

PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
City Council Chambers
132 E. Prairie Street
Marengo, IL 60152
April 16, 2018
7 p.m.

CALL TO ORDER

Mike Bieniek called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mr. Bieniek led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Commission members: Mike Bieniek, Richard Piwonka, Ryan Varney, Peter Hunt, Corey Brackmann, and Ryan Gieseke. Also present are City Administrator Joshua Blakemore, Attorney Michael Smoron and Deputy City Clerk Anna Leyrer. Commission member Chester Mazurkiewicz was absent.

PUBLIC PARTICIPATION

None

APPROVAL OF MINUTES – March 19, 2018 Regular Meeting Minutes

Commission member Piwonka made a motion, seconded by Commission member Gieseke to approve the March 19, 2018 Regular Planning and Zoning minutes as presented. The motion passed with aye votes from Commission members Bieniek, Brackmann, Piwonka, Gieseke, Varney, and Hunt.

APPROVAL OF MINUTES – April 2, 2018 Special Meeting Minutes

Commission member Varney made a motion, seconded by Commission member Gieseke to approve the April 2, 2018 Special Planning and Zoning minutes as presented. The motion passed with aye votes from Commission members Varney, Piwonka, Brackmann, Hunt, Bieniek, and Gieseke.

NEW BUSINESS

- a. *Continued 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. *Continued Public Hearing- Special use permit application for a Ground-Mounted Solar Energy System as a special use with zoning upon annexation as 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.*

Commissioner Bieniek explained that items a and b on the agenda is a continuation of the public hearing from the March 19, 2018 Regular Planning and Zoning meeting. He asked the representatives of the applicant to approach the podium and address the concerns that were expressed at the March 19, 2018 Regular Planning and Zoning Meeting. The petitioners Attorney, Jay Filler stated that there are minor items on the existing ordinance that the petitioner would like to address. He stated that they are requesting salvage value be factored in when the cost estimates for decommissioning are calculated, they would like clarification that repair of road damage is for only road damage caused by the petitioner, the required site design would be submitted with the building permit application and would consist of the

survey and site plan in order to be the most detailed, the dust control and site maintenance be moved to section D of the Ordinance and the drain tile conditions should only relate to known drain tiles, and the tree survey only required if trees are significant on the property. He stated the preference on those items is to address them when and if the ordinance gets to the City Council.

Mr. Reed stated that they were here tonight to present the additional information they were asked to provide at the last meeting. Those items were regarding glare, property values, electromagnetic fields, and property renderings. Mr. Filler introduced Reed Wills, with SunEast Development. Mr. Wills explained that they did their best to address the property owners concerns. He introduced David Ross, with SunEast Development. Mr. Ross went over information regarding Electromagnetic Fields and studies with the World Health Organization and studies have shown there is not scientific basis to link electromagnetic hypersensitivity symptoms to Electromagnetic Field exposure. He stated they also tried searching websites of seven leading hospitals (Mayo, Cleveland Clinic, John Hopkins, Massachusetts General, University of Michigan, University of Pennsylvania, and Northwestern Memorial Hospital) using the term "electromagnetic hypersensitivity" and did not find any research on the topic. He continued on and explained that major appliances that are in our homes emit EMF and that the EMF levels at 50 to 150 feet from the fenced boundary were <0.2 mG, well below the average household levels of 0.9 mG. The closest home to the solar site is ~120 feet from the site boundary and ~900 feet from the closest inverter, indicating that there would be no measurable EMF levels at the home.

Mr. Wills then went over the glare concerns. Mr. Wills went over the presentation that shows that Marengo Solar will follow the FAA protocol and the installation will not impair the flight path or use of any commercial airport and that glare should not be a concern for those residents in the vicinity of the solar farm, but in the event that there is an issue raised within the community, Marengo Solar will take actions to address the concerns including adding landscaping or privacy fencing as necessary or otherwise modifying the project site to address the concerns.

Mr. Wills introduced Pat McGarr, National Director, Valuation Advisory Services with Cohn Reznick. Ms. McGarr went over information in regards to property value overview of the properties surrounding solar farms. Her studies included Illinois and other states that have solar farms near residential areas. Her studies show that, based upon their examination, research, and the analyses of the existing solar farm uses, the surrounding areas, and extensive market database, concluded that no consistent negative impact occurred to adjacent property that could be attributed to proximity to the adjacent solar farms.

Mr. Wills also stated that they did meet with many of the property owners and included several renderings of what the properties would look like from their homes and property lines with the panels and privacy fencing in place. He stated that construction would take place Monday through Saturday 7 a.m. to 7 p.m. and is typically completed within 6 months, maintenance would occur once a month, but after a year or two, it would most likely reduce to five times a year. The site is secured with an eight foot fence that would be installed around the perimeter of the property and though there is no onsite staff, it will be monitored on a 24 hour basis. He said that they are looking into having a tour of a solar farm that is in LaSalle County that residents and Commission members could attend.

Commission member Brackmann asked how tall the privacy trees would be. Mr. Wills stated that at planting age, they would be 5 foot trees and 3 foot shrubs.

Commissioner Bieniek opened the floor to Public comment and Questions.

Theresa Garbaciak asked if there would be interference with t.v., radio, internet, or pacemakers. Mr. Wills said that there has been no known interference. Ms. Garbaciak asked where the panels are made. Mr. Wills stated that the panel manufacturers have not been chosen, but a majority of them are produced in Asia, and some in the US and Canada. Ms. Garbaciak asked how they know when a panel is broken. Mr. Wills explained that the panels are monitored and that they will know when it is broken because it will

not be meeting its daily quota on production. She inquired about if there was water and soil testing done. Candace Wood stated that full geo-testing would be done in the future. Ms. Garbaciak stated she was concerned about their wells. Mr. Wills stated that any items put in the ground for these panels are made with inert materials, so there is no evidence of leeching in the soil. She had questions about the construction process and if there would be damages to her home or property. Mr. Wills stated there should not be, but as a business owner, if there was, they would handle it. She questioned if they need to be cleaned. Mr. Wills stated that rain and snow is adequate for cleaning the panels, no chemicals are going to be used. She asked about noise and Mr. Wills stated that any noise would come from the inverters, but the homes are so far away from the inverters, it would not be heard.

Bill Johnson, read from a prepared statement in opposition.

Pat Dieckhoff stated that she is in favor of the solar farm and has solar panels on her home.

Cindy Skrukud, representing the McHenry County Defenders stated that the County is also working on regulations for solar farms and voiced their support.

James Hotchkiss, voiced his support for the project.

Commissioner Bieniek closed the Public Hearing at 8:40 p.m.

Attorney Jay Filler went over the finding of facts and summarized the project.

COMMISSION DISCUSSION

Commission member Gieseke stated he would like to see that the City change the wording in the agreement to say "shall" or "will" demand a letter of credit for decommissioning instead of "may" The amount to be determined. Administrator Blakemore stated that generally they would get an engineer estimate and have our Engineering firm confirm the numbers.

Commissioner Bieniek asked Mr. Wills the approximate cost of the installation and Mr. Wills stated it could be upwards of 50 million dollars and removal would be approximately 10% or less of the installation cost. Mr. Wills stated they will conduct their study and review with staff. Decommissioning solar farm equipment generally has high resale value.

ACTION FOLLOWING THE PUBLIC HEARING

Commission member Gieseke made a motion, seconded by Commission member Hunt to recommend approval of the proposed zoning text amendment regarding the addition of Ground-Mounted Solar Energy Systems as a special use in the ER Estate residential zoning district with the specification to add the verbiage "shall require" to the agreed upon letter of credit once the decommissioning costs are calculated. The motion passed with aye votes from commission members Bieniek, Piwonka, Hunt, Gieseke, Varney, and Brackmann.

Commission member Piwonka made a motion, seconded by commission member Hunt to recommend approval of the special use permit application for a Ground-Mounted Solar Energy System as a special use with zoning upon annexation as ER 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. The motion passed with aye votes from Commission member Brackmann, Hunt, Bieniek, Varney, and Piwonka. Commission member Gieseke voted no.

Commission member Piwonka made a motion, seconded by Commission member Hunt to adopt the finding of facts relative to the proposed text amendment as well as to the proposed special uses for the two properties discussed and they be adopted and forwarded to the City Council for adoption. The

motion passed with aye votes from Commission member Varney, Brackmann, Piwonka, Hunt, and Bieniek. Commission member Gieseke voted no.

NEW BUSINESS

- c. *Public Hearing- Proposed zoning text amendment and recommendation to the City Council regarding the addition of an indoor shooting range as a special use in the B-1 Central Business District and recommendation regarding the issuance of a special use for an indoor shooting range at 131 East Prairie Street with a variation of the parking requirements of the Zoning Ordinance.*

City Administrator Blakemore explained that the applicant, L.B. Marengo, LLC, is requesting a zoning text amendment to add an indoor shooting range as a special use in the B1 Central Business District and are also requesting a variation for the required parking per the Marengo Zoning Ordinance.

MOTION TO OPEN THE PUBLIC HEARING

Commission member Piwonka made a motion, seconded by Ryan Gieseke, to open the Public Hearing. The motion passed with a voice vote. The public hearing started at 9:10 p.m.

Commissioner Bieniek stated that there was notification of the Public Hearing, and requested that the verification of mailings that were sent to property owners within 250 feet surrounding the area about this public hearing be submitted for record. Documents were presented to Deputy City Clerk Anna Leyrer for the record.

Attorney Smoron swore in all those who were speaking this evening.

Mr. Mark Saladin with Zanck, Coen, Wright & Saladin, the Attorney representing the petitioner, gave a brief explanation about the project reiterating the zoning text amendment request and the parking variation request. He also stated that a gun shop is already a permitted use in the B1 district, and that the zoning text amendment is strictly to add the shooting range. He introduced Richard Lindner, the owner of D5 Ranges and L.B. Marengo LLC, the Operations Officer, Jennifer Lindner, and the Parking Consultant, Matthew Sabatka, with Sabatka Contracting.

Jennifer Lindner introduced herself as the Operations Officer for D5 Ironworks and D5 Ranges. She explained that D5 Ranges produce and design state of art ranges for a wide array of clientele, many of them with the US Military as well as private range owners. This range would be state of the art for the Chicago area. It would be open to the general public, as well as Police Departments and tactical teams and would host an array of educational classes such as gun safety and maintenance, concealed carry and many others. A retail store would also be on sight. They would be open seven days a week from 8 a.m. to 8 p.m. and would employ approximately 10 full time employees and part time employees as needed. The noise volume outside would be below the national standard dBA. She explained they would have 30 shooting ranges, classrooms, and a retail store. This range would potentially bring in lots of business to other local business and restaurants.

Mr. Matt Sabatka, with Sabatka Contracting went over the parking survey that was conducted over the entire business district. He went over the results of the Municipal Lot study in particular, since this would be the main source of parking for this range. At its peak, which was a Wednesday at noon, 34% occupancy was observed and it had 113 open spaces available. He stated between the spaces in the municipal lot, street parking and the other lots available it would be maximum peak of 43% for all spaces combined. He stated he felt that there is more than ample parking in the Municipal lot for the number of people it would potentially bring on an hourly basis.

Administrator Blakemore stated that HR Green submitted a report with their opinion on the parking situation. Their report mirrored Sabatka Contracting's opinion that the current available parking spaces in the Municipal Lot would be adequate.

Commissioner Bieniek asked how long an average customer would stay at the range. Mr. Lindner stated he feels it would be approximately an hour to an hour and a half.

Commission member Gieseke asked the petitioner why he felt the need to bring this facility to Marengo. Mr. Lindner stated he felt that bringing the state of the art range would be good to bring business to Marengo and it would be a great centralized location for others interested in having a range to come and see.

Commissioner Bieniek opened the floor to the public who wanted to speak.

PUBLIC COMMENT

Molly Wyrostek stated her disapproval of the location of the proposed shooting range.

John Wyrostek stated he intends to ask the District 165 School Board to pass a resolution in opposition of the shooting range and feels there are enough gun stores in town.

Pat Lawlor stated her objection of having a gun range near a pre-school and she felt that the location, in a business district, wasn't good.

Jane McDonald asked the petitioner if he has ever ran a gun range, what would the store be selling and if a breathalyzer is put in, what would the limit be? She also asked if all of the vacant buildings downtown could be gun stores. Administrator Blakemore stated that gun stores are currently an allowed use in B1.

Desiree Sierens expressed her opposition of the location of the proposed gun range near the church and school and worried about guns being left in cars around the range. She also expressed concerned about Spring Fling and Settlers Days safety and questioned use of breathalyzer and the accepted levels.

Cathy Johnson expressed her opposition to the location and worried about property values.

Debbi Goldberg asked the others in attendance where they have been at the other meetings.

Denny Quick stated he supports the shooting range and he feels there is a lot of stereotyping of gun owners.

Jennifer Haas, Director of the Parents Day Out program, stated her opposition to the location of the proposed range being near the school and church and is also concerned about the parking and the possibility of guns in parked cars.

Cole Quick wanted to remind the people in attendance that the Police Department is across the street from the proposed range.

Terry Sandman stated that he is glad a business is wanting to come to town.

Jill Rucker stated she is not opposed to a shooting range, but is opposed to the location near the school.

Administrator Blakemore asked Mr. Lindner to answer the questions that we brought up during the public comment. Mr. Lindner stated he has never run gun range before, but currently runs several successful businesses. He also stated that they would be selling guns, ammunition, clothing and targets and miscellaneous other items. The breathalyzer conditions would need to be discussed with the Police

Department to determine the acceptable levels. Mr. Lindner stated that the gun store is currently allowed in B1 and will be there and he feels that the benefit of the range at the gun store promotes proper training and use of the guns.

Attorney Saladin stated that parking would be an issue with any kind of business going into that building, whether it be a factory or restaurant or the like. He confirmed that gun stores are regulated by the Federal Government. He also stated that the facilities Mr. Lindner creates are up to the highest standards that the US Military requires.

Mr. Lindner stated that this facility would be built to specifications that a projectile bullet would not be able to leave the facility. They are a part of the NRA and that D5 is one of four or five vendors that are invited to present their facilities at their conferences.

Commissioner Bieniek asked who will be running the range. Mr. Lindner stated he would find someone he feels fit to run it. He would like to hire retired Police Officers.

Commissioner member Piwonka inquired if rifles and pistols would be allowed. Mr. Lindner stated that all caliber guns would be accommodated.

Commission member Brackmann asked what kind of sound can be expected. Mr. Lindner stated that it won't be loud at all and would be under or within the regulated limits.

Mike Bihlmaier stated that he feels that a new business would be good for the community.

Commissioner Bieniek asked the crowd who are in opposition to raise their hand if location was the reason for their opposition and most were in opposition because of the location.

MOTION TO CLOSE THE PUBLIC HEARING

Commission member Piwonka made a motion, seconded by Commission member Varney to close the public hearing at 10:17 p.m. It passed with a voice vote.

COMMISSION DISCUSSION

Commission member Hunt stated that he feels the people who spoke tonight are more concerned with the additional people coming to town with guns, and not necessarily a projectile bullet getting out of the building.

Commission member Gieseke asked what direction the shooting ranges would face, where would the classrooms be and where would the entrances be. Mr. Lindner stated that the ranges would face north and the classrooms and retail would be west. The entrances are north and one shipping/receiving door in the back.

Commission member Hunt inquired about security. Lindner stated that they would have a camera security system.

Commissioner Bieniek stated he doesn't have a problem with a gun range, but has a problem with the location.

Commission member Piwonka stated that people have issues with it being by a church, but there are bars by the church currently as well.

Commission member Brackmann stated that there are already people walking around with guns already. He doesn't have a problem with it. His main worry was about any projectile bullets leaving the building.

Commission member Hunt stated he likes the idea of new businesses, but does not support the current location.

Commission member Gieseke asked what Mr. Lindner felt would be the percentage of people in the building who would be police. Mr. Lindner said there would be a police presence at all times because he wants to employ police officers and there would be police there training. Police would even be able to pull in a squad car and practice shooting out of a car or around a car.

Commission member Varney asked if any of the other ranges that he has built has off-site parking. Mr. Lindner stated he was not sure.

Commission member Gieseke asked how long have you been building ranges. Mr. Lindner said since 2005 and have built 20-30 or so.

Commission member Varney asked if he have talked with the Marengo Police. Mr. Lindner stated he has and they have not expressed concern and he is willing to work with the Police Department.

ACTION FOLLOWING THE PUBLIC HEARING

Corey Brackmann made a motion, seconded by Piwonka, to recommend the proposed zoning text amendment to the City Council regarding the addition of an indoor shooting range as a special use in the B1 Central Business District. The commission members voted as follows:

Ayes: Bieniek, Brackmann, Piwonka, Gieseke, Varney, and Hunt.

Nays: None

Absent: Mazurkiewicz

The motion passed.

Richard Piwonka made a motion, seconded by Corey Brackmann, to recommend the issuance of a special use for an indoor shooting range at 131 East Prairie Street with a variation of the parking requirements of the Marengo Zoning Ordinance to the City Council and incorporating the following conditions: breathalyzer with zero tolerance in accordance to the Illinois State Police Administrative Code, internal and external security cameras, 24/7 lighting and working with the Marengo Police Department and Fire Department.

Ayes: Piwonka, Gieseke, Varney, and Brackmann

Nays: Bieniek and Hunt

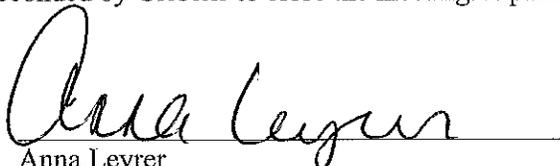
Absent: Mazurkiewicz

The motion passed.

City Administrator Blakemore stated that this ordinance will likely be on the 4/23/18 City Council meeting agenda for their review and approval.

ADJOURNMENT

Commission member Varney made a motion, seconded by Gieseke to close the meeting. It passed with a voice vote at 10:40 p.m.



Anna Leyrer
Deputy City Clerk

The Planning & Zoning Commission approved these minutes on December 19, 2018.