

**CITY OF ROCHELLE
PLANNING & ZONING COMMISSION
REPORT OF FINDINGS**

Case No.: 07-25
Applicant: Rochelle Solar LLC
Address: Corner of Twombly Road and North Caron Road

Narrative:

Rochelle Solar entered into an annexation agreement for 87.89 +/- acres with the City of Rochelle at the southwest corner of Twombly Road and North Caron proposed extension road (part of parcel 25-18-100-009) to develop a solar farm. The property was zoned RD, Rural Development at the time of annexation, which requires a special use for a Solar Farm. A special use was granted at that time as follows:

Conditions of the special use for a solar farm would include the following:

- 1) Dedication of City easements (15' width minimum), as approved by the City Engineer, for a shared use path along the westerly boundary of the subdivision.
- 2) Dedication of right-of-way (ROW), as approved by the City Engineer, along the southerly and northerly boundary lines of the subdivision for existing and/or future roadway or utility improvements or extensions along Twombly Rd and future Flagg Road east of Caron Road.
- 3) Posting of the necessary surety as per the City Engineers estimate of cost for said roadway and/or utility improvements (ie, public improvements) and as per section 86-51 through 86-56 of the Rochelle Municipal Code in the amount of \$1,125,000. If the developer/petitioner fails to complete the improvements the City may draw upon the surety and use said funds for the public improvements within the ROW.
- 4) Dedication of a City/drainage easement for the Special Flood Hazard Area (SFHA) also known as the floodplain/floodway as depicted on the FEMA FIRM maps #17141C0483E City of Rochelle and Ogle County effective dated 8/17/2016.
- 5) The internal light duty maintenance driveways may be chip sealed due to the limited Average Daily Traffic (ADT) of 10 vehicles per day (VPD) within the solar field perimeter. However, any and all access driveways from Twombly Road or other City owned ROW's shall meet the requirements for driveway approaches from a street and hard surfacing of driveway as measured 130 feet from the applicable ROW line.
- 6) All final site plans and applications for permits shall be reviewed and approved by City staff as the development proceeds forward in accordance with the Rochelle Municipal Code except as may be varied from herein.
- 7) All landscaping shall be maintained by the petitioner/developer in accordance with all Rochelle Municipal Codes and as required by City staff. Annual inspections shall be performed by City staff to determine if damaged, dead or diseased plantings need to be removed and replaced to ensure the landscape buffer remains as shown on the plan.
- 8) All stormwater impact fees, in accordance with Chapter 22 of the Rochelle Municipal Code, shall be paid at \$1300/Acre of the subdivision prior to the issuance of a special use permit or recording of the Final Plat of the Rochelle Northeast Subdivision.

Rochelle Solar later petitioned to add the terms of 40 years to their special use for a solar farm. By adding these terms, the language of their special use was consistent with the language in their annexation agreement.

More than three years have passed since the original special use was granted and the petitioner has not moved forward with the project; therefore, they are now required to apply for a new special use. The petitioner, Rochelle Solar, is requesting a special use with the same conditions as previously granted.

Staff Recommends:

Staff is presenting a special use for 40 years with conditions for Rochelle Solar.

Findings:

1. Is the proposed use allowed in the proposed zoning district, but only with a special use permit?

Yes: _____

No: _____

Explanation: _____

If the answer to any of the following questions is “Yes”, then the Commission should recommend that the City Council deny the petition for a special use permit. If the answer to all of the following questions is “No”, then the Commission may recommend that the City Council approve or deny the petition for a special use permit. Each question should state an answer and give an explanation. If the answers to all of the questions is “No”, but the Commission votes to recommend denying the petition, the Commission should provide an explanation as to why.

2. Is the proposed use detrimental or dangerous to public health?

Yes: _____

No: _____

Explanation: _____

3. Will the proposed use impair property value in the neighborhood?

Yes: _____

No: _____

Explanation: _____

4. Will the proposed use impede the normal development of the surrounding properties?

Yes: _____

No: _____

Explanation: _____

5. Will the proposed use:

(a) impair light and air to adjacent property;

(b) congest public streets;

(c) increase the risk of fire;

(d) substantially diminish property values within the vicinity; or

(e) endanger the public health?

Yes: _____

No: _____

Explanation: _____

Recommendation:

Based on the findings above, the Planning and Zoning Commission hereby recommends to the Rochelle City Council that:

_____ That the Petitioner be granted a special use permit for the proposed use at the Subject Property, without conditions other than the other applicable requirements of the Rochelle Municipal Code.

_____ That the Petitioner be granted a special use permit for the proposed use at the Subject Property, with the following conditions attached thereto, in addition to the requirements of the Rochelle Municipal Code:

1. Dedication of City easements (15' width minimum), as approved by the City Engineer, for a shared use path along the easterly boundary of the subdivision.
2. Dedication of right-of-way (ROW), as approved by the City Engineer, along the southerly and northerly boundary lines of the subdivision for existing and/or future roadway or utility improvements or extensions along Twombly Rd and future Flagg Road east of Caron Road.
3. Posting of the necessary surety as per the City Engineers estimate of cost for said roadway and/or utility improvements (ie, public improvements) and as per section 86-51 through 86-56 of the Rochelle Municipal Code in the amount of \$1,100,000. If the developer/petitioner fails to complete the improvements the City may draw upon the surety and use said funds for the public improvements within the ROW.
4. Dedication of a City/drainage easement for the Special Flood Hazard Area (SFHA) also known as the floodplain/floodway as depicted on the FEMA FIRM maps #17141C0483E City of Rochelle and Ogle County effective dated 8/17/2016.
5. The internal light duty maintenance driveways may be chip sealed due to the limited Average Daily Traffic (ADT) of 10 vehicles per day (VPD) within the solar field perimeter. However, any and all access driveways from Twombly Road or other City owned ROW's shall meet the requirements for driveway approaches from a street and hard surfacing of driveway as measured 130 feet from the applicable ROW line.
6. All final site plans and applications for permits shall be reviewed and approved by City staff as the development proceeds forward in accordance with the Rochelle Municipal Code except as may be varied from herein.
7. All landscaping shall be maintained by the petitioner/developer in accordance with all Rochelle Municipal Codes and as required by City staff. Annual inspections shall be performed by City staff to determine if damaged, dead or diseased plantings need to be removed and replaced to ensure the landscape buffer remains as shown on the plan.

8) All stormwater impact fees, in accordance with Chapter 22 of the Rochelle Municipal Code, shall be paid at \$1300/Acre of the subdivision prior to the issuance of a special use permit or recording of the Final Plat of the Rochelle Northeast Subdivision.

9) 40 year term for the use of a solar farm.

_____ That the Petitioner be denied a special use permit for the proposed use at the Subject Property. If this is based on any reason other than a “Yes” response above, the Planning and Zoning Commission explains as follows:

Passed by the Planning & Zoning Commission: _____

Vote:

Ayes: _____ **Nays:** _____ **Abstain:** _____

CHAIRMAN