid wetland delineation and jurisdictional determination of the proposed project area are required.

A linear buffer along all watercourses is required. Buffer width shall be calculated per City or USACE requirements, whichever is more stringent.

Any impacts to wetlands or waters must be clearly identified on the plans.

Additional comments may be provided after complete information is submitted.

SUMMARY

This review was based upon the following documents, pursuant to requirements of the City's Unified Development Ordinance and Wetland Ordinance.

- Application Narrative/Cover Letter, 4 pages, prepared by Nexamp, dated August 16, 2024
- Location Map, 1 page, no author, no date
- Special Use Application Plans, 6 sheets, prepared by Atwell, most recently dated 8/12/24

Let us know if there are any questions or comments.

Sincerely,

Tim Pollowy

Tim Pollowy, RLA
Senior Landscape Architect

October 15, 2024

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
651 Prairie Pointe
Yorkville, IL 60560

Re: ***Beecher Road Solar***
Special Use & Rezoning Request – 1st Submittal, Landscape Only
United City of Yorkville

Dear Krysti:

We have reviewed the following items for the above-referenced project:

- Special Use & Variance Permit Applications
- Special Use Application Plans
- Other Supporting Documentation

Our review of these plans and reports are to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

The comments in the attached review letter from the City's landscaping consultant should be addressed and a revised landscaping plan submitted.

If you have any questions or require additional information, please contact our office.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.

Bradley P. Sanderson, P.E.
Chief Operating Officer / President

BPS/tnp/pgw2

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8755 W. Higgins Road, Suite 835
Chicago, Illinois 60631
Phone (773) 693-9200
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October 11, 2024

Pamela Whitfield, PE, CFM
Senior Project Engineer II
Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, IL 60554

Project No.: 21-0275 AF

Re: Landscape Plan and Wetland Review
YO2402-DR Corneils Road Solar, LLC

Dear Pamela:

We have completed our second landscape plan review of the proposed Corneils Road Solar facility located at 10791 Corneils Road in Yorkville.

Landscape Plan – NOT RECOMMENDED FOR APPROVAL

For reasons described below, this landscape plan is not recommended for approval at this time. Wetland comments are also included. A response letter from the petitioner which addresses all review comments should be provided with their next submittal.

Review Comments

The reviewed plans were largely illegible due to small size and low resolution. Comments must be addressed before landscape plan approval can be recommended. If there are any changes to the proposed project, additional comments may be provided. Please note that the requirements of each section are in addition to the requirements of all other sections of the ordinance (i.e., trees and other plant materials cannot be "double counted" to meet multiple requirements).

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No buildings are proposed, so therefore building foundation landscape zone requirements do not apply.

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The landscape plan indicates a "Pollinator Friendly Seed Mix" will be installed but is illegible.

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Previous submittals included street tree plantings, but none are shown on the current plans.

General

The landscape plan indicates a "Pollinator Friendly Seed Mix" will be installed. A maintenance plan should also be submitted describing how this landscape will be maintained to ensure that desired species become established, persist, and the area is not overtaken by weeds.

A Plant Schedule included on the Landscape Plan sheet C-400 indicates 39 evergreen trees and 195 shrubs are proposed, but these plantings were not found on the plan.

Wetlands

A valid wetland delineation and jurisdictional determination of the proposed project area are required.

A linear buffer along all watercourses is required. Buffer width shall be calculated per City or USACE requirements, whichever is more stringent.

Any impacts to wetlands or waters must be clearly identified on the plans.

Additional comments may be provided after complete information is submitted.

SUMMARY

This review was based upon the following documents, pursuant to requirements of the City's Unified Development Ordinance and Wetland Ordinance.

- Application Narrative/Cover Letter, 4 pages, prepared by Nexamp, dated August 16, 2024
- Location Map, 1 page, no author, no date
- Special Use Application Plans, 6 sheets, prepared by Atwell, most recently dated 8/12/24

Let us know if there are any questions or comments.

Sincerely,

Tim Pollowy

Tim Pollowy, RLA
Senior Landscape Architect

ENGINEERING ENTERPRISES, INC.

52 Wheeler Road, Sugar Grove, IL 60554
Ph: 630.466.6700 • Fx: 630.466.6701
www.eeiweb.com

February 27, 2025

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
651 Prairie Pointe
Yorkville, IL 60560

Re: Corneils Road Solar
Final Engineering Review – 1st Submittal
United City of Yorkville

Dear Krysti:

We have reviewed the following items for the above-referenced project:

- Final Engineering Plans (12 sheets) dated January 29, 2025, prepared by Atwell
- Engineer's Opinion of Probable Decommissioning Costs dated January 29, 2025, prepared by Atwell
- Stormwater Management Report dated September 20, 2024, prepared by Atwell
- City of Yorkville Stormwater Permit Application
- Truck Turning Exhibit
- Nationwide Permit Compliance Report
- Drain Tile Survey
- IDNR Permit Approval

Our review of these plans and reports is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments (Revised items noted in bold):

General

1. The following permits may be required during final engineering and should be provided to the City when obtained. The City and EEI should be copied on all correspondence with the agencies.
    - IEPA NPDES General Construction Permit is required. The Notice of Intent must be filed with IEPA 30 days prior to start of construction.
    - Stormwater permit application in accordance with the Yorkville Stormwater Management Ordinance (Kendall Countywide Ordinance) – *submitted for review*
    - IDNR Floodway Permit will be required if floodways are impacted – *approval submitted*

2. A 40' right-of-way dedication is required per the special use agreement. In addition, $241,105 is due for the reconstruction of Corneils Road as agreed to.

3. No solar equipment will be allowed within existing sanitary sewer easements. It is our understanding that there are not any units proposed within the easements.

4. The City will need a 70' temporary construction easement to build the proposed sanitary sewer in the existing easement. The area will be needed for equipment and materials during construction.

5. An engineer's estimate needs to be provided and must include all public improvements within the ROW, all public utilities, all permitted stormwater items, and all soil erosion and sediment control items. This cost estimate will be used to determine the construction guarantee amount. In addition, a cost estimate needs to be provided for all site improvements which will be used to calculate the building permit fees.

6. The comments in the attached review letter from the City's landscaping and wetland consultant should be addressed and a revised landscaping plan and wetland report submitted.

Truck Turning Exhibit

7. The semi-trailer (red line) is running off of the access road in multiple locations. Adjust the driving path or widen the access drive as needed.

8. A separate truck turning exhibit for an emergency vehicle should be submitted.

Final Engineering Plans

Sheet C-200: SESC Plan

9. Show a double row of silt fence around the topsoil stockpiles due to the proximity of the floodplain.

Sheet C-301: Detailed Site Layout

10. The access drive portion that is in the ROW should be paved in accordance with the City's UDO.

Stormwater Report

11. The stormwater report shall be signed and sealed by a Professional Engineer prior to final approval.

12. The Project Narrative section of the report indicates that there is 1.3 acres of new impervious area, but sheet C-400 of the plan set show 1.1 acres. Confirm the correct amount.

13. The report narrative indicates that the average hydrologic soil group is B, but sheet C-400 of the plan set indicates that the soil group is C. Confirm the correct group.

14. The report should include a floodplain section and information for the compensatory storage.

15. The version of the floodplain modeling that was done to show that the fence slats do not negatively impact the floodplain should be included with the report to show compliance with the IDNR rules regarding fences.

16. The report should include a maintenance section.

17. Include the limits of the floodplain on the Proposed Drainage Area Plan.

18. Include flow arrows on the drainage exhibits.

19. The stormwater permit application is acceptable and recommended for signature upon approval of the stormwater report.

Decommissioning Estimate

20. The decommissioning estimate of probable costs has been reviewed and is found to be acceptable. A decommissioning bond in the amount of $1,021,165.15 (120% x $850,970.96) is to be on file with the City prior to the issuance of a building permit. Please note that the estimate shall be revised every three (3) years.

If you have any questions or require additional information, please contact our office.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.

Bradley P. Sanderson, P.E.
Chief Operating Officer / President

BPS/tnp/pgw2

pc: Mr. Bart Olson, City Administrator (via email)
Ms. Erin Willrett, Assistant City Administrator (via email)
Mr. Eric Dhuse, Director of Public Works (via email)
Mr. Pete Ratos, Building Department (via email)
Ms. Gina Nelson, Admin Assistant (via email)
Ms. Sara Mendez, City Planner (via email)
Mr. David Hansen, Senior Planner (via email)
Building Department (via email) Bzpermits@yorkville.il.us
Ms. Jori Behland, City Clerk (via email)
Mr. Matt Kwiatkowski, NexAmp (via email)
Mr. Dan Kramer, Attorney (via email)
Mr. Michael Keith, Atwell (via email)
TNP, PGW2, EEI (via e-mail)

Hey and Associates, Inc.

Engineering, Ecology and Landscape Architecture

8755 W. Higgins Road, Suite 835
Chicago, Illinois 60631
Phone (773) 693-9200
Fax (773) 693-9200

February 27, 2025

Pamela Whitfield, PE, CFM
Senior Project Engineer II
Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, IL 60554

Project No.: 21-0275 AF

Re: Landscape Plan and Wetland Review
YO2402-DR Corneils Road Solar, LLC

Dear Pamela:

We have completed our third landscape plan review of the proposed Corneils Road Solar facility located at 10791 Corneils Road in Yorkville.

Landscape Plan – NOT RECOMMENDED FOR APPROVAL

For reasons described below, this landscape plan is not recommended for approval at this time. Wetland comments are also included. A response letter from the petitioner which addresses all review comments should be provided with their next submittal.

Review Comments

Comments must be addressed before landscape plan approval can be recommended. If there are any changes to the proposed project, additional comments may be provided. Please note that the requirements of each section are in addition to the requirements of all other sections of the ordinance (i.e., trees and other plant materials cannot be "double counted" to meet multiple requirements).

Building Foundation Landscape Zone

No buildings are proposed, so therefore building foundation landscape zone requirements do not apply.

Parking Area Perimeter Landscape Zone

No off-street parking areas abut public or private right-of-way (excluding alleys), so therefore parking area perimeter landscape zone requirements do not apply.

Parking Area Interior Landscape Zone

No off-street parking areas consisting of 10 or more spaces are proposed, so therefore parking area interior landscape zone requirements do not apply.

Transition Zone

Because adjacent land use is agricultural, transition zone requirements do not apply.

Species Diversity Requirements

Previous comments addressed.

Tree Preservation and Removal

No live tree with a 4" or greater DBH may be removed without approval. A review of Google Earth imagery reveals trees are present on the site throughout the creek corridor. It is not clear from the plans whether any trees are to be removed. A tree survey is required; tree replacement may also be required.

Street Trees

Previous comments addressed.

General

The Plant Schedule included on the plans provides a mature height for all proposed plant materials but does not specify plant size at installation. Per the UDO, minimum plant sizes at installation are as follows: Shade trees must be at least 2.5" caliper, Evergreen trees must be at least 6' tall, and Shrubs must be at least 2' tall.

Wetlands

The wetland delineation included in the submittal package does not appear to contain a farmed wetland determination following federal NRCS guidelines. A farmed wetland determination is required to ensure that no isolated wetlands under the jurisdiction of the City occur on the property.

Per the City's Wetland Ordinance, a buffer not less than 30' in width as measured from the ordinary high-water mark (OHWM) along both sides of all channels is required. Buffer areas shall consist of deep-rooted native vegetation. OHWM and required buffers must be shown on the plans.

Any impacts to wetlands or waters must be clearly identified on the plans.

Additional comments may be provided after complete information is submitted.

SUMMARY

This review was based upon the following documents, pursuant to requirements of the City's Unified Development Ordinance and Wetland Ordinance.

- Plans, 12 sheets, prepared by Atwell, most recently dated 1/29/25
- Wetland Determination/Delineation Package, 76 pages, prepared by Atwell, dated September 1, 2023

Let us know if there are any questions or comments.

Sincerely,

Tim Pollowy

Tim Pollowy, RLA
Senior Landscape Architect

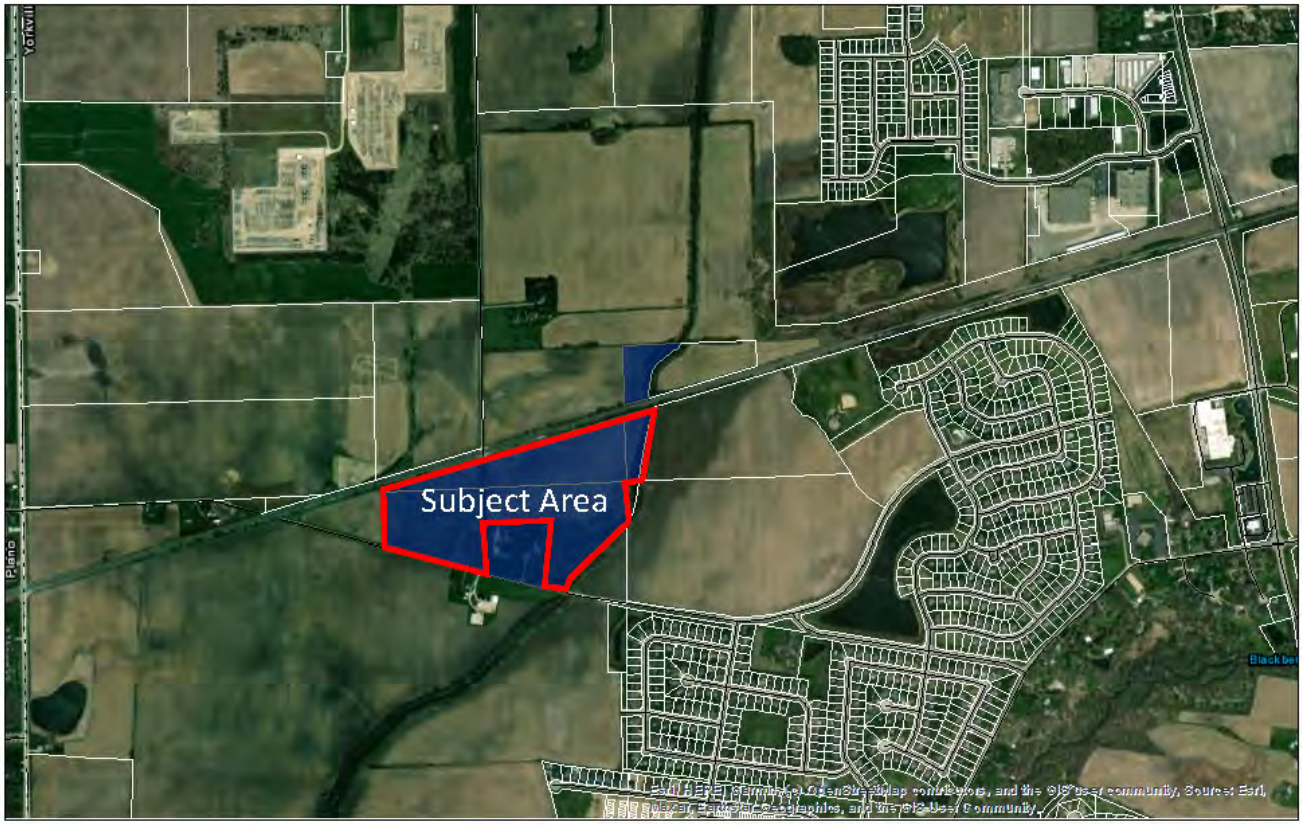
Memorandum

To: Planning and Zoning Commission
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Sara Mendez, Planner I
David Hansen, Senior Planner
Date: March 6, 2025
Subject: **PZC 2025-01 DMYF Loftus (Daniels, Malinski Yorkville Family, LLLP)**
Request for Rezoning

SUMMARY:

An application for rezoning has been submitted by Drew Daniels, on behalf of Daniels Malinski Yorkville Family, LLLP, to the United City of Yorkville, Kendall County, Illinois. The request seeks a rezoning classification for a property consisting of two (2) parcels totaling approximately 53.7 acres, including parcel #02-18-400-006 and portions of parcels #02-19-200-001 and #02-17-300-002. This request, however, excludes an approximately 8-acre existing homestead owned by the Robert M. and Ildefonsa Loftus Living Trust.

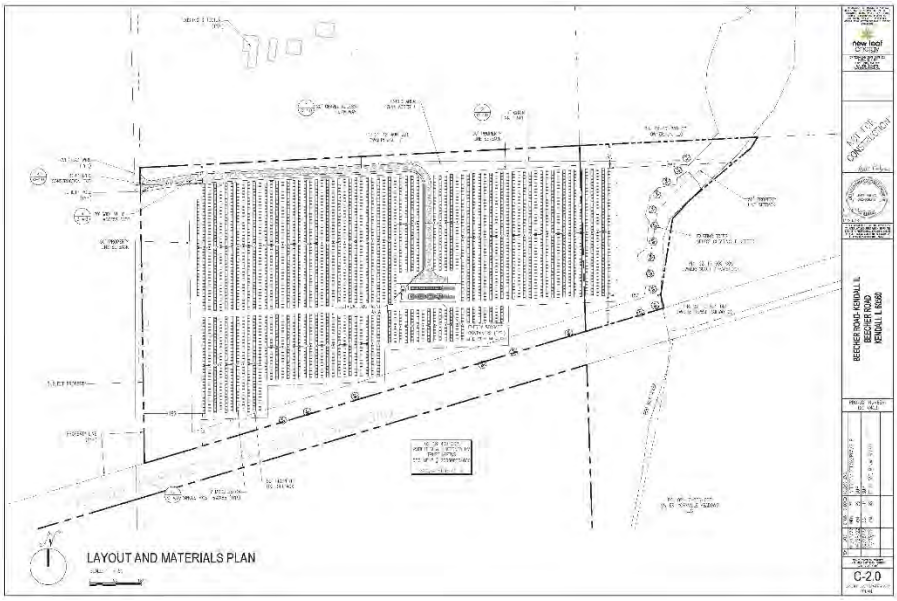
The subject property is generally located north of Faxon Road, east of Beecher Road, and south of the Burlington Northern Santa Fe (BNSF) railroad, as shown below. The petitioner is seeking approval to rezone the property from A-1 Agricultural District to M-2 General Manufacturing District for the development of a future data center.



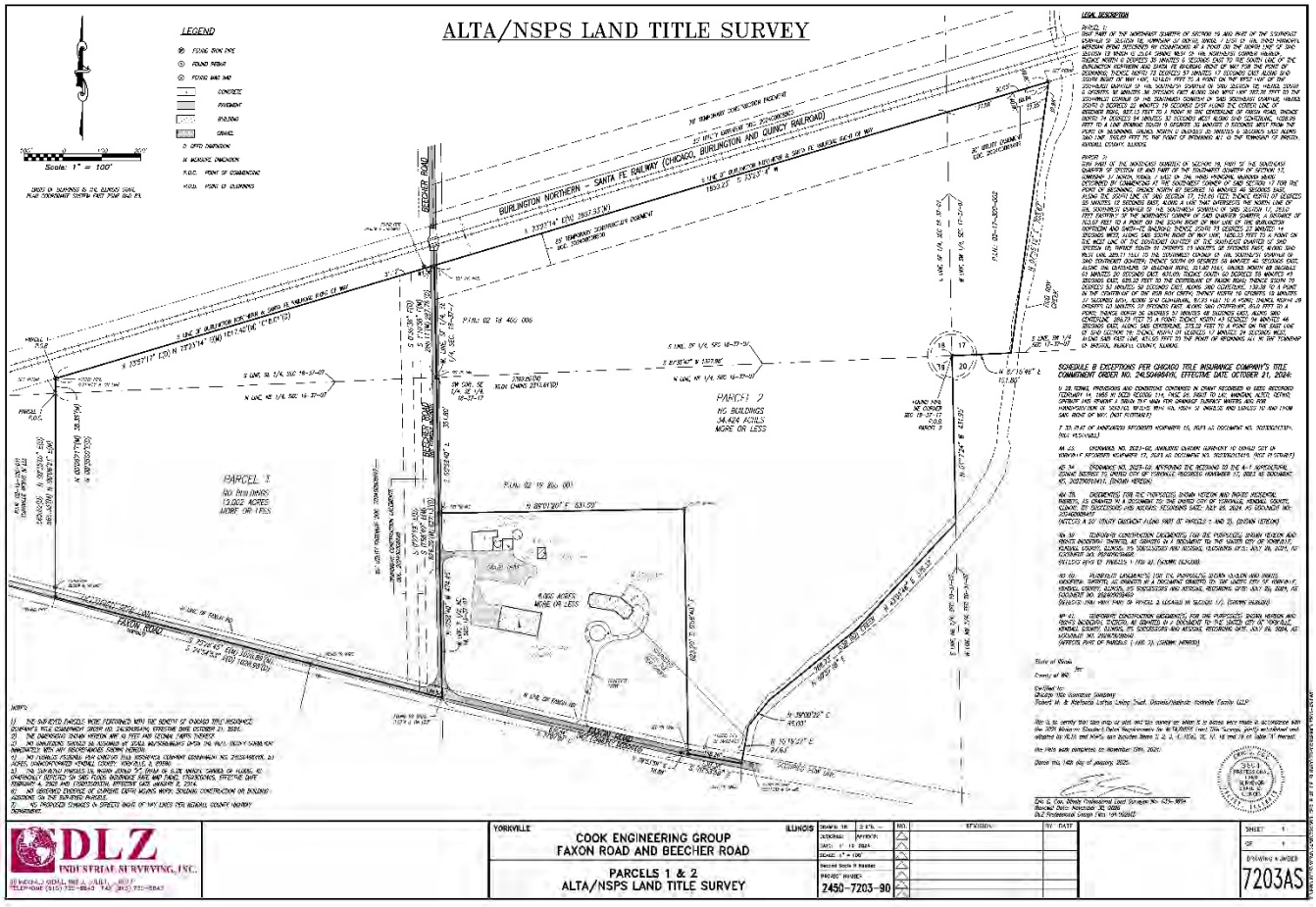
DMYF - LOFTUS
United City of Yorkville, Illinois
Date: December 18, 2024
File Location: I:\ARCGIS TEMPLATES\DMYF - LOFTUS

PROPERTY BACKGROUND:

The subject area consists of approximately 53.7 acres, including all ~17 acres of parcel #02-18-400-006, the southern ~2.88 acres of parcel #02-17-300-002, and ~33.81 acres of parcel #02-19-200-001. These parcels were annexed into Yorkville and rezoned as A-1 Agricultural District in 2023 as part of the New Leaf Energy community solar project, approved through Ordinances 2023-08 and 2023-09. Currently, the New Leaf Energy solar project, as illustrated in the plan to the right, is in the land preparation phase with construction anticipated to begin in mid-2025.



Initially, the petitioner proposed rezoning the entire ~41 acres of parcel #02-19-200-001, which includes an existing residential homestead on the southernmost portion owned by Robert and Ildefonsa Loftus. However, the application has been revised to exclude approximately eight (8) acres surrounding the Loftus home. The revised boundaries extend to the centerline of Beecher Road to the east, approximately 475–630 feet north of Faxon Road, directly south of the area currently farmed, and approximately 160 feet west of Rob Roy Creek, as illustrated in the ALTA Survey below.



REZONING REQUEST:

The petitioner is requesting a rezoning from A-1 Agricultural to M-2 General Manufacturing District to accommodate the future development of a proposed data center. Data centers are facilities that house networked computers, storage systems, and computing infrastructure, enabling organizations to collect, process, store, and distribute data. This rezoning aligns with the recent trend of annexation and/or rezoning within the northeast quadrant of Eldamain Road and US 34 in the City to the M-2 zoning district for potential data center developments.

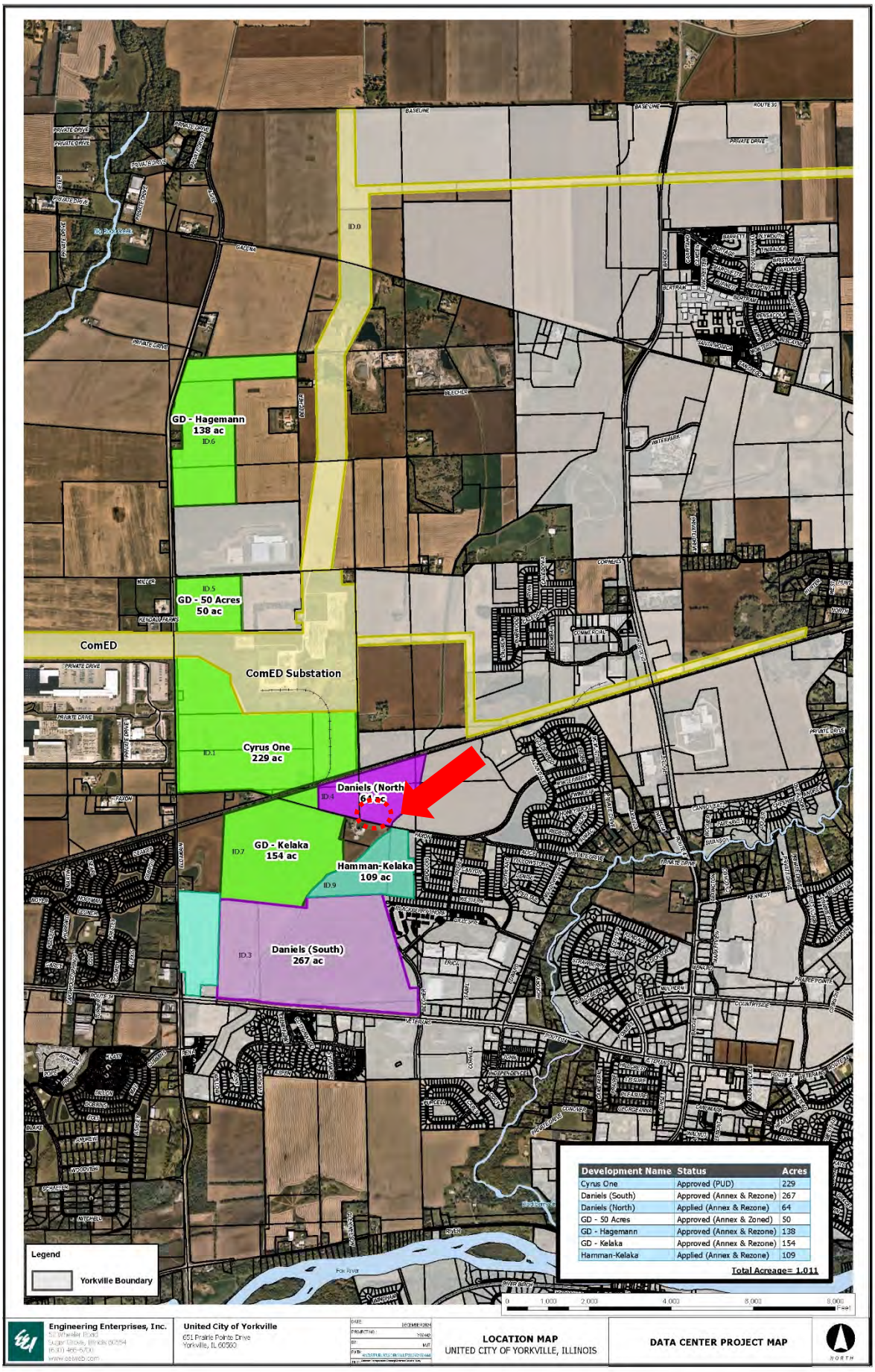
According to Section 10-3-6-F of the Yorkville Unified Development Ordinance (UDO), the M-2 General Manufacturing District is intended for manufacturing, industrial, and related uses that may produce more significant off-site impacts compared to the M-1 Limited Manufacturing District. This district is designed to ensure compatibility between industrial uses and nearby residential or commercial areas, while minimizing off-site impacts such as noise, traffic, and visual disturbances.

As outlined in Table 10-3-12(B) of the UDO, data centers are permitted land uses within the M-2 District. Additionally, the UDO includes specific rezoning standards that must be reviewed by all recommending bodies. The petitioner has provided responses addressing each of these standards in their application.

To evaluate the potential impact of the proposed rezoning and future use of the property, staff has prepared the following chart summarizing the current zoning and land uses of the surrounding area:

	Zoning	Land Use
North	M-2 General Manufacturing District	Cyrus One (Data Center)
	A-1 Agricultural District – Special Use	Farmland (New Leaf Energy Solar Farm)
	Burlington Northern Santa Fe (BNSF) Railroad	Transportation Land Use
East	R-2 Single-Family Traditional Residence District	Farmland (Unit 3 Whispering Meadows)
South	Faxon Road	Transportation Land Use
	A-1 Agricultural District	Residential Homestead (Loftus)
	M-2 General Manufacturing District	Farmland (Kelaka – approved for data center)
	A-1 Agricultural District (Kendall County)	Farmland & Single- Family Residence
		Farmland (Hamman-Kelaka - proposed annexation & rezone to M-2 for future data center)
West	A-1 Agricultural District (Kendall County)	Farmland
	M-2 General Manufacturing District	Farmland (Kelaka – approved for data center)

If approved, the Loftus homestead will be surrounded by M-2 General Manufacturing zoning to the north, west, east, and potentially to the south (refer to Data Center Project Map on following page). According to the petitioner, previous discussions with the property owner have indicated there is consideration to sell the 8-acre homestead should a future data center development come to fruition.


GD - Hagemann
138 ac
ID.6
ID.5
GD - 50 Acres
50 ac
ComED
ComED Substation
Cyrus One
229 ac
ID.1
Daniels (North)
64 ac
ID.4
GD - Kelaka
154 ac
ID.7
Hamman-Kelaka
109 ac
ID.9
Daniels (South)
267 ac
ID.3
ID.0
Legend
Yorkville Boundary
Development Name | Status | Acres
Cyrus One | Approved (PUD) | 229
Daniels (South) | Approved (Annex & Rezone) | 267
Daniels (North) | Applied (Annex & Rezone) | 64
GD - 50 Acres | Approved (Annex & Zoned) | 50
GD - Hagemann | Approved (Annex & Rezone) | 138
GD - Kelaka | Approved (Annex & Rezone) | 154
Hamman-Kelaka | Applied (Annex & Rezone) | 109
Total Acreage= 1,011
0 1,000 2,000 4,000 6,000 8,000 Feet
Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, Illinois 60554
(630) 466-6700
www.eeiweb.com
United City of Yorkville
651 Prairie Pointe Drive
Yorkville, IL 60560
LOCATION MAP
UNITED CITY OF YORKVILLE, ILLINOIS
DATA CENTER PROJECT MAP
NORTH

BULK REGULATIONS/PLAT OF SUBDIVISION:

Per the Table 10-3-9(A) Bulk and Dimensional Standards, the following are the current M-2 General Business District and A-1 Agricultural District standards:

	M-2 Zoning Regulations	A-1 Zoning Regulations
Min. Lot Area	N/A	N/A
Front Yard Setback	25 feet	100 feet
Rear Yard Setback	N/A	N/A
Side Yard Setback	Min. 10% of lot width/Max. 20 feet	50 feet
Corner Yard Setback	Min. 10% of lot width/Max. 20 feet	N/A
Max. Lot Coverage	85%	N/A
Max. Building Height	N/A	80' Building/30' Dwelling

Upon approval of the rezoning, the petitioner will submit a plat of subdivision for the subject parcels to establish new lot lines and parcel numbers for the rezoned area. This process is intended to prevent "split zoning" on the existing Loftus parcel, which will remain zoned as A-1 Agricultural District.

Per Section 10-8-3D of the Unified Development Ordinance (UDO), titled *Lot Splits*, the Zoning Administrator is authorized to approve or deny lot consolidations or splits if the subdivision meets any one of the following conditions:

1. The split of a single lot into three (3) or fewer lots.
2. Subdivisions created solely for public rights-of-way or other public tracts of land.
3. Lot line or boundary adjustments to an existing filed Final Plat.
4. Correction of errors or omissions on a filed Final Plat, including legal description errors, typographical or mapping errors, lot identification errors, and surveyor corrections.

Since the petitioner is splitting parcel #02-19-200-001 into two (2) parcels—excluding approximately 8 acres for the Loftus homestead—staff will be able to administratively approve the lot split following City Council approval of the rezoning.

PROPOSED CONDITIONS FOR REZONING:

Below are proposed conditions for rezoning staff recommends related to the proposed future data center development which is consistent with provisions required for recently approved similarly situated data center projects. These recommendations will be considered as conditions to the rezoning request:

1. **BUFFER SETBACK/TRANSITION ZONE –** Due to the adjacency of the subject parcels to a future planned phase of a residential development (Unit 3 of Whispering Meadows) to the east, staff recommends that any data center development incorporate a minimum 100-foot landscaped buffer with an eight (8) foot tall berm. This buffer should include elements such as vegetation, solid fencing, green walls, stormwater management areas, living groundcover, and/or turf to ensure effective visual screening and physical separation between the land uses. **The petitioner is agreeable with the required minimum 100-foot landscape buffer and berm along the eastern boundary of the parcels to be rezoned**.

2. **SITE PLAN REVIEW –** Staff further recommends that any proposed development plan, regardless if it's an outright permitted land use, shall be required to submit any and all plans for review and approval by the City Council prior to commencing any construction, grading or other work or issuance of a building permit on the Subject Property due to the subject parcels' adjacency

to a future planned phase of a residential development. **The petitioner is agreeable with the requirement for a site plan review before City Council prior to initiating development.**

3. No buildings closer than 400 feet to the nearest home in the following existing residential subdivisions: Whispering Meadows Unit 3, Kylyns Ridge, Kendall Marketplace, and Caledonia, as illustrated on the attached buffer map. **The petitioner is agreeable with the minimum building separation.**

4. A maximum 60-foot height restriction for any buildings within 1,500 feet of adjacent residential structures. **The developer has raised concerns about this condition, noting that a typical data center structure is expected to range between 70' and 80' (~35' per level), inclusive of rooftop mechanical equipment. They are requesting that height restrictions for buildings within a certain distance of a neighboring residential subdivision align with industry standards, emphasizing that the M-2 District as a whole does not impose a maximum height limit. The petitioner seeks to engage in further discussions with the Planning and Zoning Commission during the meeting to refine this condition**.

THE COMPREHENSIVE PLAN:

The 2016 Comprehensive Plan Update designates these parcels as "Estate/Conservation Residential (ECR)" and "Metra Station Transit-Oriented Development (MTOD)." The ECR designation is intended to allow flexibility in residential design, accommodating low-density detached single-family housing while preserving sensitive environmental and scenic features. It also serves as a holding category for parcels unlikely to develop within the plan's 10-year horizon.



The MTOD designation guides the development of a commuter rail station district, with two potential locations identified: this parcel and the northeast corner of IL 47 and the BNSF railroad. At the time of the plan's update, the final location for the Metra station had not been determined. However, following public input, engineering studies, and a recommendation from Metra, the City Council approved the IL 47 location as the preferred site for the future Metra station in 2020.

The Comprehensive Plan also notes that while the land use map serves as a guide for future development and zoning decisions, it is intended to be adjusted when changing circumstances warrant a new planning direction for a specific area.

Due to the recent trend in rezoning and development in the area, the Cyrus One future data center campus to the north, Kelaka properties approved and requested annexation and/or rezoning to M-2 to the south/west and the DMYF, LLLP project pending approval to far south of the subject parcels, staff supports the proposed M-2 General Manufacturing District zoning for a future data center campus development with conditions. If approved for rezoning, the City will initiate an amendment to the Comprehensive Plan to reflect the new M-2 General Manufacturing zoning district. The subject property's future land use designation will be revised from "Estate/Conservation Residential (ECR)" and "Metra Station Transit-Oriented Development (MTOD)" to "General Industrial (GI)".

COMMUNITY MEETING:

Section 10-8-13-B-1-a of the Unified Development Ordinance states that a community meeting with area or neighborhood property owners, explaining the proposed rezoning, may be required. This meeting, conducted by the petitioner at their own expense and at a location of their choice, may be recommended by the Plan Council before the Planning and Zoning Commission public hearing.

While not adjacent, the subject parcels are located within 400 feet of existing residential land uses to the south east, the Kylyn's Ridge subdivision. Staff recommended the petitioner reach out to the homeowners' association (HOA) regarding the proposed future land use of the subject property prior to the Planning and Zoning Commission public hearing.

STAFF COMMENTS:

The petitioner is requesting a straightforward rezoning of the subject parcels without seeking any relief or variances from the M-2 General Manufacturing District zoning. With the additional restrictions recommended for buffer setbacks/transition zones, site plan review, minimum building separation, and height restrictions for a future data center development, staff supports the rezoning request. Further, this requested zoning is consistent with the trend in future development within the area.

REZONING STANDARDS:

Section 10-8-12 Map Amendments establishes criteria for findings of fact related to rezoning (map amendment) requests. When the purpose and affect is to change the zoning of a property and amend the City's Zoning Map, the Planning and Zoning Commission shall consider each of the following facts before rendering a decision on the request. **The petitioner has provided answers to each of the criteria in the application these standards which are included in the packet for your review and will be entered into the public record as part of the public hearing process**. The standards are:

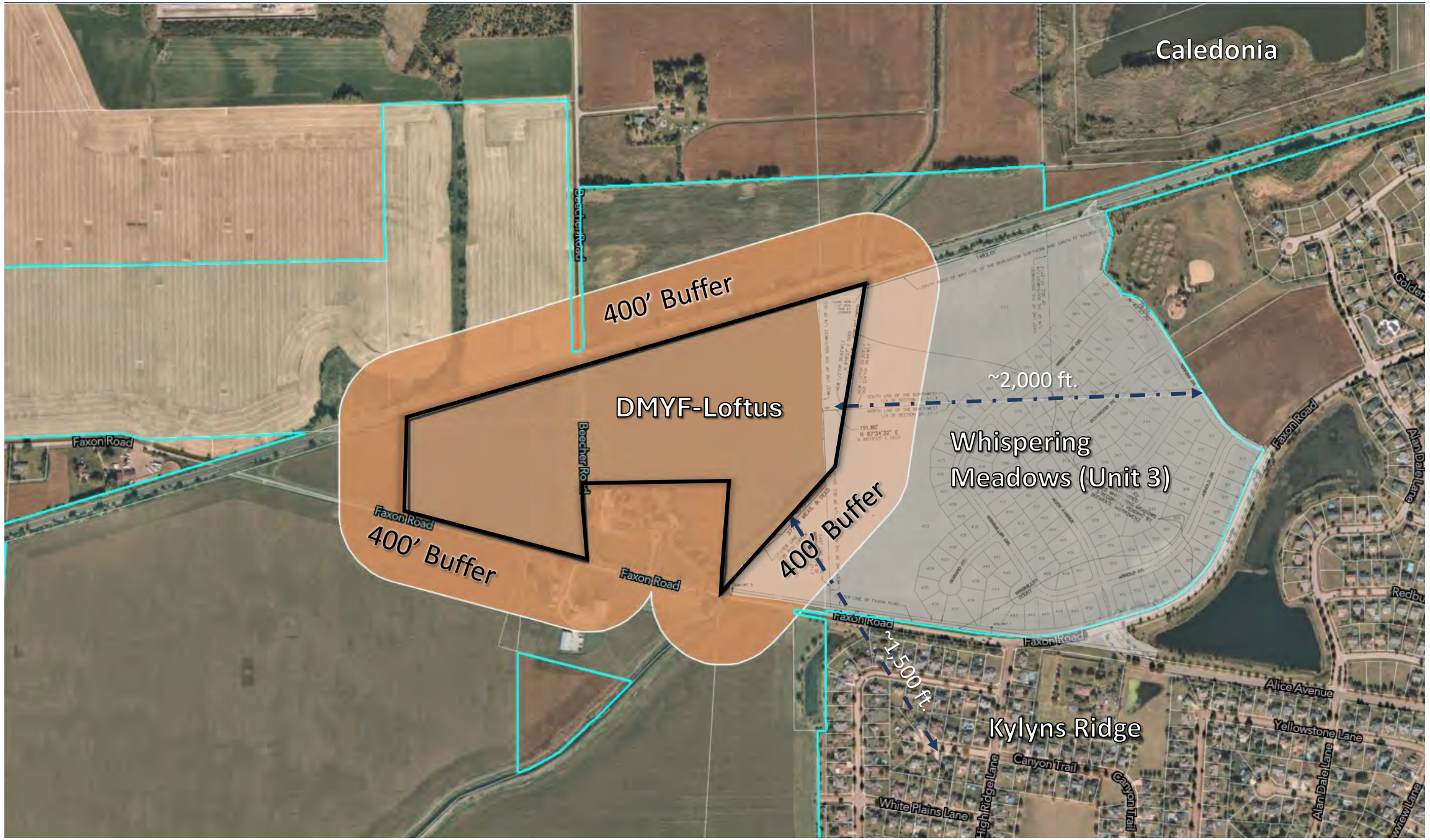
1. The proposed Map Amendment is consistent with the Comprehensive Plan and the purposes of the UDO.
2. The proposed Map Amendment is consistent with the existing and planned uses and zoning of the nearby properties.
3. The subject property is suitable for the purposes of the proposed district.
4. The proposed Map Amendment will not result in an individual parcel zoned in one zoning district that is not shared by the adjacent parcels.
5. The proposed parcel(s) to be rezoned shall meet the minimum frontage and area requirements of the requested rezoning district as specified in Section 10-3-9(A).
6. The community need for the proposed use.
7. 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.

PROPOSED MOTION:

In consideration of testimony presented during a Public Hearing on March 12, 2025 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for rezoning from A-1 Agricultural District to M-2 General Manufacturing District for a proposed future data center, for two (2) parcels totaling approximately 53.7 acres, including parcel #02-18-400-006 and portions of parcels #02-19-200-001 and #02-17-300-002, excluding an approximately 8-acre existing homestead owned by the Robert M. and Ildefonsa Loftus Living Trust, generally located north of Faxon Road, east of Beecher Road, and south of the Burlington Northern Santa Fe (BNSF) railroad, subject to {insert any additional conditions of the Planning and Zoning Commission}…

ATTACHMENTS:

1. Buffer Map Exhibit
2. Rezoning Application
3. Data Center Project Map
4. Plan Council memo dated January 6, 2025
5. Public Hearing Notice


Caledonia
400’ Buffer
DMYF-Loftus
~2,000 ft.
Whispering
Meadows (Unit 3)
Faxon Road
Beecher Road
400’ Buffer
400’ Buffer
Faxon Road
Faxon Road
Faxon Road
Faxon Road
~1,500 ft.
Kylyns Ridge
Alice Avenue
Yellowstone Lane
Canyon Trail
Canyon Trail
White Plains Lane
Alan Dale Lane

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 REZONING

INTENT AND PURPOSE

Rezoning is a type of map amendment which allows for the reclassification of a property's zoning district. A request for rezoning must not be arbitrary. There are several land use factors which are considered during the review process for a rezoning request including the suitability of surrounding land uses and zoning districts, local development trends, potential traffic impacts, and the overall public health and safety of the community.

This packet explains the process to successfully submit and complete an Application for Rezoning. It includes a detailed description of the process, outlines required submittal materials, and contains the application for rezoning.

For a complete explanation of what is legally required throughout the Special Use process, please refer to "Title 10, Chapter 4, Section 7: Amendments" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE

STEP 1
APPLICATION SUBMITTAL

SUBMIT APPLICATION, FEES, AND PLANS TO THE COMMUNITY DEVELOPMENT DEPT.

The following must be submitted:

- ☐ One (1) original signed and notarized application.
- ☐ Legal description of the property in Microsoft Word.
- ☐ Three (3) copies each of the exhibits, proposed drawings, location map, and site plan. All exhibits and plans must be an appropriate size for all details and descriptions to be legible.
- ☐ Appropriate application and filing fee. Checks may be written to the United City of Yorkville.
- ☐ Signed Applicant Deposit Account/Acknowledgment of Financial Responsibility form.
- ☐ One (1) electronic copy (PDF) of all materials submitted including application and exhibits.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. An incomplete submittal could delay the scheduling of the project.

The petitioner is responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The petitioner will be required to establish a deposit account with the City to cover these fees.

Once a submitted and complete, Community Development staff will provide a tentative schedule of meetings as well as all needed documents for the process.

STEP 2
PLAN COUNCIL

MEETS ON THE 2ND & 4TH THURSDAY OF THE MONTH

The petitioner must present the proposed request to the Plan Council. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. This meeting is held to provide the petitioner with guidance from all City staff departments to ensure the petitioner is aware of all requirements and regulations for their development. Upon recommendation by the Plan Council, the petitioner will move forward to the Economic Development Committee.

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 REZONING

STEP 3

ECONOMIC DEVELOPMENT COMMITTEE

MEETS ON THE 1ST TUESDAY OF THE MONTH

The petitioner must present the proposed plan to the Economic Development Committee. The committee consists of four alderman who will provide feedback to the petitioner regarding their request. This feedback allows the petitioner to gather comments and concerns prior to full City Council considerations. It also allows the City Council members to review the request prior to its arrival at City Council.

STEP 4

PLANNING & ZONING COMMISSION

MEETS ON THE 2ND WEDNESDAY OF THE MONTH

The petitioner will attend and present their request at a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council. No rezoning request shall be recommended by the Planning and Zoning Commission unless it follows the standards set forth in City's Zoning Ordinance.

The petitioner is responsible for sending certified public hearing notices to adjacent property owners within five hundred (500) feet of the subject property no less than fifteen (15) days and no more than thirty (30) days prior to the public hearing date. The public hearing notice will be drafted by the City as well as published in a local newspaper. Additionally, a public hearing notice sign must be placed on the property no less than fifteen (15) days prior to the public hearing.

A certified affidavit must be filed by the petitioner with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Certified Mailing Affidavit form is attached to this document.

STEP 5

CITY COUNCIL

MEETS ON THE 2ND & 4TH TUESDAY OF THE MONTH

The petitioner will attend the City Council meeting where the recommendation of the special use will be considered. City Council will make the final approval of the special use. If approved, City staff will have a drafted ordinance to be signed by the Council and must be recorded with the County Clerk before any further steps may be taken by the petitioner.

SUMMARY OF RESPONSIBILITIES

Below is a summary breakdown of what will be required by the petitioner and what will be completed by the City:

PETITIONER

- ☐ Signed and Notarized Application
- ☐ Required Plans, Exhibits, and Fees
- ☐ Certified Mailing of Public Notice
- ☐ Signed Certified Affidavit of Mailings
- ☐ Attendance at All Meetings

CITY STAFF

- ☐ Detailed Schedule After Complete Submission
- ☐ Public Hearing Notice Language
- ☐ Posting of the Public Notice in a Local Newspaper
- ☐ Public Hearing Sign Application
- ☐ Draft Ordinance & Signatures for Recording

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 REZONING

SAMPLE MEETING SCHEDULE

MONTH 1

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Plan Council Meeting

MONTH 2

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Economic Development Committee

MONTH 3

Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Planning & Zoning Commission Public Hearing

MONTH 4

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

City Council

Meeting Date | Updated Materials Submitted for Meeting | Public Notice Mailing Window

This is a sample of what a schedule may look like after submission. The Step 1 Submission must be completed before the Plan Council Meeting can be scheduled. This timeline represents an ideal schedule. Throughout the review process, there may be requests or changes to the submission requested by the committees which may delay the meeting schedule. As illustrated, there is a small amount of time between meeting dates and the deadline for updated materials to be submitted for review. Depending on the complexity and nature of the request, this timeline may be extended to give the petitioner and staff enough time to review requested updates to the submission.

DORMANT APPLICATIONS

The Community Development Director shall determine if an application meets or fails to meet the submission requirements. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial planning and zoning commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)

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 REZONING

INVOICE & WORKSHEET PETITION APPLICATION

CONCEPT PLAN REVIEW	☐ Engineering Plan Review deposit	$500.00	Total: $
AMENDMENT	☐ Annexation	$500.00	Total: $
	☐ Plan	$500.00	
	☐ Plat	$500.00	
	☐ P.U.D.	$500.00	
ANNEXATION	☐ $250.00 + $10 per acre for each acre over 5 acres		Total: $
_____ - 5 = _____ x $10 = _____ + $250 = $ _____			
# of Acres / Acres over 5 / Amount for Extra Acres / Total Amount			
REZONING	☑ $200.00 + $10 per acre for each acre over 5 acres		Total: $ 764.26
If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee			
61.426 - 5 = 56.426 x $10 = 564.26 + $200 = $ 764.26			
# of Acres / Acres over 5 / Amount for Extra Acres / Total Amount			
SPECIAL USE	☐ $250.00 + $10 per acre for each acre over 5 acres		Total: $
_____ - 5 = _____ x $10 = _____ + $250 = $ _____			
# of Acres / Acres over 5 / Amount for Extra Acres / Total Amount			
ZONING VARIANCE	☐ $85.00 + $500.00 outside consultants deposit		Total: $
PRELIMINARY PLAN FEE	☐ $500.00		Total: $
PUD FEE	☐ $500.00		Total: $
FINAL PLAT FEE	☐ $500.00		Total: $
ENGINEERING PLAN REVIEW DEPOSIT	☐ Less than 1 acre	$5,000.00	Total: $
	☐ Over 1 acre, less than 10 acres	$10,000.00	
	☐ Over 10 acres, less than 40 acres	$15,000.00	
	☐ Over 40 acres, less than 100 acres	$20,000.00	
	☐ Over 100 acres	$25,000.00	
OUTSIDE CONSULTANTS DEPOSIT *Legal, land planner, zoning coordinator, environmental services*	For Annexation, Subdivision, Rezoning, and Special Use:		Total: $
	☐ Less than 2 acres	$1,000.00	
	☐ Over 2 acres, less than 10 acres	$2,500.00	
	☐ Over 10 acres	$5,000.00	
TOTAL AMOUNT DUE:			764.26

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APPLICATION FOR REZONING

DATE: 12/13/24	PZC NUMBER:	DEVELOPMENT NAME:

PETITIONER INFORMATION

NAME: Drew Daniels	COMPANY: Daniels Malinski Yorkville Family, LLLP
MAILING ADDRESS: 405 E. Sheridan Road	
CITY, STATE, ZIP: Lake Bluff, Illinois 60044	TELEPHONE: ○ BUSINESS ◉ HOME (847) 942-5916
EMAIL: ddaniels@sextoncompanies.net	FAX:

PROPERTY INFORMATION

NAME OF HOLDER OF LEGAL TITLE: Daniels Malinski Yorkville Family, LLLP & Robert M. & Ildefonsa Loftus Living Trust

IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:

PROPERTY STREET ADDRESS: 11159 Faxon Road, Yorkville, Illinois 60560

DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION:

Farmland west of Beecher Road, Farmland East of Beecher Road, all the proposed rezoned land is south of the railroad tracks and west of the Rob Roy Creek. This includes the Robert M. & Ildefonsa Loftus 8-Acre home parcel

CURRENT ZONING CLASSIFICATION: Agricultural	REQUESTED ZONING CLASSIFICATION: M-2
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION: M-2	TOTAL ACREAGE: 61.426

ZONING AND LAND USE OF SURROUNDING PROPERTIES

NORTH:	M-2 (Cyrus One Data Center) & Agricultural - Farming Occuring north of the tracks
EAST:	Agricultural - Farming Occuirng east and west of the Rob Roy Creek
SOUTH:	Agricultural - Farming Occuring to the south of Faxon Road
WEST:	M-2 (Green Door Captial) - Actively marketing for a data center user

KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)

PIN 02-18-400-006			
PIN 02-19-200-001			
PIN 02-17-300-002			

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APPLICATION FOR REZONING

ATTORNEY INFORMATION	
NAME: Margaret Christie	COMPANY: Golan Christe Taglia LLP
MAILING ADDRESS: 70 W. Madison Street, Suite 1500	
CITY, STATE, ZIP: Chicago, Illinois 60602	TELEPHONE: (312) 696-2042
EMAIL: MAChristie@GCT.law	FAX:
ENGINEER INFORMATION	
NAME: Michael Cook	COMPANY: Cook Engineering Group
MAILING ADDRESS: 26316 Mapleview Drive	
CITY, STATE, ZIP: Plainfield, Illinois 60585	TELEPHONE: (815) 577-1707
EMAIL: mcook@cookenggroup.com	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME: Eric Cox	COMPANY: DLZ Industrial Surveying Inc.
MAILING ADDRESS: 80 McDonald Avenue, Unit D	
CITY, STATE, ZIP: Joliet, Illinois 60431	TELEPHONE: (815) 577-1707
EMAIL: ecox@dlz.com	FAX:

ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

Petitioner must list the names and addresses of any adjoining or contiguous landowners within five hundred (500) feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

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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 existing zoning is Agricultural in the United City of Yorkville and the current uses of the property within the general area is farming.

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:

Surrounding properties are being re-zoned (or being considered) to M-2 zoning.

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

None to our knowledge

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

None

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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 has been farmed for decades

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

The surrounding area is being developed as industrial / data center uses, and the potential utility and real estate taxes to the City and the community are important.

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

The use is consistent with what is being proposed and approved in the general area.

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):

Other than the construction traffic when the final development is built, very little to no change in traffic impact. Data centers typically have very low traffic impacts.

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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:

With no known hardship, the development would envision substantial construction jobs as well as long-term jobs all while also providing the City and its' residents with potentially considerable utility / property taxes.

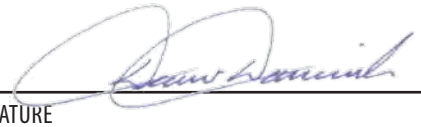
PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

The use is consistent with what is being proposed and approved in the general area.

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.



PETITIONER SIGNATURE

12/13/2024

DATE

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



OWNER SIGNATURE

12/13/2024

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

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: 11159 Faxon Road, Yorkville, Illinois 60560

PETITIONER DEPOSIT ACCOUNT FUND:

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the **INVOICE & WORKSHEET PETITION APPLICATION**. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

NAME: Drew Daniels	COMPANY: Daniels Malinski Yorkville Family LLLP
MAILING ADDRESS: 405 E. Sheridan Road	
CITY, STATE, ZIP: Lake Bluff, Illinois 60044	TELEPHONE: (847) 942-5916
EMAIL: ddaniels@sextoncompanies.net	FAX:

FINANCIALLY RESPONSIBLE PARTY:

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

Drew Daniels
PRINT NAME

General Partner
TITLE


SIGNATURE*

12/13/24
DATE

**The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS

ENGINEERING DEPOSITS:		LEGAL DEPOSITS:	
Up to one (1) acre	$5,000	Less than two (2) acres	$1,000
Over one (1) acre, but less than ten (10) acres	$10,000	Over two (2) acres, but less than ten (10) acres	$2,500
Over ten (10) acres, but less than forty (40) acres	$15,000	Over ten (10) acres	$5,000
Over forty (40) acres, but less than one hundred (100)	$20,000		
In excess of one hundred (100.00) acres	$25,000		

CERTIFIED MAILING
AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

I/We, _____, petitioner, being first duly sworn, do hereby state under oath that to the best of my knowledge the **attached** list is a true, correct and **complete list of all permanent parcel numbers, and names and addresses of owners**, of all lots and parts of lots located within 500 feet (exclusively of any public streets and alleys) of the property legally described on the attached application for annexation, rezoning, special use permit, planned unit development, variation, or other zoning amendment. I further state that said list was obtained from the current tax rolls of the Kendall County Treasurer's Office. I further state that I mailed by U.S. Certified Mail, Return Receipt Requested, a copy of the Public Notice of Public Hearing before the United City of Yorkville Planning and Zoning Commission for the Public Hearing held on Wednesday, _____, at the United City of City Council Chambers, Yorkville, Illinois. The notice was mailed to the attached list of all of the permanent parcel numbers and names and addresses of owners at the U.S. Post office on _____, 20_____.

_____
Signature of Petitioner(s)

Subscribed and sworn to before me this

_____ day of _____, 20_____

_____
Notary Public

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

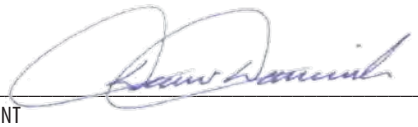
APPLICATION FOR PUBLIC HEARING SIGN

PERMIT NUMBER:	**DATE/TIME RECEIVED:**
SITE ADDRESS: 11159 Faxon Road, Yorkville, Illinois 60560	PARCEL NUMBER: 02-18-400-006, 02-19-200-001
SUBDIVISION:	LOT/UNIT: 02-17-300-002
APPLICANT INFORMATION	
NAME: Drew Daniels	TELEPHONE: ○ HOME ○ BUSINESS (847) 942-5916
ADDRESS: 405 E. Sheridan Road	E-MAIL: ○ HOME ○ BUSINESS ddaniels@sextoncompanies.n
CITY, STATE, ZIP: Lake Bluff, Illinois 60044	FAX:
SIGN INFORMATION	
DATE OF PICK UP:	NUMBER OF SIGNS:
DATE OF PUBLIC HEARING:	SIGN RETURN DATE:

The undersigned hereby states that they have acquired Public Hearing Signs from the United City of Yorkville's Community Development Department and agrees to return said sign/s to Yorkville City Hall, 651 Prairie Pointe Drive, Yorkville, Illinois, immediately following the date of the public hearing.

Petitioner or Representative agrees to pay to the United City of Yorkville a deposit of $50 for each sign. The deposit will be returned to the petitioner when the public hearing sign/s have been returned to the City.

Petitioner or Representative further agrees to pay to the United City of Yorkville the full amount of the purchase price for each sign not returned to the United City of Yorkville within seven (7) days after the date of the public hearing.



SIGNATURE/AUTHORIZED AGENT

12/13/24

DATE

DATE RETURNED: _____

RECEIVED BY: _____ PZC# _____

Exhibit A

Document:	**Application for Rezoning**
Petitioner Name:	**Drew Daniels**
Company Name:	**Daniels Malinski Yorkville Family, LLLP**
Property Address:	**11159 Faxon Road, Yorkville, Illinois 60560**
Exhibit A:	**Legal Descriptions**
PINs:	**02-18-400-006** **02-19-200-001** **02-17-300-002**

LEGAL DESCRIPTION (DMYF, LLLP)

PARCEL 1

THAT PART OF THE NORTHEAST QUARTER OF SECTION 19 AND PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT A POINT ON THE NORTH LINE OF SAID SECTION 19 WHICH IS 35.04 CHAINS WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST TO THE SOUTH LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD RIGHT OF WAY FOR THE POINT OF BEGINNING; THENCE NORTH 73 DEGREES 57 MINUTES 17 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 1018.01 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 0 DEGREES 36 MINUTES 36 SECONDS EAST ALONG SAID WEST LINE 287.76 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 0 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE CENTER LINE OF BEECHER ROAD, 827.13 FEET TO A POINT IN THE CENTERLINE OF FAXON ROAD; THENCE NORTH 74 DEGREES 54 MINUTES 33 SECONDS WEST ALONG SAID CENTERLINE, 1028.98 FEET TO A LINE BEARING SOUTH 0 DEGREES 35 MINUTES 0 SECONDS WEST FROM THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST ALONG SAID LINE, 565.62 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

LEGAL DESCRIPTION (DMYF, LLLP)

PARCEL 2

THAT PART OF THE NORTHEAST QUARTER OF SECTION 19, PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17 FOR THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 16 MINUTES 46 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, 151.80 FEET; THENCE NORTH 07 DEGREES 55 MINUTES 12 SECONDS EAST, ALONG A LINE THAT INTERSECTS THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, 363.0 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID QUARTER, A DISTANCE OF 703.67 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD; THENCE SOUTH 73 DEGREES 23 MINUTES 14 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1650.23 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 01 DEGREES 01 MINUTES 58 SECONDS EAST, ALONG SAID WEST LINE 288.11 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, ALONG THE CENTERLINE OF BEECHER ROAD, 474.45 FEET; THENCE NORTH 89 DEGREES 01 MINUTES 20 SECONDS EAST, 631.00; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, 629.20 FEET TO THE CENTERLINE OF FAXON ROAD; THENCE SOUTH 79 DEGREES 53 MINUTES 59 SECONDS EAST, ALONG SAID CENTERLINE, 139.38 TO A POINT IN THE CENTERLINE OF THE ROB ROY CREEK; THENCE NORTH 10 DEGREES 19 MINUTES 37 SECONDS EAST, ALONG SAID CENTERLINE, 97.93 FEET TO A POINT; THENCE NORTH 39 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG SAID CENTERLINE, 85.0 FEET TO A POINT; THENCE NORTH 50 DEGREES 57 MINUTES 48 SECONDS EAST, ALONG SAID CENTERLINE, 288.73 FEET TO A POINT; THENCE NORTH 43 DEGREES 04 MINUTES 46 SECONDS EAST, ALONG SAID CENTERLINE, 375.32 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 19; THENCE NORTH 01 DEGREES 17 MINUTES 24 SECONDS EAST, ALONG SAID EAST LINE, 431.95 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

LEGAL DESCRIPTION (LOFTUS)

PARCEL 3

THAT PART OF THE NORTHEAST QUARTER OF SECTION 19, PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE NORTH 87 DEGREES 16 MINUTES 46 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, 151.80 FEET; THENCE NORTH 07 DEGREES 55 MINUTES 12 SECONDS EAST, ALONG A LINE THAT INTERSECTS THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, 363.0 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID QUARTER, A DISTANCE OF 703.67 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD; THENCE SOUTH 73 DEGREES 23 MINUTES 14 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1650.23 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 01 DEGREES 01 MINUTES 58 SECONDS EAST, ALONG SAID WEST LINE 288.11 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, ALONG THE CENTERLINE OF BEECHER ROAD 351.80 FEET TO THE POINT OF BEGIINING; THENCE NORTH 89 DEGREES 01 MINUTES 20 SECONDS EAST, 631.00; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, 629.20 FEET TO THE CENTERLINE OF FAXON ROAD; THENCE NORTH 79 DEGREES 53 MINUTES 59 SECONDS WEST, ALONG SAID CENTERLINE, 18.88 FEET TO A BEND IN SAID CENTERLINE; THENCE NORTH 77 DEGREES 07 MINUTES 02 SECONDS WEST, ALONG SAID CENTERLINE, 630.84 FEET TO THE CENTERLINE OF SAID BEECHER ROAD; THENCE NORTH 00 DEGREES 58 MINUTES 40 SECONDS WEST, ALONG SAID CENTERLINE, 474.45 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

From:	Drew Daniels
To:	Krysti Barksdale-Noble
Subject:	DMYF - Updated Submittal for Re-Zoning
Date:	Tuesday, January 21, 2025 4:34:39 PM
Attachments:	image007.png image008.png image009.png DMYF - City of Yorkville - Former Loftus Property - Application for Rezoning - Exhibit A as of 1-21-25.pdf DMYF - DLZ Industrial Surveying - Parcels 1 and 2 ALTA-NSPS Land Title Survey as of 1-14-25.pdf

Hi Krysti,

Please see the attached ALTA dated 1/14/2025 as the Re-Zoning Exhibit and the attached Exhibit A legal showing Parcels 1 & 2. The legal I originally gave to the City included Parcel 3 (Loftus' 8.00-ac parcel) that is no longer being re-zoned to M-2. This should be everything the City needs to move forward with my re-zoning application.

FYI, regarding what you sent me regarding the legal, what I learned was that the highlighted yellow paragraphs in the Parcel 2 and 3 legals were taken from the original legal description in the original title commitment. Eric Cox (the surveyor) wants to keep that part in the legal and that was discussed with EEI. Note that there was a distance that was **changed** in the legal description along the centerline of Beecher Rd. to **351.80 FEET** (line 5 on page 2) that matches the ALTA survey and legal.

Hope this clears things up and let me know if you have any questions.

Thanks,

Drew (847) 942-5916
www.sextondevelopment.com

Sexton DEVELOPMENT

Drew Daniels
DIRECTOR OF DEVELOPMENT
Office (224) 212-1250 x126 • Mobile (847) 942-5916 • Fax (224) 212-1260
49 Sherwood Terrace, Suite A • Lake Bluff, Illinois 60044
www.sextondevelopment.com

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From: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Sent: Tuesday, January 21, 2025 1:11 PM
To: Drew Daniels <Ddaniels@sextoncompanies.net>
Cc: Mark Scheller <mscheller@eeiweb.com>; Contact_Brad Sanderson <bsanderson@eeiweb.com>; Sara Mendez <smendez@yorkville.il.us>
Subject: RE: DMYF-Loftus

Thanks for confirming, Drew. Can you have your surveyor resubmit the legal description as well as a map of the area to be rezoned? If a map is not able to be provided, I will have our engineer produce

one based upon the resubmitted legal description.

As part of the sale of land, has Parcel 3 (Loftus homestead) been subdivided or a new PIN created? I ask because rezoning is not permitted for portions of a parcel, so if that has not occurred, a plat of subdivision will also need to be requested. We can discuss this in greater detail on Thursday during the Plan Council meeting.

Best Regards,

Krysti J. Barksdale-Noble, AICP
(she/her)
Community Development Director
United City of Yorkville
651 Prairie Pointe Drive
Yorkville, Illinois 60560
(630) 553-8573
(630) 742-7808
www.yorkville.il.us

From: Drew Daniels <Ddaniels@sextoncompanies.net>
Sent: Tuesday, January 21, 2025 12:42 PM
To: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Subject: Re: DMYF-Loftus

Yes

Sent from my iPhone

> On Jan 21, 2025, at 12:09 PM, Krysti Barksdale-Noble <knoble@yorkville.il.us> wrote:
>
> So are you confirming you want to exclude parcel 3 from your attached legal description?
>
> ---
>
> **From:** Drew Daniels <Ddaniels@sextoncompanies.net>
> **Sent:** Tuesday, January 21, 2025 11:45 AM
> **To:** Krysti Barksdale-Noble <knoble@yorkville.il.us>
> **Subject:** RE: DMYF-Loftus
>
> Krysti,

This attached ALTA survey for parcels 1 and 2 (with the legal in the upper corner) are for the 53.426 acres that the DMYF bought from Loftus.
The attached survey for parcel 3 (with the legal in the upper corner) is for the 8 acres that Bob Loftus kept.

Thanks,

Drew (847) 942-5916
www.sextondevelopment.com
<image001.jpg>

From: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Sent: Tuesday, January 21, 2025 11:39 AM
To: Drew Daniels <Ddaniels@sextoncompanies.net>
Cc: Mark Scheller <mscheller@eeiweb.com>
Subject: FW: DMYF-Loftus

Drew,
Per our recent conversation, please see the email below from the surveyor at EEI which indicates the parcels included in the legal description provided in your application for rezoning. Note, it still includes the Loftus homestead site. Please let me know if this is the correct area to be rezoned.

Best Regards,

Krysti J. Barksdale-Noble, AICP
(she/her)
Community Development Director
United City of Yorkville
651 Prairie Pointe Drive
Yorkville, Illinois 60560
<image002.png>
(630) 553-8573
<image003.png>
(630) 742-7808
<image004.png>
www.yorkville.il.us

From: Mark Scheller <mscheller@eeiweb.com>
Sent: Monday, January 13, 2025 1:26 PM
To: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Subject: RE: DMYF-Loftus

Hi Kyrsti

Here are the parcels. Let me know if you need something different.

<image005.png>
u

MARK G. SCHELLER, PLS
Senior Project Manager
mscheller@eeiweb.com
Direct: 630.466.6730 / Cell: 630.878.1662 / Main: 630.466.6700
52 Wheeler Rd, Sugar Grove, IL 60554
eeiweb.com

This message may contain confidential information and is intended only for the original recipient. The views or opinions presented in this message are solely those of the sender and do not necessarily represent those of the company, unless specifically stated. If you are not the intended recipient you should not disseminate, distribute or copy this message. If verification is required please request a hard-copy version. Engineering Enterprises, Incorporated 52 Wheeler Road, Sugar Grove, IL., 60554 Warning: This message was scanned for viruses, vandals and malicious content. However, we cannot guarantee that the integrity of this e-mail has been maintained in transmission and do not accept responsibility for the consequences of any virus contamination.
<DMYF - City of Yorkville - Former Loftus Property - Application for Rezoning - Exhibit A as of 12-13-24.docx>

Exhibit A

Document:	**Application for Rezoning (Updated 1/21/25)**
Petitioner Name:	**Drew Daniels**
Company Name:	**Daniels Malinski Yorkville Family, LLLP**
Property Address:	**11159 Faxon Road, Yorkville, Illinois 60560**
Exhibit A:	**Legal Descriptions**
PINs:	**02-18-400-006** **02-19-200-001** **02-17-300-002**

LEGAL DESCRIPTION (DMYF, LLLP)

PARCEL 1

THAT PART OF THE NORTHEAST QUARTER OF SECTION 19 AND PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT A POINT ON THE NORTH LINE OF SAID SECTION 19 WHICH IS 35.04 CHAINS WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST TO THE SOUTH LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD RIGHT OF WAY FOR THE POINT OF BEGINNING; THENCE NORTH 73 DEGREES 57 MINUTES 17 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 1018.01 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 0 DEGREES 36 MINUTES 36 SECONDS EAST ALONG SAID WEST LINE 287.76 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 0 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE CENTER LINE OF BEECHER ROAD, 827.13 FEET TO A POINT IN THE CENTERLINE OF FAXON ROAD; THENCE NORTH 74 DEGREES 54 MINUTES 33 SECONDS WEST ALONG SAID CENTERLINE, 1028.98 FEET TO A LINE BEARING SOUTH 0 DEGREES 35 MINUTES 0 SECONDS WEST FROM THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST ALONG SAID LINE, 565.62 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF THE NORTHEAST QUARTER OF SECTION 19, PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17 FOR THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 16 MINUTES 46 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, 151.80 FEET; THENCE NORTH 07 DEGREES 55 MINUTES 12 SECONDS EAST, ALONG A LINE THAT INTERSECTS THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, 363.0 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID QUARTER, A DISTANCE OF 703.67 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD; THENCE SOUTH 73 DEGREES 23 MINUTES 14 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1650.23 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 01 DEGREES 10 MINUTES 58 SECONDS EAST, ALONG SAID WEST LINE 288.11 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, ALONG THE CENTERLINE OF BEECHER ROAD, 351.80 FEET; THENCE NORTH 89 DEGREES 01 MINUTES 20 SECONDS EAST, 631.00; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, 629.20 FEET TO THE CENTERLINE OF FAXON ROAD; THENCE SOUTH 79 DEGREES 53 MINUTES 59 SECONDS EAST, ALONG SAID CENTERLINE, 139.38 TO A POINT IN THE CENTERLINE OF THE ROB ROY CREEK; THENCE NORTH 10 DEGREES 19 MINUTES 37 SECONDS EAST, ALONG SAID CENTERLINE, 97.93 FEET TO A POINT; THENCE NORTH 39 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG SAID CENTERLINE, 85.0 FEET TO A POINT; THENCE NORTH 50 DEGREES 57 MINUTES 48 SECONDS EAST, ALONG SAID CENTERLINE, 288.73 FEET TO A POINT; THENCE NORTH 43 DEGREES 04 MINUTES 46 SECONDS EAST, ALONG SAID CENTERLINE, 375.32 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 19; THENCE NORTH 01 DEGREES 17 MINUTES 24 SECONDS WEST, ALONG SAID EAST LINE, 431.95 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

Exhibit B

Document:	**Application for Rezoning**
Petitioner Name:	**Drew Daniels**
Company Name:	**Daniels Malinski Yorkville Family, LLLP**
Property Address:	**11159 Faxon Road, Yorkville, Illinois 60560**
Exhibit B:	**500’ Notifications**
PINs:	**02-18-400-006** **02-19-200-001** **02-17-300-002**

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

KYLYNS RIDGE HOMEOWNERS ASSN
MAXIMUM PROPERTY MGMT
PO BOX 1094
YORKVILLE IL 60560

ROBERT M ILDEFONSA LIV TRUST LOFTUS
11159 FAXON RD
YORKVILLE IL 60560

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

KELAKA LLC
181 S LINCOLNWAY
NORTH AURORA IL 60542

BN&SF RAILWAY CO
PROPERTY TAX DEPARTMENT
PO BOX 961089
FORT WORTH TX 761610089

YORKVILLE NEXUS IV LLC
GREEN DOOR CAPITAL INVESTMENTS LLC
145 S WELLS ST STE 1800
CHICAGO IL 60606

KELAKA LLC
181 S LINCOLNWAY
NORTH AURORA IL 60542

YORKVILLE NEXUS IV LLC
GREEN DOOR CAPITAL INVESTMENTS LLC
145 S WELLS ST STE 1800
CHICAGO IL 60606

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

ROBERT M ILDEFONSA LIV TRUST LOFTUS
11159 FAXON RD
YORKVILLE IL 60560

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

C1 YORKVILLE LLC
2850 N HARWOOD ST STE 2200
DALLAS TX 75201

ROBERT M ILDEFONSA LIV TRUST LOFTUS
11159 FAXON RD
YORKVILLE IL 60560

C1 YORKVILLE LLC
2850 N HARWOOD ST STE 2200
DALLAS TX 75201

LA FORTALEZA LLC
1481 PLAINFIELD RD
OSWEGO IL 60543

ROBERT M ILDEFONSA LIV TRUST LOFTUS
11159 FAXON RD
YORKVILLE IL 60560

DONALD J CAROL S HAMMAN
13351 B FAXON RD
PLANO IL 60545

BN&SF RAILWAY CO
PROPERTY TAX DEPARTMENT
PO BOX 961089
FORT WORTH TX 761610089

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

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YORKVILLE IL 60560

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SCHAUMBURG IL 60173

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BN&SF RAILWAY CO
PROPERTY TAX DEPARTMENT
PO BOX 961089
FORT WORTH TX 761610089

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

JYJ LLC
2622 BEECHER RD
YORKVILLE IL 60560

SCOTT D PAPENDICK
23W567 PINE DR
CAROL STREAM IL 60188

BN&SF RAILWAY CO
PROPERTY TAX DEPARTMENT
PO BOX 961089
FORT WORTH TX 761610089

JYJ LLC
2622 BEECHER RD
YORKVILLE IL 60560

ROBERT M ILDEFONSA LIV TRUST LOFTUS
11159 FAXON RD
YORKVILLE IL 60560

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PROPERTY TAX DEPARTMENT
PO BOX 961089
FORT WORTH TX 761610089

YORKVILLE NEXUS IV LLC
GREEN DOOR CAPITAL INVESTMENTS LLC
145 S WELLS ST STE 1800
CHICAGO IL 60606

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

ROBERT M ILDEFONSA LIV TRUST LOFTUS
11159 FAXON RD
YORKVILLE IL 60560

YORKVILLE MEADOWS LLC
C/O SHERRIE CHIOU
80 REMINGTON RD.
SCHAUMBURG IL 60173

C1 YORKVILLE LLC
2850 N HARWOOD ST STE 2200
DALLAS TX 75201

ROBERT M ILDEFONSA LIV TRUST LOFTUS
11159 FAXON RD
YORKVILLE IL 60560

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80 REMINGTON RD.
SCHAUMBURG IL 60173

SCOTT D PAPENDICK
23W567 PINE DR
CAROL STREAM IL 60188

ALTA/NSPS LAND TITLE SURVEY

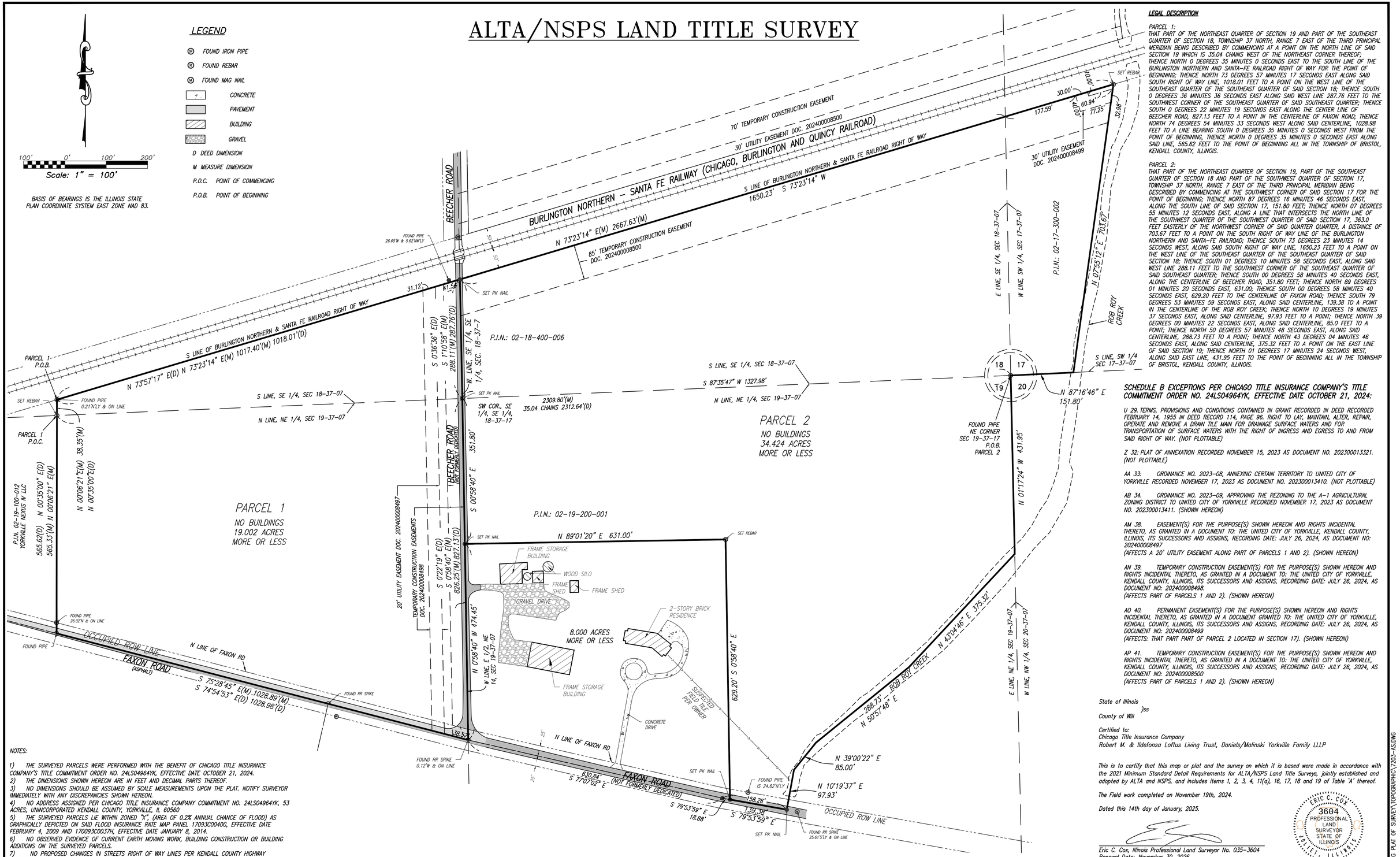
LEGEND

- FOUND IRON PIPE
- FOUND REBAR
- FOUND MAG NAIL
- CONCRETE
- PAVEMENT
- BUILDING
- GRAVEL
- D DEED DIMENSION
- M MEASURE DIMENSION
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

100' 0' 100' 200'

Scale: 1" = 100'

BASIS OF BEARINGS IS THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE NAD 83.



LEGAL DESCRIPTION

PARCEL 1:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 19 AND PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT A POINT ON THE NORTH LINE OF SAID SECTION 19 WHICH IS 35.04 CHAINS WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST TO THE SOUTH LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD RIGHT OF WAY FOR THE POINT OF BEGINNING; THENCE NORTH 73 DEGREES 57 MINUTES 17 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 1018.01 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 0 DEGREES 36 MINUTES 36 SECONDS EAST ALONG SAID WEST LINE 287.76 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 0 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE CENTER LINE OF BEECHER ROAD, 827.13 FEET TO A POINT IN THE CENTERLINE OF FAXON ROAD; THENCE NORTH 74 DEGREES 54 MINUTES 33 SECONDS WEST ALONG SAID CENTERLINE, 1028.98 FEET TO A LINE BEARING SOUTH 0 DEGREES 35 MINUTES 0 SECONDS WEST FROM THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST ALONG SAID LINE, 565.62 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 19, PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17 FOR THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 16 MINUTES 46 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, 151.80 FEET; THENCE NORTH 07 DEGREES 55 MINUTES 12 SECONDS EAST, ALONG A LINE THAT INTERSECTS THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, 363.0 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID QUARTER QUARTER, A DISTANCE OF 703.67 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD; THENCE SOUTH 73 DEGREES 23 MINUTES 14 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1650.23 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 01 DEGREES 10 MINUTES 58 SECONDS EAST, ALONG SAID WEST LINE 288.11 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, ALONG THE CENTERLINE OF BEECHER ROAD, 351.80 FEET; THENCE NORTH 89 DEGREES 01 MINUTES 20 SECONDS EAST, 631.00; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, 629.20 FEET TO THE CENTERLINE OF FAXON ROAD; THENCE SOUTH 79 DEGREES 53 MINUTES 59 SECONDS EAST, ALONG SAID CENTERLINE, 139.38 TO A POINT IN THE CENTERLINE OF THE ROB ROY CREEK; THENCE NORTH 10 DEGREES 19 MINUTES 37 SECONDS EAST, ALONG SAID CENTERLINE, 97.93 FEET TO A POINT; THENCE NORTH 39 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG SAID CENTERLINE, 85.0 FEET TO A POINT; THENCE NORTH 50 DEGREES 57 MINUTES 48 SECONDS EAST, ALONG SAID CENTERLINE, 288.73 FEET TO A POINT; THENCE NORTH 43 DEGREES 04 MINUTES 46 SECONDS EAST, ALONG SAID CENTERLINE, 375.32 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 19; THENCE NORTH 01 DEGREES 17 MINUTES 24 SECONDS WEST, ALONG SAID EAST LINE, 431.95 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

SCHEDULE B EXCEPTIONS PER CHICAGO TITLE INSURANCE COMPANY'S TITLE COMMITMENT ORDER NO. 24LS04964YK, EFFECTIVE DATE OCTOBER 21, 2024:

U 29. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN GRANT RECORDED IN DEED RECORDED FEBRUARY 14, 1955 IN DEED RECORD 114, PAGE 96. RIGHT TO LAY, MAINTAIN, ALTER, REPAIR, OPERATE AND REMOVE A DRAIN TILE MAIN FOR DRAINAGE SURFACE WATERS AND FOR TRANSPORTATION OF SURFACE WATERS WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM SAID RIGHT OF WAY. (NOT PLOTTABLE)

Z 32: PLAT OF ANNEXATION RECORDED NOVEMBER 15, 2023 AS DOCUMENT NO. 202300013321. (NOT PLOTTABLE)

AA 33: ORDINANCE NO. 2023-08, ANNEXING CERTAIN TERRITORY TO UNITED CITY OF YORKVILLE RECORDED NOVEMBER 17, 2023 AS DOCUMENT NO. 202300013410. (NOT PLOTTABLE)

AB 34. ORDINANCE NO. 2023-09, APPROVING THE REZONING TO THE A-1 AGRICULTURAL ZONING DISTRICT TO UNITED CITY OF YORKVILLE RECORDED NOVEMBER 17, 2023 AS DOCUMENT NO. 202300013411. (SHOWN HEREON)

AM 38. EASEMENT(S) FOR THE PURPOSE(S) SHOWN HEREON AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO: THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ITS SUCCESSORS AND ASSIGNS, RECORDING DATE: JULY 26, 2024, AS DOCUMENT NO: 202400008497
(AFFECTS A 20' UTILITY EASEMENT ALONG PART OF PARCELS 1 AND 2). (SHOWN HEREON)

AN 39. TEMPORARY CONSTRUCTION EASEMENT(S) FOR THE PURPOSE(S) SHOWN HEREON AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO: THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ITS SUCCESSORS AND ASSIGNS, RECORDING DATE: JULY 26, 2024, AS DOCUMENT NO: 202400008498.
(AFFECTS PART OF PARCELS 1 AND 2). (SHOWN HEREON)

AO 40. PERMANENT EASEMENT(S) FOR THE PURPOSE(S) SHOWN HEREON AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT GRANTED TO: THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ITS SUCCESSORS AND ASSIGNS, RECORDING DATE: JULY 26, 2024, AS DOCUMENT NO: 202400008499
(AFFECTS: THAT PART PART OF PARCEL 2 LOCATED IN SECTION 17). (SHOWN HEREON)

AP 41. TEMPORARY CONSTRUCTION EASEMENT(S) FOR THE PURPOSE(S) SHOWN HEREON AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO: THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ITS SUCCESSORS AND ASSIGNS, RECORDING DATE: JULY 26, 2024, AS DOCUMENT NO: 202400008500
(AFFECTS PART OF PARCELS 1 AND 2). (SHOWN HEREON)

NOTES:

1) THE SURVEYED PARCELS WERE PERFORMED WITH THE BENEFIT OF CHICAGO TITLE INSURANCE COMPANY'S TITLE COMMITMENT ORDER NO. 24LS04964YK, EFFECTIVE DATE OCTOBER 21, 2024.
2) THE DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.
3) NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT. NOTIFY SURVEYOR IMMEDIATELY WITH ANY DISCREPANCIES SHOWN HEREON.
4) NO ADDRESS ASSIGNED PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 24LS04964YK, 53 ACRES, UNINCORPORATED KENDALL COUNTY, YORKVILLE, IL 60560
5) THE SURVEYED PARCELS LIE WITHIN ZONED "X", (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS GRAPHICALLY DEPICTED ON SAID FLOOD INSURANCE RATE MAP PANEL 17093C0040G, EFFECTIVE DATE FEBRUARY 4, 2009 AND 17009C0037H, EFFECTIVE DATE JANUARY 8, 2014.
6) NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SURVEYED PARCELS.
7) NO PROPOSED CHANGES IN STREETS RIGHT OF WAY LINES PER KENDALL COUNTY HIGHWAY DEPARTMENT.

State of Illinois)ss
County of Will

Certified to:
Chicago Title Insurance Company
Robert M. & Ildefonsa Loftus Living Trust, Daniels/Malinski Yorkville Family LLLP

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 11(a), 16, 17, 18 and 19 of Table 'A' thereof.

The Field work completed on November 19th, 2024.

Dated this 14th day of January, 2025.

Eric C. Cox, Illinois Professional Land Surveyor No. 035-3604
Renewal Date: November 30, 2026
DLZ Professional Design Firm 184.002815

ERIC C. COX 3604 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS JOLIET, ILLINOIS

DLZ INDUSTRIAL SURVEYING, INC.
80 McDONALD AVENUE, UNIT D, JOLIET, IL 60431
TELEPHONE (815) 725-8840 FAX (815) 725-8849

YORKVILLE ILLINOIS

COOK ENGINEERING GROUP
FAXON ROAD AND BEECHER ROAD

PARCELS 1 & 2
ALTA/NSPS LAND TITLE SURVEY

DRAWN: RR	CHK'D. –
DESIGNED: –	APPRV'D: –
DATE: 11-19-2024	
SCALE: 1" = 100'	
Second Scale If Needed	
PROJECT NUMBER	2450-7203-90

NO.	REVISION	BY	DATE
1			
2			
3			
4			
5			
6			
7			

SHEET 1
OF 1
DRAWING NUMBER 7203AS

X:\PROJECTS\2024\2450\720390 CEC PLAT OF SURVEY\TOPOGRAPHIC\7203-AS.DWG

GD - Hagemann
138 ac
ID.6

ID.5
GD - 50 Acres
50 ac

ComED

ComED Substation

ID.1
Cyrus One
229 ac

ID.4
Daniels (North)
64 ac

ID.7
GD - Kelaka
154 ac

ID.9
Hamman-Kelaka
109 ac

ID.3
Daniels (South)
267 ac

ID.0

Development Name	Status	Acres
Cyrus One	Approved (PUD)	229
Daniels (South)	Approved (Annex & Rezone)	267
Daniels (North)	Applied (Annex & Rezone)	64
GD - 50 Acres	Approved (Annex & Zoned)	50
GD - Hagemann	Approved (Annex & Rezone)	138
GD - Kelaka	Approved (Annex & Rezone)	154
Hamman-Kelaka	Applied (Annex & Rezone)	109

Total Acreage= 1,011

Legend

Yorkville Boundary

0 1,000 2,000 4,000 6,000 8,000 Feet

Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, Illinois 60554
(630) 466-6700
www.eeiweb.com

United City of Yorkville
651 Prairie Pointe Drive
Yorkville, IL 60560

DATE: DECEMBER 2024
PROJECT NO.: YO2442
BY: MJT
PATH: H:\GIS\PUBLIC\YORKVILLE\2024\YO2444
FILE: Eldamain Transportation Planning/Eldamain Corridor Study

LOCATION MAP
UNITED CITY OF YORKVILLE, ILLINOIS

DATA CENTER PROJECT MAP

NORTH

Memorandum

To: Plan Council
From: Krysti Barksdale-Noble, Community Development Director
Date: January 6, 2025
Subject: **PZC 2025-01 DMYF - Loftus**
Proposed Rezoning Request for Future Data Center

I have reviewed the rezoning application for the subject parcels submitted by Drew Daniels, on behalf of Daniels Malinski Yorkville Family, LLLP, petitioner/owner, and Robert M. and Ildefonsa Loftus Living Trust, owner. The real property consists of three (3) parcels totaling approximately 61 acres generally located north of Faxon Road, east of Beecher Road, and south of the Burlington Northern Santa Fe (BNSF) railroad. The petitioner is requesting rezoning of parcels #02-18-400-006, #0219-200-001 and #02-17-300-002 from A-1 Agricultural District to M-2 General Manufacturing District for a proposed future data center land use.

Based upon my review of the application documents and plans, I have compiled the following comments:

GENERAL ZONING/LAND USE COMMENTS:

The three subject parcels, totaling approximately 61 acres, were annexed into Yorkville, and rezoned as A-1 Agricultural District in 2023 as part of the New Leaf Energy community solar project, through Ordinances 2023-08 and 2023-09. The land is currently farmed, with an existing homestead on the southernmost parcel, and is part of the Rob Roy Drainage District. The New Leaf Energy solar project is in the land preparation phase, with construction expected to begin in mid-2025.

1. **ZONING –** The following are the current immediate surrounding zoning and land uses of parcels#02-18-400-006, #0219-200-001 and #02-17-300-002 which are proposed to be rezoned:

	Zoning	Land Use
North	M-2 General Manufacturing District A-1 Agricultural District – Special Use Burlington Northern Santa Fe (BNSF) Railroad	Cyrus One (Data Center) Farmland (New Leaf Energy Solar Farm) Transportation Land Use
East	R-2 Single-Family Traditional Residence District	Farmland (Unit 3 Whispering Meadows)
South	M-2 General Manufacturing District A-1 Agricultural District (Kendall County)	Farmland (Kelaka – approved for data center) Farmland & Single- Family Residence Farmland (Hamman-Kelaka - proposed annexation & rezone to M-2 for future data center)
West	A-1 Agricultural District (Kendall County) M-2 General Manufacturing District	Farmland Farmland (Kelaka – approved for data center)

   a. **Petitioner has provided written responses to the Standards for Rezoning which will be entered into the record during the public hearing process**.

2. **PERMITTED USES** – Per Section 10-3-6-F of the Yorkville Unified Development Ordinance (UDO), the M-2 General Manufacturing District zoning designation is intended to

provide for the location of manufacturing, industrial, and related uses that have greater off-site impacts than those in the M-1 Limited Manufacturing District. The district is intended to ensure the compatibility of the manufacturing and industrial uses with surrounding residential and commercial uses and to minimize off-site impacts such as noise, traffic, and visual qualities.

a. Further, per Table 10-3-12 (B) Permitted and Special Uses of the Unified Development Ordinance, under "Energy Industrial Uses" data centers are permitted land uses.

3. **M-2 BULK REGULATIONS –** Per the Table 10-3-9(A) Bulk and Dimensional Standards, the following are the current M-2 General Business District standards:

	M-2 Zoning Regulations
Min. Lot Area	N/A
Front Yard Setback	25 feet
Rear Yard Setback	N/A
Side Yard Setback	Min. 10% of lot width/Max. 20 feet
Corner Yard Setback	Min. 10% of lot width/Max. 20 feet
Max. Lot Coverage	85%
Max. Building Height	N/A

4. **COMPREHENSIVE PLAN** – The 2016 Comprehensive Plan Update designates these parcels as "Estate/Conservation Residential (ECR)" and "Metra Station Transit-Oriented Development (MTOD)." The ECR designation is intended to allow flexibility in residential design, accommodating low-density detached single-family housing while preserving sensitive environmental and scenic features. It also serves as a holding category for parcels unlikely to develop within the plan's 10-year horizon.

   The MTOD designation guides the development of a commuter rail station district, with two potential locations identified: this parcel and the northeast corner of IL 47 and the BNSF railroad. At the time of the plan's update, the final location for the Metra station had not been determined. However, following public input, engineering studies, and a recommendation from Metra, the City Council approved the IL 47 location as the preferred site for the future Metra station in 2020.

   The Comprehensive Plan also notes that while the land use map serves as a guide for future development and zoning decisions, it is intended to be adjusted when changing circumstances warrant a new planning direction for a specific area.

   a. **Due to the recent trend in rezoning and development in the area, the Cyrus One future data center campus to the north, Kelaka properties approved and requested annexation and/or rezoning to M-2 to the south/west and the DMYF, LLLP project pending approval to far south of the subject parcels, staff supports the proposed M-2 General Manufacturing District zoning for a future data center campus development with conditions.**

b. **Upon approval of the annexation and rezoning, the City will initiate an amendment to the Comprehensive Plan to reflect the new M-2 General Manufacturing zoning district. The subject property's future land use designation will be revised from "Estate/Conservation Residential (ECR)" and "Metra Station Transit-Oriented Development (MTOD)" to "General Industrial (GI)".**

LAND PLANNING COMMENTS:

5. **BUFFER SETBACK/TRANSITION ZONE – Due to the adjacency of the subject parcels to a future planned phase of a residential development (Unit 3 of Whispering Meadows) to the east, staff recommends that any data center development incorporate a minimum 100-foot landscaped buffer. This buffer should include elements such as vegetation, solid fencing, green walls, stormwater management areas, living groundcover, and/or turf to ensure effective visual screening and physical separation between the land uses.**

6. **SITE PLAN REVIEW – Staff further recommends that any proposed development plan, regardless if it's an outright permitted land use, shall be required to submit any and all plans for review and approval by the City Council prior to commencing any construction, grading or other work or issuance of a building permit on the Subject Property due to the subject parcels' adjacency to a future planned phase of a residential development**.

7. **COMMUNITY MEETING** – Per Section 10-8-13-B-1-a of the Unified Development Ordinance states a community meeting of area/neighborhood property owners, explaining the proposed Annexation conducted by the petitioner at their own expense and at a location of their choosing may be required as a recommendation from the Plan Council prior to the Planning and Zoning Commission public hearing date.

    a. **While not adjacent, the subject parcels are located within 400 feet of existing residential land uses to the south east, the Kylyn's Ridge subdivision. Staff recommends the petitioner reach out to the homeowners' association (HOA) regarding the proposed future land use of the subject property prior to the Planning and Zoning Commission public hearing.**

ENGINEERING ENTERPRISES, INC.
52 Wheeler Road, Sugar Grove, IL 60554
Ph: 630.466.6700 • Fx: 630.466.6701
www.eeiweb.com

January 6, 2025

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
651 Prairie Pointe
Yorkville, IL 60560

Re: DMYF - Loftus
Annexation and Rezoning Review
United City of Yorkville

Dear Krysti:

We have reviewed the application for annexation and rezoning for the above-referenced project dated December 13, 2024.

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering and land surveying practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

1. Rob Roy Creek traverses a portion of the property and there is a floodplain and floodway that need to be taken into account during the ultimate land planning process. The best available data is available through our office for the design engineer to utilize.

2. Beecher Road will be required to be reconstructed across the frontage of the property. In addition, the City is planning an extension of Beecher Road from Faxon Road to the existing location with the Kendall Marketplace Development. This should be accounted for during the land planning process.

3. Faxon Road will be required to be reconstructed across the frontage of the property. A portion of the existing road may also be abandoned.

4. The connections to the sanitary sewer will generally come from an existing interceptor sewer. Additional study will be required to analyze the ability of the City to provide sewer service.

5. The connections to the water distribution system will require additional study and will depend on the site plan. In addition, depending on the ultimate development additional water system infrastructure may be required.

6. Before construction, detailed final engineering plans will need to be submitted for review.

If you have any questions or require additional information, please call our office.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.

Bradley P. Sanderson, P.E.
Chief Operating Officer / President

BPS/tnp/pgw2

pc: Mr. Bart Olson, City Administrator (via email)
Ms. Erin Willrett, Assistant City Administrator (via email)
Mr. Eric Dhuse, Director of Public Works (via email)
Mr. Pete Ratos, Building Department (via email)
Ms. Sara Mendez, City Planner (via email)
Ms. Gina Nelson, Admin Assistant (via email)
Building Department (via email) Bzpermits@yorkville.il.us
Ms. Jori Behland, City Clerk (via email)
Mr. Drew Daniels, Sexton Companies (via email)
TNP, PGW2, EEI (Via e-mail)

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651 Prairie Pointe Drive
Yorkville,IL 60560

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651 Prairie Pointe Drive
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Purchase Order:

State of Illinois - Kane

Chicago Tribune Media Group does hereby certify that it is the publisher of the The Beacon-News. The The Beacon-News is a secular newspaper, has been continuously published Daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Aurora, Township of Aurora, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 IL CS 5/5.

This is to certify that a notice, a true copy of which is attached, was published 1 time(s) in the The Beacon-News, namely one time per week or on 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on 2/21/2025, and the last publication of the notice was made in the newspaper dated and published on 2/21/2025.

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2. 1.

PUBLICATION DATES: **Feb 21, 2025.**

The Beacon-News
In witness, an authorized agent of The Chicago Tribune Media Group has signed this certificate executed in Chicago, Illinois on this

22nd Day of February, 2025, by

Chicago Tribune Media Group

Jeremy Gates

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PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
UNITED CITY OF YORKVILLE
PLANNING AND ZONING
COMMISSION
PZC 2025-01

NOTICE IS HEREBY GIVEN THAT Drew Daniels, on behalf of Daniels Malinski Yorkville Family, LLLP, petitioner/owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property consists of two (2) parcels totaling approximately 53.7 acres and is generally located at the north of Faxon Road, east of Beecher Road, and south of the Burlington Northern Santa Fe (BNSF) railroad. The petitioner is requesting rezoning approval from A-1 Agricultural District to M-2 General Manufacturing District for a future data center.

The legal description of the tract of property is as follows:

PARCEL 1
THAT PART OF THE NORTHEAST QUARTER OF SECTION 19 AND PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT A POINT ON THE NORTH LINE OF SAID SECTION 19 WHICH IS 35.04 CHAINS WEST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST TO THE SOUTH LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD RIGHT OF WAY FOR THE POINT OF BEGINNING; THENCE NORTH 73 DEGREES 57 MINUTES 17 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 1018.01 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 0 DEGREES 36 MINUTES 36 SECONDS EAST ALONG SAID WEST LINE 287.76 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 0 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE CENTER LINE OF BEECHER ROAD, 827.13 FEET TO A POINT IN THE CENTERLINE OF FAXON ROAD; THENCE NORTH 74 DEGREES 54 MINUTES 33 SECONDS WEST ALONG SAID CENTERLINE, 1028.98 FEET TO A LINE BEARING SOUTH 0 DEGREES 35 MINUTES 0 SECONDS WEST FROM THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 35 MINUTES 0 SECONDS EAST ALONG SAID LINE, 565.62 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2
THAT PART OF THE NORTHEAST QUARTER OF SECTION 19, PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF

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THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17 FOR THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 16 MINUTES 46 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 17, 151.80 FEET; THENCE NORTH 07 DEGREES 55 MINUTES 12 SECONDS EAST, ALONG A LINE THAT INTERSECTS THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, 363.0 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID QUARTER, A DISTANCE OF 703.67 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA-FE RAILROAD; THENCE SOUTH 73 DEGREES 23 MINUTES 14 SECONDS WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1650.23 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 01 DEGREES 10 MINUTES 58 SECONDS EAST, ALONG SAID WEST LINE 288.11 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, ALONG THE CENTERLINE OF BEECHER ROAD, 351.80 FEET; THENCE NORTH 89 DEGREES 01 MINUTES 20 SECONDS EAST, 631.00; THENCE SOUTH 00 DEGREES 58 MINUTES 40 SECONDS EAST, 629.20 FEET TO THE CENTERLINE OF FAXON ROAD; THENCE SOUTH 79 DEGREES 53 MINUTES 59 SECONDS EAST, ALONG SAID CENTERLINE, 139.38 TO A POINT IN THE CENTERLINE OF THE ROB ROY CREEK; THENCE NORTH 10 DEGREES 19 MINUTES 37 SECONDS EAST, ALONG SAID CENTERLINE, 97.93 FEET TO A POINT; THENCE NORTH 39 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG SAID CENTERLINE, 85.0 FEET TO A POINT; THENCE NORTH 50 DEGREES 57 MINUTES 48 SECONDS EAST, ALONG SAID CENTERLINE, 288.73 FEET TO A POINT; THENCE NORTH 43 DEGREES 04 MINUTES 46 SECONDS EAST, ALONG SAID CENTERLINE, 375.32 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 19; THENCE NORTH 01 DEGREES 17 MINUTES 24 SECONDS WEST, ALONG SAID EAST LINE, 431.95 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX NUMBERS: 02-18-400-006; and portions of 02-19-200-001 and 02-17-300-002

A copy of the application is available for review during normal City business hours at the office of the Community Development Director.

Chicago Tribune - chicagotribune.com
160 N Stetson Avenue, Chicago, IL 60601
(312) 222-2222 - Fax: (312) 222-4014

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NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a Public Hearing on said applications on Wednesday, March 12, 2025 at 7 p.m. at the United City of Yorkville, City Hall, located at 651 Prairie Pointe Drive, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 651 Prairie Pointe Drive, Yorkville, Illinois, and will be accepted up to the date of the public hearing. For more project information, please scan the QR code below.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

JORI BEHLAND
City Clerk

2/21/2025 7771027

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