

MINUTES

Members Present

Mr. Olthoff, Mr. Stauffenberg, Mr. Tripp, Mr. Washington, Ms. Polk, Mr. Mulcahy, Mr. Payton, Ms. Peters, Mr. Kinzinger, and Mr. Fairfield

Members Absent

Mr. Tholen, Mr. Hildebrand, Mr. Einfeldt, and Mr. Ritter

In Attendance

- **Board Members**

Mr. Wheeler and Mr. Liehr

- **Department Heads**

Delbert Skimerhorn and Anita Speckman

- **Media**

None

1. Call to Order/Roll Call

The meeting was called to order by the Committee Chairman, Mr. Olthoff, at 9:00 a.m. Quorum present.

2. Public Comment

Kathleen Kennedy commented on the solar farm issue.

3. Approval of Minutes: April 18, 2018

Mr. Payton made a motion to approve the minutes, and Mr. Tripp seconded it. Motion carried with a voice vote.

4. Building - Delbert Skimerhorn

- **Building Report: April 2018**

Mr. Skimerhorn reviewed and discussed the report with the committee.

Mr. Mulcahy made a motion to approve the report, and Mr. Washington seconded it. Motion carried with a voice vote.

- **Stormwater/MS4 Program Discussion**

None

- **Appointment of Bob BeDell (Commercial) to Kankakee County Board of Examiners and Appeals**

Mr. Tripp made a motion to approve the appointment, and Mr. Kinzinger seconded it. Motion carried with a voice vote.

5. Zoning

Mr. Skimerhorn reviewed the existing solar farm ordinances with the committee.

- ZBA Case#18-16; request for a Special Use Permit #121-99.c.34 (Solar Farm) and Variance to Section 121.99.c.34 (Setbacks) in the A1-Agricultural District on a parcel generally situated in Sections 25 & 36 of Rockville Township. The petitioners are Nugent Farms I, LLC & the Kevin J. Nugent Declaration of Trust Dated July 20, 2004, property owners and Staley Solar, LLC, applicant.

Mr. Skimerhorn stated that this is actually two different actions. There is a Special Use Permit request and a request for Variance for setbacks.

Mr. Skimerhorn asked the developer to give the same PowerPoint presentation that they gave at the Zoning Board of Appeals so that the PZA Committee is aware of the particulars of the case. The developer proceeded to show their presentation, and Mr. Skimerhorn then discussed this case and answered questions from the committee. The Zoning Board of Appeals heard this case and there were 4 yeases and 1 present, which is a 5-0 vote to recommend approval of the Special Use Permit. On the Variance request, the vote was 3-2, with 2 being against. According to the rules of the Zoning Board, there must be 4 concurring votes to make a recommendation, so at this point there is no recommendation on the Variance.

Mr. Wheeler made a motion to approve the Special Use Permit, and Mr. Kinzinger seconded it.

Motion carried with a voice vote.

Mr. Wheeler made a motion to accept the Findings of Fact from the Zoning Board of Appeals on the Variance. There was no second, so the motion died for a lack of second.

Mr. Washington made a motion to send the Variance back to the Zoning Board of Appeals, and Mr. Tripp seconded it. Motion carried with a voice vote.

- ZBA Case#18-17; a request for a Special Use Permit #121-99.c.34 (Solar Farm) in the A1-Agricultural District on a parcel generally situated in Section 35 of Rockville Township. The petitioners are Alexander Real Properties, LLC, property owner and Kankakee Solar 1, LLC / Microgrid Energy IL, LLC, applicant.

Mr. Skimerhorn discussed this case and answered questions from the committee. The Zoning Board of Appeals voted 5-0 to recommend approval.

Mr. Mulcahy made a motion to approve, and Mr. Washington seconded it.

Discussion:

Mr. Kinzinger asked Mr. Skimerhorn if the committee has heard from Microgrid before as their name doesn't sound familiar.

Mr. Skimerhorn stated that they have not, but Liz Reddington from Microgrid Energy is present and will be providing a PowerPoint presentation.

Ms. Reddington proceeded to give her presentation and answered questions from the committee afterwards.

Original motion carried with a voice vote.

- ZBA Case#18-18; request for a Special Use Permit #121-99.c.34 (Solar Farm) in the A1-Agricultural District on a parcel generally situated in Section 31 of Manteno Township. The petitioners are Alexander Real Properties, LLC, property owner and Kankakee Solar 3, LLC / Microgrid Energy IL, LLC, applicants.

Mr. Skimerhorn stated that the presentation the committee just heard applies to these next two cases as well.

Mr. Wheeler made a motion to approve, and Mr. Kinzinger seconded it. Motion carried with a voice vote.

- ZBA Case#18-23; request for a Special Use Permit #121-99.c.34 (Solar Farm) in the A1-Agricultural District on a parcel generally situated in Section 31 of Manteno Township. The petitioners are

Alexander Real Properties, LLC, property owner and Kankakee Solar 3B, LLC / Microgrid Energy IL, LLC, applicants.

Mr. Skimerhorn discussed this case and answered questions from the committee. The Zoning Board of Appeals voted 6-0 to recommend approval, but they did put a condition on it that landscape be added next to the Nugent house on the west side of the property.

Mr. Tripp made a motion to approve, including the condition stated above, and Mr. Washington seconded it. Motion carried with a voice vote.

- ZBA Case#18-19; a request for a Rezoning from C2-General Commercial District to R1-Single Family Residential District on a parcel generally situated in Section 26 of Pembroke Township. The petitioner is Mark Hodge, property owner and applicant.

Mr. Skimerhorn discussed this case and answered questions from the committee.

Mr. Kinzinger made a motion to approve, and Mr. Payton seconded it. Motion carried with a voice vote.

- ZBA Case#18-20; a request for a Rezoning from A1-Agricultural District to I2-General Industrial District on a parcel generally situated in Section 06 of Ganer Township. The petitioner is Gregory M. Lambert, property owner and applicant.

Mr. Skimerhorn discussed this case and answered questions from the committee. The Zoning Board of Appeals voted 5-0 to recommend approval.

Mr. Fairfield made a motion to approve, and Mr. Mulcahy seconded it. Motion carried with a voice vote.

- ZBA Case#18-21; request for a Special Use Permit #121-99.c.34 (Solar Farm) in the A1-Agricultural District on a parcel generally situated in Section 34 of St. Anne Township. The petitioners are Larry & Linda Kleinert, property owners and SV CSG St. Anne 1, LLC, applicant.

Mr. Skimerhorn discussed this case and answered questions from the committee. The Zoning Board of Appeals voted 6-0 to recommend approval.

Patrick Dalseth from Sunvest Solar, Incorporated, gave a presentation and answered questions from the committee afterwards.

Mr. Kinzinger made a motion to approve, and Mr. Fairfield seconded it. Motion carried with a voice vote.

- ZBA Case#18-22; request for a Rezoning from R1-Residential District to A1-Agricultural District and a Special Use Permit #121-99.c.34 (Solar Farm) in the A1-Agricultural District on a parcel generally situated in Section 17 of Momence Township. The petitioners are The Estate of Gary Thyfault c/o Ray Simpson, Independent Executor, property owner and SV CSG Momence 1, LLC, applicant.

Mr. Skimerhorn stated that this case was tabled by the Zoning Board of Appeals and will be heard at the June 11th Zoning Board meeting.

6. Old Business

Geoff Olson stated that he has some updated ridership numbers from rural transit. At the end of April, they did their third quarter requisition for January 1st through March 31st. For the third quarter, they are up about 15% for that quarter than they were a year ago. Overall, they are up about 26% this fiscal year over last fiscal year, so about 5,800 rides. This quarter, they provided 9,613 trips and, of those trips, 3,953 were on their demand response (the dial-a-ride service), and 4,600 were the Momence commuters.

Mr. Wheeler stated that he had a board member ask him a question that he would like to have Mr. Skimerhorn answer. The Findings of Fact that they have to establish when they go against a ZBA recommendation -- is that something that they have always had to do in the past? They failed to do it at the full board and now they have to back track and do the Findings of Fact.

Mr. Skimerhorn stated yes, it's been a few years since it's occurred and doesn't occur that often, but it does happen.

Mr. Wheeler asked so then it is required as part of the process?

Mr. Skimerhorn stated that usually it occurs at the Planning & Zoning level, not at the full County Board level. He has had to do it with this committee before, but he doesn't remember ever having to do it with the County Board. Usually, when it's gotten to the County Board level, it's gone through the Zoning Board and it's gone through Planning & Zoning. The County Board, in almost every instance, agrees with their recommendation. The Zoning Board hears all the testimony and considers all of the information. They then make a recommendation to the County Board. If the County Board finds something in the record that they don't agree with, then they need to state that in a finding that it's not right. The County Board can create its own findings and send it back to the Zoning Board of Appeals to reconsider that particular item. They may come back to the County Board with the same recommendation they had before.

Mr. Wheeler stated that he just thought it was important that the committee know, and those board members that voted no, that neither he nor Mr. Skimerhorn just made this up. This is part of what we've done in the past.

Mr. Skimerhorn stated that it's actually rooted in case law from cases that have gone before the courts. When they do go to the courts, the court is only making their decision on the record. They generally do not call in witnesses or hear any new testimony. That's why it's very important to build that record and make your decision based on that record and only that record.

Mr. Washington made a motion to send ZBA Case #18-01 to the County Board with a recommendation to reconsider the vote, and Mr. Tripp seconded it. Motion carried with a voice vote.

7. New Business

None

8. Adjournment

Mr. Mulcahy made a motion to adjourn the meeting at 11:13 a.m., and Mr. Fairfield seconded it. Motion carried with a voice vote.

Bill Olthoff, Committee Chairman
Diane Owens, Executive Coordinator