



# Kendall County Agenda Briefing

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**Meeting Type:** Planning, Building and Zoning

**Meeting Date:** 11/12/2024

**Subject:** Approval to Reduce the Height of Wareana Arborvitaes and Extend the Deadline for Installing Vegetation at the Property Identified by Parcel ID Number 07-05-400-010 and 07-05-400-011

**Prepared by:** Matthew H. Asselmeier, AICP, CFM

**Department:** Planning, Building and Zoning

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## **Action Requested:**

Approval of Petition 24-36, a Request from Grant B. Mullen on Behalf of Newark Road Kendall Solar 1, LLC Nancy L. Harazin on Behalf of the Nancy L. Harazin Trust Number 101 for a Minor Amendment to the Special Use Permit for Public or Private Utility Other (Solar Panels) by Amending the Landscaping Plan by Reducing the Height of the Wareana Siberian Arborvitaes from Seven Feet to Six Feet as Described in Condition 2.C of Ordinance 2018-15 at 16300 Newark Road, Newark (PINs: 07-05-400-010 and 07-05-400-011) in Big Grove Township and Approval of a Request to Extend the Deadline for Installing Vegetation at the Same Property

## **Previous Board/Committee Review:**

N/A

## **Fiscal impact:**

N/A

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## **Background and Discussion:**

In 2018, by Ordinance 2018-15, the Kendall County Board approved a special use permit for a public or private utility other (solar panels) at the subject property.

On March 13, 2023, the Planning, Building and Zoning Committee approved a minor amendment to the special use permit extending the deadline for installing landscaping to August 21, 2024, and granting the Committee the ability to grant extensions to this deadline.

On July 8, 2024, the Planning, Building and Zoning Committee approved an extension until October 31, 2024, to install landscaping.

Condition 2.A of the original special use permit from 2018 required the site be developed in accordance with a site plan, which included a landscaping component. Condition 2.C. of the original special use from 2018 required the arborvitae to be at least seven feet (7') in height at the time of planting. The site plan required the installation of thirty-one (31) Wareana Siberian Arborvitaes, among other types of arborvitaes and vegetation.

On October 25, 2024, the Petitioner submitted an email requesting an amendment to the special use permit lowering the height of the Wareana Siberian Arborvitaes from seven feet (7') to six feet (6') and requesting an extension until May 1, 2025, for the installation of landscaping. The Petitioner claimed that the subject arborvitaes were not available at seven feet (7').

Planting of the other types of vegetation has occurred or is in process of occurring.

Since the original special use permit was granted, an address to the property has been assigned and the property has been assigned new parcel identification numbers.

**Staff Recommendation:**

Approval

**Attachments:**

Email from Grant Mullen Dated October 25, 2024

Minor Amendment to the Special Use Permit Application

Ordinance 2018-15

Draft Minor Amendment Ordinance

## Matt Asselmeier

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**From:** Grant Mullen <grant.mullen@standardsolar.com>  
**Sent:** Friday, October 25, 2024 12:46 PM  
**To:** Matt Asselmeier  
**Cc:** Pam Herber; Brian Holdiman; Megan Kane; McKenzie Cornell; Joseph Good; Sarah Dolan; Seth Wormley; Christina Burns; Chuck VonDrehle; Jennifer Romero; Alan Watson; nancyharazin@aol.com; Alex Frith; Michael Boehmer; mikeevo@naturalresourceservice.com; Alexandra Huber; Seth Adams; Harry Benson; Victoria Kelley; Dan Kennard  
**Subject:** RE: [External]Kendall, Solar Array Permit - Parcel 07-05-400-003

Hi Matt,

Thank you for the clarity here on the need for an amendment. We will be pursuing the minor amendment to request a change for the requirement from 7' height to 6' height. Since the Warenea Siberian Arborvitae is not available at 7' height we will need to request another extensions while we wait for review of the amendment. With this amendment pushing our planting timeline out we will likely have to wait until the spring to plant the 6' Warenea Siberian Arborvitaes. Can we please request a deadline for planting be pushed to May 1<sup>st</sup> 2025?

In the meantime, our contractor is procuring and will be planting the other three approved tree varieties at the 7' height and I can let you know when those will be ready to inspect if you'd like to inspect before winter.

Thank you,

**Grant Mullen**  
Project Manager

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**D** 301-944-5290 | **M** 207-415-4908  
grant.mullen@standardsolar.com | [www.standardsolar.com](http://www.standardsolar.com)  
530 Gaither Road Suite 900 Rockville, MD 20850



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§13:08.N of the Zoning Ordinance states that a Minor Amendments are those that do not alter the intent or uses of the property for which a Special Use has been approved. Minor Amendments shall be limited to the following:

1. Proposed additions, enlargements or changes in any existing or proposed building or buildings, shown on any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable), and the addition of accessory structures not shown on such plans may be permitted provided that all of the following conditions are met:
  - a) The proposed addition, enlargement or change will, in the opinion of the Zoning Administrator, result in a better utilization of the property or a more efficient and desirable use of the land.
  - b) The change shall not constitute more than a ten (10) percent increase in the lot coverage of all approved buildings on the property or a ten (10) percent increase of the total floor area of all approved buildings on the property.
  - c) The proposed addition, enlargement or change will not infringe upon or extend into any required building setback, off street parking or loading space or required building separation or exceed the height or bulk regulations of the underlying zoning district.
  - d) The additional off-street parking or loading spaces required for such proposed addition, enlargement or change, can be supplied as required by the applicable zoning ordinance provisions.
  - e) The proposed addition, enlargement or change will not result in an enlargement or increase of any previously approved variation.
  
2. Minor Modifications of Conditions provided that all of the following are met:
  - a) The proposed modification will, in the opinion of the Zoning Administrator, result in equal or better performance than the original condition imposed.
  - b) The proposed modification or change shall not result in a change of more than ten (10) percent of any previously imposed condition.
  - c) The result of the proposed modification shall be that the property will still be in substantial compliance with the previously approved ordinance.

**Please verify your modification fits the above criteria and briefly describe the minor amendment below:**

Request for a minor modification from the Ordinance #2018-15 for the Special Use Permit dated 8/30/2018 to adjust the requirement in Section 2 C from the tree height at planting for the Warenea Siberian Arborvitae from seven feet to a new height requirement of six feet. The landscape plan that was submitted back in 2018 has four tree species on it, however the Warenea Siberian Arborvitae is not available at the seven foot height only 6 foot. All other approved trees on the landscaping plan have been procured at the approved seven foot height.



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**APPLICATION**

**PROJECT NAME** Newark Road Kendall Solar 1, LLC **FILE #:** \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b>		
Grant B Mullen		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Nancy Hazin		
<b>SITE INFORMATION</b>	<b>SITE ADDRESS OR LOCATION</b>	<b>ASSESSOR'S ID NUMBER (PIN)</b>
ACRES 13.35	16400 Newark Road	07-05-400-003
<b>EXISTING LAND USE</b>	<b>CURRENT ZONING</b>	<b>LAND CLASSIFICATION ON LRMP</b>
	A-1 Agricultural	
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input checked="" type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Grant Mullen	[REDACTED]	[REDACTED]
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
[REDACTED]	[REDACTED]	[REDACTED]
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
Alex Frith	[REDACTED]	[REDACTED]
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
[REDACTED]	[REDACTED]	[REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE APPLICATION DATE.		
<b>SIGNATURE OF APPLICANT</b> [REDACTED]		<b>DATE</b> 10/31/2024

FEE PAID:\$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

ORDINANCE NUMBER 2018- 15

**GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A PUBLIC OR PRIVATE UTILITY – OTHER (SOLAR PANELS) FOR A 60.0 ACRE +/- PARCEL LOCATED APPROXIMATELY 0.2 MILES EAST OF ILLINOIS ROUTE 71 ON THE SOUTH SIDE OF NEWARK ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 07-05-400-003 AND ALSO KNOWN AS 16400 NEWARK ROAD IN BIG GROVE TOWNSHIP**

*WHEREAS*, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

*WHEREAS*, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 60.0 acres located on the south side of Newark Road approximately 0.2 miles east of Illinois Route 71 (PIN: 07-05-400-003) and is also known as 16400, Newark Road, in Big Grove Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

*WHEREAS*, the subject property is currently owned by the Nancy L. Harazin Trust Number 101 and is represent by Nancy L. Harazin and shall hereinafter be referred to as “Petitioner”; and

*WHEREAS*, on or about April 17, 2018, Petitioner filed a petition for a Special Use Permit allowing the placement of a Public or Private Utility – Other (Solar Panels) on the subject property and the energy generated from the proposed use would be consumed offsite; and

*WHEREAS*, following due and proper notice by publication in the Kendall County Chronicle not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on June 4, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and representatives from the solar company presented evidence, testimony, and exhibits in support of the requested special use permit and two members of the public testified in opposition to the request and one member of the public asked questions about the request; and

*WHEREAS*, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended denial of the Special Use Permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated June 4, 2018, a true and correct copy of which is attached hereto as Exhibit B; and

*WHEREAS*, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested Special Use Permit with conditions; and

*WHEREAS*, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this Special Use Permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Special Use Permit allowing the placement of a Public or Private Utility – Other (Solar Panels) to be placed on the subject property subject to the following conditions:
  - A. The site will be developed in accordance with the Site Plan attached hereto as Exhibit C.
  - B. Lighting will be installed in accordance with the Site Plan attached hereto as Exhibit C. Lighting shall not be visible from neighboring properties.
  - C. The landscaping shall occur in accordance with the Landscaping Plan attached hereto as Exhibit C. The owner and/or operation shall plant arborvitaes at least seven feet (7') in height as measured from the top of the root ball at the time of planting along the north side of the property to block the visibility of the solar panels from the property north of the subject property. The arborvitaes shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
  - D. 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.
  - E. Signage shall be installed as described in Exhibit C. In addition, at least one (1) sign shall be placed at the vehicle access gate stating emergency contact information.
  - F. The site shall be decommissioned in accordance with the Decommissioning Plan attached hereto as Exhibit C. 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. The owner or operator shall establish a decommissioning bond in the amount of Two Hundred Thirty-Thousand Dollars (\$230,000). Said bond shall be maintained for the duration of the special use permit.
  - G. The Decommissioning Plan shall be initiated by a simple a majority vote of the Kendall County Board if the solar panels are not used for ninety (90) consecutive days.
  - H. The property owner or operator shall have six (6) months from the date of the vote of the Kendall County Board to initiate the Decommissioning Plan and to complete the Decommissioning Plan and remove the solar panels and related equipment from the property.
  - I. On or before February 1<sup>st</sup> of each year, the owner or operator shall provide the Kendall County Planning, Building and Zoning Department with a report outlining the amount of energy produced at the property during the previous year.

- J. 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 |
| 1001-1500 | \$2750 |
| 1501-2000 | \$6000 |
- Over 2000 KW \$200 for Each Additional 0-100 KW  
Fees Double if Construction Commences before Obtaining Building Permit.
- K. 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.
- L. The property owner or operator 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.
- M. Within sixty (60) days of the approval of this special use permit ordinance, the owner shall dedicate a fifteen foot (15') wide strip along the northern portion of the property in accordance with the Site Plan attached hereto as Exhibit C to Kendall County to be used as Newark Road right-of-way.
- N. The property owner or operator 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.
- O. Damaged or non-functioning solar panels shall be replaced or repaired on a timetable agreed to between the property owner and the Kendall County Planning, Building and Zoning Committee. If no timetable is agreed to between the property owner and the Kendall County Planning, Building and Zoning Committee within ninety (90) days of Kendall County's written request for a timetable, then the Kendall County Board may vote to initiate the Decommissioning Plan.
- P. The property owner or operator shall repair and if necessary re-route any drain tile damaged



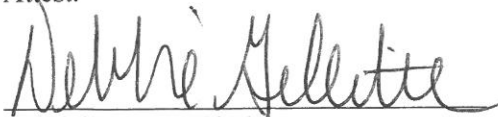
as a result of the installation, decommissioning, maintenance, or operation of the solar panels and related supporting infrastructure on a timeline approved by the Kendall County Planning, Building and Zoning Department. The site plan shall show a plan to address sheet erosion on the northern and eastern portions of the property with a prairie mix as shown on the Site Plan attached hereto as Exhibit C.

- Q. If requested by the Newark Fire Protection District, the owner and/or operator shall provide at their sole expense training to address any fire related or public health issues caused by the issuance of this special use permit. The training topics and the timeframe for the training shall be approved by the Newark Fire Protection District.
- R. Failure to comply with the above conditions or restrictions could result in the amendment or revocation of the special use permit or the initiation the Decommissioning Plan by the Kendall County Board.
- S. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- T. The property owner and operator shall execute an Agricultural Impact Mitigation Agreement with Kendall County. The Agricultural Impact Mitigation Agreement shall be modeled on the State of Illinois template Agreement that existed on the date of the adoption of this ordinance.

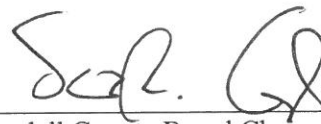
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Special Use Permit.

*IN WITNESS OF*, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 21<sup>st</sup> day of August, 2018.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

# Exhibit A

K:\P\data\2018 Projects\18.0028\18.0028-01 LTS\Legal Descriptions\2018-02-01 Project Area Legal.docx

THAT PART OF THE EAST HALF OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE NORTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 588.72 FEET TO AN EXISTING FENCE LINE; THENCE SOUTH 89 DEGREES 18 MINUTES 45 SECONDS WEST, ALONG SAID FENCE LINE, 712.10 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 36 SECONDS WEST, 1273.42 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 1266.62 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 50 SECONDS WEST, 774.88 FEET TO THE CENTER LINE OF NEWARK ROAD; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST ALONG SAID CENTER LINE, 1266.50 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 36 SECONDS EAST, 793.01 FEET TO THE POINT OF BEGINNING; IN BIG GROVE TOWNSHIP, KENDALL COUNTY, ILLINOIS.

## Exhibit B

### Findings of Fact

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that the site is developed in accordance with an approved site plan, provided that the landscaping plan and fencing as presented is implemented, provided the decommissioning plan is followed, and provided that the property owner or operation maintains, repairs, and or replaces damaged solar panels, the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the community. The proposed special use may be detrimental to the morals and comfort of the neighbors.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The Petitioner provided evidence that the installation of solar panels does not negatively impact property values or harm the environment. Appropriate restrictions (including requiring an updated decommissioning plan, a landscaping plan, and fencing requirements) can ensure the proposed use does not adversely impact adjacent uses.***

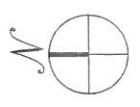
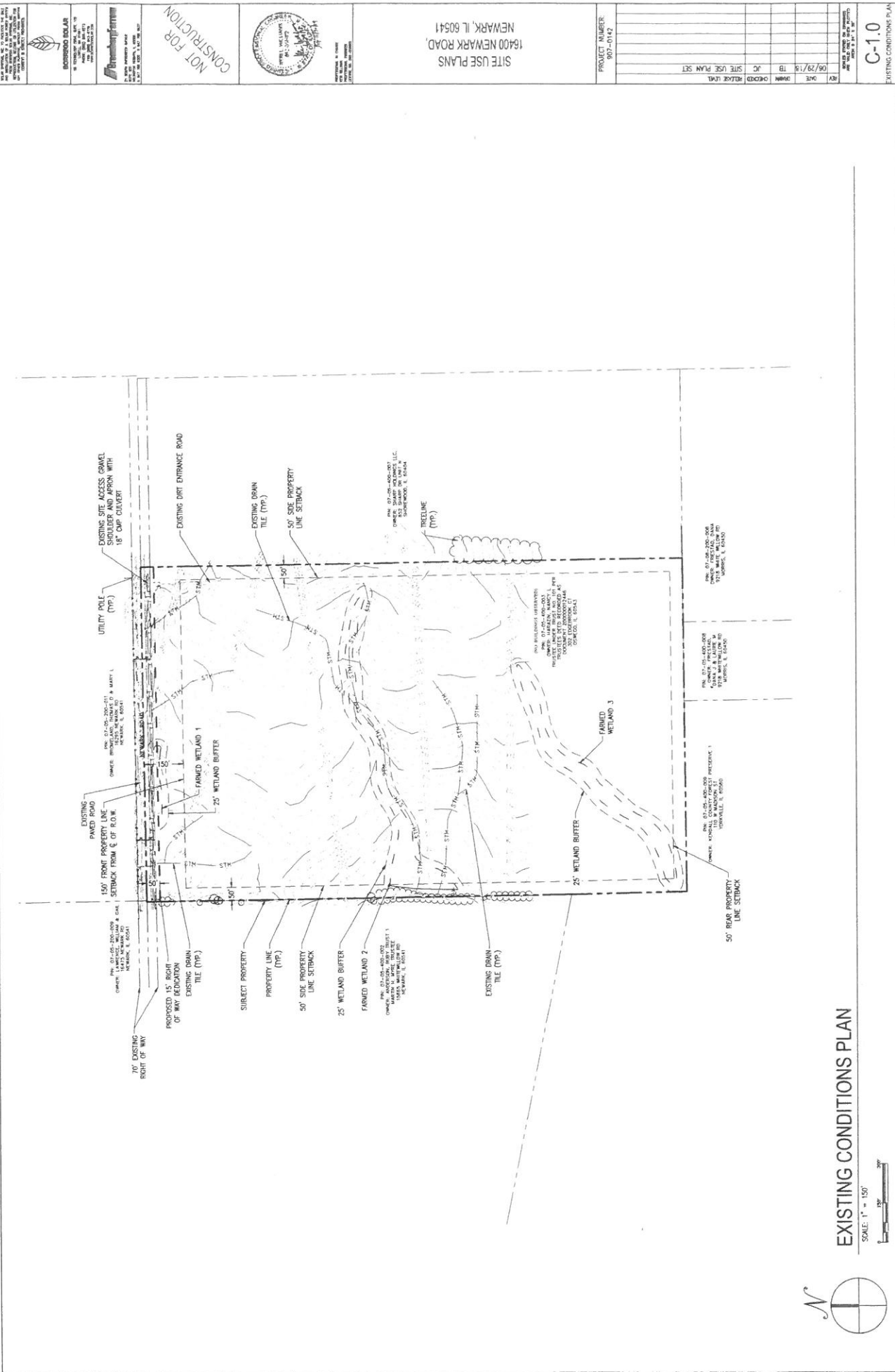
*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **True, adequate utilities, access roads and points of ingress and egress are provided. Appropriate conditions (including the dedication of land for additional right-of-way and developing the site in accordance with the submitted site plans and landscaping plans) can ensure that adequate drainage infrastructure will be provided.***

*That 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 County Board pursuant to the recommendation of the Zoning Board of Appeals. **True, the proposed use conforms to the setback, height, and development requirements of the A-1 Agricultural Zoning District.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with Section 3.3.G of the Kendall County Land Resource Management Plan which states as an objective: "support the public and private use of sustainable energy systems (examples include wind, solar, and geo-thermal)" (Page 3-4).***



EXISTING CONDITIONS PLAN



EXISTING CONDITIONS PLAN

SCALE: 1" = 150'



EXHIBIT: PIANO 2

REV	DATE	BY	CHKD	DESCRIBE REVISION
	06/29/13	TB	JC	SITE USE PLAN SET

PROJECT NUMBER: 9037-0112

SITE USE PLANS  
16400 NEWARK ROAD  
NEWARK, IL 60941



NOT FOR CONSTRUCTION

BOYDWOOD SOLAR

BOYDWOOD SOLAR  
16400 NEWARK ROAD  
NEWARK, IL 60941

EXISTING CONDITIONS PLAN  
C-1.0

DATE: 06/29/13  
BY: TB  
CHKD: JC  
PROJECT NUMBER: 9037-0112

SCALE: 1" = 150'

EXISTING CONDITIONS PLAN

















**MINOR AMENDMENT TO EXISTING SPECIAL USE**

**AMENDING THE SITE PLAN FOR A PUBLIC/PRIVATE UTILITY – OTHER (SOLAR PANELS) LOCATED AT 16300 NEWARK ROAD (FORMERLY THE 16400 BLOCK OF NEWARK ROAD) AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 07-05-400-010 AND 07-05-400-011 IN BIG GROVE TOWNSHIP**

*WHEREAS*, Section 36-123 of the Kendall County Code permits the Kendall County Planning, Building and Zoning Committee of the Kendall County Board to approve minor amendments to existing special use permits and provides the procedure through which minor amendments to existing special use permits are granted; and

*WHEREAS*, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 60.0 acres located on the south side of Newark Road approximately 0.2 miles east of Illinois Route 71 (PINs: 07-05-400-010 and 07-05-400-011) in Big Grove Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

*WHEREAS*, on August 21, 2018, the Kendall County Board approved Ordinance 2018-15 which granted a special use permit for a public/private utility – other (solar panels) with conditions at the subject property; and

*WHEREAS*, Condition 2.A of Ordinance 2018-15 required the site be developed in accordance with an attached site plan; and

*WHEREAS*, the site plan attached to Ordinance 2018-15 required the installation of a certain number of Wareana Siberian Arborvitae; and

*WHEREAS*, Condition 2.C of Ordinance 2018-15 required arborvitae to be at least seven feet in height at the time of planting; and

*WHEREAS*, the subject property is currently owned by Newark Road Kendall Solar 1, LLC, as represented by Grant B. Mullen and the Nancy L. Harazin Trust Number 101, as represented by Nancy L. Harazin and hereinafter shall be referred to as “Petitioner”; and

*WHEREAS*, on or about October 31, 2024, Petitioner’s representative filed a petition for a minor amendment to Condition Number 2.C of Ordinance 2018-15 amending the site plan to install Wareana Siberian Arborvitae at least six feet in height instead of seven feet in height; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE PLANNING, BUILDING AND ZONING COMMITTEE OF THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS**, as follows:

1. The Planning, Building and Zoning Committee of the Kendall County Board finds that the requested minor amendment will result in equal or better performance than the original condition imposed and the property will still be in substantial compliance with the previously approved Ordinance 2018-15.
2. The Planning, Building and Zoning Committee of the Kendall County Board hereby grants approval of Petitioner’s petition for a minor amendment to Condition Number 2.C of Ordinance 2018-15 by allowing for the installation Wareana Siberian Arborvitae at least six feet in height at the time of planting; this reduction in height only applies to the Wareana Siberian Arborvitae

3. This minor amendment shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

*IN WITNESS OF*, this minor amendment to an existing special use permit has been enacted by a majority vote of the Planning, Building and Zoning Committee of the Kendall County Board and is effective this 12<sup>th</sup> day of November, 2024.

Attest:

\_\_\_\_\_  
Kendall County Zoning Administrator  
Matthew H. Asselmeier

\_\_\_\_\_  
Kendall County PBZ Committee Vice Chairman  
Ruben Rodriguez

# Exhibit A

K:\Pdata\2018 Projects\18.0028\18.0028-01 LTS\Legal Descriptions\2018-02-01 Project Area Legal.docx

THAT PART OF THE EAST HALF OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE NORTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 588.72 FEET TO AN EXISTING FENCE LINE; THENCE SOUTH 89 DEGREES 18 MINUTES 45 SECONDS WEST, ALONG SAID FENCE LINE, 712.10 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 36 SECONDS WEST, 1273.42 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 1266.62 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 50 SECONDS WEST, 774.88 FEET TO THE CENTER LINE OF NEWARK ROAD; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST ALONG SAID CENTER LINE, 1266.50 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 36 SECONDS EAST, 793.01 FEET TO THE POINT OF BEGINNING; IN BIG GROVE TOWNSHIP, KENDALL COUNTY, ILLINOIS.