

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – January 2, 2019

MEMBERS PRESENT

Bill Koretke, Vice Chair
Blake Noland
Ron Grider
Ed Leonard, Alternate Member
Dennis Hughes, Alternate Member

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpster, Planning & Zoning
Debra Kraft, Vice Chair County Board

MEMBERS ABSENT

Barb Lamont, Chair
Andy Freeland

Vice Chair Bill Koretke called the meeting to order at 8:30.

MINUTES

Ron Grider made the motion to approve December 5, 2018 minutes, seconded by Blake Noland. All members present answering, Aye. Motion Carried (5-0).

Vice Chair Koretke asked for any persons wishing to speak today to please stand so he could swear them in.

OLD BUSINESS:

- 4.1** R-02-11-18 a petition filed by Douglas Henderson for rezoning approximately 5.11 acres from (R-4) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. The property is commonly located at 4129 N Prairie View Road, Oakley, IL 62501.
PIN 14-08-26-428-004

Mrs. Gunter stated Zoning Board of Appeals approved the petition on December 5, 2018, EEHW approved the petition December 27, 2018 and it goes to full County Board January 10, 2019.

- 4.2** R-01-12-18 a petition filed by Michael & Linda Mathis for rezoning approximately 5.01 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.
PIN 06-11-13-476-009

Mrs. Gunter stated Zoning Board of Appeals approved the petition on December 5, 2018, EEHW approved the petition December 27, 2018 and it goes to full County Board January 10, 2019.

- 4.3 V-02-12-18 a petition filed by Michael Mathis requesting the required road frontage be changed from 60 feet to 57 feet in (R-1) Single Family Residential Zoning. The property is commonly located at Wyckles Road, Decatur, IL 62522. PIN 06-11-13-476-007

Mrs. Gunter stated Zoning Board of Appeals approved the petition on December 5, 2018.

NEW BUSINESS:

- 5.1 S-01-01-19 a petition filed by Novel Energy Solutions/Edgar Lara requesting a Special Use Permit for the construction of a 1MW Community Solar Garden on approximately 10 acres of leased land in (A-1) Agricultural Zoning. The property is located on Kirby Road, Oreana, IL. PIN 18-08-14-351-007

Edgar Lara
Novel Energy Solutions
1633 S Robert Street
W St. Paul, MN 55118

Mr. Lara stated he would like to talk about the special use permit for the solar project. He pointed the location out on the map. He stated it is approximately 10 acres or a little bit less in size and it is for a 1MW solar garden. He stated he did hand out a presentation and wanted to start by saying pretty much the information that was presented back in October applies to this project. He stated he would like to go over some points for people that may not have attended the last hearing in October.

He stated their company was founded in 2012 and they come from a background, actually their founders are 5th generation farmers from Minnesota and decided to move into solar, specifically the kind of solar that you find where these projects are going. They are used to working with farmers and what they are dealing with and are kind of trying to give the farmers another option for their land to make their way of life more profitable and kind of find a mutual solution to many of the problems the farmers tend to be finding now with agriculture. He stated he wanted to cover certain points just quickly and these are in the letter he submitted to Zoning Board of Appeals members. At this time, Mr. Lara read this aloud. (This document is attached).

Mr. Lara added there many things going on with the state with regards to this project. He stated one of the things is there is a solar lottery that will be taking place at the end of January. It starts on January 15th and ends on the 30th and for them to get entry into the solar lottery, they need approvals from property owner, approvals from the jurisdiction that has say over zoning, approvals from utility and approvals from road authorities. He stated at this point they are going for the zoning approval from Macon County for this project. He stated of the total

properties that will be selected in the lottery, only about 6-10 percent will be selected throughout the state. He stated this means there is a very low probability this project will be chosen to be funded. However, the way the lottery works, they need to submit as many as they can so they can have as many opportunities as they can to qualify for funding. He stated that is why they are here presenting on a second project on the same parcel of land. He stated they might not get awarded both, but if they are awarded both, then they will both be built.

Mr. Lara added that they would not be able to survive as a company if all of the projects they built damaged the property values of both the landowner and the surrounding neighborhoods. He stated nobody would want to work for them and they would not get anything done. He hopes people will take this into consideration. As far as construction, they will have two semi-trucks coming in to do deliveries for a week straight, they will not be coming in during rush hour; between the hours of 6:00 am – 10:00 am or 3:00 pm – 6:00 pm meaning they will not be willing to do the staging of this project when school commuting hours are taking place. That way nobody has to worry about the safety of their children on the way to school.

Chair Koretke asked if he said two trucks per week.

Mr. Lara stated two trucks per day for 7 days straight. He stated he understands the road is a little tricky because there is a hill there. He stated they took this in consideration with the road authority when they spoke, he stated they do not have permission as of yet because they have to see which projects have been funded first before they can have the conversation with the road authority regarding access roads and materials from the road onto the property but they have ongoing conversations with them and are fully aware that they have to place adequate signage and will probably even need to have people out there with “slow” signs to make sure construction happens quickly and safely for everybody. He stated it would be about and 8 week process of rebuilding the site, after that, they will visit the site once per week to make sure it is being re-vegetated. Once it is up to 70% revegetation, they will visit the site once per month for the duration of the lease. He stated all the panels are pounded into the ground and are not the kind that tilt. He stated they are fixed and make no noise besides a very low hum. He stated it is over the 500 feet threshold from residential uses so you would not be hearing this if you live near it. They are also coated with a heavy anti-glare coating. He stated a body of water is more reflective than this coating. He stated other than that, they would be making sure that according to the road authority, they will be putting the access road where it best should go. They do put it on the high points just expecting to be out of any waterways that might be nearby. He stated other than that, there are other things in the presentation he could go into if anybody has any questions with regards to the lottery, the way it is funded, property values, past example of these kinds of projects. He has an example of how it looks once it is built if anyone would like to look at it. He stated he will leave it up to the board and the public if they have any questions or comments.

Richard Greer
Wilber Road
Oreana, IL 62554

Mr. Greer stated he lives in the area and most of his questions were answered, but he wanted to

state that the road is a very poor quality road and semis going down the road could damage it. He stated he assumes our road people would be talking to Novel Energy about that, it is not a good road and you need to drive slowly also. He asked if there would be any structures being built besides the panels.

Mr. Lara stated there would be a small electrical building on the property.

Mr. Greer asked how far the 10% discount goes.

Mr. Lara stated he is not sure but it depends on where the project is placed. He does not know the buffer; how many miles you have to live within. He stated that if Mr. Greer received a letter, he would be included in that discount.

Mr. Greer stated he did not receive a letter, he saw the zoning sign.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Special Use Permit for the construction of a 1.0 MW Community Solar Garden on approximately 10 acres of leased land in (A-1) Agricultural Zoning.

Parcel Number: 18-08-14-351-007

Location: This property is commonly located on Kirby Road, Oreana, IL 62501 in Whitmore Township.

Acreage: 27.14 Acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.185)(B) states solar farms shall be permitted with a special use permit.
- As of November 8th, a Special Use Permit was approved by the Macon County Board for a 2.0 MW Solar Farm on this property. This particular petition is for a 1.0 MW solar farm added to the overall project.
- There is no floodplain on the property.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to or endanger the public health, safety, welfare, and morals.

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: The establishment of the Special Use Permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

ADEQUACY OF UTILITIES & FACILITIES: No known problems with required utilities and facilities.

INGRESS & EGRESS: Novel has moved the ingress and egress to eliminate traffic concerns on Cundiff Road.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit by the Macon County Board the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property and staff recommends **approval** with the following stipulations:

Stipulations:

1. This Special Use Permit does not constitute a license issued to the name Petitioner only. The Special Use Permit is intended to “run with the land.”
2. The Special Use Permit is assignable or transferable only upon the sale or transfer in ownership of the subject property.
3. Said property shall be in compliance and follow the Solar Farm regulations found in the Macon County Zoning Ordinance.
4. Building permits shall be obtained from the Planning & Zoning Department as required.
5. Building permits will not be issued until a decommissioning plan is submitted along with the decommissioning bond paid in full.

**Mrs. Gunter added there is a section in our ordinance, which states they do need to have a road use agreement with the local road commissioner, that way if there is any damage done to the road, that would be a separate contract. She stated this is required to be in place before any building permits can be issued. This was put into place for citizen concerns.

6. Said property and all operations shall be in compliance at all times with all applicable federal, state, and local laws and regulations. Failure to be in compliance may result in the suspension or revocation of this special use permit.
7. This Special Use Permit will be voided if construction does not begin within 3 years of approval of said permit by the Macon County Board. This permit will be reviewed periodically for compliance as frequently as is deemed necessary by the Macon County Zoning Administrator, but not less frequently than once every ten (10) years.

Ed Leonard made the motion to approve the petition, seconded by Blake Noland. All members present voting, Aye. Motion carried (5-0).

At this time, Vice Chair Koretke gave Mr. Lara his process letter, which explains the next steps in the process.

Mrs. Gunter stated this is not the final decision; it will go to the EEHW Committee and full County Board, which will make the final decision. She pointed out the meeting dates and times on the board.

- 5.2** V-02-01-19 a petition filed by K. Brent Pickerill requesting the required front setback be changed from 35 feet to 10 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 3909 Greenswitch Road, Decatur, IL.
PIN 07-07-25-477-007

Gary Workman
Coach House Garages
Decatur, IL

Mr. Workman stated he would be representing the petitioners. He referred to the map showing where the property is located and where the new structure (garage) will be built. He stated their existing garage was destroyed by fire along with a brand new car that was in it. He stated the existing garage was 35 feet off the road, not off the property line. He stated the request is to actually move the garage 4 feet closer to the property line to allow them to put a little bigger garage in. He stated the existing foundation would need to be removed and when they do that, they will actually move the garage back from the house. The existing garage was too close to the house for current code.

Vice Chair Koretke asked Mrs. Gunter if the property lines are correct.

Mrs. Gunter stated the property lines are correct, the owners also hired a surveyor to find the actual property pins. She stated it just has a wide right of way there. She stated she did talk to the road commissioner (Kevin Bird) and he agreed and stated that is up to the City; maybe the City at one time thought to maybe expand it, she is not sure, but it just has a wide right of way.

Vice Chair Koretke asked if there are house to the west of the property.

Mr. Workman stated to the west is a vacant lot. He added there are no view restrictions to the corner from either one of the roads.

Ron Grider asked how wide it was.

Mr. Workman stated from the road to the property line is 21 feet.

Vice Chair Koretke asked so visually, traffic wise, there are no concerns.

Mr. Workman stated no, they are way off the corner so there would not be any restrictions to visibility on either one of the roads.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Variance, requesting the required front setback be changed from 35 feet to 10 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 07-07-25-477-007

Location: This property is commonly known as 3909 Greenswitch Road in Hickory Point Township.

Zoning: R-1 Single Family Residential

Acreage: .47 Acre

Finding of Facts

- The existing garage was a non-conforming structure due to property setbacks and primary structure setbacks. However, in 2018, the existing garage burned and in order to build where the existing garage was located they need a variance to meet setbacks.
- The variance is needed to allow the garage to be built closer to the front property line. Under the Macon County Zoning Ordinance, Section 155.051 (B)(4)(b) states on corner lots, the street side setback shall be the same as the front yard setback which would be required for a principal building fronting on that street.
- There is no floodplain on the property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: Already existing.

CONFORMITY TO REGULATIONS: With the passage of the Variance, the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has been on site and Staff recommends approval for a variance for the required front setback be changed from 35 feet to 10 feet in (R-1) Single Family Residential Zoning.

Dennis Hughes made the motion to approve the petition, seconded by Blake Noland. All members present voting, Aye. Motion carried (5-0).

CITIZENS COMMENTS: None.

Vice Chair Koretke asked Mrs. Gunter if the board has anything for next month.

Mrs. Gunter stated we currently do not have any at this point but she was thinking we might have one come in today.

ADJOURNMENT: Ron Grider made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:51 A.M.

Minutes submitted by Tracy Sumpter, Macon County Planning and Zoning Dept.