

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
May 1, 2018 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:01 a.m.

Present:

Aaron Rybski – Health Department  
Fran Klaas – Highway Department  
David Guritz – Forest Preserve  
Megan Andrews – Soil and Water Conservation District (Left at 9:37 a.m.)  
Deputy Commander Jason Langston – Sheriff's Department  
Brian Holdiman – PBZ Department  
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC  
Robert Davidson – PBZ Committee Chair  
Don Clayton – GIS

Audience:

Michael Saar, Jim Coyle, Margaret Blum, Jason Bolling, Stuart Petersen, Jorge Ramirez, and Cliff Fox

**AGENDA**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

**MINUTES**

Mr. Rybski made a motion, seconded by Mr. Klaas, to approve the April 3, 2018 meeting minutes. With a voice vote of all ayes the motion carried.

**PETITIONS**

**Petition 18-14 Michael and Dayle Saar – Map Amendment Rezoning from A-1 to R-1 Property Located on the East Side of Route 71 Approximately 0.06 Miles Southwest of Timbercreek Drive (PIN 05-07-328-003) in Kendall Township**

Mr. Asselmeier summarized the request.

Michael and Dayle Saar are requesting a map amendment rezoning the majority of the subject property from A-1 to R-1 in order to have the ability to sell the property and market the property as a single-family home site. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite. The Petitioners own one (1) of the houses northeast of the subject parcel. They would like to divide a portion of the northeast corner off of the subject property and merge it with their property in the Timber Creek Subdivision and rezone the northeast corner to R-3 at some point in the future.

The Petitioner does not believe that the property is large enough for farming.

The Land Resource Management Plan calls for this area to be rural residential in the future. Existing single-family homes are located to the north and east of the subject property. For these reasons, Staff does not believe that the approval of this request would constitute spot zoning.

The area surrounding the property is a mix of residential and agricultural zoning.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on April 12, 2018.

Petition information was sent to Kendall Township on April 20, 2018.

Petition information was sent to the United City of Yorkville on April 20, 2018. Yorkville will conduct its meetings on this petition in June.

Any structures constructed on the property would have to meet applicable building and health related laws.

No new odors or lighting issues are foreseen.

The northeast portion of the property will remain zoned A-1. At some point in the future, if this proposal is approved, the Petitioner will ask that the northeast corner be rezoned to R-3 to match the rest of his existing property.

If the property is rezoned to R-1, the minimum lot size would be one hundred thirty thousand (130,000) square feet. Based on the existing parcel size, only one (1) home could be constructed on the property. If additional homes are desired for the property, another map amendment would be required.

Mr. Saar did not have any additional comments.

Mr. Klaas made a motion, seconded by Ms. Andrews, recommend approval of the map amendment as requested.

Ayes (7): Klaas, Guritz, Langston, Rybski, Andrews, Holdiman, and Asselmeier  
Nays (0): None  
Absent (3): Clayton, Chismark, and Davidson

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on May 23<sup>rd</sup>.

**Petition 18-15 Nancy Harazin on Behalf of the Nancy L. Harazin Trust Number 101 – Special Use Permit for a Public or Private Utility-Other (Solar Panels) at 16400 Newark Road Located Approximately 0.2 Miles East of Route 71 on the South Side of Newark Road (PIN 07-05-400-003) in Big Grove Township**

Mr. Asselmeier summarized the request.

Nancy Harazin, on behalf of Nancy L. Harazin Trust Number 101, submitted a petition for a special use permit to operate a public or private utility system – other on her property at 16400 Newark Road. Specifically, the Petitioner would like to contract with Borrego Solar Systems, Inc. for the installation and operation of a solar energy system. The energy generated from the system will be fed into Ameren's system and consumed onsite.

The surrounding land uses are agricultural. A farmstead is currently located across the street from the subject property. The driveway of the house lines up with the existing farm entrance to the subject property.

EcoCAT Report submitted and consultation was terminated.

The NRI Application was submitted on April 16, 2018 and all final submittals were received on April 23<sup>rd</sup>.

Petition information was sent to Big Grove Township on April 24, 2018.

Petition information was sent to the Village of Newark April 24, 2018.

According to the information provided by the Petitioner, the Petitioner would like to lease approximately twenty-three (23) acres to 312 Solar Development, LLC c/o Borrego Solar Systems, Inc. for an initial period of twenty (20) years. The lease could be renewed up to four (4) additional periods of five (5) years (Attachment 6, Page 1). If approved, Borrego Solar Systems, Inc. would install and maintain six thousand, nine hundred twelve (6,912) solar panels on the north side of the subject property. The solar panels would be seven feet (7') in height at maximum tilt and three to four feet (3'-4') off of the ground. The panels would rotate with the sun. The system would connect to Ameren's system at the northeast corner of the property at Newark Road. The system is planned to generate two mega-watts (2MW) of energy. If approved, the system would be operation by approximately July 31, 2019.

Other than periodic mowing and maintenance, no personnel will be onsite and no parking is required.

The construction process is estimated to take between four and six (4-6) months.

The solar panels will be located at their closest point approximately one hundred seventy-five feet (175') from Newark Road and approximately one hundred forty-seven feet (147') from the nearest neighboring property line. The solar panels shall not be closer than fifty feet (50') from the identified wetlands.

The laydown area indicated on Page 3 of Attachment 7 will be used for the placement of equipment during construction, decommissioning, and maintenance activities.

The Landscaping Plan can be found on Pages 7 and 8 of Attachment 7. The plan calls for the planting of eighteen (18) Black Chokeberries, eighteen (18) Sea Green Junipers, twenty-nine (29) Spiraea, and thirty (30) Woodward Arborvitae. The shrubs would grow to approximately thirty inches (30) inches in height maximum. Several existing trees shall remain on the west side of the property.

A lawn seed mix will be planted under and around the solar panels. The growth would require mowing three (3) or four (4) times per year.

Vegetation would be planted when the panels are in place.

As mentioned previously, two (2) wetlands and two (2) farmed wetlands are located on the property. The proposed solar panels should be located away from these areas. The Petitioner submitted a wetland study (see Attachment 9) that verified these areas will not be negatively impacted by the placement of solar panels.

Several drain tiles were located on the property. Any drain tiles impacted by the placement of the solar panels shall be relocated.

The project will be required to meet Kendall County's Stormwater Management Ordinance. Greg Chismark submitted comments and questions on the proposal and seemed satisfied with the proposal.

The proposed solar panels shall be required to meet all applicable building codes.

The supports would be buried approximately twelve to thirteen feet (12'-13') in the ground depending on soil conditions. The supports would not be encased in concrete.

Electric lines will be buried inside the fence. On Attachment 7, Page 3, there is a utility pole indicated east of the access drive. The electric lines will go above ground at that point and connect to the Ameren system at the point on connection on the northeast corner of the site.

A fourteen foot (14) wide gravel access from Newark Road will be installed. The property already possesses a field access at this location. The access is across the street from the driveway of 16295 Newark Road.

Per the Site Plan (Attachment 7, Page 4), a seven foot (7') high chained link fence shall surround the solar panels. The fence shall have a sixteen foot (16') wide vehicle access gate on the east side and a four (4') wide man gate on the south side. The fence will be installed approximately one (1) week after construction starts.

A light will be installed for security reasons at the electrical equipment area.

Approximately eight (8) signs will be placed around the property along the fence and anywhere required by the NEC. A "Danger High Voltage" sign will be placed around the fence every two hundred feet (200'). A sign will also be placed on the vehicle gate entrance. There will be plaques stating emergency contact information and a site key.

No new odors are foreseen.

The Petitioner supplied a report (Attachment 13) outlining that solar panels do not cause damage to neighboring property value or harm the environment.

The solar panels have life expectancy of thirty (30) years.

Decommission is estimated to take between two and three (2-3) months.

As noted on Pages 4 and 5 of Attachment 13, the Future Energy Jobs Act set a goal of between two thousand five hundred and three thousand mega-watts (2,500-3,000 MW) of solar in Illinois by 2030. Based on the information provided by the Petitioner, most of these projects will be around two mega-watts (2 MW) and use between twelve to twenty (12-20) acres of land. The information provided by the Petitioner estimates that between fifteen and twenty (15-20) solar projects may occur in Kendall County.

Kendall County is currently in the process of adopting solar panel regulations for offsite usage of energy. Some of the proposed language is included in the proposed recommendations.

The proposed conditions and restrictions were:

1. The site will be developed in accordance with the Site Plan, (Attachment 7, Pages 3-5).
2. Lighting will be installed in accordance with the Site Plan (Attachment 7, Pages 3-5).
3. The landscaping shall occur in accordance with the Landscaping Plan (Attachment 7, Pages 7-8).
4. Replacement of dead and/or damaged vegetation shall occur on a timetable agreed to between the property owner and the Kendall County Planning, Building and Zoning Department.
5. Signage shall be installed as described in the Sheet Notes (Attachment 7, Page 9). In addition, at least one (1) sign shall be placed at the vehicle access gate stating emergency contact information.
6. The site shall be decommissioned in accordance with the Decommissioning Plan (Attachment 7, Page 6). In the event the Decommissioning Plan changes, the property owner shall supply the Kendall County Planning, Building and Zoning Department with revised plans as soon as they are available.
7. The Decommissioning Plan shall be initiated if the solar panels are not used for ninety (90) consecutive days. This condition shall not apply if maintenance on the impacted solar panel(s) is occurring.
8. The property owner shall have six (6) months to complete the Decommissioning Plan and remove the solar panels and related equipment from the property.
9. In addition to other applicable fees, the following fees should be paid to the County prior to the installation of the solar panels:
  - Building Permit Fees
  - 0-10 KW \$150
  - 51-100 \$300
  - 101-500 \$600
  - 501-1000 \$1200
  - 1001-2000 \$2750
  - 1001-2000 \$6000
  - Over 2000 KW \$200 for Each Additional 0-100 KW
  - Fees Double if Construction Commences before Obtaining Building Permit
10. The property owner or operator shall maintain current liability policy covering bodily injury and property damage at least Three Million Dollars per occurrence and Five Million Dollars in aggregate and must have policy for the duration of the special use permit, such insurance may be provided pursuant to a plan of self-insurance by a party with a net worth of Twenty Million Dollars or more and the County shall be named as additional insured to the extent that the County is entitled to indemnification.
11. The property owner shall indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the solar energy system and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.
12. The property owner shall be responsible for ensuring that the operations of the solar panels allowed by this special use permit comply with all applicable Federal, State, and Local laws.
13. Failure to comply with above conditions or restrictions could result in the amendment or revocation of the special use permit.

Margaret Blum introduced Jim Coyle and Jason Bolling. Ms. Blum asked if the conditions should apply to the project owner instead of the property owner. Mr. Asselmeier responded that ultimately the property owner is responsible for their land. Restrictions 8, 11, and 12 will be amended to include the operator.

Ms. Blum said that the wetlands shown in the documents previously submitted are potential areas of interest. The developer will be examining the areas in greater detail. Mr. Guritz asked, if the areas shown are not jurisdictional wetlands, will a buffer be installed. Ms. Blum responded that the system will not move; the system will be installed at the location proposed. Ms. Andrews discussed the regulatory jurisdiction of wetlands; USDA could have jurisdiction. The balance of the property will continue to be farmed.

No buildings, water, or sewer will be installed.

The access will remain at the same location. Mr. Klaas said that the proposal would not trigger the County's Access Ordinance.

The fence will not be in the right-of-way.

Mr. Klaas requested additional right-of-way dedication to address an erosion problem at the roadway. Ms. Blum will ask the property owner if they are agreeable to dedicating an additional fifteen feet (15') of property along the northern part of the property.

The panels are constantly monitored remotely. No gate alarm will be installed.

The interconnection point would be at Newark Road. The lines might have to be upgraded per Ameren's requirements. Three-phase power is available.

Mowing may occur more frequently initially. However, after the plantings are established, mowing may occur three-four (3-4) times per year. Ms. Andrews asked what constitutes a "no mow" mix; she requested a list of the vegetation. Ms. Blum was agreeable to this request. Plantings would occur by hand near the panels and would be by mechanical means where more room was available.

Ms. Andrews asked about temporary erosion control and site stabilization during construction. A corridor of seeding will occur along the gravel road.

Cliff Fox, Village of Newark, asked about property assessment for taxation purposes for schools. Ms. Blum responded that the solar industry is working the tax assessors association to determine the tax value.

Mr. Klaas made a motion, seconded by Ms. Andrews, recommend approval of the special use permit as requested.

Ayes (7): Klaas, Guritz, Langston, Rybski, Andrews, Holdiman, and Asselmeier  
Nays (0): None  
Absent (3): Clayton, Chismark, and Davidson

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on May 23<sup>rd</sup>.

Ms. Andrews left at this time (9:37 a.m.)

**Petition 18-16 Lawrence Slattery on Behalf of R.Y. Property Management, Corp. (Owner) and Jorge Ramirez a/k/a Rancho La Purisima (Prospective Buyer) – Special Use Permit for a Banquet Facility at 8218 Route 30 (PIN 02-03-200-001) in Bristol Township**

Mr. Asselmeier summarized the request.

Lawrence Slattery currently owns the subject property and leases the property to Jorge Ramirez. Mr. Ramirez is requesting an A-1 Special Use to operate a banquet facility at the subject property under the business name Rancho La Purisima. Mr. Ramirez would purchase the property from Mr. Slattery.

Bristol Township expressed no opinion on the request. Staff of the Village of Montgomery recommended denial.

Per the business plan, the banquet facility would operate inside the existing red barn located on the property. The outside and inside elevations of the barn are included as Attachments 7 and 8. The kitchen and restrooms would be located on the northeast side of the first floor of the barn. The dining and dancing area would be located on the south half of the first floor of the barn. A chapel or additional meeting space would be located on the northeast corner of the second floor of the barn. Mr. Ramirez indicated that the capacity for the first floor areas was two hundred fifty (250) people and the maximum capacity for the second floor area was one hundred fifty (150) people. These capacity number have not been verified by a fire or building official. Mr. Ramirez does not have any plans to use both space at the same time. The maximum number of guests at the property would be two hundred fifty (250). The barn is approximately eight thousand, three hundred (8,300) square feet in size.

The facility would be operational from May 1<sup>st</sup> through October 31<sup>st</sup>. The proposed hours of operation are Fridays from 3:00 p.m. until 11:30 p.m., Saturdays from Noon until 11:30 p.m., and Sundays from Noon until 9:00 p.m. At a meeting with Staff on April 20<sup>th</sup>, Mr. Ramirez indicated that setup and takedown for events would occur during hours of operation. In addition, tours of the facility for prospective customers shall occur only during the hours of operation. Mr. Ramirez indicated that he did not want more than one (1) event at the property per weekend.

Mr. Ramirez plans to employ three (3) part-time employees and contract security services. Patrons will bring their own food and drinks. No alcohol will be sold on the premises.

The banquet hall will be used for weddings, quinceaneras, birthdays, baptisms, and similar events.

Mr. Ramirez will live on the property and he has fourteen (14) years of experience as a banquet chef. He is in the framing business full-time and hopes to use the banquet facility for additional revenue.

A Change of Occupancy Permit will be required for each existing structure or portion of each existing structure that will be used in conjunction with the proposed banquet facility.

Mr. Ramirez submitted a soil study.

The well and septic systems for the house are located on the northwest side of the house. The proposed location for the well and septic system for the barn will be located on the northeast corner of the property.

While bathrooms are planned inside the existing barn, porta-potties will be needed for some events.

Mr. Ramirez submitted a parking plan showing eighty-one (81) parking spaces and four (4) handicapped parking spaces.

Mr. Ramirez submitted a lighting plan as part of the parking lot survey (See Attachment 5). Five (5) individual light poles and one (1) pole with four (4) lights are planned for the parking area. In addition, several lights are already located on the existing red barn.

An illuminated sign is proposed inside the fence west of the trees and driveway. The sign will be approximately five feet, five inches (5'5") in height and approximately eight feet eight inches (8'8") in width.

Mr. Ramirez provided a Landscaping Plan. The plan calls for the planting of Northern White Cedar trees on the northeast, east, and most of the south side of the property. According to information provided to Staff, the trees would be approximately six feet (6') in height at the time of planting.

The barn would not be air conditioned. The doors and windows on the south and east sides would be open.

Mr. Ramirez agreed that no music would occur outdoors except processional and recessional at wedding ceremonies.

Mr. Ramirez indicated that he would be willing to install noise measuring and controlling devices to comply with the noise requirements.

Before Staff makes a recommendation on the request, the following information is requested. The Petitioners' attorney was sent this request on April 20<sup>th</sup>:

1. A revised plat of survey or topographic survey showing a scale, north arrow, location map, name of the owner/developer, all existing structures on adjacent properties within 100' of the property line, and the present zoning classification and PINs for the subject property and all adjacent properties.
2. The Findings of Fact from the special use application.

The results of the EcoCat and NRI would also be needed before a final recommendation is offered.

Mr. Rybski asked if events would be public or private. Stuart Petersen responded that events would be private only. Only one (1) event would occur per weekend. The party renting the barn would bring in their own food and alcohol would not be sold at events. The food would not be prepared at the barn.

Mr. Rybski requested a meeting in the future regarding the septic system. Drainage would remain the same; the parking area would be chalked line. Mr. Rybski asked if the existing well and septic systems have been mapped. Mr. Petersen responded they located the existing well and septic system. Discussion occurred regarding well sampling.

Mr. Holdiman asked about the timeline for using temporary bathrooms. Jorge Ramirez said that it would take two (2) years to build out the banquet area. Mr. Ramirez agreed to a condition regarding bathrooms and prep kitchen to be installed within two (2) years.

Mr. Holdiman noted that a Change of Occupancy Permit will be required. Mr. Holdiman requested engineering and architectural plans for the building. These plans would be used to determine the occupant load for the building. A sprinkler system would not be required.

Mr. Langston asked about the number of events. Mr. Petersen stated that one (1) event per weekend would occur initially, but that number could increase if the business is successful. Mr. Asselmeier noted that Mr. Ramirez agreed to do setup and cleanup during the hours of operation and Mr. Ramirez would show the property only during the hours of operation.

Mr. Langston asked about the use of the security services. The security services would be used to assist with parking and traffic control.

Discussion occurred regarding widening Route 30 at some point in the future.

Discussion occurred regarding noise. Mr. Langston stated that, if either the Montgomery Police Department or Kane County Sheriff's Office receive a noise complaint, the Kendall County Sheriff's Department would investigate the matter because the property creating the noise is in Kendall County.

Mr. Klaas stated that the Illinois Department of Transportation bought right-of-way in 1956 and the right-of-way is accessed control. Mr. Klaas read a provision from the right-of-way plat that said access at the property was limited to farming operations and single-family residential uses; commercial uses were not allowed.

The Petitioner has not talked to large number of neighbors across the street.

Mr. Holdiman made a motion, seconded by Mr. Rybski, layover the request until the June ZPAC to give the Petitioner time to obtain the occupancy loads, research the access issue with the Illinois Department Transportation, provide the revised plat of survey or topographic survey showing a scale, north arrow, location map, name of the owner/developer, all existing structures on adjacent properties within 100' of the property line, and the present zoning classification and PINs for the subject property and all adjacent properties, and provide the Findings of Fact for the special use request.

Ayes (6): Klaas, Guritz, Langston, Rybski, Holdiman, and Asselmeier  
Nays (0): None  
Absent (4): Andrews, Clayton, Chismark, and Davidson

The motion passed unanimously. This matter will go before ZPAC again on June 5<sup>th</sup>.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 17-33 transferring special use hearings from the Hearing Officer to the Zoning Board of Appeals was approved by the County Board.

Mr. Asselmeier also reported that Petition 17-29 regarding distance notification requirements for special use applicants was approved by at the County Board. The new notification distance for A-1 special use applications is seven hundred fifty feet (750').

#### **OLD BUSINESS/NEW BUSINESS**

None

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

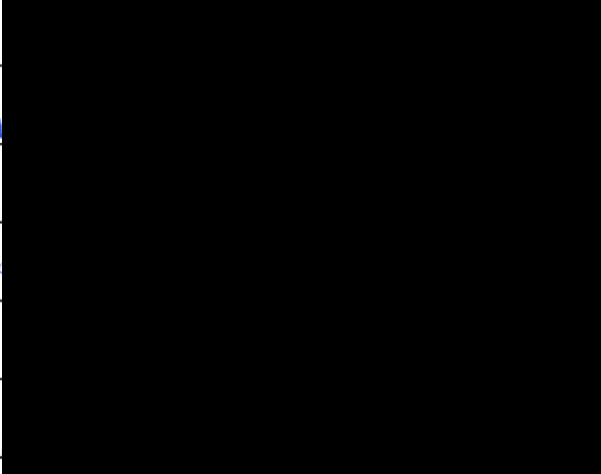
Mr. Guritz made a motion, seconded by Mr. Langston to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:12 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

Enc.



**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
MAY 1, 2018**

NAME	EMAIL ADDRESS
Jim COYLE - GREENBERG	
MARGARET Blum: Greenberg Farrow	
Jesse BOWEN	
Stuart PERSOEN	
Jorge Rueda	
MICHAEL SAAR	