Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-13; REZONING FROM R1-SINGLE FAMILY RESIDENTIAL DISTRICT TO A1-AGRICULTURE DISTRICT AND SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 07 KANKAKEE TOWNSHIP (GAR SOLAR, LLC)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Donald A. Werner, Sr., Donald A. Werner, Jr., & Dawn Krantz, property owners and Gar Solar LLC (Cypress Creed Renewables Development, LLC is the sole and managing member of Gar Solar, LLC), applicant in the Office of the County Clerk of Kankakee County for a Rezoning from R1-Single Family Residential District to A1- Agriculture District and a Special Use Permit to Section 121-99.c.34 (Solar Farm) in the A1-Agricultural District, on a parcel legally described herein Exhibit A, a copy of which is attached; and,

WHEREAS, the Zoning Board of Appeals held a duly noticed public hearing, on the application on April 16, 2018 and from the testimony and evidence presented findings were made as described in Exhibit B, a copy is attached and the ZBA recommends that the request of Donald A. Werner, Sr., Donald A. Werner, Jr., & Dawn Krantz, property owners and Gar Solar LLC (Cypress Creed Renewables Development, LLC is the sole and managing member of Gar Solar, LLC), applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of April 18, 2018 having reviewed, discussed and considered the matter, has approved the request and adopted the findings and recommendation of the Zoning Board of Appeals, Exhibit B; and,

WHEREAS, all matters required by law of the State of Illinois and the Zoning Ordinance of Kankakee County have been completed; and,

WHEREAS the County Board at its regularly scheduled meeting of May 8, 2018 after review, discussion, and consideration, agrees with the findings of the Zoning Board of Appeals and committee minutes of the PZA Committee, and finds that the conclusions expressed are both reasonable and rationally supported by the evidence presented, and the rezoning and special use permit will not be detrimental to the public health, safety, and economic and general welfare.

NOW, THEREFORE, be it resolved by the Kankakee County Board, State of Illinois as follows:

1. The findings of the Zoning Board of Appeals are hereby approved, confirmed, ratified, and adopted and the conclusions of the Planning, Zoning and Agriculture Committee based upon those findings are rational and in the public interest.
2. The findings, conclusions and recommendation expressed in the minutes of the Planning, Zoning, and Agriculture Committee meeting of April 18, 2018 are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. Rezoning from R1-Single Family Residential District to A1-Agriculture District and Special Use Permit to Section 121-99.c.34 (Solar Farm) in the A1-Agricultural District, be approved on a parcel legally described in Exhibit A, a copy of which is attached herein and made a part hereof.

PASSED and adopted this 8th day of May 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 13 WEST OF THE SECOND PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER, AND RUNNING; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 1794.83 FEET TO THE CENTER OF GAR CREEK DRAINAGE DITCH; THENCE MEANDERING SOUTHERLY AND EASTERLY ALONG SAID CENTER OF GAR CREEK, 2106.95 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE WEST 52.5 ACRES OF THE SOUTH HALF OF SAID SOUTHWEST FRACTIONAL QUARTER, SAID EAST LINE BEING THE WEST LINE OF THE SURVEYED AND MONUMENTED EAST 20 ACRES OF SAID SOUTH HALF; THENCE SOUTH ALONG SAID WEST LINE OF THE EAST 20 ACRES, 42.42 FEET TO THE NORTH LINE OF A PARCEL OF LAND CONVEYED BY DOCUMENT NUMBER 79-10153; THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID CONVEYANCE, 270.73 FEET TO THE NORTHWEST CORNER OF SAID CONVEYANCE; THENCE SOUTH ALONG THE WEST LINE OF SAID CONVEYANCE, 503.89 FEET TO THE NORTH LINE OF A PARCEL OF LAND CONVEYED BY DOCUMENT NUMBER 96-02551; THENCE WEST ALONG SAID NORTH LINE OF LAST MENTIONED CONVEYANCE, 244.92 FEET TO THE NORTHWEST CORNER OF LAST MENTIONED CONVEYANCE; THENCE SOUTH ALONG THE WEST LINE OF LAST MENTIONED CONVEYANCE, 394.20 FEET TO THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, AND THENCE WEST ALONG SAID SOUTH LINE, 1188.30 FEET TO THE POINT OF BEGINNING.
EXHIBIT B (ZBA CASE#18-13)
Kankakee County Zoning Board of Appeals

Mr. John Fetherling, Chairman

189 East Court Street
Kankakee, IL 60901
(815) 937-2940

FINDINGS OF FACT AND RECOMMENDATION
OF THE KANKAKEE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owners Donald A. Werner Jr., Donald A. Werner Sr., & Dawn Krantz and applicant Gar Solar, LLC in ZBA Case No. 18-13. The applicant and owners are seeking to change the zoning from the subject site from R1-Single Family Residential to A1-Agriculture and are requesting a special use permit to allow the construction of a 2MWac community solar garden, known as Gar Solar, on property located 3/4 miles west of Kennsington Avenue on 2000 S Road in Kankakee Township. The City of Kankakee is across the street from this property.

After due notice required by law, the ZBA held a public hearing on this case on April 16, 2018 in the County Board Room, 4th Floor, Kankakee County Administration Building, Kankakee, Illinois, and hereby report their findings of fact and their recommendation as follows:

Site Information: See Staff Report (attached herewith).

Public Comments: (Refer to transcripts for full details)

Jeff O'Connor – A commissioner on the Gar Creek Drainage District had question about setbacks from the creek and providing access to the District for maintenance of the creek. A meeting will be held between the District and Cypress Creek to discuss the details.

Jose Hernandez – An adjoining property owner asked questions concerning drainage, setbacks and landscaping. His questions were adequately answered by the Applicant.

Analysis of Ten Standards: After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the ten (10) standards listed in Section 17.03.E3 (Standards for Map Amendments) of the Kankakee County Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed rezoning is consistent with the purpose and intent of the Zoning Ordinance.

The Board finds that the site of Gar Solar is zoned Residential but has never been used for residential purposes, and has remained a primary agricultural character. To amend the Property to an A1 designation would be consistent with the purpose and intent of the zoning ordinance as it would allow for a solar farm to be built which would maintain the health, general welfare and morals of the surrounding community, and would allow the land to remain in the same character as the land has been for decades, for the life of the solar farm.
2. **That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan.**

The Board finds that rezoning parcel 16-17-07-300-009 to A1 as the first step to obtaining a special use permit for a solar farm is consistent with the goals, objectives, and policies of the comprehensive plan. As described in the 2030 Kankakee County Comprehensive Plan, "Kankakee County has a significant inventory of undeveloped residential zoned land. It is very doubtful even under the most aggressive development scenario that residential growth would absorb even half of the available inventory by 2030. The implications of the large amount of residential zoned land include: public utilities and substandard roadways; and, potential inconsistency with municipal growth patterns." To allow for a map amendment for this Property of residential land that has yet to be developed, and then to build a solar farm on the Property would prevent the ills described above for a significant period of time: for at least the life of the solar farm, an estimated 40 years. It would also significantly increase the tax revenues from this Property and support the other goals of the County and the Comprehensive Plan.

3. **Explain how and if all required utilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess adequate capacity or manpower.**

The Board finds that when selecting sites, CCR takes great care to find areas which are suitable for solar farms. Car Solar is no exception, the terrain is ideal for a solar farm, as the farm will not require any utilities, and be a minimal impact use on the land.

4. **That the proposed rezoning is compatible with the existing uses of property and the zoning classification of property within the general area.**

The Board finds that the existing use of the Property is undeveloped farmland, so a Map Amendment to an A1 designation in order to build a solar farm would not greatly affect the general area of the Property in question. The primary use of property in the immediate is for agriculture and low density residential uses. The solar farm Project being developed through map amendment and then a special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in the pre-existing use and enjoyment of their property. By adhering to the required site constraints and acknowledging the minimal impact associated with solar farms, there will be no material adverse economic or other impact on neighboring properties.

5. **That the permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.**

The Board finds that the proposed Project will require minimal traffic; the anticipated number of vehicles during construction will be approximately 5 trucks vehicles per day, while no more than 3 vehicles are anticipated to visit the site on a quarterly basis post construction. Given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic post construction period, resulting in no
significant impacts being anticipated for this Project, which will remain on the site for a significant period of time.

6. **That the subject property is suitable for the permitted uses under the existing zoning classification.**

*The Board finds that* although the Property has been zoned residential, due to the abundance of residentially zoned land in Kankakee County, the Property has yet to transition from its agricultural state. The site is bordered by other property zoned R1, however very few of these neighboring properties have been developed into residential property, and it is unclear when or how this would happen, therefore, this Property is suitable for the uses permitted under R1 designation, but the uses permitted under the existing zoning classification are far from the exclusive uses appropriate on the Property.

7. **That the subject property is suitable for the permitted uses under the proposed zoning classification.**

The Board finds that the uses permitted on A1 property would be appropriate for this Property as it lies directly outside of the city limits of Kankakee County, in an area that is largely zoned R1, but has yet to see any residential development in the area. To amend the zoning designation to A1 and allow a solar farm to be built would render the character of the Property largely unchanged for another forty years as it gives Kankakee County time to effectively “catch up” on residential growth congruent to the number of properties Kankakee County currently has zoned residential. In this area, the Property would be suitable for the uses permitted under the proposed A1 classification.

8. **What is 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?**

The Board finds that the Property has been zoned Residential, but it, and the properties in the neighboring areas which are also zoned Residential, have yet to convert from an agricultural use to a residential use. To change the zoning on this Property to an A1 designation would not be adverse to the trend of development as there are many properties in the neighboring areas that could be developed in the years to come, and this property is far from the exclusive area appropriate for either residential or agricultural development.

9. **Is the proposed rezoning/amendment within one and a half miles of a municipality?**

The Board finds that the proposed map amendment is within one and a half miles of the City of Kankakee.

10. **Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?**
The Board finds that Car Solar will undergo a Natural Resource Inventory report with the Kankakee Soil and Water Conservation District that includes a LESA report, and will provide the report to the governing bodies for their review.

**Analysis of Six Standards:** After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the six (6) standards listed in Section 17.03.F4 (Standards for Special Uses) of the *Kankakee County Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. **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.**

   The Board finds that the establishment, maintenance and operation of the special use will have no negative impact on the health, safety, comfort, or general welfare of surrounding community members. Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and be designed with an anti-reflective coating. All solar panels will be sourced from Tier 1 manufacturers as rated on the Bloomberg New Energy Finance PV Module Maker Tiering System. With this solar farm, Kankakee County will be benefiting due to associated economic development and the resulting sustainable clean renewable power production. Further, a 2MW solar facility can offset an estimated 3.198 tons of carbon dioxide annually, the equivalent of 311 cars on the road, while generating an anticipated power output of approximately 3,900,000 kilowatt-hours of clean renewable energy annually, thereby benefiting public health and general welfare.

2. **That the special use will not be 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 Board finds that the primary use of property in the immediate vicinity is for agriculture and low density residential uses. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in the pre-existing use and enjoyment of their property. By adhering to the required site constraints and acknowledging the minimal impact associated with solar farms, there will be no material adverse economic or other impact on neighboring properties. As a result of providing economic support for annualized income to farm owners not dependent on agricultural markets, while at the same time increasing the tax base available to support schools, local governments and other taxing bodies, which services those neighborhoods, the solar farm works to benefit the surrounding community and its property values.

3. **That the establishment of the special use will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**
The Board finds that the implementation of the following special use permit will have negligible influence on the outlined present and future development of neighboring properties. Due to the minimal impact of solar farms, future development should see no deviation from the originally determined course of action established by the Kankakee County jurisdiction. Additionally, the Gar Solar, LLC project will be located in a parcel surrounded by Agricultural 1 development, effectively blending into the associated zoning. As indicated above, the primary surrounding use is agriculture. Providing a stable income to farm owners, which is not subject to the normal agricultural market impacts and deviations, supports and enhances the economic viability of other farming operations and the communities which are dependent on them.

4. That adequate utilities, access roads, drainage, or necessary facilities have been or will be provided.

The Board finds that by following the outlined site constraints and developing a site plan, Gar Solar, LLC will ensure all physical structures and surrounding environmental requirements are met. This shall be achieved with the completion of the required Natural Resource Inventory Application, as well as a strict adherence to the site constraints presented by the Zoning Code. Further information regarding site construction details can be found under Exhibit F in Binder 2, Standard Equipment Detail.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The Board finds that this solar project will require minimal traffic; the anticipated number of vehicles during construction will be no more than 5 truck vehicles per day, while no more than 3 vehicles are anticipated to visit the site on a quarterly basis post construction. Given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic post construction period, resulting in no significant impacts being anticipated for this project.

6. That the special use will, 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 board.

The Board finds that as previously stated, the developed solar farm will adhere to all application requirements and will provide all necessary documentation in order to best facilitate the Special Use Permit application process. All district regulations, as well as relevant zoning requirement will be adhered to and established into the solar farm development process. Please refer to attached exhibits for further information.

Conditions: The Applicant will meet with the Gar Creek Drainage District to discuss the maintenance of drainage district infrastructure and the creek.
Recommendation: We find that the proposed rezoning requested does meet all the standards for recommending granting as found in Section 17.03.E3 of the Kankakee County Zoning Ordinance and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from R1-Single Family Residential to A1-Agriculture.

We also find that the proposed special use requested meets all the standards for recommending granting as found in Section 17.03.F4 of the Kankakee County Zoning Ordinance and that such a request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the special use permit to establish a solar farm in the A1-Agriculture District on the property described in the application hereby be granted.

Roll Call Vote: A motion was made to approve the rezoning. The roll call vote was five (5) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 16th day of April, 2018 by the Kankakee County Zoning Board of Appeals.

John Fetherling, Chairman – Aye
David Deyoung – Aye
William Sawyer – Absent
Edwin Meents – Aye
William Hemm – Aye
Beth Scanlon – Absent
Gene Raedemacher– Aye
ZBA CASE 18-13

STAFF REPORT

Donald A. Werner, Jr., Donald A. Werner, Jr., & Dawn Krantz (Owners)
Gar Solar, LLC (Applicant)
SUP Section 121-99.c.34 (Solar Farm)
P.I. No. 16-17-07-300-009
Kankakee Township
The applicant, Gar Solar, LLC and owners, Donald A. Werner Jr., Donald A. Werner Sr., & Dawn Krantz are seeking to change the zoning of parcel 16-17-07-300-609 from R1 Single Family Residential to A1 Agriculture and requesting a special use permit to allow the construction of a 2MW community solar energy facility, known as Gar Solar, on property located 1/2 mile west of Kensington Avenue on W 2000 S Road in Kankakee Township. The City of Kankakee is across the street from this property.

An aerial photograph of the general area can be seen above.
A. How is the Proposed Rezoning/Amendment Consistent with the Purpose and Intent of the Zoning Ordinance?

Petitioner’s Response: "The site of Gar Solar is zoned Residential but has never been used for residential purposes, and has remained a primary agricultural character. To amend the property to an A1 designation would be consistent with the purpose and intent of the zoning ordinance as it would allow a solar farm to be built which would maintain the health, general welfare and morals of the surrounding community, and would allow the land to remain in the same character as the land has been for decades, for the life of the solar farm.”

Planning Department Analysis:

The property in question was designated residential in 1967 with the passage of the County’s first zoning ordinance. This designation was based on a plan at that time which envisioned the entire area being developed for residential purposes. This development did not occur and 50+ years later the property and its surroundings remain undeveloped and are still being used for agricultural purposes. Item seven (7) under the "Purpose" section of the ordinance describes provisions that should guide the zoning of property. Based on these guidelines and coupled with the fact that the property has not developed for its intended purpose in over 50 years, rezoning of the property for use consistent with its historical and perceived future use may be appropriate.

B. How is the Proposed Rezoning Amendment Consistent with the Goals, Objectives, and Policies of the County Comprehensive Plan?

Petitioner’s Response: "Rezoning parcel 16-12-07-300-009 to A1 as the first step to obtaining a special use permit for a solar farm is consistent with the goals, objectives, and policies of the comprehensive plan. As described in the 2030 Kankakee County Comprehensive Plan, "Kankakee County has a significant inventory of undeveloped residential zoned land. It is very doubtful even under the most aggressive development scenario that residential growth would absorb even half of the available inventory by 2030. The implications of the large amount of residential zoned land include; public utilities and substandard roadways; and, potential inconsistency with municipal growth patterns." To allow for a map amendment for this Property of residential land that has yet to be developed, and then to build a solar farm on the Property would present the risks described above for a significant period of time: for at least the life of the solar farm, an estimated 40 years. It would also significantly increase the tax revenues from this Property and support the other goals of the County and the Comprehensive Plan.”

Planning Department Analysis:

The County’s comprehensive plan designates this property a community growth area which means the county should consider and follow the municipalities recommendation for this property. In this case, the City of Kankakee’s comprehensive plan designates this property for industrial growth and the property to the west of it for agricultural purposes. Staff feels that the request for rezoning is consistent with both the County’s comprehensive plan and that of the City of Kankakee. A map of the City’s comprehensive plan is on the next page.
C. **EXPLAIN HOW AND IF ALL REQUIRED UTILITIES, SUCH AS WATER AND SANITARY FACILITIES, DRAINAGE, ACCESS TO PUBLIC RIGHTS-OF-WAY, RECREATIONAL FACILITIES, EDUCATIONAL FACILITIES, AND PUBLIC SAFETY FACILITIES HAVE BEEN OR WILL BE PROVIDED, AND POSSESS OR WILL POSSESS ADEQUATE CAPACITY AND/OR MANPOWER TO ACCOMMODATE THE PERMITTED USE WITHIN THE ZONING CLASSIFICATION BEING REQUESTED.**

**Petitioner's Response:** "When selecting sites, CCR takes great care to find areas which are suitable for solar farms. Our Solar is no exception, the terrain is ideal for a solar farm, as the farm will not require any utilities, and be a minimal impact use on the land."

**Planning Department Analysis:**

Staff agrees, solar farm developments require no public utilities and minimal public services.

D. **EXPLAIN HOW THE PROPOSED REZONING/AMENDMENT WILL BE COMPATIBLE WITH THE EXISTING USES OF PROPERTY AND ZONING CLASSIFICATION OF PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION.**

**Petitioner's Response:** "The existing use of the Property is undeveloped farmland, so a Map Amendment to an A1 designation in order to build a solar farm would not greatly affect the general area of the Property in question. The primary use of property in the immediate is for agriculture and low density residential uses. The solar farm project being developed through map amendment and then a special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in the pre-existing use and enjoyment of their property. By adhering to the required site constraints and acknowledging the minimal impact associated with solar farms, there will be no material adverse economic or other impact on neighboring properties."

**Planning Department Analysis:**

The majority of the surrounding area is used for agricultural purposes the form of row crops. As you radiate further away, there are industrial uses to the south, commercial and industrial uses to the east, agricultural uses to the north and west which transition into residential uses about a half mile away.

E. **EXPLAIN HOW THE PERMITTED USES IN THE ZONING CLASSIFICATION BEING REQUESTED WILL NOT SUBSTANTIALLY INCREASE THE LEVEL OF CONGESTION ON THE PUBLIC RIGHTS-OF-WAY.**

**Petitioner's Response:** "The proposed project will require minimal traffic; the anticipated number of vehicles during construction will be approximately 5 trucks vehicles per day, while no more than 3 vehicles are anticipates to visit the site on a quarterly basis post construction."

Kankakee County Planning Department
Given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic post-construction period, resulting in no significant impacts being anticipated for this Project, which will remain on the site for a significant period of time.

Planning Department Analysis:

The applicant has stated that after initial construction, maintenance personnel will visit the site a few times per quarter. If this is true, there should be no traffic issue arising from the operation of the solar farm.

I. IS THE SUBJECT PROPERTY SUITABLE FOR THE PERMITTED USES UNDER THE EXISTING ZONING CLASSIFICATION?

Petitioner’s Response: "Although the Property has been zoned residential, due to the abundance of residentially zoned land in Kankakee County, the Property has yet to transition from its agricultural state. The site is bordered by other property zoned R1, however very few of these neighboring properties have been developed into residential property, and it is unclear when or how this would happen, therefore, this Property is suitable for the uses permitted under R1 designation, but the uses permitted under the existing zoning classification are far from the exclusive uses appropriate on the Property."

Planning Department Analysis:

The site appears to be suitable for the permitted uses listed in the R1 district. However, none of these uses have been established on the property over the past 50 years the property has held this designation. Staff feels that it may be time for a change.

J. IS THE SUBJECT PROPERTY SUITABLE FOR THE PERMITTED USES UNDER THE PROPOSED ZONING CLASSIFICATION?

Petitioner’s Response: "The uses permitted on A1 property would be appropriate for this property as it lies directly outside of the city limits of Kankakee County, in an area that is largely zoned R1, but has yet to see any residential development in the area. To amend the zoning designation to A1 and allow a solar farm to be built would render the character of the property largely unchanged for another forty years as it gives Kankakee County time to effectively "catch up" on residential growth congruent to the number of properties Kankakee County currently has zoned residential. In this area, the Property would be suitable for the uses permitted under the proposed A1 classification."

Planning Department Analysis:

Staff believes it is. The property is currently and has historically been used for agricultural purposes and because a solar farm is a use that is largely compatible with agriculture, staff feels the property would be suitable.
H. WHAT IS 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.

Petitioner's Response: "The Property has been zoned Residential, but it, and the properties in the neighboring areas which are also zoned Residential, have yet to convert from an agricultural use to a residential use. To change the zoning on this Property to an A1 designation would not be adverse to the trend of development as there are many properties in the neighboring areas that could be developed in the years to come, and this property is far from the exclusive area appropriate for either residential or agricultural development."

Planning Department Analysis:

There is little "trend of development" in the area. Most of the uses in the area were established decades ago and little has changed since. The surrounding area is a mix of urban residential uses, rural residential uses, small commercial uses, and large industrial uses. However, agricultural uses are arguably the predominant use of the land.

1. IS THE PROPOSED REZONING / AMENDMENT WITHIN ONE AND A HALF MILES OF A MUNICIPALITY?

Petitioner's Response: "The proposed map amendment is within one and a half miles of the City of Kankakee."

Planning Department Analysis:

The planning staff agrees with the petitioner.

3. DOES THE LESA REPORT REFLECT THE SUITABILITY OF THE SITE FOR THE PROPOSED REZONING / AMENDMENT REQUESTED AND USES ALLOWED THEREIN?

Petitioner's Response: "Gar Solar will undergo a Natural Resource Inventory report with the Kankakee Soil and Water Conservation District that includes a LESA report, and will provide the report to the governing bodies for their review."

Planning Department Analysis:

The planning staff agrees with the petitioner.
The following sections highlight the Petitioner's responses to the findings and the Planning Department's comments for the proposed special use permit.

A. Explain how the establishment, maintenance, or operation of the special use will/will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

**Petitioner's Response:** "As described above, the establishment, maintenance and operation of the special use will have no negative impact on the health, safety, comfort, or general welfare of surrounding community members. Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and be designed with an anti-reflective coating. All solar modules will be sourced from Tier 1 manufacturers as rated on the Bloomberg New Energy Finance PV Module Maker Tiering System. With this solar farm, Kankakee County will be benefiting due to associated economic development and the resulting sustainable clean renewable power production. Further, a 2MW solar facility can offset an estimated 3,198 tons of carbon dioxide annually, the equivalent of 311 cars on the road, while generating an anticipated power output of approximately 3,900,000 kilowatt-hours of clean renewable energy annually, thereby benefiting public health and general welfare."

**Planning Department Analysis:**

Staff agrees with the applicant and does not currently see how the construction and operation of this solar farm would have any detrimental effects to or endanger the public health, safety and welfare at this time. Staff may change its opinion once all testimony and evidence is presented at the public hearing.

B. Explain how the special use will/will not be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish or impair property values within the neighborhood.

**Petitioner's Response:** "As described above, the primary use of property in the immediate vicinity is for agriculture and low density residential uses. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in the pre-existing use and enjoyment of their property. By adhering to the required site constraints and acknowledging the minimal impact associated with solar farms, there will be no material adverse economic or other impact on neighboring properties. As a result of providing economic support for annualized income to farm owners not dependent on agricultural markets, while at the same time increasing the tax base available to support schools, local governments and other taxing bodies, which services those neighborhoods, the solar farm works to benefit the surrounding community and its property values."

**Planning Department Analysis:**

Staff somewhat agrees with the applicant; however, the Board should consider and ask the applicant to explain further how the operation and location of the solar farm will not affect existing surrounding farm operations. The Board should consider how normal farming operations such as air particulates (dust, spraying, etc.) may affect the solar farm.
C. EXPLAIN HOW THE ESTABLISHMENT OF THE SPECIAL USE WILL/WILL NOT SUBSTANTIALLY IMPede THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF THE SURROUNDING PROPERTY FOR USES PERMITTED IN THE DISTRICT.

Petitioner's Response: "The implementation of the following special use permit will have negligible influence on the outlined present and future development of neighboring properties. Due to the minimal impact of solar farms, future development should see no deviation from the originally determined course of action established by the Kankakee County jurisdiction. Additionally, the Gar Solar, LLC project will be located in a property surrounded by properties used for agricultural purposes, effectively blending into the area. Providing a stable income to farm owners, which is not subject to the normal agricultural market impacts and deviations, supports and enhances the economic viability of other farming operations and the communities which are dependent on them."

Planning Department Analysis:

Staff does not feel that the siting of a solar farm at this location would have any impediment on the future development of surrounding properties or uses permitted in the A1-Agriculture District.

D. EXPLAIN HOW AND IF ADEQUATE EASEMENTS WILL BE PROVIDED FOR UTILITIES, ACCESS ROADS, AND DRAINAGE.

Petitioner's Response: "By following the outlined site constraints and developing a site plan, Gar Solar, LLC will ensure all physical structures and surrounding environmental requirements are met. This shall be achieved with the completion of the required Natural Resource Inventory Application, as well as strict adherence to the site constraints presented by the Zoning Code. Further information regarding site construction details can be found under Exhibit E in Binder 2, Standard Equipment Detail."

Planning Department Analysis:

The project does not require sewer or water and it does not appear that there will be any effect on drainage or drainage patterns. Due to the limited traffic utilizing the site, staff does not anticipate issues with access.
E. Explain how and if adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Petitioner's Response: "As was described above, this solar project will require minimal traffic; the anticipated number of vehicles during construction will be no more than 5 truck vehicles per day, while no more than 3 vehicles are anticipated to visit the site on a quarterly basis post construction. Given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic post construction period, resulting in no significant impacts being anticipated for this project."

Planning Department Analysis:

The applicant has stated that after initial construction, maintenance personnel will visit the site a few times per quarter. If this is true, there should be no traffic issue arising from the operation of the solar farm.

F. Will the Special Use, 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 Board.

Petitioner's Response: "As previously stated, the developed solar farm will adhere to all application requirements and will provide all necessary documentation in order to best facilitate the Special Use Permit application process. All district regulations, as well as relevant zoning requirements will be adhered to and established into the solar farm development process. Please refer to attached exhibits for further information."

Planning Department Analysis:

It appears that the property will conform with all other aspects of the Zoning Ordinance. The Board should ask the applicant to confirm this at the hearing.
By their nature, uses subject to a special use permit generally have a higher intensity or have a greater potential to adversely affect surrounding properties than permitted uses in a zoning district. Because of this fact and the need for these uses to gain special approval, conditions can be placed on a special use permit to lessen their impact on surrounding properties and alleviate any concerns voiced by neighbors and public officials. The Planning staff recommends that the following conditions be imposed on this special use permit. These conditions and additional conditions may be imposed by the Zoning Board of Appeals and the Kankakee County Board prior to approval.

PROPOSED CONDITIONS (If Approved):

1. Staff will wait until after questions have been answered at the hearing to determine if recommending any conditions would be warranted.
1. Reference:
   - Hearing Date: April 16, 2018
   - Applicant's name: Gar Solar, LLC
   - Land Owner's Name: Donald A. Werner Jr., Donald A. Werner Sr., & Dawn Krantz
   - Legal Counsel: Mark Gershon (Polsinel LP)

2. Location:
   - Property Location: 1/2 mile west of Kensington Avenue on W 200D S Road
   - Township: Kankakee Township
   - Parcel Number: 16-17-07-J00-00S
   - 911 Address: No Address
   - Existing Land Use: Agriculture (row crops)
   - Applicant Request: Special Use Permit for Solar Farm

3. Dimensions:
   - Size of Parcel: 34.5 acres.
   - Road Frontage: 1180’ +/-
   - Parcel Depth: Irregular
   - Parcel History: Original

4. Existing Land Use Features:
   - Public Road: 2000 S. Road
   - Floodplain: None
   - Wetland: None

5. Surrounding Zoning:
   - North: R1-Single Family Residential, IL-Light Industrial
   - West: R1-Single Family Residential
   - South: Incorporated, IL-Light Industrial
   - East: R1-Single Family Residential

6. Surrounding Land Use:
   - North: Agriculture
   - West: Agriculture
   - South: Agriculture, Industrial
   - East: Agriculture, Residential, Commercial, Industrial

7. Municipal Planning Boundary:
   - Nearest Municipality: City of Kankakee
   - Distance: Adjacent

8. Comprehensive Plan Designation:
   - Kankakee County: Community Growth Area
   - Municipality: N/A
   - Township: N/A

9. Distance to Public Services and Facilities:
   - Police Protection: Kankakee County — 1.5 miles.
   - Fire Protection: Kankakee Fire Protection District — .5 miles.
   - School District: Kankakee — 1 mile.
   - Sewer: KRMA — .5 miles.
   - Water: Aqua — .5 miles.

10. Miscellaneous Information:
    - County Board District: Ten (10) - Mr. Tholen