

APPROVED MINUTES

**VILLAGE OF ANTIOCH
PLANNING AND ZONING BOARD – REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL 60002
January 3, 2024**

A. CALL TO ORDER

Chairwoman Henning called the January 3, 2024 regular meeting of the Planning and Zoning Board to order at 7:00 pm at the Antioch Municipal Building.

B. PLEDGE OF ALLEGIANCE

The Planning and Zoning Board led the Pledge of Allegiance.

C. ROLL CALL

Roll call indicated the following Commissioners were present: McCarty, Carstensen, Madigan and Turner. Also present were Chairwoman Henning, Community Development Director Garrigan, Attorney Kelly and Recording Secretary Thiel. Absent: Commissioners Ryan and Sanfilippo.

D. ANNOUNCEMENTS AND CORRESPONDENCE

Director Garrigan informed the Commission that the new Kia dealership is now in for a building permit. He stated Village staff is currently working with SB Friedeman on implementing a new tax increment finance district for the 82-acre marketplace property.

E. APPROVAL OF THE DECEMBER 6, 2023 PLANNING & ZONING BOARD MEETING MINUTES AS PRESENTED

Commissioner McCarty moved, seconded by Commissioner Turner, to approve the December 6, 2023 Planning and Zoning Board meeting minutes as presented.

Upon roll call, the vote was:

YES: 4: McCarty, Carstensen, Turner, and Henning.

NO: 0.

ABSTAIN: 1: Madigan.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

F. PUBLIC COMMENT

There was no public comment prior to the public hearings.

G. OLD BUSINESS

1. **PZB 23-18 – Consideration of Special Use, Variance and site plan for a Solar Farm to be located at the property commonly known as 650 E North Avenue; PIN 02-03-300-027 (continued from the December meeting)**

Director Garrigan stated this was a public hearing. The applicant is requesting approval for a variance, a special use and a site plan.

Secretary Thiel administered the oath to those wishing to testify.

Director Garrigan gave a review of the variance and special use requests. Staff has concerns that a solar farm may have a negative impact on the long-term vision of the Village's comprehensive plan which includes attracting estate or single-family homes, however, there are currently no utilities that serve the 50-acre site. He continued that there are also concerns about there being a negative impact to the surrounding wetlands, the Redwing Slough, and avian welfare. The applicant has obtained a letter from the Illinois Department of Natural Resources stating they have no objections to the applicant's proposed

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solar farm. Additionally, the applicant has obtained a letter from TRC Consultants regarding avian welfare, and they were unable to identify any potential negative impacts. There are additional concerns regarding the visual impact a solar farm could have on adjacent residential properties. Staff has been working with the applicant on incorporating extensive buffering.

Director Garrigan gave a summary of the site plan. The applicant is proposing to utilize 20 acres of the 52-acre site for a solar farm. The remaining 32 acres will remain agricultural and not be touched by the applicant. The main access point is an existing access drive to the site. There will only be one access point and the Village does have jurisdiction over that access. The existing topography will be maintained, and the applicant is proposing to plant natural landscaping to preserve the character of the area. The applicant has also submitted a decommissioning plan in accordance with the solar farm ordinance.

Ben Jacobi with Polsinelli, attorney for the applicant, introduced the proposed solar farm project and members of the team in attendance to support the applicant's requests. Mr. Jacobi listed additional documents that were submitted, including an updated site plan. He gave a brief explanation of the solar program and tax revenue benefits. He further explained that the solar farm would be a fully temporary use. If the landowner chooses not to renew the lease after 35 years, the land will go back to agricultural use. The temporary use will allow the ground to lay fallow, rejuvenate, then be farmed again at better productivity. The applicant will also have to enter into an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture (IDOA), per state statute, which includes a decommissioning plan.

Mr. Jacobi continued that the applicant has been working on this project since October 2022 and the solar ordinance was passed by the Village in April 2023. He stated that the ordinance is reasonable, and the applicant can comply with all aspects of the ordinance, except for the half-mile setback from environmentally sensitive areas. The applicant has consulted with the IDNR to ensure that construction does not interfere with the migratory nesting season. They have hired environmental consultants to assist with mitigating efforts.

Jim Auld with Renewable Properties, project developer, presented examples of other solar farm projects completed by Renewable Properties, to show the quality of their work and how they make their solar farms blend into the topography of project sites.

Anne Rowley with TRC, project manager, gave a review of the site plan and robust landscape plan.

Mr. Auld explained that they have an operation and maintenance plan specifically for the landscaping.

Hailey Preston with SWCA, professional and certified wetlands scientist, explained that the project will have no impact on the wetlands on the site. She affirmed that the applicant has done a good job designing the project to avoid runoff, no pilings will be going into the wetlands areas and there will be no impact on the 50-foot buffer that is required on site per the Lake County ordinance. The facility should have no impact on any sensitive areas or the Redwing Slough because Best Management Practices (BMPs) will be implemented.

Mr. Auld added that the vegetation planted inside the facility will act as a filter for any runoff. He provided a brief explanation of community benefits both during the construction process and after completion. He shared that in November they held a community outreach meeting at the Antioch Library. They heard concerns and received other feedback and questions from attendees. They then created a response letter with additional research and information to show what they have planned to do to mitigate those issues and concerns.

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Brian Madigan with Renewable Properties, senior permitting manager, presented an independent health and safety report which addressed Electromagnetic Frequency (EMF), fire risks, solar panel technology and source of equipment.

Mr. Auld added that the access roads throughout the facility are designed to accommodate emergency vehicles. The site layout will be shared with emergency departments and have a lockbox or other access capabilities.

Ms. Rowley explained that the state will require the applicant submit a decommissioning plan which will include the removal of all equipment and even the gravel access roads. The site will go back to its current state at the end of the 35-year lease. The Village will hold the bond to cover any other decommissioning costs should something happen.

Ms. Preston gave a brief review of a noise impact analysis. The residence nearest to the site should not notice any added noise from the facility.

Mr. Auld added the pieces of equipment that will be creating the most noise will be located near the center of the site.

Patricia McGarr with CohnReznick, real estate appraiser, presented a property value impact study. She stated solar farms located within rural areas statistically have insignificant effects on home prices.

Mr. Jacobi provided a final review of the special use standards. They have concluded that a solar farm will not be injurious to the wetlands, Redwing Slough nor the neighboring properties.

Commissioner McCarty inquired about the setback from the road. He clarified that the lease agreement is 20 years with three additional 5-year extensions and asked for clarification on the decommissioning amount and the bond. He asked if the bond amount accounts for inflation.

Mr. Jacobi clarified that the AIMA is reupped every 5 years and includes a decommissioning section, so the Village can reevaluate it every 5 years and the bond can be adjusted accordingly.

Commissioner McCarty asked about the size of the plantings when they are initially planted.

Ms. Rowley stated the size of the plantings will vary because some of the plantings will be shrubs and some will be trees.

Mr. Auld stated they propose planting 10-foot trees.

Commissioner McCarty inquired about the height of the fence. He asked for clarification on the distance from the wetlands. The ordinance states there needs to be a distance of a half a mile from wetlands and the applicant is requesting a variance of 50 feet.

Ms. Preston confirmed the distance would be 50 feet, but it does not impact the buffer that is imposed by Lake County.

Mr. Auld reiterated that the wetlands will not be impacted by the proposed facility.

Commissioner McCarty asked if there is a 20-year study that shows how the facility will impact bird migration.

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Danielle Anderson with TRC, environmental scientist and wildlife biologist, explained that they conducted an analysis on peer-reviewed literature on PV solar technologies and the relationship with avian species. She stated the earliest study they could find dated back to 2014 and was based out of southern California. She shared that the study and research to date shows little empirical evidence to support the “lake effect” hypothesis in desert areas.

Commissioner McCarty asked if there will be any chemicals used to clean the panels.

Mr. Madigan stated that the panels may need to be wiped down every so often, but no strong chemicals will be used to clean them.

Commissioner McCarty asked how many residents could benefit from the facility.

Mr. Auld advised that it is based on subscription, but the facility can supply power to approximately 500 homes.

Mr. Jacobi added that he does not believe larger commercial users can subscribe because these facilities are targeted to residences and small businesses. A third-party vendor will solicit subscriptions and they will not target large commercial users. He added that anyone within ComEd’s distribution network can subscribe to use of the solar farm. It is not specific to users in Antioch.

Commissioner McCarty asked where a fire could potentially start on the site.

Mr. Madigan advised that a fire should not start if equipment is maintained to manufacturing standards.

Mr. Auld added that the potential for a fire is practically nil.

Commissioner McCarty asked if there was an unpredicted negative effect to residences located outside the facility, how would the applicant mitigate it.

Mr. Auld explained they would notify the Village, work to mitigate any potential phenomena and do any additional studies if necessary.

Commissioner Carstensen stated there is a second solar farm being proposed on North Avenue. She asked what the Village has planned for North Avenue and how much of it is within the Village versus unincorporated Lake County.

Director Garrigan clarified that the second solar farm is being proposed on property that is in unincorporated Lake County. He stated the comp plan calls for low density development.

Commissioner Carstensen asked what the housing trends look like currently, specifically estates.

Director Garrigan shared that currently townhomes and single-family homes are common. Estate homes are a slower market, but that is the Village’s long-term plan for the North Avenue area.

Commissioner Carstensen inquired about access to the site and traffic concerns.

Director Garrigan stated that vehicular trips to the site would be limited, so staff does not have any concerns with regard to traffic.

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Commissioner Madigan asked how snow and ice would affect the panels in the winter.

Mr. Madigan stated any snow that would collect on the panels would melt fairly quickly because the panels are moving to follow the sun.

Mr. Auld added that if a storm is predicted, the angle of the panels can be adjusted remotely to allow snow and ice to slide off.

Commissioner Madigan asked what would happen if lightning struck the facility.

Mr. Auld stated lightning would probably render the facility inoperable until operations and maintenance could address it.

Commissioner Turner inquired about who would be responsible for maintaining the facility.

Mr. Auld explained there will be a third-party company contracted to maintain the facility but the point of contact for the Village will be Renewable Properties' Asset Management Team.

Commissioner Turner asked if there has been a glare analysis done.

Mr. Jacobi cited a glare analysis conducted by Thomas Cleveland that was submitted as an exhibit to the letter. He added that the panels are not designed to reflect but to absorb as much of the sunlight as possible.

Mr. Auld added that the robust screening will help to mitigate any potential glare.

Commissioner Turner asked where the inverters will be located on the site and if they were accessible by emergency vehicles.

Mr. Madigan showed on the presentation diagram the location of the inverters and confirmed they will be accessible by emergency vehicles.

Commissioner Turner asked for clarification on the migration study that was cited by Ms. Anderson

Ms. Anderson stated that the desert study from 2014 is what prompted the "lake effect" hypothesis. Newer research shows no correlation between avian species and PV solar panels and there would be a small chance a bird would perceive a solar panel as a body of water.

Commissioner Turner asked if the applicant has considered moving the site another 1,000 feet from the Redwing Slough to comply with the ordinance's setback requirements.

Mr. Auld stated that it would reduce the size of the facility by about half and would not make it feasible.

Mr. Jacobi added that the issue with the ordinance's setback is it essentially eliminates the possibility to construct a solar farm within the Village, so there must be a variance to some degree to allow the construction of a solar farm.

Commissioner Turner asked Director Garrigan for clarification on what staff is recommending.

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Director Garrigan advised that the staff has concerns that the proposed use may not be consistent with the Village's long-term plan of the North Avenue corridor, and therefore does not have a strong recommendation.

Commissioner McCarty moved, seconded by Commissioner Turner to recommend denial of the Variance for PZB 23-18.

Upon roll call, the vote was:

YES: 3: McCarty, Turner, and Henning.

NO: 2: Carstensen and Madigan.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

Commissioner McCarty moved, seconded by Commissioner Turner to recommend denial of the Special Use for PZB 23-18.

Upon roll call, the vote was:

YES: 3: McCarty, Turner, and Henning.

NO: 2: Carstensen and Madigan.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

Commissioner McCarty moved, seconded by Commissioner Turner to recommend denial of the Site Plan for PZB 23-18.

Upon roll call, the vote was:

YES: 3: McCarty, Turner, and Henning.

NO: 2: Carstensen and Madigan.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

H. NEW BUSINESS

1. PZB 23-22 – Consideration of a Site Plan review for a parking lot at Antioch Community High School located at 1133 Main Street

Director Garrigan explained that the applicant is proposing a future expansion of the school cafeteria which is located adjacent to the southern parking lot. They are seeking to modify the parking lot to allow for the expansion of the cafeteria. He gave a brief review of the request to make modifications to the parking lot, existing sidewalks, and utilities. Staff recommends approval of the site plan review with the two stipulations outlined in the staff report.

Commissioner McCarty asked for clarification on the location, the number of handicap spaces and if the existing trash enclosures will remain.

Commissioner Madigan moved, seconded by Commissioner McCarty to recommend approval of the site plan review for PZB 23-22, with the following stipulations:

1. Compliance with the recommendations of the Village Engineer,
2. Compliance with the recommendations of the Antioch Fire Protection District.

Upon roll call, the vote was:

YES: 5: McCarty, Carstensen, Madigan, Turner, and Henning.

NO: 0.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

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2. PZB 23-24 – Consideration of a Special Use for an Electronic Message Board to be located at the property commonly known as the Antioch Fire Station #1 located at 835 Holbek Drive; PIN 02-08-302-003 and 02-08-302-004 (continue public hearing to February 7, 2024 meeting)

Director Garrigan stated the applicant has requested that this public hearing be continued to the February 7, 2024 meeting.

Commissioner Carstensen asked if the ordinance regarding EMB signs needs to be reevaluated because multiple requests for special uses and variances have been presented to the Commission.

Director Garrigan clarified that this case pertains to the actual size of the sign and not the content. He stated staff has not been given direction from the Commission or the Village Board to review the EMB sign ordinance and suggest modifications. None of the current EMB cases have been presented to the Village Board yet.

Commissioner Turner moved, seconded by Commissioner McCarty, to continue PZB 23-24 to the February 7, 2024 Planning and Zoning Board meeting.

Upon roll call, the vote was:

YES: 5: McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

3. PZB 23-25 – Consideration of an annexation, rezoning and special use for a PUD for the property commonly known as 22333 and 22275 W IL Route 173; PIN 02-16-400-002 and 02-16-400-008

Director Garrigan stated this was a public hearing. The subject property is commonly known as the Waste Management property and is located just south of the GLP PUD. One of the major economic development goals of the Village has been to annex this property because it is in the center of the Village's commercial corridor. The applicant is requesting annexation of the 21-acre subject property and is proposing a Planned Unit Development which requires a special use. The applicant is proposing commercial use as a commercial truck dealership. There will be small improvements made to the structure and site. Staff sees an opportunity to incorporate additional landscaping to the site area to soften the overall plan. Additionally, the applicant is requesting to rezone the site to M-2. Staff recommends approval of the annexation recommendation, approval of the rezoning to M-2 and approval of the special use.

Secretary Thiel administered the oath to those wishing to testify.

There was a brief recess at 9:41 pm. The Board reconvened at 9:46 pm.

Brendan Penny, attorney for the applicant, gave a brief overview of the applicant's plans for the 21-acre site. TransChicago is looking to occupy 9 acres of the 21-acre site. The existing structure is suited for the purposes being proposed by the applicant. TransChicago would like to use the existing structure for use as a truck dealership that would include sales, service, and maintenance of commercial trucks, as well as retail sales of associated parts and equipment. The applicant has signed a 3-year lease agreement with the option to purchase the property.

Kyle Schuhmacher, president of Ketone Partners, explained that Ketone Partners is a real estate development and consulting group that has been working with TransChicago on several locations throughout the Chicago metro area. He provided a brief overview about the site configuration.

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Mr. Penny stated that most of the site improvements proposed by the applicant will be aesthetic and beautification.

Commissioner McCarty asked if there are plans to connect to the Village's water and sewer systems.

Mr. Schuhmacher stated the property is currently on well and septic and the applicant prefers to stay on well and septic until a long-term decision has been made.

Commissioner McCarty would like the annexation to note that if the applicant chooses to acquire the property, that they address connecting to Village water and sewer. He also asked that the lighting be improved.

Mr. Schuhmacher explained TransChicago generally turns lights off in the non-employee areas when they are not operating, but he agrees that some additional lights need to be added to the parking section for safety.

Commissioner Turner asked if other TransChicago locations consist of the same operations being proposed at the subject site and if there would be a time in the future that they would no longer be selling trucks.

Mr. Schuhmacher stated other sites are generally operating with the same components, but they are outgrowing all their locations. Therefore, they are seeking to open new locations in Lake, DuPage and Will counties. He does not foresee them not selling trucks at the proposed location in the future.

Chairwoman Henning inquired how many trucks would be in the lot at one time that would be for sale.

Matt Hedges, Vice President of Sale for TransChicago, stated they usually do not stock more than ten trucks at one location. They store 90% of their stock at a holding lot in Gary, Indiana.

Mr. Schuhmacher added that additional trucks may be stored there while waiting for parts and service.

Commissioner McCarty moved, seconded by Commissioner Madigan, to recommend approval of the annexation for PZB 23-25, for the property commonly known as 22333 and 22275 W IL Route 173.

Upon roll call, the vote was:

YES: 5: McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

Commissioner McCarty moved, seconded by Commissioner Turner, to recommend approval of the rezoning to M-2 (manufacturing) for PZB 23-25, for the property commonly known as 22333 and 22275 W IL Route 173.

Upon roll call, the vote was:

YES: 5: McCarty, Carstensen, Madigan, Turner, and Henning.

NO: 0.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

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Commissioner McCarty moved, seconded by Commissioner Madigan, to recommend approval of the Special Use for a PUD for PZB 23-25, for the property commonly known as 22333 and 22275 W IL Route 173, with the following stipulations:

1. Compliance with the requirements of the Village Engineer,
2. Compliance with the requirements of the Antioch Fire Protection District,
3. That the applicant works with staff on a landscape and buffering plan as per staff's recommendations noted in the Staff Report,
4. In the future, adding an additional entrance to the subject property if the applicant should acquire the property,
5. Update the lighting as discussed.

Upon roll call, the vote was:

YES: 5: McCarty, Carstensen, Madigan, Turner, and Henning.

NO: 0.

ABSENT: 2: Ryan and Sanfilippo.

THE MOTION CARRIED.

I. ADJOURNMENT

There being no further discussion, the Planning and Zoning Board regular meeting adjourned at 10:04 pm.

Respectfully submitted,

Rachel Thiel
Recording Secretary