

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 5, 2023 – Approved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department (Arrived at 9:02 a.m.)
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff’s Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

Karen Clementi

AGENDA

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

With a voice vote of seven (7) ayes, the motion carried.

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the April 4, 2023, meeting minutes.

With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

Petitions 23-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. The special use was renewed again in 2021 through Ordinance 2021-17 Restriction Number 2.C of the 2021 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the northeast corner of the intersection of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

Mr. Asselmeier provided a picture of the billboard and an aerial showing the location of the billboard.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the proposal.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Holdiman, Langston, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on July 26, 2023.

Member Briganti arrived at this time (9:02 a.m.).

Petition 23-25 Karen Clementi on Behalf of the Fox Metro Water Reclamation District

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is requesting permission to install approximately nine hundred sixty (960) solar panels, related fencing, and related supporting infrastructure. The solar panels will cover approximately one (1) acre of the property and will be located inside a fence. No new structures will be built.

At maximum height, the solar panels will be approximately ten point five feet (10.5') above grade.

The energy generated from the solar panels will be consumed onsite. The Petitioners plan to start construction within sixty days of approval.

The application material, site plan, and aerial of the property were provided.

The subject property was rezoned to M-1 in the summer of 2018.

Section 13:10 of the Zoning Ordinance requires site plan review for these types of improvements.

The property is at 682 A Route 31 in Oswego Township.

The impacted parcel is approximately thirty-four (34) acres in size.

The property is zoned M-1 and is used as a wastewater treatment facility.

The existing land use is Institutional.

The future land use is Mixed Use Business.

Route 31 is a State maintained highway Arterial highway. No trails are planned in the area.

Wetlands and floodplains are present on the property.

The adjacent land uses are Institutional, Comed Right-Of-Way, Fox River, Park Land, Cemetery, and Single-Family Residential.

The adjacent properties are zoned A-1, R-1, R-3, and M-1.

The future land use map calls for the area to be Mixed Use Business, Comed Right-Of-Way, and Suburban Residential.

EcoCAT Report was provided. The Greater Redhorse and River Redhorse are noted to be in the area, but adverse impacts are unlikely and consultation was terminated.

The Natural Resource Inventory was not applicable.

Petition information was sent to Oswego Township on June 23, 2023.

Petition information was to the Oswego Fire Protection District on June 23, 2023. An email regarding Oswego Fire Protection District's concerns and the Petitioner's responses was provided.

Petition information was sent to the Village of Montgomery on June 23, 2023.

An email from Greg Chismark stated that a stormwater permit was not required was provided.

The design standards were as follows:

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The proposed location of the solar panels and related improvements are not located in any required setbacks, in any floodplains, or in any wetlands.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The proposed solar panels and related improvements will not impact traffic.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. Conflicts between pedestrians and vehicular movement should not occur.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The site will be laid out to avoid the concerns mentioned in this paragraph.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. This is not applicable.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed site development is in harmony with the existing use of the property.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not applicable.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. Staff does not foresee any issues with glare. If the threshold requirements of the Stormwater Management Ordinance are met, a stormwater permit will be required.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. Staff would like comments from the Kendall County Sheriff's Department and Oswego Fire Protection District on this issue.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. This is not a concern.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. This is not a concern.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. This is not a concern.

Pending comments from ZPAC members, Staff recommended approval of the request subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan.
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development including, but not limited to, securing applicable permits and the provision contained in Section 4:18.K of the Kendall County Zoning Ordinance pertaining to proof of usage and decommissioning within ninety (90) days, if the solar panels are not in use.

Mr. Rybski asked if any houses were located where the solar panels were proposed. Karen Clementi responded no houses had been at that location for a number of years.

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the site plan.

The votes were follows:

Ayes (8): Asselmeier, Briganti, Guritz, Holdiman, Langston, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (2): Chismark and Klaas

The motion passed.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, 23-11, 23-12, 23-13, 23-17, and 23-19 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier reported that an application to renew the special use permit for a composting facility at 1270 E. Beecher was received.

ADJOURNMENT

Mr. Rybski made a motion, seconded by Commander Langston, to adjourn.

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 9:10 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Encs.

Matt Asselmeier

From: Karen Clementi <kclementi@foxmetro.org>
Sent: Monday, June 26, 2023 6:01 PM
To: akeenum@oswegofire.com
Cc: Matt Asselmeier; Shawn Ajazi
Subject: [External]solar panels at Fox Metro

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Capt. Keenum,

Fox Metro is in receipt of the Oswego FPD's comments on our 1 acre solar energy demonstration garden petition before Kendall County's ZPAC, in black text below.

1. Construction /creation of photovoltaic panel system shall adhere to all pertinently related requirements of the International Fire Code (IFC) 2021 edition.

Yes, Fox Metro's contractor, Simple Ray, will adhere to the IFC requirements. We verified that information with Simple Ray this morning.

2. Below information indicates "related supporting facilities"... don't know what that is and don't see anything depicted on the site plans – default for new building construction is fire alarmed & sprinkler protected

Fox Metro's improvements for this project include: the solar field supports and panels, gates, fencing. The "related supporting facilities" refer to the associated electrical equipment: an exterior mounted switchgear, transformer on a concrete pad, and the wiring/conduit to get the power from the solar garden onto our equipment. There are no buildings associated with this project.

Karen Clementi

Karen K. Clementi

District Manager

 **Fox Metro**
Water Reclamation District

682 State Route 31

Oswego, IL 60543

Phone 630-301-6819

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June 30, 2023

Mr. Matt Asselmeier
Kendall County Planning, Building, & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject: Fox Metro 250W Photovoltaic System (WBK Project 19-102.BI)

Dear Mr. Asselmeier:


We have received and reviewed the following information for the subject project:

- Engineering Plans for Fox Metro Reclamation SS-C Meter #230 235 191 – 250KW Fixed Tilt Ground Mount Tied Photovoltaic System prepared by Simpleray dated June 20, 2023 and received June 23, 2023

Subsequent to review of the project location and the floodplain we do not believe a stormwater permit is necessary for this project. Solar arrays are a unique project from a drainage perspective. Impervious panels are constructed over existing (pervious) ground. There is a potential for concentration of flows and erosion. However, this site with direct adjacency to the Fox River and owned by a public utility provides a best case scenario for this type of facility. We do not see any significant / adverse drainage impact as a result of the project.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,


Greg Chismark PE
WBK Engineering, LLC