



Legislation Details (With Text)

<b>File #:</b>	20-246	<b>Version:</b>	1
<b>Type:</b>	Public Hearing	<b>Status:</b>	Agenda Ready
<b>File created:</b>	2/13/2020	<b>In control:</b>	Planning and Zoning Commission
<b>On agenda:</b>	2/19/2020	<b>Final action:</b>	
<b>Title:</b>	Conduct the public hearing regarding the Springbrook Water Reclamation Facility’s proposed Photovoltaic System located at 3712 Plainfield-Naperville Road- PZC 19-1-121 (1 of 3)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Development Petition, 2. Findings of Fact, 3. Map and Site Plan, 4. Legal Description, 5. Fence Sample, 6. Solar Panel Example, 7. Plat of Subdivision, 8. FPDWC_Public Comment Letter_02.10.20, 9. EcoCAT Report, 10. Annexation Description, 11. Plat of Annexation		

Date	Ver.	Action By	Action	Result
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**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing regarding the Springbrook Water Reclamation Facility’s proposed Photovoltaic System located at 3712 Plainfield-Naperville Road- PZC 19-1-121 (1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 19-1-121 was published in the Daily Herald on Monday, February 3, 2020. Public notices with a conceptual site plan were mailed to all property owners within 300’ of the proposed property lines as shown on the preliminary/final plat of subdivision, and a sign was posted at the facility’s main entrance.

**BACKGROUND:**

The subject property is the site of the Springbrook Water Reclamation Facility commonly known as 3712 Plainfield-Naperville Road. It is approximately 159 acres and is zoned R1 (Low Density Single-Family District). This includes a 12.4-acre vacant, unincorporated lot located to the northeast of the main facility. The main facility was annexed to the City of Naperville pursuant to Ordinance No. 90-115, and Ordinance No. 90-116 granted a conditional use for public utilities. It is the site of a waste water treatment facility and associated appurtenances.

The petitioner, the City of Naperville, intends to construct a one megawatt solar array per City Council’s adopted Resolution #19-399. This resolution approved a Generation Siting and Operating Agreement between the Illinois Municipal Electric Agency (IMEA) and the City of Naperville. This new installation partially located on the main facility and the unincorporated lot will provide an

opportunity to showcase a project that emphasizes the city's continued commitment to sustainability and renewable energy. This project is expected to produce more than 1.6 million kilowatt hours of electricity per year and will be fed into the city's distribution system.

## **DISCUSSION:**

### ***Annexation***

The City is requesting annexation of the 12.4-acre unincorporated lot into the City of Naperville and proposes rezoning the lot to R1 (Low Density Single-Family District) upon annexation. The annexation request is not reviewed by the Planning & Zoning Commission, but information is provided for reference. City Council will consider the request at a subsequent public hearing. The subject property is contiguous to the City of Naperville's current municipal boundaries and is eligible for annexation.

### ***Rezoning***

The City is seeking to rezone a portion of the property to R1 (Low Density Single-Family District) upon annexation. This will match the rest of the main facility's zoning designation and is consistent with the Future Land Use designation of "transportation/utilities."

### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Map Amendment can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

### ***Preliminary/Final Plat of Subdivision***

The City requests approval of a plat of resubdivision to consolidate three lots together. This proposal allows for the entire facility to be located on a singular lot. The subdivision complies with their underlying zoning district's minimum requirements, and no variances are necessary to resubdivide the property. Although normally a consolidation is approved via an administrative process because a new lot is not being created, this proposal involves city-owned land and is subject to City Council's purview. Separately, a plat of easement and associated language for access and construction easements will be reviewed and approved by City Council. Staff finds the proposed preliminary/final plat of subdivision meets all technical requirements for approval.

### ***Fence Variances***

The City proposes to construct a 7' chain-link fence around the solar array. The fence encloses the array on all sides. Per [Municipal Code Section 6-2-5](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-5UTFARE) [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-5UTFARE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-5UTFARE), public utility facilities shall be screened with fences of at least 75% opacity and this threshold is not met with a chain-link fence. [Municipal Code Section 6-2-13:4.2](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-12FE) [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-12FE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-12FE) also states public utility fences shall be buffered with landscaping or berming. [Municipal Code Section 6-2-12:4.3](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-11TEBUSTUSLA) [<https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-11TEBUSTUSLA>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-11TEBUSTUSLA) further stipulates that public utility fencing shall not exceed a height of 6'.

The proposed fence is not meant to demarcate the property lines and is placed in a manner to only enclose the solar array thus leaving a significant gap between the array and the closest property line. Furthermore, there are no abutting residential neighbors and the array itself is more than 600' away

from the nearest neighborhood. Except for the main facility to the west which provides a distance separation of over 1,500' from Plainfield-Naperville Road, the parcel is bordered by significant natural areas including stands of mature trees, the DuPage River, and large areas of open space.

The height of the panels as measured at the tallest point is 8' and are oriented to face south at a downwards angle. Maintenance issues would arise with landscaping placed close to the fence as it would obscure the sun and lead to a reduction in energy production efficiencies. No additional site lighting is included with the proposal and does not raise screening concerns with staff because it does not increase the intensity of use compared to the existing water reclamation operations. The 7' fence height is for security purposes and in accordance the National Electric Safety Code.

Staff would like to note that the Springbrook Water Reclamation Facility has received at least one fence variance in the past for taller security fencing (ZBA #434).

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

#### **Conditional Uses and Amendments**

In the R1 (Low Density Single-Family District), a public utility is a conditional use per [Municipal Code Section 6-6L-3 <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH6REDI\\_ARTLR1LODESIMIREDI\\_6-6L-3COUS>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH6REDI_ARTLR1LODESIMIREDI_6-6L-3COUS). The main facility was granted a conditional use for a public utility that has been amended over the years as additional structures were constructed. This underlying conditional use is again being amended to incorporate Lease Parcel 3 as an expansion of an existing public utility use. The City is wishing to reserve part of the main facility, Lease Parcel 2, to also accommodate the photovoltaic system's footprint. In accordance with amending a conditional use, a major change to the conditional use is required because of the fence variances as noted in the prior section. Together these new entitlements necessitate the establishment of a new Springbrook Reclamation Facility site plan.

The vacant lot will become associated with an active water reclamation facility and host a passive use consistent with main facility's public utility operations. The panels will not increase the intensity of the public utility use. Any impacts are mitigated due to the site layout and distance separation from neighboring residential properties. The only other improvement is a 20' wide gravel road extension subject to an agreed upon access easement and associated language. Staff finds the proposal is consistent with the Future Land Use Map designation of "transportation/utilities" land use for Lease Parcel 3.

Separate from public utilities related entitlements, a third conditional use is required for the construction of ground-mounted solar array exceeding 1,750 square feet in a residential district per [Municipal Code Section 6-15-3 <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH15SMWISOREENSY\\_6-15-3GERE>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH15SMWISOREENSY_6-15-3GERE). Defined as a large ground-mounted system, it is consistent with a utility scale solar array and as such, will be incorporated into an operational public utility site. As detailed previously, the solar panels are buffered by the increased setbacks and are located in manner so as not to interfere with existing water reclamation functions. Staff would like to note that all technical requirements for the ground-mounted solar panel bulk requirements are met or exceeded and no variances specific to the panels are proposed.

### *Findings of Fact*

The petitioner's responses to the Standards for Granting and Amending the public utility Conditional Use and Granting a Conditional Use for a ground-mounted solar energy system can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

### **Key Takeaways**

- The petitioner is requesting annexation of the subject property into the City of Naperville. The annexation request will be reviewed by City Council.
- Upon annexation, the petitioner is requesting rezoning a portion of the property to R1 (Low Density Single-Family District). Staff is in support of the request due to existing Springbrook Water Reclamation zoning designation.
- The petitioner requests approval of a preliminary/final plat of subdivision to consolidate 3 lots together and add access and construction easements. This request is administratively approved but requires City Council approval due to the involvement of city owned land.
- The petitioner requests approval of a fence variance to permit a 7' chain-link fence. Staff is supportive of the request due to the setbacks from residential neighbors, adjacent natural areas, and the practical use as security fencing in compliance with the National Electric Safety Code.
- The petitioner requests approval of the following: grant a conditional use to establish a public utility on a new lot, amend an existing public utilities conditional use to establish an updated site plan, approve a major change to a conditional use to approve fence variances, and grant a conditional use to construct a large ground-mounted photovoltaic system solar array in a residential district.

### **Related Files**

The following files are related to PZC 19-1-121:

- Consider rezoning a portion of the property to R1 (Low Density Single-Family District) upon annexation (Springbrook Photovoltaic System) - PZC 19-1-121 (Item 2 of 3);
- Consider approval of variances and conditional uses associated with the Springbrook Water Reclamation amended site plan located at 3712 Plainfield-Naperville Road (3 of 3).