VILLAGE of ROSCOE

Planning and Community Development Department
10631 Main Street, Roscoe, IL 61073
tel: 815-623-2829 fax: 815-623-1360
permits@roscoeil.gov

Zoning Board of Appeals Meeting of October 14, 2026

Application No. ZBA 2026-

Applicant: Pivot Energy IL 143 LLC on behalf of 12233 North Second Street LLC

Location: 12233 North 2nd Street, (PINS: 04-28-176-002 and 04-28-176-003)

Requested Actions: A Special Use Permit to install a Community Solar Farm/Garden

Existing Use: Self Storage

Proposed Use: Self Storage

Existing Zoning: CH, Highway Commercial

Adjacent Zoning: North: IG, General Industrial

East: IG, General Industrial

South: IL, Light Industrial

West: CPD, Commercial Planned Development

Executive Summary: Pivot Energy IL 143 LLC seeks a Special Use Permit to install a Community Solar Farm/Garden in the (CH), Highway Commercial zoning district for the property located at 12233 North 2nd Street, Roscoe, Illinois.

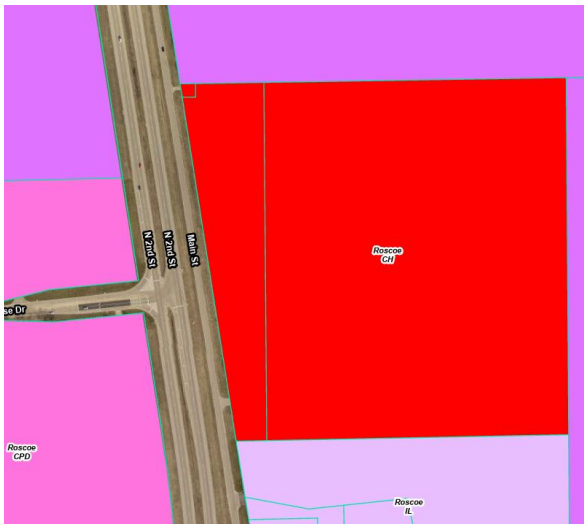
Request: The applicant is requesting a Special Use Permit to construct a ground-mounted, single-axis tracking community solar garden with a battery energy storage system on the subject properties. The proposed solar array would have a capacity of approximately 2.98 megawatts (MW) and would include approximately 12,000 Silfab 580-watt solar modules mounted on ATI Duratrack single-axis tracking systems.

Pursuant to Section 15-555(d) of the Village Code, a Community Solar Farm/Garden is permitted as a primary land use in the CH, Highway Commercial District, subject to approval of a Special Use Permit. The proposed use is therefore subject to the Special Use Permit process and applicable use regulations, design review, and site requirements.

Location Map



Zoning Map



Background and History:

The applicant originally submitted a proposal for a Community Solar Garden encompassing most of the vacant land north of the existing self-storage units, totaling approximately 23 acres.

During the initial review, Staff communicated to the applicant that the property is zoned for highway-oriented commercial uses and is identified for commercial development on the Future Land Use Map in the Village's Comprehensive Plan. Based on these designations, Staff indicated that it would not recommend approval of a Community Solar Garden occupying the entire vacant portion of the property.

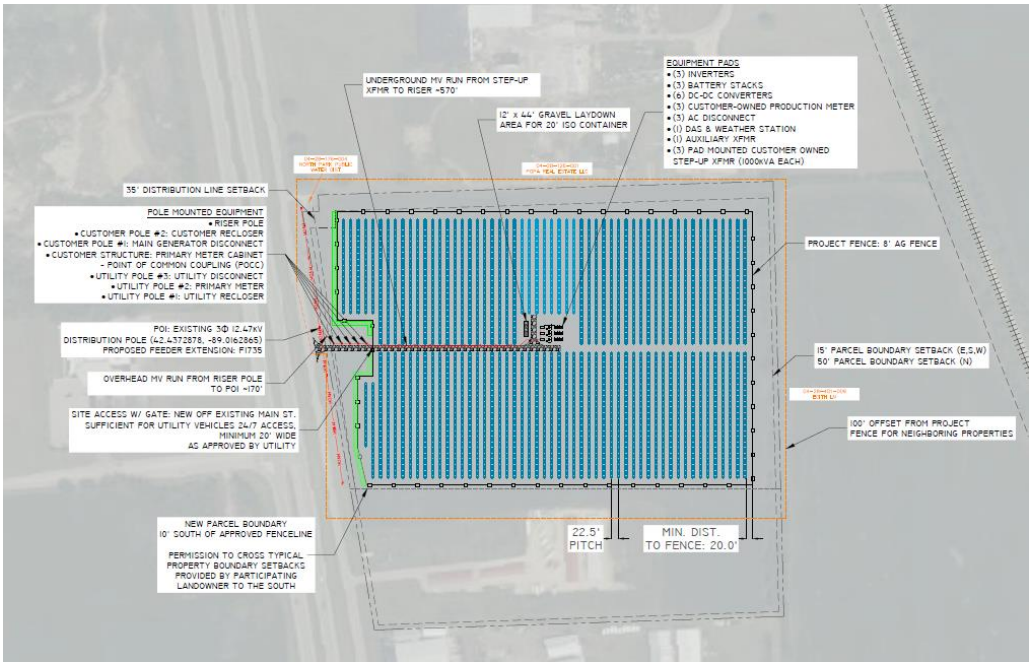
As a compromise, Staff recommended that the applicant reduce the size of the solar farm/garden and relocate the facility farther east on the property, away from the road frontage. This revised configuration would preserve a portion of the property for potential future commercial development while maintaining frontage along 251 Road for future access and development.

The request would require an amendment to the Lease agreement between the applicant and owner. Regarding the "negative solar easement," Which states the owner shall not construct buildings or structures or plant new trees or vegetation of any type or allow any trees or vegetation on the property which now and hereafter, in Company's reasonable opinion, may be a hazard to the project, overshadow or otherwise block or interfere with sunlight access to the project.

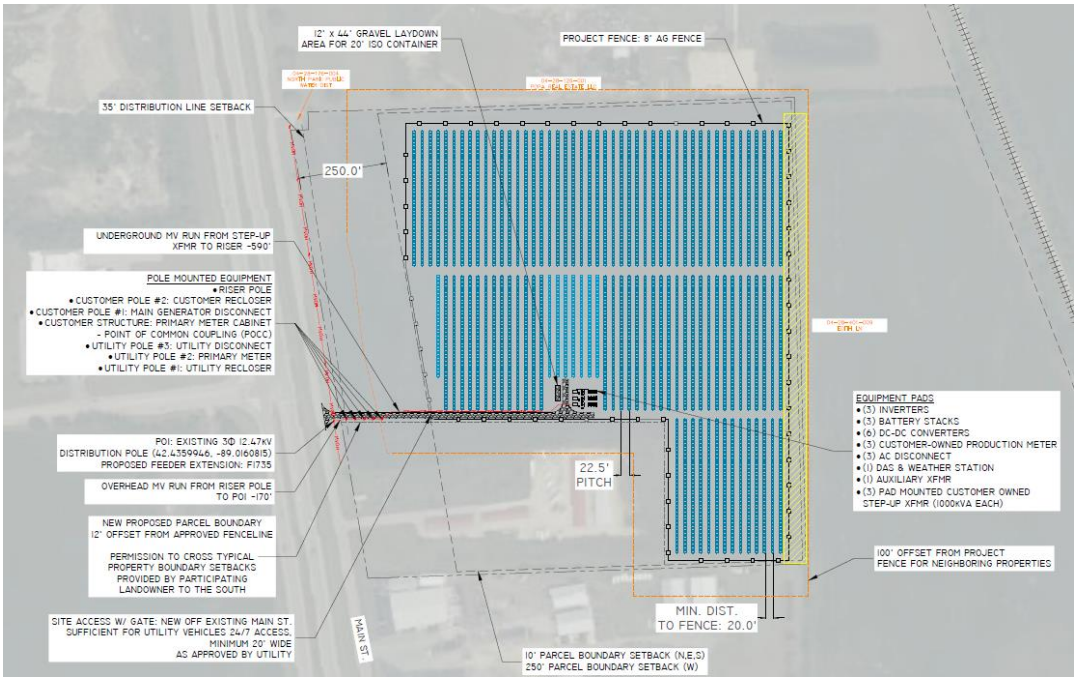
The applicant subsequently presented the revised proposal to the Village Board of Trustees in September. The Trustees expressed appreciation for the applicant's willingness to modify the original proposal and preserve an area for future commercial development. The Trustees also raised concerns regarding site access, construction activities, and how access to the proposed solar facility would be shared with or accommodate the reserved area for future development.

The revised proposal includes approximately 22 acres of property for the solar facility, with the remaining area retained for future development.

Original Proposed Layout



Amended Proposed Layout



Staff Review:

Access: Access to the proposed solar facility is currently shown from the frontage road via a gravel access road. The access drive's location and configuration shall be revised as part of the site plan review process. Village Code requires roads and access drives to have a hard surface; therefore, the proposed gravel drive does not comply and must be addressed before site plan approval. The final access design should also account for the portion of the property reserved for future commercial development.

Utilities: The proposed facility would interconnect with the existing ComEd distribution line along IL Rt 251. The interconnection would include an approximately 170-foot overhead medium-voltage run from a riser pole, followed by an approximately 570-foot underground run from the step-up transformers. Four new utility poles are proposed. The applicant has indicated that an interconnection agreement with ComEd has been received. No water or sewer extensions are proposed.

Fencing: The applicant proposes an approximately eight-foot agricultural mesh-wire fence around the solar facility. The Community Solar Farm/Gardens regulations require that facilities be enclosed with a chain-link fence of up to eight feet in height, finished in green or black polymer or vinyl coating. The proposed agricultural fencing does not meet this standard, and Staff does not support the requested deviation. Agricultural fencing weathers and visually deteriorates over time, which is inconsistent with the appearance expected in a commercial district. Staff supports waiving the fencing requirement if the applicant instead provided a vegetative buffer around the entire project (plantings or a berm).

Vegetative Buffer and Screening: The original project narrative and site layout included a single vegetative buffer intended to screen the facility from public view along Main Street and IL Rt 251. Given the commercial zoning and location, the Village finds it in its best interest to screen the project from the public right-of-way. Screening should be placed between the easternmost part of the reserved commercial area and the solar array to create an effective visual barrier.

The applicant's narrative states that the buffer will be designed and certified by a landscape architect, but no buffer details were provided. Staff recommends, as a condition of approval, that a landscaping plan complying with Section 15-654 of the zoning code be submitted for review and approval by Village staff.

Ground Cover and Vegetation Management: The applicant proposes a native, pollinator-friendly seed mix for ground cover throughout the site, along with a coordinated management plan. Staff recommends that the applicant follow the IDNR Solar Site Pollinator Establishment Guidelines and revise the Vegetation Management Plan accordingly to address the establishment, maintenance, and long-term management of site vegetation.

Lot Configuration: The proposed project spans two parcels, one of which contains an existing self-storage facility. To allow the project to meet all applicable development and use standards,

the self-storage facility must be subdivided from the proposed development, and the remaining land must be combined to create a single lot for the proposed project.

Decommissioning: The Decommissioning Plan has some inconsistencies between the applicant's narrative and the actual plan. The removal timeline is 90 days in the decommissioning plan, 6 months in the narrative, and 12 months in the AIMA. The decommissioning plan shall be compliant with Ordinance 2023-11 and clarify:

- A gross decommissioning cost prepared by an IL professional Engineer.
- A separately identified salvage value for equipment and materials.
- A net salvage credit.
- Documentation demonstrating that the Village has priority or a legally enforceable interest in the salvage proceeds if the project is abandoned.
- Periodic updates to both the decommissioning cost and salvage estimate.

Engineering Comments: Engineering was provided a copy of the proposed development and has the following comments.

Permits and Agency Approvals: Obtain all applicable Village permits, including site development, right-of-way construction, and driveway construction permits, as well as the IEPA General NPDES Construction Permit and any applicable Winnebago County building and electrical permits.

Project and Battery Storage Information: Clarify the proposed access-road width, as the narrative identifies a minimum width of 16 feet while the plans identify 20 feet. Additional information regarding the proposed battery energy storage system (BESS) is also required, including equipment specifications, battery chemistry, layout, separation distances, operating characteristics, applicable safety certifications, and fire-protection measures.

Access Road and Fencing: The proposed gravel access road is not permitted in a commercial area. The access road must meet Village requirements for bituminous pavement or Portland cement concrete. In addition, fencing must comply with Village setback requirements and may not be located within the required front yard of a nonresidential district.

Stormwater and Drainage: A stormwater report is required to demonstrate adequate existing and proposed drainage, including grading, drainage patterns, and potential impacts from the access road, equipment pads, and other improvements. Any required stormwater facilities and maintenance responsibilities must be identified.

Erosion and Sediment Control: Provide an erosion and sediment control plan addressing disturbance limits, construction access and staging, temporary stabilization, sediment controls, and permanent restoration. Existing drainage infrastructure must be protected, and any drain tiles encountered or damaged during construction must be restored.

Fire, Emergency Access, and Other Agency Review: Submit the proposed solar and battery storage facilities to the Village, Harlem-Roscoe Fire Department, and Winnebago County Building Division for review. Fire Department comments should address emergency access, road and gate widths, loading requirements, turning movements, turnaround facilities, and access to the battery equipment.

Utility and Access Coordination: Provide documentation of ComEd's acceptance of the proposed interconnection and equipment layout. The applicant must also confirm the jurisdiction and access-control authority for the frontage road, obtain all required Village and IDOT approvals, and demonstrate that the proposed entrance complies with any recorded access restrictions.

Special Use Permit Procedure: A Special Use Permit (SUP) is an approval that allows land use that is not automatically permitted under zoning rules but may be allowed if specific conditions are met. Section 15-780 outlines the procedure for a Special Use Permit. The ZBA must hold a public hearing for each proposed SUP. Within 45 days following the public hearing, the ZBA must make a favorable finding as to whether the SUP is consistent with the purpose and intent of the zoning ordinance and the Village's comprehensive plan. The concurring vote of four members of the ZBA is necessary to recommend approval to the Village Board.

Per Section 15-780(c)(2) of the Zoning Code, the Zoning Board of Appeals shall find all the following facts true:

1. **The proposed location of the special use and conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;**

   As revised, the facility is limited to the rear portion of the parcel, set back from the frontage road and IL Rt 251 Road. The use generates minimal traffic, noise, and odor once operational, and no water or sewer extensions are proposed. The site contains no delineated wetlands or drain tiles, and SHPO and IDNR reviews resulted in an archaeological exemption and a determination of no adverse effects. Public safety concerns related to the battery energy storage system (BESS), emergency access, and stormwater will be addressed through the conditions below. Staff finds this standard can be met if those conditions are satisfied.

2. **The establishment of the special use will not impede the normal or orderly development of the surrounding property for uses permitted in the district;**

   The property is zoned CH and is designated for commercial development in the Comprehensive Plan. The applicant reduced the original proposal away from the road frontage, which preserves frontage and developable area along IL Rt 251. To ensure the

project does not impede future commercial development, staff recommends conditions requiring a shared-access design, screening, a lease amendment addressing the negative solar easement, and decommissioning assurances. Staff finds this standard can be met if those conditions are satisfied.

3. **Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided;**

   The applicant has received an interconnection agreement from ComEd for connection to the existing power lines along IL Rt 251, and no water or sewer extensions are required. The proposed gravel access road does not meet Village code, and the stormwater, erosion control, and BESS documentation have not yet been provided. These items will be required under the conditions below, staff finds this standard can be met if they are satisfied.

4. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion; and**

   Access is proposed from the frontage road. After construction, operational traffic would be limited to occasional maintenance visits, but the shared use of the entrance with the reserved commercial area needs to be addressed. The location, width, and surfacing of the drive, and the jurisdiction over the frontage road, must be resolved with the Village and IDOT. Staff finds this standard can be met if the conditions below are satisfied.

5. **The proposed Special Use will, in all other respects, comply with each of the applicable provisions and regulations of the district in which it is located.**

   As submitted, the proposal does not fully comply with the commercial zoning district standards. With the requested conditions of approval, this standard is met.

Staff Recommendation: Staff recommends **approval** of a Special Use Permit to construct a community solar farm/garden with a battery energy storage system, in the CH, Highway Commercial zoned property located at 12233 North 2nd Street, PINS: 04-28-176-002 and 04-28-176-003, based on the above Findings of Fact and subject to the following conditions of approval:

1. Approval of a Special Use Permit for a community solar farm/garden use with a battery energy storage system generating no more than 5.0 MWac on the subject properties.
2. The applicant shall submit updated site plans for review and obtain design review for the proposed development per Sec. 15-776 of the Zoning Code.
3. The proposed project must meet the Commercial bulk standards per Section 15-436 of the Zoning Code.

4. A contiguous area along the frontage road/Route 251, at minimum 700 feet of frontage by a minimum of 300 feet of depth, shall be reserved and kept free of solar equipment for future commercial development. The reservation shall be shown on the site plan and lease agreement before the permit is issued.
5. Prior to issuance of a building permit, the self-storage facility shall be subdivided from the project area and the remaining land combined so the project is on a single lot that meets all setback requirements. The land division shall be recorded with Winnebago County.
6. The applicant shall submit documentation of an amended lease that addresses the "negative solar easement." The amended lease shall not restrict buildings, structures, or vegetation on the reserved commercial area.
7. The access drive shall be hard surfaced with bituminous pavement or Portland cement concrete, per Village Code. Gravel is not permitted.
8. The access drive shall be redesigned and approved during site plan review to accommodate shared access with the reserved commercial area.
9. The applicant shall confirm jurisdiction and access-control authority over the frontage road, obtain all required Village and IDOT approvals, and demonstrate compliance with any recorded access restrictions.
10. Fencing shall be a chain-link fence up to eight feet in height with a green or black polymer or vinyl-coated finish and shall comply with Village Code. Agricultural mesh-wire fencing is not approved. The fencing requirement is waived if the applicant provides a vegetative buffer or berm around the entire project area.
11. A landscaping plan that complies with Section 15-654 and screens the facility from the public right-of-way shall be submitted for approval by Village staff prior to site plan approval. The plan shall be prepared by a landscape architect and shall place screening between the easternmost part of the reserved commercial area and the solar array.
12. The solar panels shall be installed with an anti-reflective coating.
13. The Vegetation Management Plan shall be revised to follow the IDNR Solar Site Pollinator Establishment Guidelines and address establishment, maintenance, and long-term management.
14. Prior to site plan approval, the applicant shall provide BESS equipment specifications, battery chemistry, layout, separation distances, operating characteristics, safety certifications, and fire-protection measures reviewed by the Village Engineer, Harlem-Roscoe Fire Department, and Winnebago County Building Division.
15. The applicant shall submit a stormwater report and an erosion and sediment control plan meeting the Village engineering requirements and shall identify any required stormwater facilities and maintenance responsibilities.
16. Any drain tiles encountered or damaged during construction shall be restored.
17. The applicant shall provide documentation of ComEd's acceptance of the interconnection and equipment layout.

18. Any new public electric infrastructure required by the electric utility to serve the solar facility shall be installed underground where above-ground infrastructure does not currently exist. Where above-ground infrastructure does exist, new infrastructure and upgrades shall also be installed underground, except where environmental constraints make burial infeasible.
19. The applicant shall obtain all required permits, including Village site development, right-of-way, and driveway permits, the IEPA General NPDES Construction Permit, and any Winnebago County building and electrical permits.
20. Prior to building permit issuance, the Decommissioning Plan shall be revised to comply with Ordinance 2023-11 and shall: use one consistent removal timeline across the plan, narrative, and AIMA; include a gross decommissioning cost prepared by an Illinois-licensed Professional Engineer; separately identify salvage value and a net salvage credit; document that the Village has priority or a legally enforceable interest in salvage proceeds if the project is abandoned; and provide for periodic updates to the cost and salvage estimates.
21. The applicant shall comply with the Agricultural Impact Mitigation Agreement (AIMA).
22. A contact person for the project will need to be kept on file with the Village of Roscoe for issues/complaints upon completion of the facility.
23. A special use permit shall lapse and shall become void one year following the date on which the special use permit became effective, unless before the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the special use permit application, or a certificate of occupancy is issued for the structure which was the subject of the special use permit application, or the site is occupied if no building permit or certificate of occupancy is required.
24. Any additional conditions of approval recommended by the Zoning Board of Appeals.