

The Planning & Zoning Board of the Village of Winnebago met by in person and remotely via GoToMeeting with Chairman William Emmert presiding and calling the meeting to order at approximately 6:29 p.m. Mr. Eubank stated the Zoning Board was able to continue to meet remotely since all conditions were met to conduct remote meetings according to the extension of the Executive Order by Gov. Pritzker allowing remote meetings during the COVID-19 pandemic. The meeting was recorded and made available to the public.

ROLL CALL: BOOKER – EMMERT - EUBANK - KONING – MCDOUGALL - PITNEY – present

Guests present: Attorney Mary J. Gaziano, and Kellie Symonds, and Counsel for Trajectory Energy Molly Snittjer (remotely).

QUORUM -A quorum was established.

CONFLICT OF INTEREST – There was no conflict of interest noted.

PUBLIC COMMENT—There was no request submitted for Public Comment. Attorney Molly Snittjer asked if it was appropriate to discuss the Solar Ordinance comments submitted by Trajectory Energy during Public Comment. CHAIRMAN EMMERT stated that it would be best discussed when they get to that issue on the agenda.

CHAIRMAN EMMERT proceeded with the agenda item for the Proposed Zoning Map Amendment to Change Zoning on Vacant Property Located at XXX Kasch Drive Directly East of 105 Kasch Drive in the Village of Winnebago with a Special Use Permit for Storage Facility.

MR. EUBANK stated that it is a positive change of zoning for that property, whether they move forward or not with their project, and their particular proposal would be a good use of that property in that location.

MR. EUBANK and MR. EMMERT agreed that in relationship with the adjacent properties, it should be changed to General Business. MR. BOOKER also agreed but suggested not moving forward until the required notifications have been made. Attorney Gaziano made the recommendation to take action on the item subject to obtaining consent and waivers from the surrounding property owners.

Attorney Gaziano provided to CHAIRMAN EMMERT the UDO (Unified Development Ordinance) review criteria to be considered when approving a Special Use Permit. After discussion, CHAIRMAN EMMERT stated the following:

- a. The proposed use is consistent with the goals, objectives, and policies of the comprehensive plan.
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. It complies with the requirements of the article that the business district specifically provides for special use (of storage units) of that business district.
- c. The proposed special use is not materially detrimental to the public health, safety, comfort and general welfare and will not result in material damage or prejudice to other properties of the vicinity.

- d. The proposed use is compatible with and preserves or enhances the character and integrity of adjacent development and includes improvements necessary to mitigate adverse development related impacts such as traffic, noise, odors, visual nuisance and other similar adverse effects to adjacent developments and neighborhoods.
- e. The proposed special use does not generate pedestrian or vehicle traffic that will be hazardous to the existing and anticipated traffic in the neighborhood.
- f. The proposed special use complies with all fire, health, building, plumbing, electrical and stormwater drainage regulations of the Village, County, State and Federal agencies.
- g. Adequate utilities exist to service the proposed special use.

All members agreed that the above criteria had been met, with the restrictions to lighting.

Motion was made MR. EUBANK, seconded by MR. KONING to recommend the Village Board grant the zoning change to General Business District No. 3, and the Special Use Permit for Self-Storage Facility for the property located at XXX Kasch Drive, provided that waivers of notice are obtained from the property owners within 250 feet of the subject property, and subject to the following restrictions:

1. All outside lighting fixtures located on the subject property shall be affixed to structures on the property and located at a height of no higher than 8' 4".
2. The fixtures shall point generally downward towards the ground, and have a hood affixed thereon which will direct the light downward to minimize light from emitting to the side.
3. The light emitted from each fixture shall not exceed 3,000 lumens.

The motion carried on a unanimous roll call vote.

MR. EUBANK presented the second application for the property at 105 Kasch Drive.

A motion was made by MR. EUBANK, seconded by MR. BOOKER to recommend the Village Board grant a Special Use Permit for the operation of a Storage Facility for property located at 105 Kasch Drive, provided that the waivers of notice of public hearing are obtained from the owners of the property within 250 feet of the subject property, subject to the following restrictions:

1. All outside lighting fixtures located on the subject property shall be affixed to structures on the property and located at a height of no higher than 8' 4".
2. The fixtures shall point generally downward towards the ground, and have a hood affixed thereon which will direct the light downward to minimize light from emitting to the side.
3. The light emitted from each fixture shall not exceed 3,000 lumens.

Motion carried on a unanimous roll call vote.

MR. EMMERT presented the change in zoning of the property located at 7219 Cunningham Road a/k/a 7215 Cunningham Road commonly known as Meridian Nursery. MR. EMMERT stated that given the character of that area and all the uses around it, General Industrial District #4 is appropriate if and when the Village enters into a pre-annexation with the property owner. This would allow Mr. Firch to continue doing what he is doing and possibly more. MR. EUBANK stated that it is currently zoned Winnebago County- Heavy Industrial.

MR. EMMERT questioned Attorney Gaziano regarding the incomplete UDO 6.16.02 Land Use Table. MR EUBANK believed that the incomplete table does not override what is written.

MR. EMMERT stated that after clarification he has no further comments regarding the request for pre-annexation and proposed zoning change for this property.

MR. EUBANK stated that in addition to coming under the Village of Winnebago Zoning any Building Permits would be issued through the Village of Winnebago and would be subject to the UDO for any substantial changes to the structures and/or the use of the property.

A motion was made by MR. EUBANK, seconded by MR. KONING making the recommendation to the Village Board of Trustees to grant the requested zoning change to General Industrial District No. 4 provided waivers of notice are obtained from property owners within 250 feet of the subject property. Motion carried on a unanimous roll call vote.

APPROVAL OF MINUTES

A motion was made by MR. EUBANK to approve the minutes from the Public Hearing held on December 5, 2022, seconded by MR. BOOKER. The motion carried on a unanimous vote.

A motion was made by MR. EUBANK, seconded by MR. BOOKER to approve the February 27, 2023 minutes, as amended with corrections. The motion carried on a unanimous roll call vote.

CHAIRMAN EMMERT requested a brief recess as he prepared for the next item on the agenda.

The draft solar ordinance was discussed. CHAIRMAN EMMERT shared documents that he has prepared for the discussion of the solar ordinance. He read for those who were present remotely the topics presented.

1. Which Village zoning classification should commercial solar energy generation facilities be allowed to be built and operated in?
2. Should commercial solar energy generation facilities be permitted uses, special permitted uses, or a combination of both depending on the particular zoning classification in question?
3. Should the restrictions placed on the commercial solar energy generation facilities vary based on how close the subject property is to residentially zoned property?
4. Should the Village update its 2007 Future Land Use plan before ascertaining where it is best to allow solar energy generating facilities to be constructed and operated?

CHAIRMAN EMMERT shared points to be considered such as proximity to residential zoned property, height of the solar panels, fixed or tracking solar panels, number of panels, lighting, landscaping, fencing, screening, and allowable acreage. He suggested reviewing these general topics and coming to a consensus before addressing the specific sections of the draft solar ordinance and then making the specific changes.

CHAIRMAN EMMERT and MR. EUBANK both thanked Attorney Gaziano for the draft solar ordinance she prepared without any guidelines or direction.

CHAIRMAN EMMERT suggested a process to draft the proposed solar ordinance in an organized way.

Molly Snittjer, Legal Counsel for Trajectory Energy, shared Trajectory's projects in the area and offered insight on their development, zoning, construction, and lastly, 35 years later, the decommissioning process. She stated that onsite due diligence is done once receiving zoning approval. Attorney Snittjer touched on the various zoning classifications, permitted uses, and special permitted uses common with these projects.

CHAIRMAN EMMERT began the discussion of the topics.

#1 *Which Village zoning classification of commercial solar energy generation facilities be allowed to be built and operated in?* CHAIRMAN EMMERT gave each member an opportunity to voice their view on the subject.

Attorney Snittjer provided clarification of the types of solar operations. Community solar and large-scale utility solar projects. Community Solar – which is not more than 40 acres and Large-Scale solar facilities are in partnership with utility grids and are of hundreds of acres.

After discussion, there was consensus regarding the use in Districts #4 (General Industrial) and #8 (RTMP). There was no consensus among the members on using the agricultural classification for a solar energy facility.

2. *Should commercial solar energy generation facilities be permitted uses, special permitted uses, or a combination of both depending on the particular zoning classification in question?* It was discussed to have a comprehensive solar ordinance addressing both residential and commercial applications. There was an agreement among the members that Commercial Solar with restrictions is appropriate in Districts #4 and #8 as Permitted Use, and if the Village Board includes Agricultural it would be Special Permitted Use with restrictions.

MR. EUBANK brought up the fact that a Special Permitted Use application puts a burden on the Zoning Board for each project. It was suggested that these restrictions and uses be identified in the UDO.

3. *Should the restrictions placed on the commercial solar energy generation facilities vary based on how close the subject property is to residentially zoned property?* There was a consensus that restrictions should be in place for commercial solar energy facilities in proximity to residential property.

4. *Should the Village update its 2007 Future Land Use plan before ascertaining where it is best to allow solar energy generating facilities to be constructed and operated?* There was consensus to recommend that the Village consider updating the Land Use plan when considering the solar ordinance.

For future discussion, CHAIRMAN EMMERT asked for suggestions to be considered when restricting for the permitted and special permitted uses, such as was presented earlier in the meeting. He asked that each member bring their suggested changes for discussion.

MR. EUBANK made the motion to adjourn, seconded by MR. BOOKER. The motion carried on a unanimous roll call vote.

The meeting was adjourned at 9:21 p.m.

APPROVED: JUNE 26, 2023

William D. Emmert, Chairman

Prepared by:
Kellie Symonds, Deputy Clerk