Memorandum

DATE: October 17, 2018

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case 2018-06, Poplar Grove Solar LLC, 4324 IL Route 173 (East half)

REQUEST AND LOCATION:
The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035 on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114 is requesting a map amendment (rezoning) on approximately 17 acres of land from the GB, General Business District to the LI, Light Industrial District located southwest of Illinois Route 173 and Illinois Route 76 in accordance with the Poplar Grove Zoning Ordinance, Section 8-5-5 Map Amendment. Part of PIN: 03-14-300-002.

BACKGROUND:
The subject property is 73 acres in size and located northwest of Illinois Route 173 and Illinois Route 76. It was annexed into the Village in 2005. The western half of the property is zoned Light Industrial while the eastern half of the property is zoned General Business. The applicant is requesting to rezone the northern 17 acres (approximately) of the northeastern section of the property to Light Industrial to allow for a potential solar farm (Case 2018-07). The property will be subdivided at a later date so that the 73 acres will no longer contain multiple zoning districts.

The General Business District allows for personal and professional services, indoor retail sales/services, indoor repair sales/services and utilities by right and public/private institutional, outdoor retail sales/services, indoor lodging, offsite parking and self-storage facilities by special use. Development in the general business district can create 75% lot coverage, buildings can be 35 feet in height and be constructed 10 feet from the side lot line and 25 feet from the rear lot line. The Light Industrial District allows for vehicle related sales/services, light manufacturing/industrial and wireless communication facilities by right and rail transit stations, airports/heliports and indoor warehouse/wholesale by special use. Development in the Light Industrial District can create 65% lot coverage, buildings can be 50 feet in height and constructed 20 feet from the side lot line and 30 feet from the rear lot line.

The adjacent property owners were sent certified notices on October 4, 2018 and the green cards have been returned. The request was published in the Boone County Journal on October 5, 2018. The appropriate village staff and other agencies were notified on October 4, 2018. No objections from the agencies were received.

FINDINGS OF FACT:
To make a recommendation and to adopt the findings of fact, the Commission shall consider whether the change is consistent with the objectives of the Zoning Ordinance prescribed in Section 8-1-3. The objectives are as follows:

A. To promote and protect the public health, safety, morals, convenience and general welfare of the people.

Even though most of the area is in agricultural production, the properties are zoned light industrial, general industrial and a mix of residential. Due to the proximity of Illinois Routes 173 and 76 which are truck routes, commercial and industrial development is favored. The applicant is not requesting to rezone the entire parcel to industrial. The southeastern portion along Illinois 173 will remain commercial, leaving the potential for out-lot development.

B. To secure adequate natural light, pure air and safety from fire and other dangers.

All new development shall adhere to the Zoning Ordinance, Subdivision Ordinance, Building Codes, Health Codes, Fire Codes, etc. All codes ensure that light, air and safety are being protected.

C. To protect the character and maintain the stability of residential, business and industrial areas within the Village of Poplar Grove and to promote the orderly development of the areas.

The Village's 2009 Comprehensive Plan calls for the property to remain general business. The Village has held several meetings to discuss a new Comprehensive Plan. Those discussions and draft plan calls for the property to be light industrial. Previous discussions favored industrial growth along Illinois Route 173 in order to capitalize on the existing truck routes and access to I-90. Illinois Route 76 was intended to become the Village's commercial corridor with the possibility of commercial outlots in front of the industrial developments along Illinois Route 173.

D. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters.

There is a drainage way and agricultural drainage tile on the 73 acres, however, they are located west of the portion of the property being rezoned. All development shall adhere to the Village's stormwater management requirements to assure that ponding does not occur after development.

E. To limit congestion in the public streets and highways.

By focusing industrial growth along the State Routes, the traffic along public streets, especially residential streets, is not anticipated to increase. The rezoning is being requested for a solar farm development that is not anticipated to create a large amount of traffic. However, if the solar farm development does not occur, a different land use permitted within the light industrial zoning district may develop. The property's proximity to Illinois Route 76 and Illinois Route 173 (and its accessibility to I-90) will dictate traffic patterns.

F. To prohibit uses or structures which are incompatible with the character of other appropriate existing or intended uses within specified zoning districts.

The property is currently in agricultural production in which it will remain until time of development. Rezoning the property from commercial to industrial does not limit incompatible uses from developing on the property. Due to the building and site design requirements of the Poplar Grove Zoning Ordinance, future industrial development is not anticipated to negatively impact future commercial development.

The four residences to the east, along Illinois Route 76 are shown as commercial on the 2009 Comprehensive Plan. Until the time they are redeveloped, proper buffer yards (as required in the Poplar Grove Zoning Ordinance) will be utilized to separate the residences from industrial development.

G. To provide for the gradual elimination of those existing uses of land, buildings and structures that do not conform to the standards of the zoning district in which they are located.

The property is currently in agricultural production; there are no existing non-conforming buildings. Although the agricultural use is non-conforming, agricultural practices are often continued until the property is developed.

H. To conserve and enhance the taxable value of land and buildings throughout the Village of Poplar Grove.

The potential for new industrial development will have a beneficial impact on the Village's tax base.

RECOMMENDATION:
The planning staff recommends approval of case 2018-06 for a map amendment from GB, General Business District to LI, Light Industrial District.

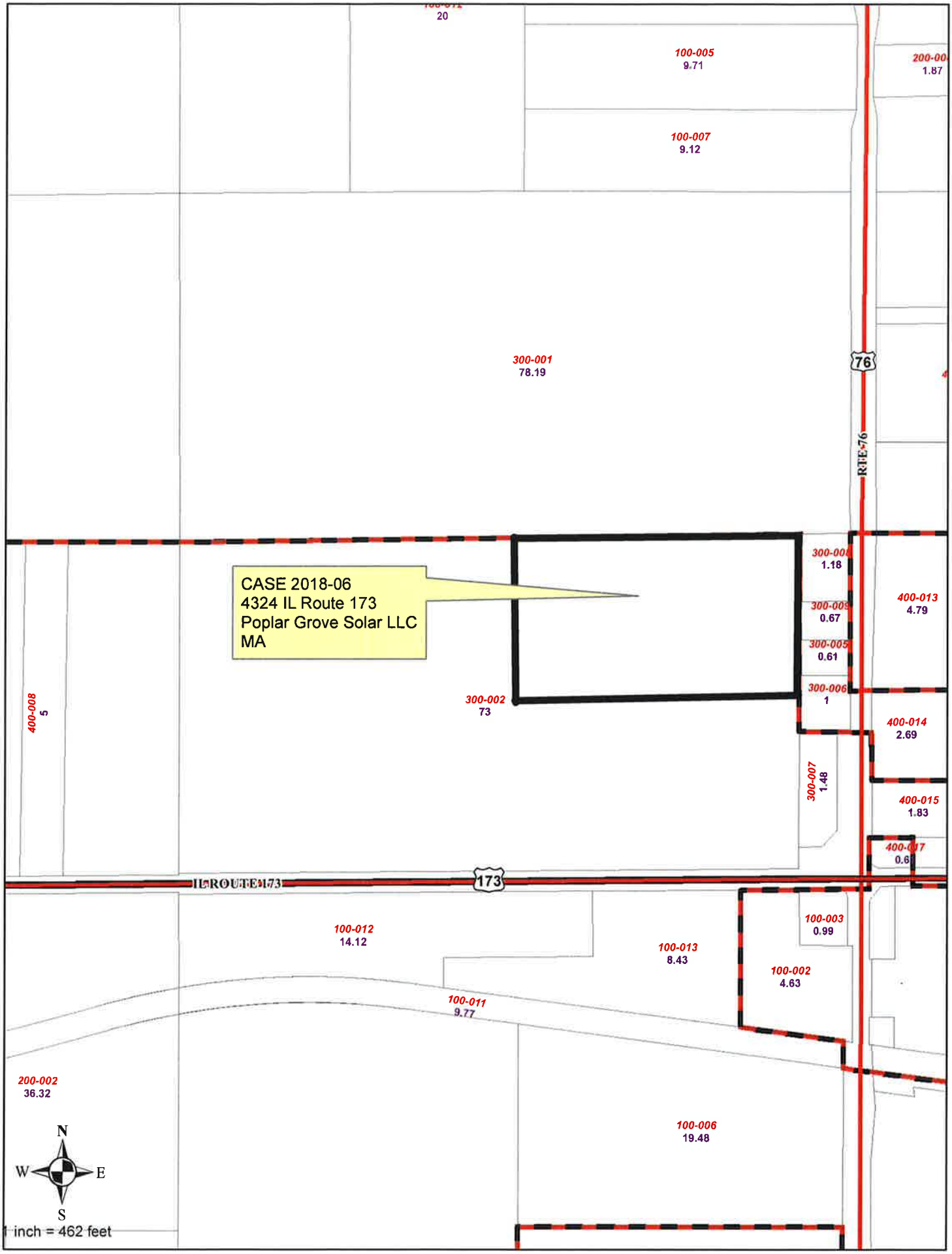
PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION
The Commission shall hold a public hearing on the proposed map amendment, after which a recommendation will be made to grant or deny the map amendment application to the Village Board based on the findings of fact by the Commission. The Commission

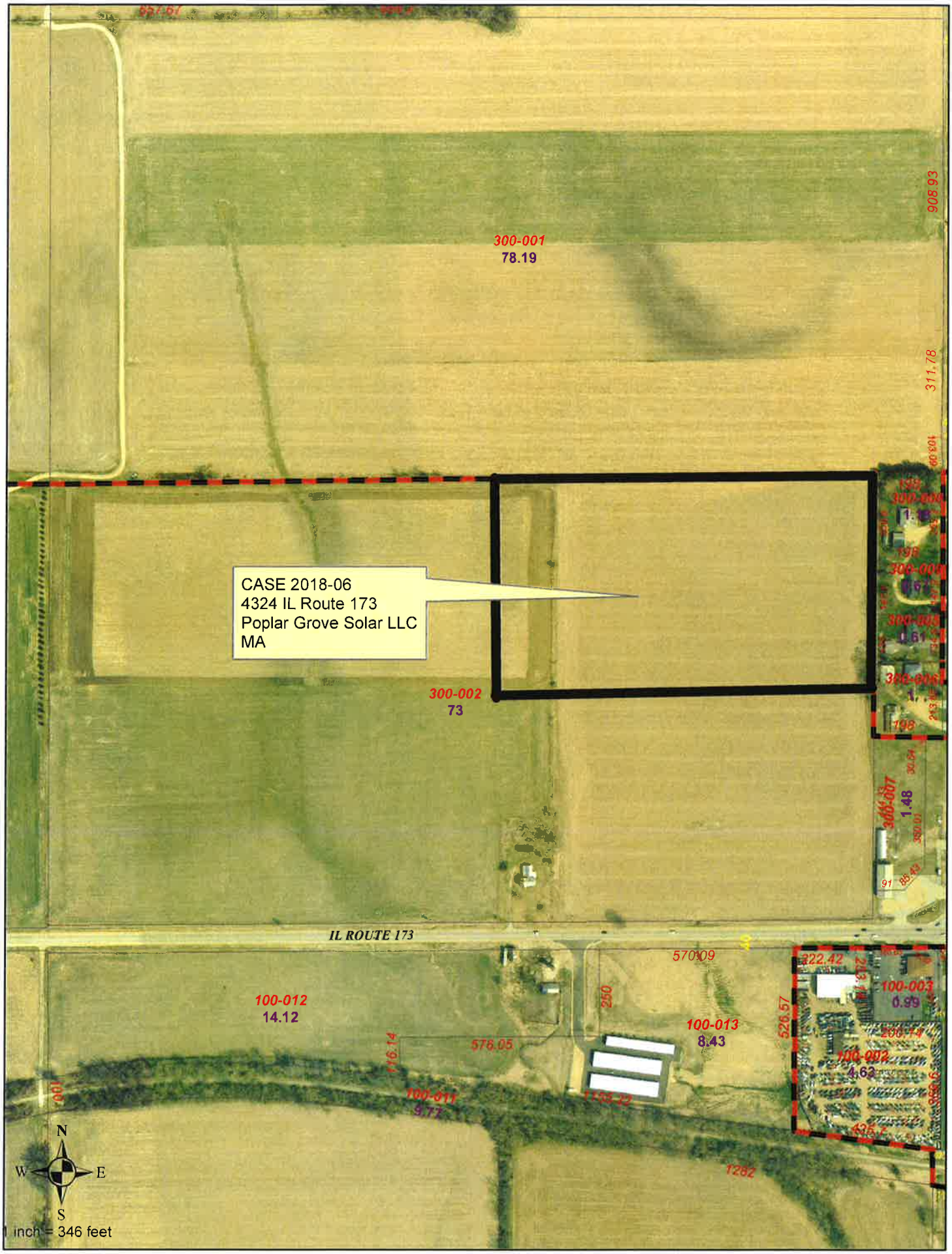
may make the recommendation at the same meeting, or choose to continue the proceedings at a later date. The Commission may request additional information as needed. Once a recommendation is made, the Commission shall record its conclusion as part of the meeting minutes and written findings of fact and forward such documentation to the Village Board. The Commission's failure to act or submit a report within sixty-five (65) days of the public hearing shall constitute a recommendation for the request.

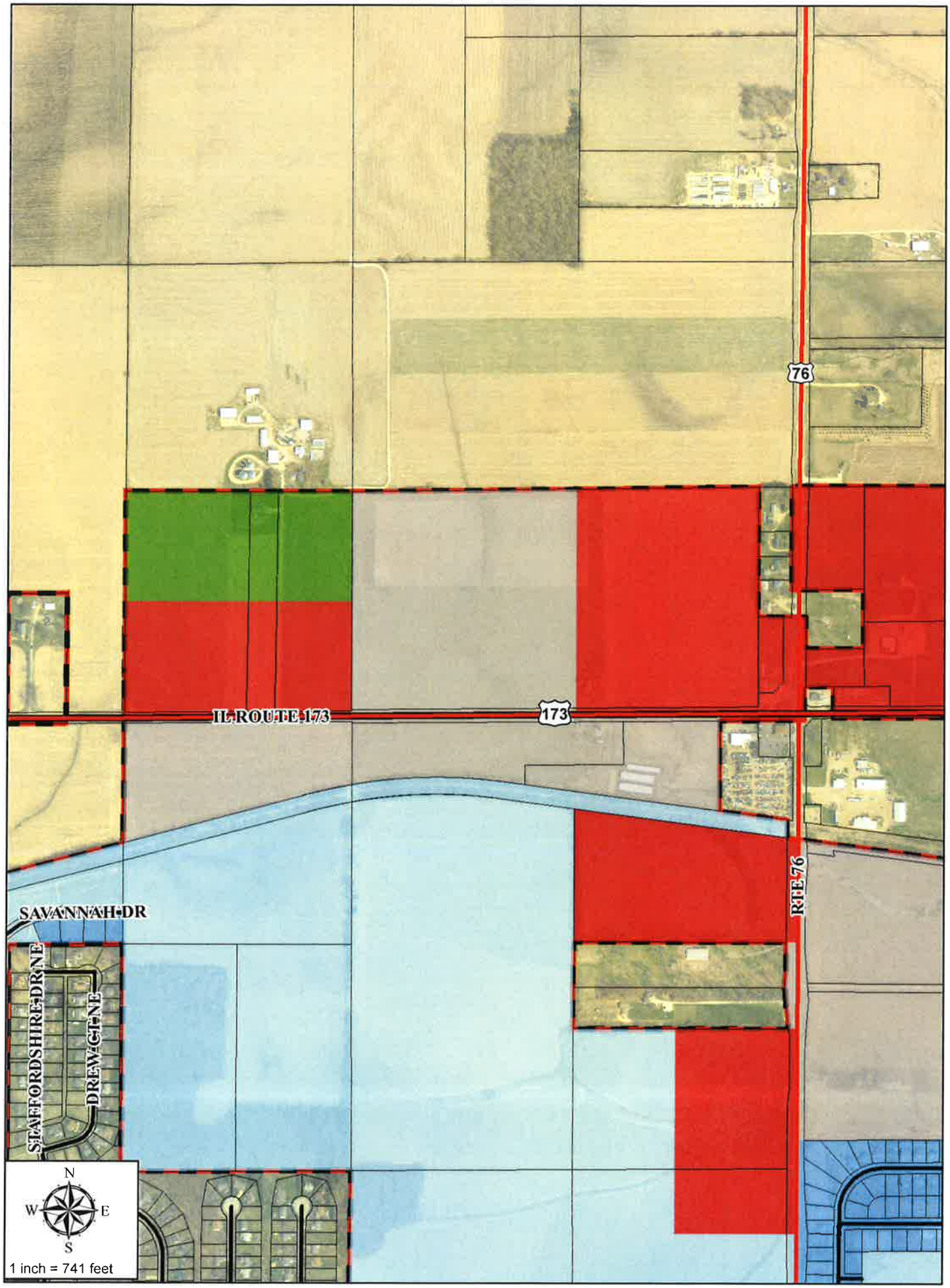
Within sixty-five (65) days of receipt of the Commission's recommendation, the Village Board shall act by ordinance to approve or deny the map amendment as proposed. The Village Board may also remand the request back to the Commission for further hearings and/or discussion. The Village Board's approval or denial of the requested amendment shall be considered the approval or denial of a unique request and shall not be construed as precedent for any other proposed amendment.

ATTACHMENTS

1. Location Map submitted by Planning Staff.
2. Aerial Photo submitted by Planning Staff.
3. Poplar Grove Zoning submitted by Planning Staff.
4. Narrative submitted by the Applicant.
5. Site Plan submitted by the Applicant.
6. Overview from NRI #1594.
7. Letter from Boone County Health Department, Amanda Mehl, October 11, 2018.


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100-005
9.71
200-00
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100-007
9.12
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76
RTE-76
CASE 2018-06
4324 IL Route 173
Poplar Grove Solar LLC
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400-017
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IL ROUTE 173
173
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100-006
19.48
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CASE 2018-06
4324 IL Route 173
Poplar Grove Solar LLC
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IL ROUTE 173
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1282
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76
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SEAFORDSHIRE DR NE
DREW CT NE
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1 inch = 741 feet

EXECUTIVE SUMMARY

Poplar Grove Solar – Application for Zoning Change

Poplar Grove Solar, LLC (the "Applicant") proposes to develop a community solar project approximately 2 MW AC in size, on approximately 17 acres of land located north of Illinois Route 173 and west of Fairgrounds Road in the Village of Poplar Grove, Boone County, Illinois. The Poplar Grove Solar, LLC community solar project (the "Solar Project") will be located within a portion of the parcel with PIN 03-14-300-002 (the "Project Parcel") owned by DYN 173, LLC (the "Landowner").

The Applicant is requesting the Rezoning of the portion of the Project Parcel indicated as "Phase 2" on the Site Map attached as Exhibit B. The Applicant is submitting this Application for Zoning Change pursuant to and in compliance with the requirements of the Village of Poplar Grove Zoning Ordinance (the "Zoning Ordinance"). This application is being submitted concurrently with a Petition for Special Use to allow the development of the Solar Project on the rezoned portion of the Project Parcel.

About Trajectory Energy Partners, LLC

Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Trajectory Energy Partners, LLC brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

The Future Energy Jobs Act and Community Solar Projects

Under Illinois Public Act 99-0906, commonly known as the Future Energy Jobs Act ("FEJA"), the Illinois Power Agency is currently promulgating a set of regulations and incentives to allow the creation of such community solar projects. The Solar Project is intended to be a community solar project under FEJA, which would allow residential and commercial customers to subscribe to the Solar Project. The Solar Project will support FEJA's goals of increasing the adoption and availability of renewable energy to Illinois residents and businesses.

Economic and Environmental Benefits

The Solar Project will provide economic and environmental benefits to the community. Poplar Grove residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from savings on their electricity bills. In addition, the Solar Project will create new tax revenues for the community and generate economic activity through local construction, materials, and services.

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Exhibit B: Site Plan

Exhibit C: Zoning Diagram

I. APPLICANT INFORMATION

The Applicant is a limited liability company, a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Jonathan Carson is an Authorized Representative of the Applicant.

Applicant:

Poplar Grove Solar, LLC
c/o Trajectory Energy Partners, LLC
Attn: Jon Carson
P.O. Box 310
Highland Park, IL 60035
(312) 882-3713
legal@trajectoryenergy.com

Landowner:

DYN 173, LLC
c/o First Midwest Group
Attn: Marvin L. Keys
6801 Spring Creek Road
Rockford, IL, 61114
(815)-229-3000

II. REZONING REQUEST

a. Location

The Project Parcel is located on approximately 17 acres in the Village of Poplar Grove, Section 14, Township 45 North, Range 3, Boone County, Illinois, Property Index Number: 03-14-300-002. See Exhibit A: Project Location.

Legal Description

PIN 03-14-300-002:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14; ALSO ALL THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 23, LYING NORTH OF THE RIGHT OF WAY OF THE CHICAGO NORTHWESTERN RAILWAY COMPANY, EXCEPTING FROM THE ABOVE ONE ACRE IN SAID NORTHWEST QUARTER OF SECTION 23, DEEDED TO WAYNE WHEELER, AS APPEARS OF RECORD IN BOOK 94 OF DEEDS, PAGE 533, BOONE COUNTY RECORDS, AND EXCEPTING 4.84 ACRES IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14, DEED TO FLOYD NEWHOUSE, AS APPEARS OF RECORD IN BOOK 103 OF DEEDS, ON PAGE 444 ALSO EXCEPTING "TRACT A" CONTAINING .971 ACRES AND "TRACT B" CONTAINING 4.856 ACRES IN SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 DEED TO FLOYD NEWHOUSE AND WIFE, AS APPEARS OF RECORD IN BOOK 111 OF DEEDS PAGE 359 BOONE COUNTY RECORDS AND ALSO EXCEPTING THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 23 DEED TO JOHN BULLARD AND

WIFE, AS APPEARS OF RECORD IN BOOK 106 OF DEEDS, ON PAGE 504 BOONE COUNTY RECORDS ALL OF THE ABOVE SITUATED IN TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BOONE COUNTY, STATE OF ILLINOIS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION FOURTEEN (14), TOWNSHIP FORTY-FIVE (45) NORTH, RANGE THREE (3) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 00°36'51" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1326.34 FEET TO
THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89°49'33" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, 2400.02 FEET TO THE WEST LINE OF TRACT "A" OF PREMISES CONVEYED ALLAN B. WARES TO FLOYD NEWHOUSE AND SHIRLEY NEWHOUSE BY QUIT CLAIM DEED DATED DECEMBER 26, 1952 AND RECORDED IN BOOK 111 OF DEEDS ON PAGE 359 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; THENCE SOUTH 00°38'50" WEST, ALONG THE WEST LINE OF TRACT "A" OF SAID PREMISES SO CONVEYED TO NEWHOUSE AS AFORESAID AND THE SOUTHERLY EXTENSION THEREOF, 1324.88 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89°51'38" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2399.26 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHTS OF THE PUBLIC AND STATE OF ILLINOIS IN AND TO THOSE PORTIONS THEREOF TAKEN, USE OR DEDICATED FOR PUBLIC ROAD PURPOSES. SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINOIS

The project is located on the portion of the Project Parcel that is currently zoned as General Business District and for which the Applicant and Landowner are requesting a rezoning to Light Industrial District for the portion indicated on Exhibit B. Pursuant to the Applicant's requested text amendment under Sections 8-5-4 the Zoning Ordinance, solar farms are permitted as a special use in the Light Industrial District. See Exhibit C: Zoning Diagram.

b. Adjacent Properties

Adjacent parcel zoning and current use:

PIN#	Current Zoning	Current Use
03-15-400-011	A-1 and General Business District	Agricultural
03-15-400-010	County	Agricultural
03-14-300-001	County	Agricultural
03-14-300-008	County	Residential
03-14-300-009	County	Residential
03-14-300-005	County	Residential
03-14-300-006	County	Residential
03-14-300-007	General Business District	Business
03-23-100-003	County	Business
03-23-100-002	County	Light Industrial
03-23-100-013	Light Industrial	Light Industrial
03-23-100-012	Light Industrial	Agricultural

03-22-200-002	Light Industrial	Agricultural

Adjacent Parcel landowners:

PIN#	Name/Trust No.	Street	City	Zip
03-15-400-011	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-15-400-010	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-001	LINDBERG, DONALD A TR	3952 IL ROUTE 173	Caledonia	61011
03-14-300-008	MCINTYRE, MICHAEL S & JANE A (HAAS)	15302 IL ROUTE 76	Poplar Grove	61065
03-14-300-009	RABE, DALE A & CANDY E	15270 IL ROUTE 76	Poplar Grove	61065
03-14-300-005	RABE, BENJAMIN	15246 IL ROUTE 76	Poplar Grove	61065
03-14-300-006	GUTHRIE, GLENN S & COLLEEN	15214 IL ROUTE 76	Poplar Grove	61065
03-14-300-007	DELIJAHN INCORPORATED	PO BOX 305	Caledonia	61011
03-23-100-003	NEBIU, ERGEN & NADRIT & MURAT	4481 IL ROUTE 173	Caledonia	61011
03-23-100-002	GRACEFFA, PETER J	4557 IL ROUTE 173	Caledonia	61011
03-23-100-013	POPLAR GROVE STORAGE LLC	6801 SPRING CREEK RD	Rockford	61114
03-23-100-012	DYN 173 LLC	6801 SPRING CREEK RD	Rockford	61114
03-22-200-002	BOONE/POPLAR GROVE LLC	6277 E RIVERSIDE BLVD	Rockford	61114

c. Background

The Applicant requests a rezoning of the portion of the Project Parcel specified in red on Exhibit B from General Business District to Light Industrial. The Applicant believes that this rezoning request is consistent with the current, past, and future planned development of the portion of the parcel in question. The requested portion of the parcel is not frontage along Route 173 and backs up against residential County land, agricultural County land, and Light Industrial zoned land in the Village of Poplar Grove. This rezoning request would allow the appropriate development of the portion of this parcel consistent with adjacent parcels. In addition, the rezoning request would leave the portion of the parcel abutting Route 173 zoned as General Business District, which would allow for the orderly development of this portion of the parcel.

In the event that this application is accepted, the Applicant would subdivide the Project Parcel pursuant to the Illinois State Plat Act in order to maintain zoning consistent with parcel divisions.

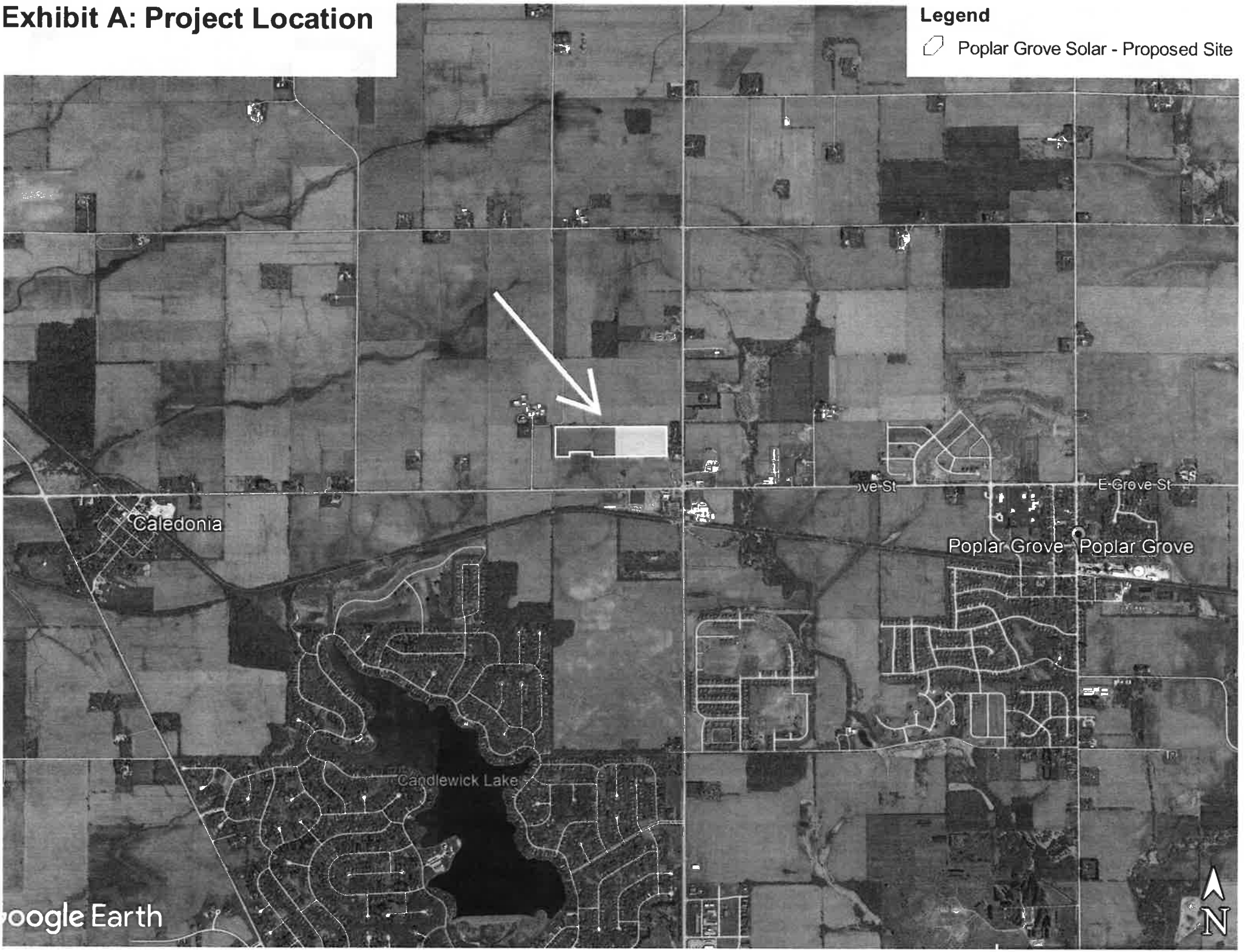
d. Rezoning for Corporations, Partnerships, and Joint Venture

a. The Applicant is not a corporation, partnership or joint venture.
b. The Applicant is not doing business under an assumed name.
c. The Applicant is acting on its behalf.
d. Poplar Grove Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC, P.O. Box 310, Highland Park, IL 60035.
e. There are no shareholders owning any interest in excess of 20% of all outstanding stock.

e. Rezoning Fees

The Applicant has enclosed the filing fee with this application.

Exhibit A: Project Location



15. Overview

This report details information for several natural resource topics. Most of the details for individual topics are presented in a special section. This section highlights the natural resource concerns, which are most important to this site, the environment, and the community:

1. The land evaluation score for this site is 84.42 (Table 13) and most soils are listed as prime farmland or prime farmland when drained (Table 6). The BCSWCD Board has historically opposed zoning changes with land evaluation scores of 69 points or higher; however, characteristics of the proposed project may also influence the Board's final decision.

2. It appears some solar arrays are proposed within a main drainage way (Figures 15 & 16). These areas should be left unobstructed to avoid additional ponding (Tables 9, & 10). Likewise, within a main drainage way Sable silty clay loam (68A) is present. This soil has characteristics that describe it as 85 percent hydric (Figure 9; Table 8), poorly drained (Table 9), and frequently ponds (Table 10). Approximately eight percent of the AOI contains hydric soils (Figure 9; Table 8)

3. Based on mapped soil types, topography, watershed data, and an onsite investigation, a complex agricultural drainage tile system is likely present and should be ***located and protected prior to construction***. During onsite inspection a main drainage way was noticeable near the northwest AOI boundary (Figure 2). Drainage tile maps have been provided from adjacent properties and illustrate several existing drainage tiles (some old clay tiles are also included) (Appendix D). References and maps show a natural drainage from northern border of the AOI trending south-southeast towards Illinois Route 173. Corn crop on this parcel currently masks evidence of any physical drainage way. Additionally, a tile breather south of Illinois Route 173 across from expected natural drainage way was observed during the site inspection, indicated water is likely being intercepted from the AOI and neighboring properties. If drainage tile systems are disrupted, additional ponding and flooding will likely occur.

4. Hydric soils are expected at this site, with approximately eight percent of the AOI expected to be hydric (Figure 9; Table 8).

5. Approximately 197 acres drain through this parcel and into Beaver Creek (Figure 10).

6. If this special use is approved and acreage of land disturbance is greater than one acre in size, a National Pollutant Discharge Elimination System Permit (NPDES Permit) will be required. Temporary soil stabilization, control of sediment during construction and permanent site stabilization after construction is completed is required under a NPDES permit.

Public Health
Prevent. Promote. Protect.

Boone County Health Department

1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

October 11, 2018

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Planning Services for Poplar Grove

Re: Case: 2018-06, Poplar Grove Solar, LLC (MA)

Dear Gina,

We are in receipt of the special use request to allow an operation of an energy facility. At this time the Boone County Health Department has no comment.

If you have any questions, or concerns, please let us know.

Thank you,

Amanda Mehl
Public Health Administrator
skm