

Posted: 3/15/2018

**PLANNING AND ZONING COMMISSION
REGULAR MEETING**

Marengo City Hall
132 E. Prairie Street

AGENDA
March 19, 2018
7:00 p.m.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Public Comment**
5. **Approval of Minutes:** August 21, 2017 Meeting Minutes
6. **New Business**
 - a. **Public Hearing** – Proposed zoning text amendment and recommendation to the City Council regarding the addition of Ground-Mounted Solar Energy Systems as a special use in the ER Estate residential zoning district.
 - b. **Public Hearing** – Special Use permit application for a Ground-Mounted Solar Energy System as a special use in the ER Estate residential zoning district for 1) 23317 W. Grant Highway, consisting of roughly 116 acres located south of Route 20 and west of Johnson Road and 2) roughly 120 acres located south of Route 20 and east of Johnson Road and recommendation to the City Council.
7. **Adjournment**

City of Marengo
Planning & Zoning Commission Meeting
Council Chambers
132 E. Prairie Street
Marengo, IL 60152
August 21, 2017
7:00 P.M.

CALL TO ORDER

Commission Chairman Mike Bieniek called the Meeting of the Planning & Zoning Commission to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mr. Bieniek led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Commissioners Bieniek, Brackmann, Piwonka, Varney, and Gieseke. Also present were Assistant City Administrator Joshua Blakemore, Attorney Carlos Arevalo and Deputy City Clerk Anna Leyrer. Commission Members Mazurkiewicz and Hunt were absent.

APPROVAL OF MINUTES

One correction was made to the minutes. Under Commission Member Discussion, second paragraph, correction to Bieniek's question. He asked if there would be any auto repair work done on the property. Commission member Piwonka made a motion, seconded by Commission member Gieseke to approve the July 17, 2017 Planning and Zoning Minutes. The motion passed with aye votes from Commission members Bieniek, Piwonka, Gieseke, Brackmann, and Varney.

OLD BUSINESS- PUBLIC HEARING CONTINUATION

Public Hearing- Application and Recommendation for a Variance for a Special Use Permit to Allow for Outside Display of Inventory and Sales of Motor Vehicles, Operation of Moving Storage Business, Truck Rental and Storage Unit Rentals- 1405 North State Street- CJP Enterprises LLC.

Commission member Bieniek stated that today's meeting is a continuation of the meeting held on July 17, 2017 at 7 p.m. All parties are still sworn if, and the Public Hearing is still open. He then asked the petitioner's attorney, Mr. McKenna to approach the podium. Mr. McKenna explained that they sent over a couple ideas for screening. One being a screening fence, and the other being a planter type box. He stated that petitioner would still like to have an entrance on the 8th Avenue side of the building. The draft ordinance that was presented. Mr. McKenna stated that item C, the number of vehicles available for sale at one time would not to exceed 10, and they would like to strike the item D, which would limit the number of moving trailer and truck rentals on the property. Also, item I, they would like to have an entrance on the 8th Avenue side of the building.

Assistant City Administrator Joshua Blakemore stated that the conditions listed in the ordinance are ones that staff felt were discussed at the last meeting. He feels that the City is not in a position to put curb in that area; complying with setbacks should suffice in that area.

Commission member Brackmann stated that a raised planter would be preferred.

Mr. McKenna stated that the height of the vegetation needs to be taken into consideration closer to the intersection.

Mr. Blakemore stated that it was discussed that the planter screening could start at the east side of the property line and to front line of the building.

Commission Member Bieniek stated Josh talked to the Fire Department and they stated a 24 foot width road is adequate for 8th Avenue.

Attorney Arevalo sworn in James Pasalek. Mr. Pasalek stated that the amount of trucks that are out there right now, is a more adequate representation of the trucks that would be there on a daily basis. A few weeks ago was prime moving time and there were lots of trucks.

Commission member Varney stated that maybe the entrance should be pushed a little more east and centered on the garage of the house across the street. This would have any lights from vehicles leaving the 8th Avenue side would hit the garage, and not the home. The commission thought this was a good idea.

Commissioner Bieniek continued through the conditions that were outlined in Mr. Blakemore. Discussion on putting curb stop or railroad ties at the right-of-way to avoid any vehicles going over the right-of-way. It was confirmed that there would be no resale business on site and no auto repairs on site. The recommended hours of operation would be 7 a.m. to 7 p.m. and after 7 p.m. by appointment only. The number of cars for sale is maxed at ten and the number of rental trucks was stricken. Also stressed were that the cars were in drivable condition, not non-operable vehicles.

COMMISSION MEMBER DISCUSSION

The commission all felt that the planter screening is preferred over the fence. The fence is not attractive.

Types of possible vegetation for inside the planter was discussed. The importance of making the planter no more than 2 foot tall was stressed. The suggestion of evergreens and shrubs was discussed.

PLANNING AND ZONING ACTION

Mr. Blakemore stated he felt that the Commissions screening recommendations should be defined for the petitioners. The agreement was a 2 foot stone/block berm planter with a 30 foot wide opening with definition at opening for an entrance/exit, to be centered by the driveway of the home across the street. There should be two planters. One starting at the east side of the property proceeding to the 30 foot opening and the second beginning on the west side of the opening. The west side berm should not contain tall trees or shrubs to avoid right-of-way obstruction of the highway. The remaining space between the west planter and the right-of-way could have railroad ties to delineate the property. Item C - It was agreed that the maximum number of cars to be on the property for sale at one time would be ten. Item D – The portion of text limiting the number of U-

Haul trucks and trailers for sale was removed. Also to be changed is item H – Revising the wording to reflect the above changes made to the screening recommendations for the south side of the property line, deleting the eastern property line, and adding a condition defining the screening planter and vegetation.

Commission member Brackmann, made a motion to make a Recommendation for a Variance for a Special Use Permit to Allow for Outside Display of Inventory and Sales of Motor Vehicles, Operation of Moving Storage Business, Truck Rental and Storage Unit Rentals- 1405 North State Street- CJP Enterprises LLC with the incorporation of the above conditions, it was seconded by Commissioner Piwonka. The motion passed with aye votes from members Bieniek, Piwonka, Gieseke, Varney, and Brackmann.

CLOSING OF PUBLIC HEARING

Commission member Varney made a motion, seconded by Commission member Gieseke to close the Public Hearing. It passed with a voice vote.

OTHER BUSINESS

Assistant City Administrator Blakemore stated that he does not feel that there will be a September meeting, but there will most likely be an October meeting. He has been in discussion with a Solar Farm.

ADJOURNMENT

Commission member Piwonka made a motion to close the meeting. The motion passed with a voice vote. The meeting adjourned at 7:46 p.m.

Respectfully submitted,
Anna Leyrer
Deputy City Clerk

Approved at the _____ Planning and Zoning Commission meeting.

PUBLIC HEARING

TO: Planning and Zoning Commission

FROM: Joshua Blakemore, City Administrator

FOR: March 19, 2018 Planning and Zoning Commission Meeting

RE: Application for Zoning Text Amendment to Add Ground-Mounted Solar Energy as a Special Use in the ER Estate Residential District & Issuance of Special Use Permit for said use, Concurrent with Zoning Upon Annexation to ER Estate Residential – East and West Side of Johnson Road, South of Route 20

Issue Statement: The petitioner, Marengo Solar LLC, is seeking a zoning text amendment to allow for a Special Use Permit in the ER Estate Residential Zoning District to allow for the development of a ground mounted solar farm. The applicant is seeking the issuance of a special use permit for said use concurrently with the zoning text amendment and zoning upon annexation from A-1 Agriculture (under McHenry County) to ER Estate Residential within the City of Marengo. The applicant will be in attendance Monday and has prepared a brief presentation on the proposed project. The applicant will also be able answer any questions the PZC may have about solar farms or the application itself.

As per the request, Marengo Solar LLC, via Enel and SunEast Development is desirous of developing a solar farm of roughly 235 acres on the east and west side of Johnson Road and south of Route 20. There are two particular actions for the PZC to consider as part of this application. One is the proposed zoning text amendment and two is the issuance of a special use permit for the ground-mounted solar use with the concurrent zoning upon annexation. Each of these items requires a public hearing. In accordance with the Marengo Zoning Ordinance, a public hearing to consider the petition has been scheduled for 7:00 p.m. on March 19, 2018. Additional renderings of the site will be sent under separate cover, including the proposed screening.

Neighboring Uses: The adjacent properties to the north of the property in quest are zoned M-Manufacturing and are in the City of Marengo. The adjacent properties to the east, south, and west are zoned A-1 Agriculture and are under McHenry County's jurisdiction.

Staff did receive two phone calls regarding the application. One call was more of a general inquiry, the other was an objection from an adjacent property owner, who stated she planned on attending the public hearing.

Staff Review and Recommendation: The proposed text amendment is being requested to allow for the development of roughly 235 acres as a ground mounted solar energy use. The petitioner is concurrently seeking approval of zoning upon annexation to ER Estate Residential and issuance of a special use permit to allow for the solar farm development. The Southwest Sub-area Plan (attached) shows the property in question as a mix of low density residential, medium density residential and light industry and neighborhood commercial. The proposed use is most compatible with light industrial development. In the future the property at the intersection of Route 20 and Johnson Road could be redeveloped into a commercial use.

As always, the PZC should carefully consider the public comments and objections, if any, and potential impacts on the surrounding properties in their consideration of this application.

Please review the attached proposed finding of facts (outlining the criteria for a zoning text amendment, special use permit and zoning map amendment) and modify them accordingly based on the evidence and testimony presented at the public hearing.

If the PZC feels that the standards for these requests have been satisfied, then adoption of the attached finding of facts and a recommendation that the City Council approve the requested zoning text amendment, special use application and zoning upon annexation would be in order. The zoning text amendment is treated as one agenda item (6a) while the special use application with zoning upon annexation is being treated as a separate item (6b).

New Business 6a – Public Hearing - Proposed Zoning Text Amendment regarding the addition of Ground-mounted solar energy systems as a special use in the ER Estate Residential zoning district –

The proposed zoning text amendment creates a special use permit in the ER Estate Residential District for ground mounted solar energy as a special use. The zoning text amendment, if approved, will outline the conditions of a solar farm. A draft zoning text amendment has been attached for your review. The conditions in the draft text amendment would be applied to this solar development. This amendment was drafted by the City Attorney, with the input of the City Engineer and the developer. It contains conditions found in other zoning ordinances pertaining to solar farms from other areas of Illinois and throughout the United States as well.

Some of the key provisions of the zoning text amendment, particularly for review by the PZC, are in section B. Of particular note and consideration are the setback, screening (an 8 foot privacy fence), glare and lighting provisions. The text amendment requires a decommissioning plan in the event the solar farm does not produce energy for an extended period of time, or has reached the end of its useful life. The draft ordinance states the solar panels shall not exceed 12.5 feet in height. An elevation of the type of panel to be installed has been included for your reference.

The PZC can amend the text amendment if you so choose. For example, certain stipulations as drafted could be revised if the PZC sees fit to do so. As you can see, the draft is very comprehensive and further provides list of items to be submitted for engineering review and building permit review.

Zoning Text Amendment Process: The purpose of the zoning text amendment is to allow for altering to the regulations imposed by the Zoning Ordinance to promote public health, safety, comfort, and general welfare. The standards upon which a zoning text amendment is to be considered are outlined in Section 17.08 of the Zoning Ordinance (see attached).

Motion to Recommend: *Motion to adopt the finding of facts as presented and recommend that the City Council approve a text amendment to the Marengo Zoning Ordinance to allow for a ground mounted solar energy use as a special use in the ER Estate Residential Zoning District.*

Finding of Facts

Johnson Road Ground Mounted Solar Project Application for Zoning Text Amendment (Section 17.08)

Based on the evidence presented at the March 19, 2018 Public Hearing regarding the above case, the Planning and Zoning Commission make the following findings:

Marengo Zoning Ordinance Section 17.08 "Text Amendments and Standards for Text Amendments" states the City Council may amend zoning regulations provided the following findings:

1. That the proposed amendment is beneficial to the orderly development of the City;
2. That the proposed amendment will benefit the public health, safety, comfort and general welfare of the community;
3. That the proposed amendment promotes the public interest and not solely the interest of the petitioner or applicant.

New Business 6b – Public Hearing - Special Use permit application for ground-mounted solar energy use as a special use in the ER Estate Residential District for 1) 23317 W. Grant Highway, consisting of roughly 116 acres located south of Route 20 and west of Johnson Road and 2) roughly 120 acres located south of Route 20 and east of Johnson Road – with zoning upon annexation.

Special use permit - Concurrent with this entire process will be the issuance of a special use permit for a ground mounted solar energy use. The previously mentioned zoning text amendment allows for a ground mounted solar use with a special use permit. The standards for a Special Use Permit are found in Section 15.03 of the Zoning Ordinance (see attached). This recommendation would be to issue a special use permit in accordance with the zoning text amendment discussed previously.

A public hearing is required to consider a special use permit application and a zoning map amendment. Following the conclusion of the public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council to approve or deny the application based on the evidence presented at the public hearing and finding of facts. Again, a public hearing to consider this application has been scheduled for Monday March 19th at 7:00 PM.

Zoning upon annexation (zoning map amendment) – The property in question is contiguous to the City's corporate limits and would require a zoning map amendment upon annexation from County A-1 to ER in the City of Marengo.

Zoning Map Amendment Process: The purpose of the zoning map amendment is to allow for rezoning of properties to promote the public health, safety, comfort and general welfare as well as the conservation of property values. Due consideration is to be given to: a) the existing conditions, b) the conservation of property values, c) the direction of property development and land use that is to the best advantage of the entire city, and d) the uses to which the property is devoted at the time of the adoption of any such amendatory ordinance. The standards upon which a zoning map amendment is to be considered are outlined in Section 17.09 of the Zoning Ordinance (see attached).

Motion to Recommend: *Motion to adopt the finding of facts as presented and recommend that the City Council approve a special use permit to allow for a ground mounted solar energy use as a special use in the ER Estate Residential Zoning District, with a recommended zoning upon annexation of ER Estate Residential.*

Finding of Facts
Johnson Road Ground Mounted Solar Project
Standards for Special Uses (Section 15.03)

Marengo Zoning Ordinance Section 15.03, "Standards for Special Uses," states that the City Council may authorize a special use permit upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.
2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Zoning Code generally, including but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified.
3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and if appropriate or required, will contribute financially, in proportion to its impact, to upgrading roadway systems.
4. That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.
5. That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.
6. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; and provide appropriate landscaping.
7. That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.
8. That the proposed use shall conform to the regulations established for specific special uses as provided in this Section 15 [of the Marengo Zoning Code].

Finding of Facts
Johnson Road Ground Mounted Solar Project
Application for Zoning Map Amendment (Section 17.09)

Based on the evidence presented at the March 19, 2018 Public Hearing regarding the above case, the Planning and Zoning Commission make the following findings:

1. That the proposed re-zoning is not detrimental to the orderly development of the City;

2. That the proposed re-zoning will not be detrimental to or endanger the public health, safety, comfort or general welfare of the community;
3. That the request promotes the public interest and not solely the interest of the petitioner or applicant;
4. That the request is consistent with the existing uses of property within the general area of the property in question;
5. That the request is consistent with zoning classifications of property within the general area of the property in question;
6. That the property is not generally suitable for the uses permitted under the existing zoning classification;
7. That the trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the original zoning of the affected property was established supports the request;
8. That, if applicable, the length of time that the property in question has remained undeveloped under its current zoning is considered in the context of land development in the vicinity of the property in question;
9. That property values of the surrounding and adjacent property will not be substantially diminished or impaired;
10. That the request is in harmony with the objectives of the Comprehensive Plan.

cc: Attorney Jay Filer

ORDINANCE 18-_____

*An Ordinance Amending the Marengo Zoning Code to
Add A Ground-Mounted Solar Energy System (or Solar Farm)
as a Special Use in the ER Estate Residential District*

BE IT ORDAINED by the Mayor and City Council of the City of Marengo, McHenry County, Illinois, as follows:

SECTION 1: Section 10.02(5) of the Marengo Zoning Code, which sets forth those special uses in the ER Estate Residential District shall be amended to add a subsection (e) as follows: SOLAR FARM, a solar farm shall be a special use within the ER Estate Residential District:

A. Definitions: In addition to the definitions in Section 3 herein, terms (whether capitalized or not) used in this Section 10.02(5)(e) shall have the following meanings:

Solar Farm: A solar energy system or systems consisting of one or more solar panels which is or are ground mounted, but which is or are not attached to another structure or building.

B. Such special use is subject to the following standards:

1. *Setback.* The solar farm above ground components must be set back at least 25 feet from all property lines. However, for any solar farm above ground improvements including, but not limited to, fences or solar panels, abutting a state route, the solar farm above ground components shall be set back 150 feet from the centerline of such state route. In addition, solar farm above ground components must be set back at least 50 feet from the centerline of any non-state route right-of-way.
2. *Visual Screening.* Ground-mounted mechanical equipment that is visible outside the perimeter of the property on which the solar farm is located must be screened from view of roads and dwelling units located within 1,000 feet of the solar farm in accordance with the provisions of this subsection. Required screening and berms shall be located within required setbacks and must comply with one of the following options or a similar alternative approved by the City Council at the time of special use permit approval as follows:
 - a. A landscaped area at least ten feet in width with at least one shrub per five linear feet, plus at least one evergreen tree per 25 linear feet of perimeter area. Shrubs must be at least three feet in height at the time of planting. Evergreen trees must be at least 5 feet in height at the time of planting; *or*
 - b. A landscaped area at least ten feet in width with a solid wall or privacy fence with a minimum height of 8 feet. At least one evergreen tree is required per 30 linear feet of the fence or wall.

- c. In addition, a landscaped berm of at least five feet in height may be installed in the required setback area relative to any adjacent parcel on which a residence is situated. Such berm shall be landscaped with one evergreen with a minimum height of five feet every 25 linear feet.

3. *Glare.* The solar energy system utilized must be designed, constructed and sited to insure glare or reflections on adjacent properties and roadways will not materially and negatively impact the use of such adjacent properties and roadways by their owners and travelers and to not interfere with traffic, including air traffic, or otherwise create a safety hazard. The solar farm will install solar panels that have anti-reflective coating. In the event that glare concerns are raised within the community following commercial operation, the solar farm owner will take actions to address those concerns, including adding landscaping or privacy fencing as necessary or otherwise modifying the project site to address such concerns.

4. *Soil and Ground Cover.*
 - a. Top soils shall not be removed from the site during development unless the removal is expressly approved as part of the special use permit.
 - b. Perennial vegetative ground cover must be maintained or established in all areas containing a solar energy system and in required setbacks to prevent erosion and manage stormwater run-off. The ground cover shall also include an area that is suitable habitat for pollinators such as bees.
 - c. The applicant shall be in compliance with federal and state laws regarding endangered species.

5. *Lighting.* A solar farm may not be artificially illuminated, unless required by the FAA or other applicable government agency or authority or approved by the City as part of the special use process. If lighting is approved by the City, such lighting shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar panels shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

6. *Underground Utilities.* On-site power lines communications and utility connections must be placed underground unless otherwise expressly approved as part of the special use permit. Such undergrounding requirement includes but is not limited to those power, communication or other lines running between banks of solar panels, but does not include transmission lines and interconnection facilities that will be used by the solar farm to connect to electric lines, electric substations or interconnections with buildings.

7. *Signage.* Any sign on a solar farm shall comply with the City's sign ordinances. A sign consistent with the City's sign ordinance shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar panels shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar panels.

8. *Abandonment and Decommissioning.* A solar farm that (a) does not produce energy for a continuous period of twelve consecutive months or more and (b) where the owner/operator is not pursuing the repair of such solar farm will be presumed to have been abandoned.

a. Any solar farm that has been abandoned must be decommissioned and removed within 180 days.

b. Decommissioning must consist of:

i. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site to a depth below grade of three (3) feet.

ii. Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.

The Zoning Administrator is authorized to allow the owner or operator to leave landscaping or designated foundations three (3) feet or less below grade in place in order to minimize erosion and disruption to vegetation.

c. Decommissioning Plan.

i. A decommissioning plan outlining the anticipated means and costs of removing the solar farm must be submitted with the building permit application associated with the special use permit application.

ii. The decommissioning plan shall ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation in accordance with Paragraph 8. b.

iii. The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

iv. The owner/operator must submit a summary of the decommissioning plan to all property owners owning properties adjacent to the solar farm site. Before issuance of a zoning certificate, the owner/operator of the solar farm must provide to the Zoning Administrator a certificate signed by the

solar farm owner certifying that a summary of the decommissioning plan has been sent by certified mail to all of such property owners. In addition, the City may require cash in an escrow account or a letter of credit in a form approved by the City attorney or other security acceptable to the City that may be called or drawn upon by the City to undertake and complete such plan in the event that the owner/operator fails to complete such plan in accordance with this Paragraph 9c.

9. *Monitoring and Maintenance.* The owner/operator of the solar farm is responsible for keeping the solar farm in safe, sound and well-maintained condition, including painting, grounds keeping, structural repairs, internal access drives and the integrity of security measures. The owner of the solar farm will certify to the City at the start of commercial operations that the solar farm is in compliance with the Site Plan, and its operation will comply with all federal, state and local regulations in effect at that time.

10. *Avoidance and Mitigation of Damages to Public Infrastructure*
 - a. *Roads.* If the subject property is adjacent to a state route, such state route shall be used for the purpose of transporting components and equipment for construction, operation or maintenance of the solar farm. The owner/operator shall obtain applicable permits from the applicable highway authority prior to construction.

 - b. *Existing Road Conditions.* The owner/operator must conduct a pre-construction survey, in coordination with the applicable highway authority to determine the condition of existing roads within the City that will be utilized by the solar farm. The pre-construction survey must include photographs and a written agreement to document the condition of the roads and applicable public facilities. The owner/operator is responsible for ongoing road maintenance and dust-control measures identified by the applicable highway authority during all phases of construction and installation. A preconstruction baseline survey to determine existing road conditions for assessing future damage due to development related traffic along with a road repair plan to ameliorate any and all damage, installation, or replacement of roads. Such road repair plan shall include provision for a letter of credit to secure the funding of any such future repairs.

 - c. *Drainage and Detention Systems.* The owner/operator is responsible for identifying the location of all detention and subsurface drainage systems that will be incorporated into the site stormwater permit and for preparing a plan for maintaining such drainage systems during construction and operation of the solar facility. Owner/operator is responsible for repairing, at all times, including but not limited to as part of decommissioning, any damage to drain tiles and other drainage systems that result from construction, operation, or maintenance of the solar farm.

11. *Financial Assurance.* The owner/operator must provide reasonable evidence of financial ability to construct the solar farm and all required improvements, as determined by the City Council at the time of special use permit approval.
12. *Height.* The height of any solar energy system, including panels, shall not exceed twelve feet and six inches as measured from adjoining grade at base to the highest elevation of the equipment, when oriented at maximum tilt position. This limitation does not apply to transmission lines and interconnection facilities.
13. *Airports.* For solar units within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths. Solar farms shall not be located adjacent to or within a control zone of any airport.

C. All applications for special use permit approval for a solar farm must include the information and documentation listed below in addition to the customary submittal requirements for special use permit applications.

1. A project description – Applicant shall provide a general description of the project, including total generating capacity, the equipment manufacturer, the type and model of solar collectors proposed, the number of solar collectors, the nameplate generating capacity of each solar collector, the proposed height of each solar collector and overall dimensions thereof.
2. Site plan showing property lines and physical features, including roads, setbacks, floodplain (if applicable), buildings, solar panels, right of way, and zoning district designation for the subject property and all abutting properties. Such plan shall also include the following:
 - All existing and proposed underground and above ground utilities.
 - Ingress and egress from the site as proposed during construction and thereafter, which indicates (a) proposed road surface and cover, (b) dust control and (c) road maintenance progress or schedule
 - Wetland boundaries.
 - Location of any subsurface drainage tiles (with drain tile survey).
 - Location and size of any abandoned wells or septic systems.
 - Vertical elevation drawings.
3. Number, location, and spacing of solar panels/arrays.
4. Solar energy equipment schematic drawing.
5. Proposed locations of underground or overhead electric lines on the solar farm site including any for the transmission of energy from the solar farm to any buyer.
6. Identification of access to, and traffic control for, the project site, during construction and operation of the solar farm.
7. Elevation drawing(s) (and/or photographs and/or architect's renderings) and site plan showing location, size and design details of solar farm, including but not limited to how the power generated will be delivered and proposed meter connections.

8. A signed reimbursement agreement, in a form approved by the City, which provides for an initial deposit of \$10,000 for the City's professionals fees associated with such application and review by the City.
9. Endangered Species EcoCat and IDNR Consultation Termination.
10. IHPA consultation in accordance with Section 20 ILCS 3420 (Illinois State Agency Historic Resources Preservation Act).
11. Natural Resources Inventory Report from McHenry County Soil and Water District.
12. ALTA survey and title report for the site
13. Wetland delineation reports
14. Landscape plans

D. No solar farm shall be constructed, installed or modified as provided in this section without first obtaining a building permit. The application for a building permit for a solar farm must be accompanied by the fee required for a building permit. All applications for a building permit for a solar farm must include the information and documentation listed below in addition to the customary submittal requirements for a building permit. All material modifications to a solar farm made after issuance of the required building permit shall require approval by the City.

1. Interconnection service agreement or evidence of filing required Interconnection service applications with the electric utility.
2. Operation and maintenance plan of the solar farm, including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operation and maintenance of the solar farm.
3. Name, address and telephone number of the person, firm or corporation constructing and installing the solar farm.
4. Manufacturer specifications of the solar collectors and devices including: wattage capacity, dimensions of collectors, mounting mechanisms and/or foundation details and structural requirements, as well as manufacturers' specifications and recommended installation methods for all major equipment, including solar panels/collectors, mounting systems and foundations for poles and racks.
5. Evidence that the system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
6. A certificate of compliance demonstrating that the equipment comprising the solar farm has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
7. No solar farm shall be constructed, installed or modified as provided in this section without first obtaining a building permit. The application for a building permit for a solar farm must be accompanied by the fee required for a building permit.

8. The solar farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. All means of shutting down the solar farm shall be clearly marked. The owner or operator shall identify a responsible person by title for public inquiries throughout the life of the solar farm.
9. Description of the hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic to be generated from the site (TIS).
10. Water usage impact study indicating any impact on county and city water resources.
11. Complaint Resolution Process – the applicant shall develop a process to review and address any complaints that may arise from neighboring property owners during the construction and operation of the solar farm.
12. Waste Disposal Plan – All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site in a timely manner and disposed of in an appropriate manner. Any hazardous waste generated by the facility including but not limited to lubricating materials shall be removed consistent with all local, state and federal rules and regulations.
13. Weed/grass control plan.
14. Signage plan – signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.
15. Fence Plan (8' minimum) with appropriate warning signage.
16. Utility interconnection details, offsite interconnection plans and a copy of written notification to the utility company requesting the proposed interconnection.
17. A fire protection plan for the construction and operation of the facility, and emergency access to the site.
18. Stormwater Management Permit application including stormwater management report, drainage plan and erosion control plan.
19. A drain tile survey or a certification from the owner/operator as to the non-existence of drain tiles on the property and an indemnification of the municipality for any cause of action arising from the presence of existing drain tiles on the property.
20. Grant by warranty deed(s) with plats of dedication from the owner of the property to the appropriate governmental unit(s) dedicating a right-of-way from the center line of the road to the edge of the roadway adjacent to the property.
21. A map shall be provided identifying all offsite tributary areas. A calculation of flow depths on overland flow paths including all onsite and offsite tributary area is also required.

22. Stormwater management report shall identify volumes of depressional storage before and after improvement.
23. Easement documents (proposed and existing).
24. Permission from Gas or other pipeline (easement owner) to grade over their pipeline.
25. Decommissioning Plan with cost estimate. (Financial resources for decommissioning shall be secured by a letter of credit or cash in an escrow account or other security approved by the City).
26. A current general liability policy covering bodily injury and property damage naming the City as additional insured with limits of at [three] million dollars per occurrence and [five] million dollars in aggregate.
27. Copy of NOI, copy of SWPPP for construction and post construction and copy of approved NPDES permit (upon issuance).
28. Structural Engineering plans for foundation and design of solar panels racking and support given local soil and climate conditions.
29. Tree survey and tree preservation plan.
30. Storm sewer calculations.
31. Signed, sealed and dated Engineer's Opinion of Probable Construction Costs for infrastructure improvements relevant to stormwater management and municipal services.
32. Sight distance studies for access points.
33. Soils reports with logs.
34. Phasing map or plan, as applicable.
35. IDOT approval, if required.
36. All material modifications to a solar farm made after issuance of the required building permit shall require approval by the City.

All other requirements of the ER Estate Residential District shall apply unless relief is provided by the City. In addition, the City may require as a condition of such special use that a development or annexation agreement be entered into by the parties.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye:
Voting Nay:
Absent:
Abstain:

APPROVED:

Mayor John Koziol

(SEAL)

ATTEST: _____
City Clerk Constance J. Boxleitner

Passed: _____

Approved: _____

Published: _____

Z:\M\Marengo\Ordinances\Marengo City Solar Ordinance.3.15.18.docxx

CERTIFICATION

I, CONSTANCE J. BOXLEITNER, do hereby certify that I am the elected and qualified Clerk of the City of Marengo, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and City Council of said City of Marengo.

I do hereby further certify that at a regular meeting of the Mayor and City Council of the City of Marengo held on the _____ day of _____, 2018, the foregoing Ordinance entitled *An Ordinance Amending the Marengo Zoning Code to Add A Ground-Mounted Solar Energy System (or Solar Farm) as a Special Use in the ER Estate Residential District*, was duly passed by the Mayor and City Council of the City of Marengo.

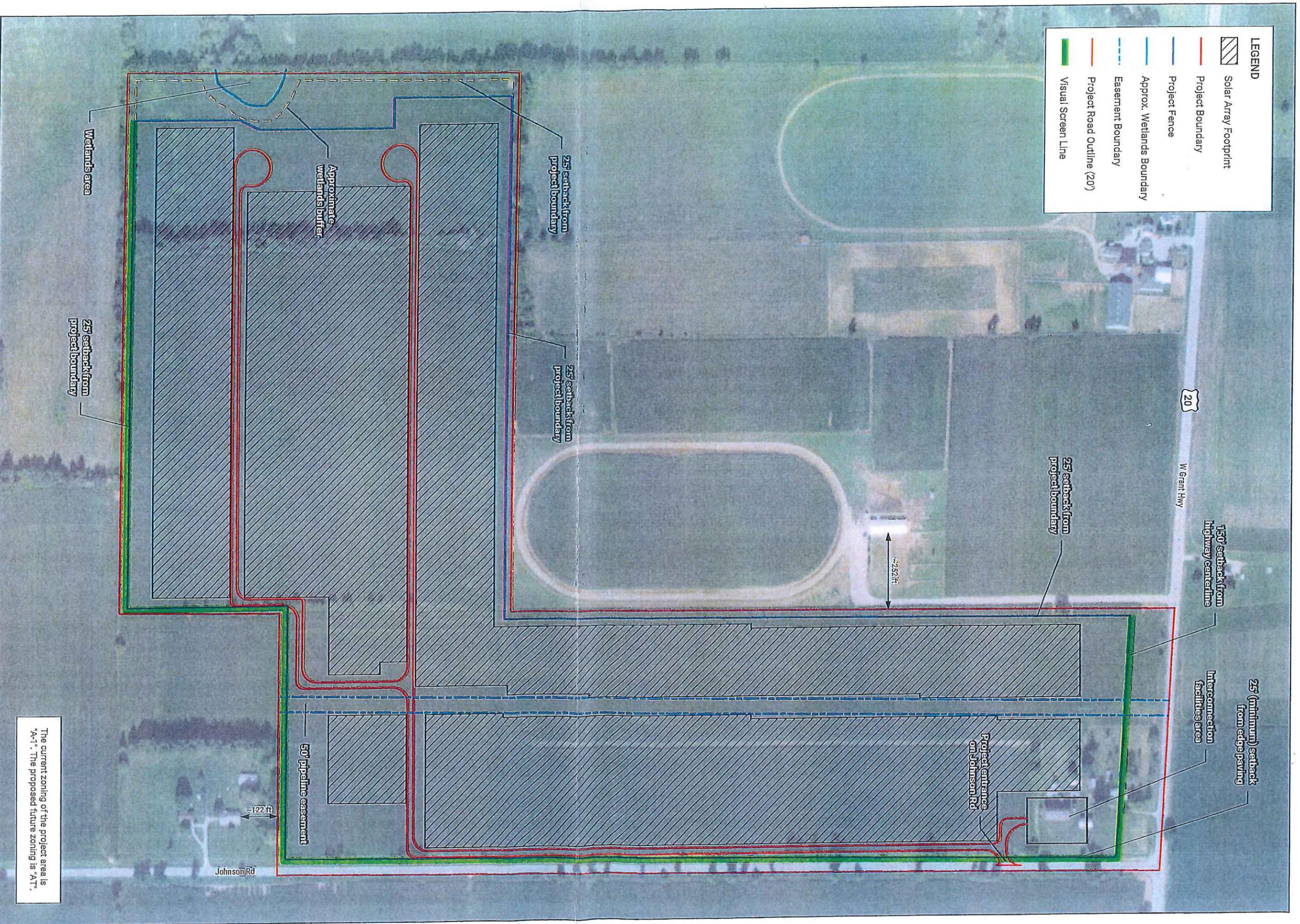
The pamphlet form of Ordinance No. 18-_____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the _____ day _____, 2018, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and corporate seal of the City of Marengo on this _____ day of _____, 2018.

Constance J. Boxleitner, Clerk
City of Marengo,
McHenry County, Illinois

(SEAL)



LEGEND

	Solar Array Footprint
	Project Boundary
	Project Fence
	Approx. Wetlands Boundary
	Easement Boundary
	Project Road Outline (20)
	Visual Screen Line

The current zoning of the project area is "A-1". The proposed future zoning is "A1T".

1221 South MoPac Expressway, Suite 225
 Austin, Texas 78746 | 512-222-1125
 www.energyrenewalpartners.com

ERP
 ENERGY RENEWAL PARTNERS, LLC

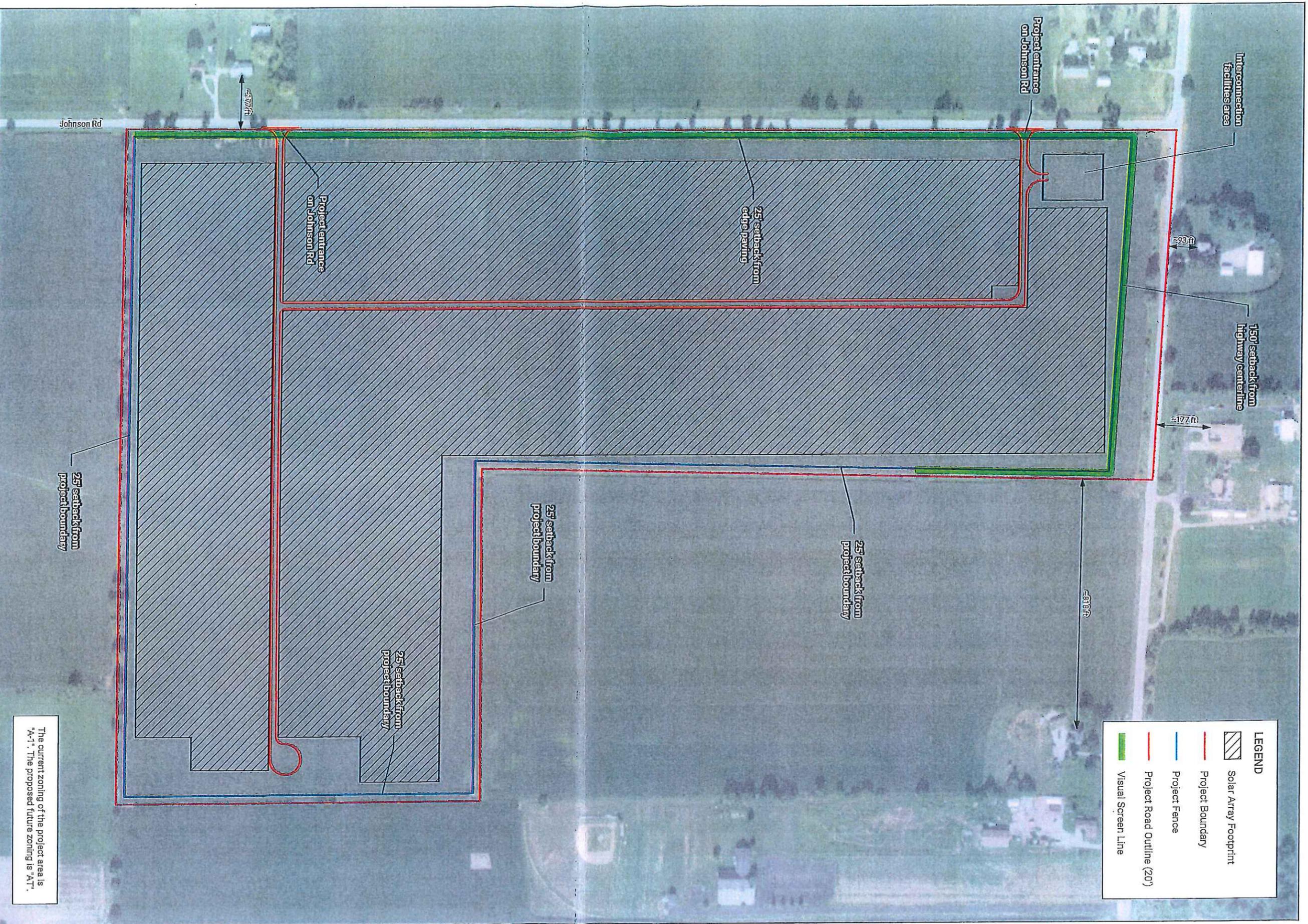
Marengo Solar, LLC
Marengo Solar Project
 Site Plan Concept

Project Location: McHenry County, Illinois

0 150 300 Feet

FIGURE 1

Prepared by: J. Hobbs
 Date: 2018-02-14



LEGEND

	Solar Array Footprint
	Project Boundary
	Project Fence
	Project Road Outline (20')
	Visual Screen Line

The current zoning of the project area is 'A-1'. The proposed future zoning is 'AT'.

1221 South MoPac Expressway, Suite 225
 Austin, Texas 78746 | 512-222-1125
 www.energyrenewalpartners.com

ERP
 ENERGY RENEWAL PARTNERS, LLC

Marengo Solar, LLC
Marengo II Solar Project
 Site Plan Concept

Project Location: McHenry County, Illinois

N
 0 150 300
 Feet

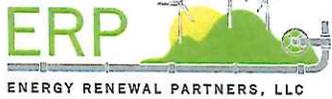
FIGURE 1

Prepared by: J. Hobbs Date: 2018-02-15

Trees and shrubs are placed along a visual screen line that is offset five feet from the fence line. This results in the northernmost visual screen line being offset 145 feet from the centerline of US Highway 20.



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 Austin, Texas 78746 | 512-222-1125
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LEGEND

— Project Fence

▨ Solar Array Footprint

● Shrub (5' Interval)

⊛ Evergreen Tree (25' Interval)

Marengo Solar, LLC
Marengo Solar Project

Visual Screening Concept
 Northernmost Fence Line

Project Location: McHenry County, Illinois

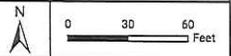


FIGURE 1

Prepared by: J. Hobbs Date: 2018-02-15



Trees and shrubs are placed along a visual screen line that is offset five feet from the fence line. This results in the northernmost visual screen line being offset 145 feet from the centerline of US Highway 20.

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 Austin, Texas 78746 | 512-222-1125
 www.energyrenewalpartners.com



LEGEND

Project Fence

Solar Array Footprint

Shrub (5' interval)

Evergreen Tree (25' interval)

Marengo Solar, LLC
Marengo II Solar Project

Visual Screening Concept
 Northernmost Fence Line

Project Location: McHenry County, Illinois

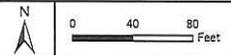
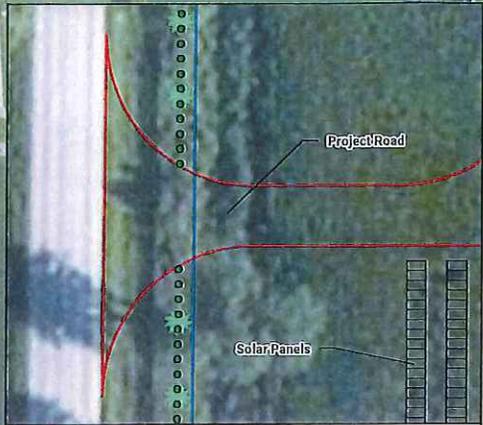


FIGURE 1

Prepared by: J. Hobbs | Date: 2018-02-15



See Detail Inset



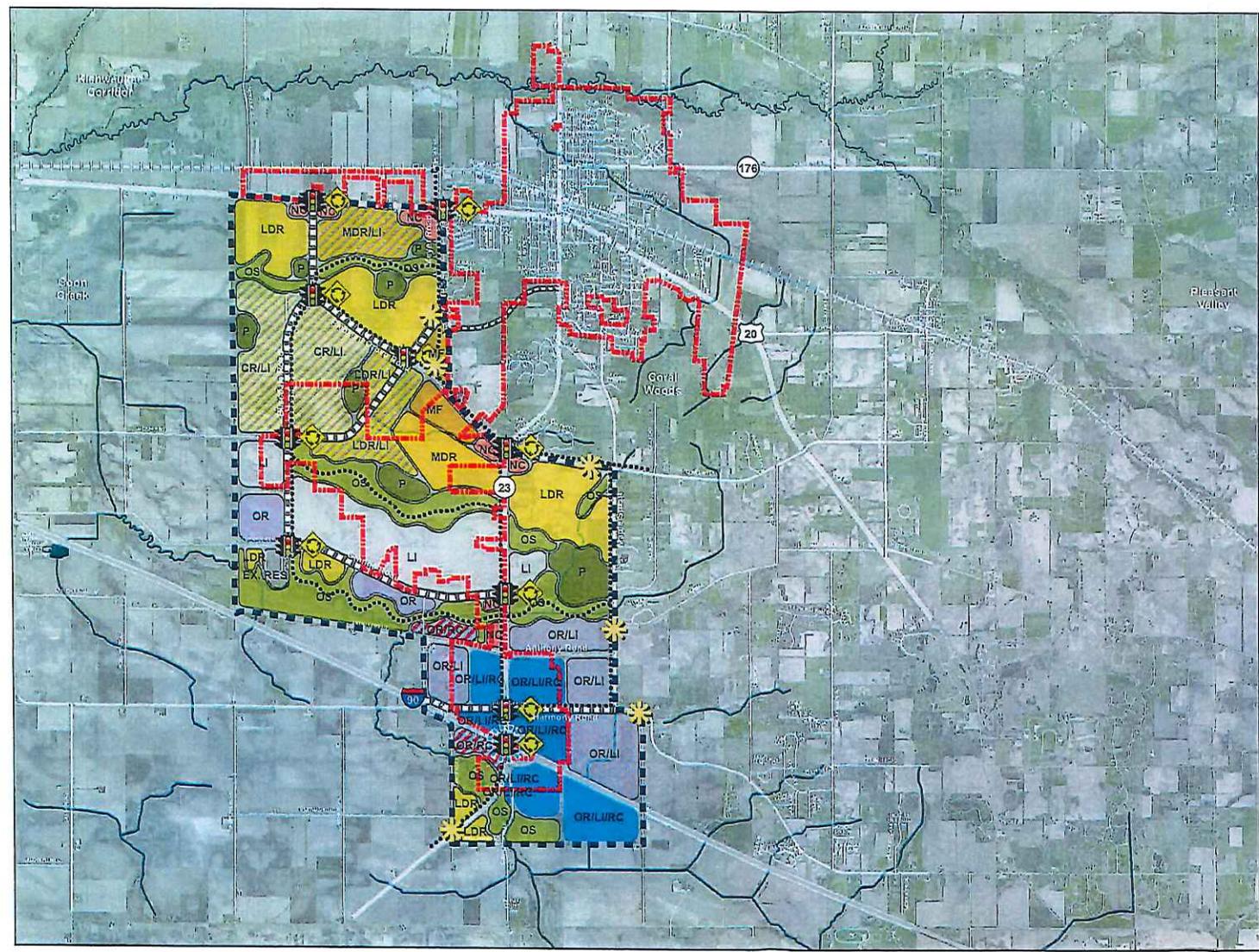
Detail Inset

0 20 40 Feet

Plant Type	Count
Shrub	1,005
Evergreen Tree	201

LEGEND

- Project Fence
- Visual Screen Line
- Shrub (5' Interval)
- 🌳 Evergreen Tree (25' Interval)



- Legend**
- Sub Area Boundary
 - Proposed Interchange
 - ☀ Topographic High Point
 - ⬮ Potential Traffic Signal or Roundabout
 - Potential Bike Trails
 - ▭ Potential Collector Roads
 - ▭ Potential Road Connections
 - Local Road
 - U.S. Interstate HWY
 - U.S. Route HWY
 - State Route HWY
 - County Route HWY
 - Railroad Centerlines
 - Water Features
 - Crooks & Streams
 - ▭ Light Industrial
 - ▭ ORC
 - ▭ OR/LI
 - ▭ OR
 - ▭ OR/LIRC
 - ▭ Regional Commercial
 - ▭ Neighborhood Commercial
 - ▭ Multi-Family Residential
 - ▭ Medium Density SF Residential
 - ▭ MDR/LI
 - ▭ Low Density SF Residential
 - ▭ Low Density SF Residential/Light Industrial
 - ▭ Countryside SF Residential/Light Industrial
 - ▭ Parks
 - ▭ Open Space Conservation
 - ▭ Existing Residential



0 Feet 2,600 5,200
 1 in = 5,000 feet

COPY

APPLICATION REQUIREMENTS FOR ZONING AMENDMENT
PUBLIC HEARING APPLICATION CHECKLIST

APPLICANT Marengo Solar, LLC.

ADDRESS c/o SunEast Development LLC, 121 W. Miner Street, Suite 1E, West Chester, PA
19382

TELEPHONE NUMBER 484-983-3130

APPLICATION FOR Map Amendment to ER Estate Residential District

PART I

Date received

Applicant's authorization letter from titleholder of property _____

Review fees:

- Zoning text amendment (\$350.00) _____
- Subdivision amendment (\$400.00 + \$10.00/acre) _____
- Site Plan review amendment (\$400.00 = \$10.00/acre) _____

Deposit for reimbursement of fees:

Zoning text amendment (\$5,000.00) _____

Completed application - 25 copies _____

Survey of property - 25 copies _____

Legal description of property - 25 copies _____

Map showing location of property - 25 copies _____

Trust owner's disclosure certificate (when in trust)

List of property owners, addresses and PIN's within 250 feet
(streets or alleys do not count as part of the 250 feet) _____

PART II

To be completed after Part I has been submitted to the City and a hearing date has been assigned.

Copy of notification letter sent certified mail or hand delivered to property owners within 250 feet _____

Sworn Affidavit listing names, addresses and PIN's of property owners within 250 feet and date certified letters sent or hand delivered.
(Must be notified 15 days before public hearing) _____

Certified mail return receipts from notices sent to property owners within 250 feet, or signature of property owners indicating receipt of notice. _____

ATTORNEY AND MISCELLANEOUS FEES

- Attorney's fees. Where the City incurs costs for the services of the corporate counsel in connection with any permit or application, the City shall charge to the applicant the costs of such services.
- Miscellaneous fees. Where application or petition is made for relief not otherwise provided for under this Code in connection with the use or development of land, the City shall charge to the applicant or petitioner its actual cost to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters and/or traffic, drainage or other consultants, its costs related to any required notices or recordations in connection with a petition or application filed by the applicant or petitioner.

The applicant will be responsible for:

- Preparing and publishing the announcement of the public hearing in a local newspaper.
- Paying the cost of the notice directly to the newspaper.
- Scheduling and paying for a court reporter for the public hearing.

REQUEST FOR ZONING AMENDMENT

Instructions to Applicant: To request a change in the Zoning Map, a Request for Zoning Amendment form must be completed and a public hearing held. If the Applicant is requesting that his/her property be re-zoned, a site plan must be included with the application, showing the information listed on the attached sheet. Normally, there are only two primary reasons for a change in zoning: (1) the original zoning was in error; (2) the character of the area has changed to such an extent as to warrant re-zoning. The burden of providing substantiating evidence rests with the Applicant.

1. Applicant Information:

Holder of Option to Purchase

Marengo Solar, LLC
c/o SunEast Development LLC
121 W. Miner Street, Suite 1E
West Chester, PA 19382

Telephone Number of applicant (Marengo Solar, LLC): 484-983-3130

Attorney for Applicant (Marengo Solar, LLC):

Jay K. Filler, Jr.
Filler & Associates
P.O. Box 115
Marengo, Illinois 60152

815-568-8123
815-568-8142 (Fax)
jav@marengolawoffices.com

2. Property interest of Applicant:

Holder of Option to Purchase - Marengo Solar, LLC

3. Name of Owner (if other than Applicant):

Owner of Property:

Richard L. Johnson
1890 US Route 34
Biggsville, IL 61418

Judith L. Feddema
6751 Lantern Drive
Loves Park, IL 61111

4. Location of Property:

Street Address: 23317 West Grant Highway, Marengo, Illinois 60152

See Attached Exhibit "1"

5. Amendment to Map: From A-1 zoning under the McHenry County Zoning Ordinance to ER Estate Residential District under the Marengo Zoning Ordinance, with a special use for a solar farm, effective upon acquisition of the Property by Applicant and annexation of the Property into the City of Marengo.
6. Present zoning classification of the area: A-1 under the McHenry County Zoning Ordinance to the East, South and West; M under the Marengo Zoning Ordinance to the North.
7. Present use of property (if any uses or buildings on the property are non-conforming, so state):

Farmland with unoccupied dwelling unit.
8. Reason for Amendment: To allow the construction and operation of a solar energy farm.
9. I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized official for the purpose of inspection as may be required by law.

Applicant:
Marengo Solar, LLC

By: Elizabeth A. Phillips, Attorney for Petitioner 2/24/18
Signature of Applicant Date

Owners Authorization to Applicant:

R. L. Johnson 2/23/18
Richard L. Johnson Date

Judith L. Feddema 2/22/18
Judith L. Feddema Date

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date of hearing _____ PIN _____

Notice published on _____ Zoning _____

Newspaper _____ Fee Paid _____ Check # _____

Action by Planning and Zoning Commission: _____ Date _____

Denied _____ Approved _____ Approved with modification by
Commission _____

Comments: Indicate other actions such as continuance) _____

SITE PLAN

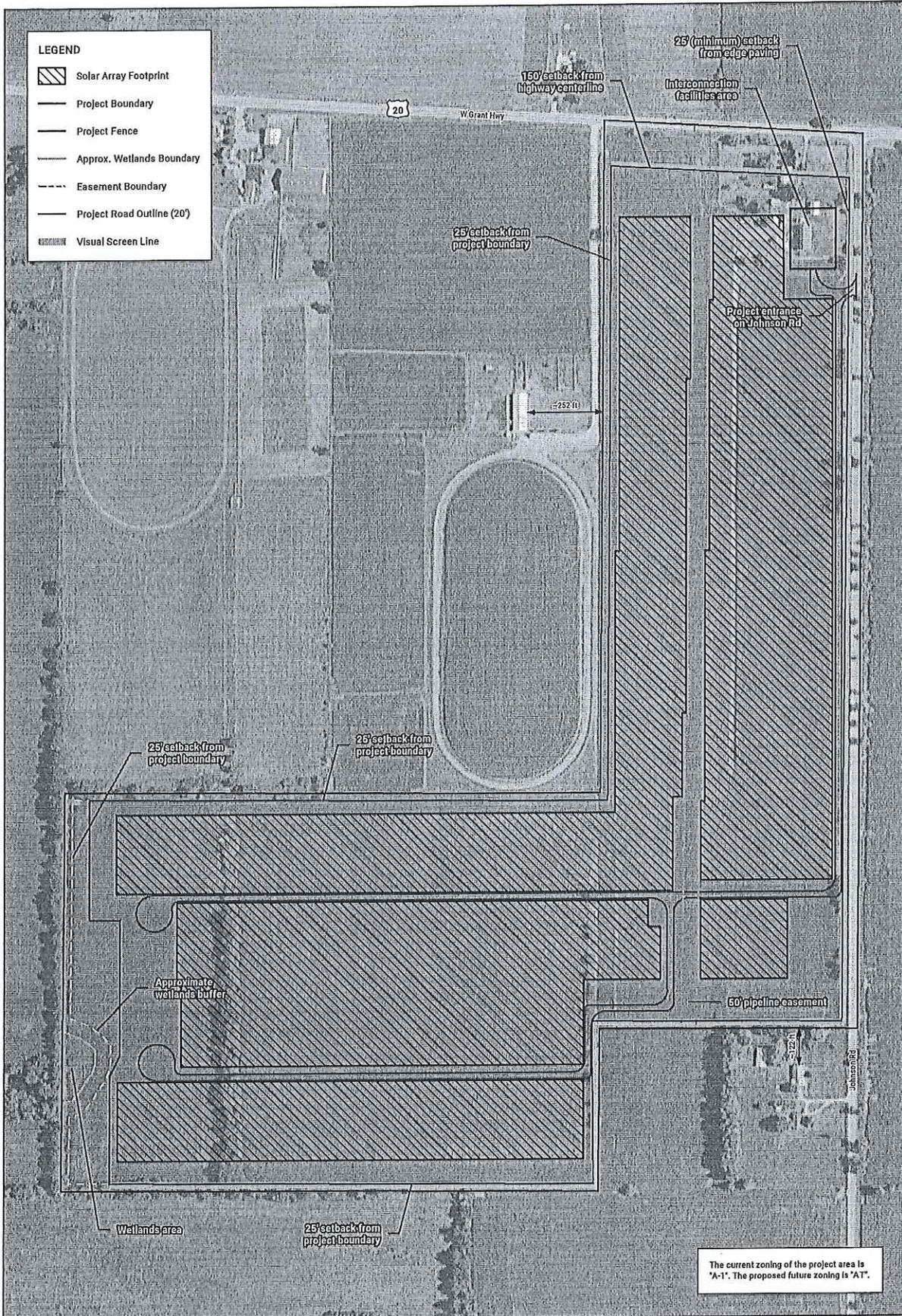
A Site Plan must be attached or drawn below at a scale large enough for clarity showing the following information:

- A. Location and dimensions of: lot, buildings, driveways and off-street parking spaces.
- B. Distance between: buildings and front, side and rear lot lines; principal building and accessory buildings; and principal buildings on adjacent lots.
- C. Location of: signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
- D. Any additional information as may reasonably be required by the City Administrator.
- E. Clearly indicate that portion of the Site Plan that is affected by the requested amendment.

Attached hereto as Exhibit "A" is a list of property owners within 250 feet of the subject property.

Attached hereto as Exhibit "B" is an aerial view of the property.

Attached hereto as Exhibit "C" is a proposed site plan.



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 Austin, Texas 78746 | 512-222-1125
 www.energyrenewalpartners.com



Marengo Solar, LLC
Marengo Solar Project
 Site Plan Concept

Project Location: McHenry County, Illinois

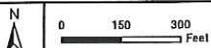


FIGURE 1

Prepared by: J. Hobbs Date: 2018-02-14

Exhibit "A"
ANNEXATION PROPERTY

Such tracts or farms of land, situated in the City of Marengo, County of McHenry, Illinois with parcel identification numbers 11-33-300-006, 11-33-400-006 and 11-33-400-009, together totaling +/- 116 acres, and described as follows:

LEGAL DESCRIPTION

The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 33, in Township 44 North of Range 5, East of the 3rd P.M.; also a part of said Section 33 bounded and described as follows, to-wit: Commencing at a point in the center of the State Road, 33.48 chains East of the West line of said Section 33 where the East line of lands conveyed by Albert K. Moore and wife to Leonard Ewing, by deed dated March 18, 1899, and recorded in the Recorder's Office of McHenry County, Illinois, in Book 100 of Deeds at page 210, intersects the State Road; thence South along said Ewing's East line 34.40 chains, more or less to said Ewing's Southeast corner and to the 80 line; thence East along the 80 line to the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 33; thence North along the 80 line to the center of said State road; thence Westerly along the center of said State Road, 26.69 chains, more or less, to the place of beginning, containing 170.14 acres according to survey made by Lester Barber, County Surveyor under date of January 29, 1912; situated in the Township of Marengo, County of McHenry, in the State of Illinois. EXCEPTING THERE FROM: Part of Section 33, Township 44 North, Range 5 East of the Third Principal Meridian, described as follows: Commencing at the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of said section; thence South 89 degrees, 50 minutes, 46 seconds West, along the South line of the Northwest 1/4 of the Southeast 1/4 of said Section, 869.38 feet to the point of beginning for the following described tract; thence North 00 degrees, 12 minutes, 44 seconds West, parallel with the East line of the Northwest 1/4 of the Southeast 1/4 of said Section, 2228.31 feet to the center line of U.S. Highway Route 20 as now laid out and located which runs Easterly and Westerly through the North 1/2 of said Section; thence North 87 degrees, 04 minutes, 11 seconds West, along the center line of U.S. Highway Route 20 as aforesaid, 883.51 feet to the Northeast corner of premises conveyed by Albert K. Moore and Wife to Leonard Ewing by Warranty Deed dated March 18, 1899 and recorded in Book 100 of Deeds, page 210 in the Recorder's Office of McHenry County, Illinois; thence South 00 degrees, 10 minutes, 44 seconds East, along the East line of said premises so conveyed to Ewing as aforesaid, 2275.84 feet to the South line of the Northeast 1/4 of the Southwest 1/4 of said Section; thence North 89 degrees, 50 minutes, 46 seconds East, along the South line of the Northeast 1/4 of the Southwest 1/4 of said Section and along the South line of the Northwest 1/4 of the Southeast 1/4 of said Section, 883.50 feet to the point of beginning, in McHenry County, Illinois. AND ALSO EXCEPTING THEREFROM: The South 268.76 feet of the East 859.60 feet of the Southwest Quarter of the Southeast Quarter of Section 33, Township 44 North, Range 5 East of the Third Principal Meridian in McHenry County, Illinois. ALSO EXCEPTING THEREFROM: The North 268.76 feet of the South 537.52 feet of the East 859.60 feet of the Southwest Quarter of the Southeast Quarter of Section 33, Township 44 North, Range 5 East of the Third Principal Meridian, in McHenry County, Illinois.

Marengo 1 - Johnson/Feddema

Adjacent Landowners				
Parcel Numbers	Township	Parcel Owner	Mailing Address	Phone Number
11-33-200-006	MARENGO TWP	NELLIGAN INVSTMNTS LLC	934 W GARDEN ST MARENGO, IL 60152	
11-33-200-009	MARENGO TWP	THOMAS E DIANE KEARNEY	23216 W GRANT HWY Marengo, IL 60152	815-568-5870
11-33-200-010	MARENGO TWP	WEST GRANT DEVELOP CO	23506 W Grant Hwy Marengo, IL 60152	
11-33-200-012	MARENGO TWP	MARENGO FARMS LLC	215 DUNDEE RD BARRINGTON HILLS, IL 60010	847-426-2133
11-33-300-004	MARENGO TWP	LESTER W MCMACKIN	23715 W GRANT HWY Marengo, IL 60152	815-568-8272
11-33-300-005	MARENGO TWP	FIDEL SOCORRO ESPINOZA	3902 E CRYSTAL LAKE AVE Crystal Lake, IL 60014	815-477-8915
11-33-400-004	MARENGO TWP	NELLIGAN INVSTMNTS LLC	934 W GARDEN ST MARENGO, IL 60152	
11-33-400-007	MARENGO TWP	JANET JOHNSON	5815 JOHNSON RD Marengo, IL 60152	815-355-0714
11-33-400-008	MARENGO TWP	JAMES L REV TR ET AL SCHULZE	621 W HICKORY ST Hinsdale, IL 60521	630-205-5344
16-04-100-004	RILEY TWP	BARBARA J TR WALPOLE	1 STRAWBERRY HILL RD Marengo, IL 60152	480-984-2273
16-04-200-001	RILEY TWP	ZINTL FARMS LLC	23220 PLEASANT GROVE RD MARENGO, IL 60152	815-568-2519

*Parcel numbers were retrieved from the County tax/property information GIS database and properties located within 250 feet of the Project.

APPLICATION REQUIREMENTS FOR ZONING AMENDMENT

PUBLIC HEARING APPLICATION CHECKLIST

APPLICANT Marengo Solar, LLC.

ADDRESS c/o SunEast Development LLC, 121 W. Miner Street, Suite 1E, West Chester, PA 19382

TELEPHONE NUMBER 484-983-3130

APPLICATION FOR Map Amendment to ER Estate Residential District

COPY

PART I

	<u>Date received</u>
Applicant's authorization letter from titleholder of property	_____
Review fees:	
Zoning text amendment (\$350.00)	_____
Subdivision amendment (\$400.00 + \$10.00/acre)	_____
Site Plan review amendment (\$400.00 = \$10.00/acre)	_____
Deposit for reimbursement of fees:	
Zoning text amendment (\$5,000.00)	_____
Completed application - 25 copies	_____
Survey of property - 25 copies	_____
Legal description of property - 25 copies	_____
Map showing location of property - 25 copies	_____
Trust owner's disclosure certificate (when in trust)	
List of property owners, addresses and PIN's within 250 feet (streets or alleys do not count as part of the 250 feet)	_____

PART II

To be completed after Part I has been submitted to the City and a hearing date has been assigned.

Copy of notification letter sent certified mail or hand delivered to property owners within 250 feet _____

Sworn Affidavit listing names, addresses and PIN's of property owners within 250 feet and date certified letters sent or hand delivered. (Must be notified 15 days before public hearing) _____

Certified mail return receipts from notices sent to property owners within 250 feet, or signature of property owners indicating receipt of notice. _____

ATTORNEY AND MISCELLANEOUS FEES

- Attorney's fees. Where the City incurs costs for the services of the corporate counsel in connection with any permit or application, the City shall charge to the applicant the costs of such services.
- Miscellaneous fees. Where application or petition is made for relief not otherwise provided for under this Code in connection with the use or development of land, the City shall charge to the applicant or petitioner its actual cost to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters and/or traffic, drainage or other consultants, its costs related to any required notices or recordings in connection with a petition or application filed by the applicant or petitioner.

The applicant will be responsible for:

- Preparing and publishing the announcement of the public hearing in a local newspaper.
- Paying the cost of the notice directly to the newspaper.
- Scheduling and paying for a court reporter for the public hearing.

REQUEST FOR ZONING AMENDMENT

Instructions to Applicant: To request a change in the Zoning Map, a Request for Zoning Amendment form must be completed and a public hearing held. If the Applicant is requesting that his/her property be re-zoned, a site plan must be included with the application, showing the information listed on the attached sheet. Normally, there are only two primary reasons for a change in zoning: (1) the original zoning was in error; (2) the character of the area has changed to such an extent as to warrant re-zoning. The burden of providing substantiating evidence rests with the Applicant.

1. Applicant Information:

Holder of Option to Purchase

Marengo Solar, LLC
c/o SunEast Development LLC
121 W. Miner Street, Suite 1E
West Chester, PA 19382

Telephone Number of applicant (Marengo Solar, LLC): 484-983-3130

Attorney for Applicant (Marengo Solar, LLC):

Jay K. Filler, Jr.
Filler & Associates
P.O. Box 115
Marengo, Illinois 60152

815-568-8123
815-568-8142 (Fax)
jav@marengolawoffices.com

2. Property interest of Applicant:

Holder of Option to Purchase - Marengo Solar, LLC

3. Name of Owner (if other than Applicant):

Owner of Property:

Nelligan Investments LLC Johnson Road
4415 West Harrison Street, Suite 544
Hillside, IL 60162

4. Location of Property:

Street Address: Route 20 and Johnson Road, Marengo, Illinois 60152

See Attached Exhibit "1"

5. Amendment to Map: From A-1 zoning under the McHenry County Zoning Ordinance to ER Estate Residential District under the Marengo Zoning Ordinance, with a special use for a

solar farm, effective upon acquisition of the Property by Applicant and annexation of the Property into the City of Marengo.

6. Present zoning classification of the area: A-1 under the McHenry County Zoning Ordinance to the East, South and West; M under the Marengo Zoning Ordinance to the North.
7. Present use of property (if any uses or buildings on the property are non-conforming, so state):
Farmland
8. Reason for Amendment: To allow the construction and operation of a solar energy farm.
9. I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true and accurate. I consent to the entry in or upon the premises described in this application by any authorized official for the purpose of inspection as may be required by law.

Applicant

Marengo Solar, LLC

By: Elizabeth A. Philmer, Attorney for Petitioner
Signature of Applicant

2/26/18
Date

Owners Authorization to Applicant:

Nelligan Investments, LLC Johnson Road

By: Kevin Nelligan
Name: KEVIN NELLIGAN
Title: MANAGER
Date: FEBRUARY 22, 2018

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date of hearing _____ PIN _____

Notice published on _____ Zoning _____

Newspaper _____ Fee Paid _____ Check # _____

Action by Planning and Zoning Commission: _____ Date _____

Denied _____ Approved _____ Approved with modification by Commission _____

Comments: Indicate other actions such as continuance) _____

SITE PLAN

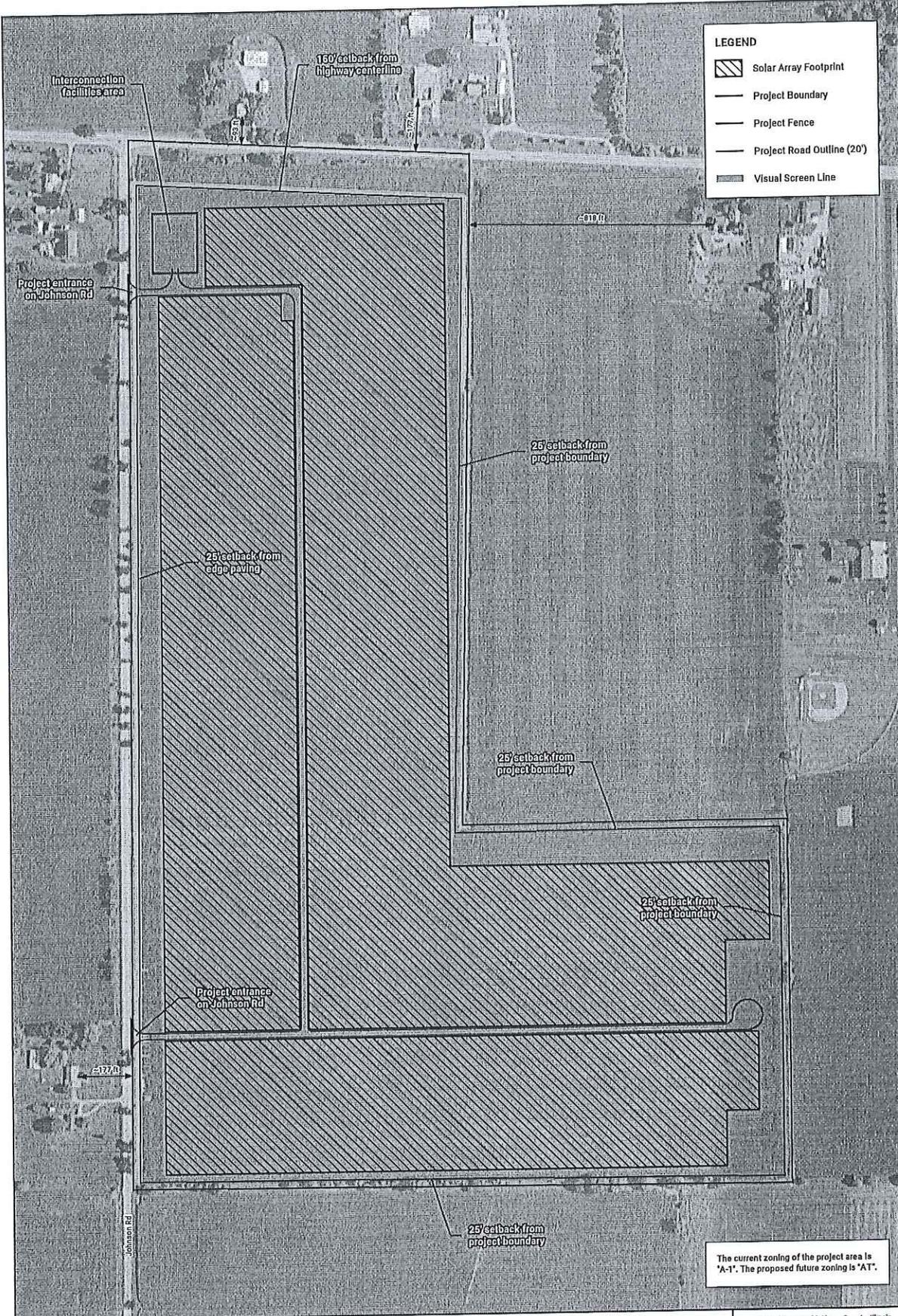
A Site Plan must be attached or drawn below at a scale large enough for clarity showing the following information:

- A. Location and dimensions of: lot, buildings, driveways and off-street parking spaces.
- B. Distance between: buildings and front, side and rear lot lines; principal building and accessory buildings; and principal buildings on adjacent lots.
- C. Location of: signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
- D. Any additional information as may reasonably be required by the City Administrator.
- E. Clearly indicate that portion of the Site Plan that is affected by the requested amendment.

Attached hereto as Exhibit "A" is a list of property owners within 250 feet of the subject property.

Attached hereto as Exhibit "B" is an aerial view of the property.

Attached hereto as Exhibit "C" is a proposed site plan.



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 www.energyrenewalpartners.com



Marengo Solar, LLC
Marengo II Solar Project
 Site Plan Concept

Project Location: McHenry County, Illinois

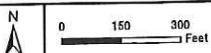


FIGURE 1

Prepared by: J. Hobbs | Date: 2018-02-15

Exhibit "A"
ANNEXATION PROPERTY

Such tracts or farms of land, situated in the Township of Marengo, County of McHenry, Illinois, with parcel identification numbers 11-33-200-006, 11-33-400-004 and 11-34-300-006, together totaling +/- 120.8 acres, which are bounded and described as follows:

THAT PART OF THE EAST HALF OF THE EAST HALF OF SECTION 33, AND THAT PART OF THE WEST HALF OF THE WEST HALF OF SECTION 34, ALL IN TOWNSHIP 44 NORTH, RANGE 5, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 34 AFORESAID; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 34, 13 CHAINS AND 50 LINKS (891.0 FEET) SAID POINT BEING THE SOUTHEAST CORNER OF LOT 5 OF THE ASSESSOR'S PLAT OF SAID SECTION 34 AS RECORDED IN BOOK 45 OF DEEDS ON PAGE 321 IN MCHENRY COUNTY RECORDER'S OFFICE; THENCE NORTH ON A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 34, AND ALONG THE EAST LINE OF SAID LOT 5, 1210.42 FEET TO AN IRON PIPE IN A FENCE CORNER; THENCE WESTERLY AT AN ANGLE OF 89 DEGREES 46 MINUTES 12 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, AND ALONG A FENCE LINE, 1085.59 FEET TO AN IRON PIPE IN THE WEST LINE OF A FENCED LANE; THENCE NORTH ALONG THE WEST LINE OF SAID FENCED LANE AND ITS NORTHERLY EXTENSION, AT AN ANGLE OF 88 DEGREES 28 MINUTES 51 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 2234.46 FEET TO THE CENTER LINE OF U.S. ROUTE 20; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, 1157.58 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF A PUBLIC ROAD (JOHNSON ROAD); THENCE SOUTH ALONG SAID CENTER LINE, 3499.21 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SECTION 33 AFORESAID; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 33, 1326.91 FEET TO THE PLACE OF BEGINNING, ALL IN MARENGO TOWNSHIP, MCHENRY COUNTY, ILLINOIS.

Marengo 2 - Nelligan Investments

Adjacent Landowners				
Parcel Numbers	Township	Parcel Owner	Mailing Address	Phone Number
11-33-200-007	MARENGO TWP	KATHLEEN J TR MEYER	6105 MEYER RD MARENGO, IL 60152	815-568-6888 815-353-6216
11-33-200-009	MARENGO TWP	THOMAS E DIANE KEARNEY	23216 W GRANT HWY Marengo, IL 60152	815-568-5870
11-33-200-012	MARENGO TWP	MARENGO FARMS LLC	215 DUNDEE RD BARRINGTON HILLS, IL 60010	847-426-2133
11-33-200-014	MARENGO TWP	COLUMBIA NATL TR CO 3791	14305 WINDSOR CT Woodstock, IL 60098	847-276-0245
11-33-400-005	MARENGO TWP	KATHLEEN J TR MEYER	6105 MEYER RD MARENGO, IL 60152	815-568-6888 815-353-6216
11-33-400-006	MARENGO TWP	JUDITH FEDDEMA	6751 Lanterne Dr Loves Park, IL 61111	815-568-7083
11-33-400-007	MARENGO TWP	JANET JOHNSON	5815 JOHNSON RD Marengo, IL 60152	815-355-0714
11-33-400-009	MARENGO TWP	JUDITH FEDDEMA	6751 Lanterne Dr Loves Park, IL 61111	815-568-7083
11-34-100-024	MARENGO TWP	CHGO COLUMBIA NATL BK TR 3791	14305 WINDSOR CT Woodstock, IL 60098	847-276-0245
11-34-300-005	MARENGO TWP	KATHLEEN J TR MEYER	6105 MEYER RD MARENGO, IL 60152	815-568-6888 815-353-6216
11-34-300-014	MARENGO TWP	MARENGO 1ST ASSEMBLY OF GOD	22817 W Grant Hwy Marengo, IL 60152	815-568-1170
16-03-100-001	RILEY TWP	ZINTL FARMS LLC (William D Pulak)	23220 PLEASANT GROVE RD MARENGO, IL 60152	815-568-2519
16-03-100-002	RILEY TWP	E G FAM LTD PRTNSHP OLSEN	22822 PLEASANT GROVE RD Marengo, IL 60152	773-454-0407
16-04-200-001	RILEY TWP	ZINTL FARMS LLC (William D Pulak)	23220 PLEASANT GROVE RD MARENGO, IL 60152	815-568-2519

*Parcel numbers were retrieved from the County tax/property information GIS database and properties located within 250 feet of the Project.

