

APPROVING A SPECIAL USE PERMIT FOR A SOLAR ENERGY GENERATION FACILITY (SOLAR FARM) ON AN APPROXIMATELY 49-ACRE SITE ALONG THE NORTH SIDE OF PLEASANT STREET ACROSS FROM THE DEKALB TAYLOR MUNICIPAL AIRPORT, DEKALB, ILLINOIS (SUNVEST SOLAR, LLC D/B/A DEKALB TAYLOR SOLAR, LLC).

WHEREAS, the City of DeKalb (the “City”) is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, SunVest Solar, LLC d/b/a DeKalb Taylor Solar, LLC (the “Petitioner”), the lessee of the property located on an approximately 49-acre site on Pleasant Street in the City and legally described in Exhibit A attached hereto and incorporated herein by reference (the “Property”), petitioned the City to approve a special use permit for a solar energy generation facility (solar farm) on the Property (the “Special Use Permit”); and

WHEREAS, on August 15, 2022, pursuant to proper legal notice, the City’s Planning and Zoning Commission (the “PZC”) held a public hearing on the Special Use Permit, made findings of fact, and recommended the approval of the Special Use Permit; and

WHEREAS, the City’s corporate authorities adopt and incorporate by reference the PZC’s findings of fact, find that approving a special use permit for the Property is in the public interest for the promotion of the public health, safety and welfare, and specifically find that the Special Use Permit conforms with the applicable factors contained therein as follows:

STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05(2) OF THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”)

1. The proposed special use complies with all provisions of the applicable district regulations.

The proposed special use will comply with all regulations of the “HI” Heavy Industrial District and the UDO. The Petitioner will be required to develop the site per the plans made as an exhibit to the recommendation.

2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The Property is zoned “HI” Heavy Industrial, and the proposed use will be compatible with the existing and future land uses of the area. Surrounding land uses include agriculture to the north and west, airport facilities to the east and south and single-family residential at the southwest corner of the property. The Comprehensive Plan recommends Transportation and Utilities for the Property.

3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the

immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The granting of the Special Use Permit will not dominate the immediate area and will not prevent development on the neighboring properties. The proposed special use will operate in a manner that is not detrimental to the surrounding area. Solar gardens do not have a negative effect on surrounding property values. There are numerous reports and studies that have concluded that these types of solar facilities do not impact property values of surrounding land uses.

4. Adequate utility, drainage and other such necessary facilities have been or will be provided.

Water and sewer service is not required for the facility. Access to the site will be from a 25' wide entrance located near the center of the site along Pleasant Street. The solar facility will be surrounded by an 8' tall woven agricultural "Knot" fence, with a locked gate for security and safety.

5. The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.

The proposed special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The proposed special use will be in compliance with the 2005 Comprehensive Plan and draft 2022 Plan. Generally, solar gardens do not have a negative effect on surrounding properties' health and safety and do not impede the welfare of the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this Ordinance are true, material, adopted and incorporated herein as Section 1 to this Ordinance.

SECTION 2: The City's corporate authorities approve the Special Use Permit for a solar energy generation facility (solar farm) as depicted on the site plan (Sheet PV-1.00) prepared by SunVest Solar, LLC attached hereto and incorporated by reference as Exhibit B on the Property, subject to the condition that Petitioner comply with the City's Municipal Code, applicable law, and the land lease and solar easement agreement approved by Ordinance 2021-052 and as may be amended.

SECTION 3: The City Manager and his designee are authorized to record this Ordinance in the DeKalb County Clerk and Recorder's Office.


SECTION 4: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent

with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 22nd day of August 2022 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre.





COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as:

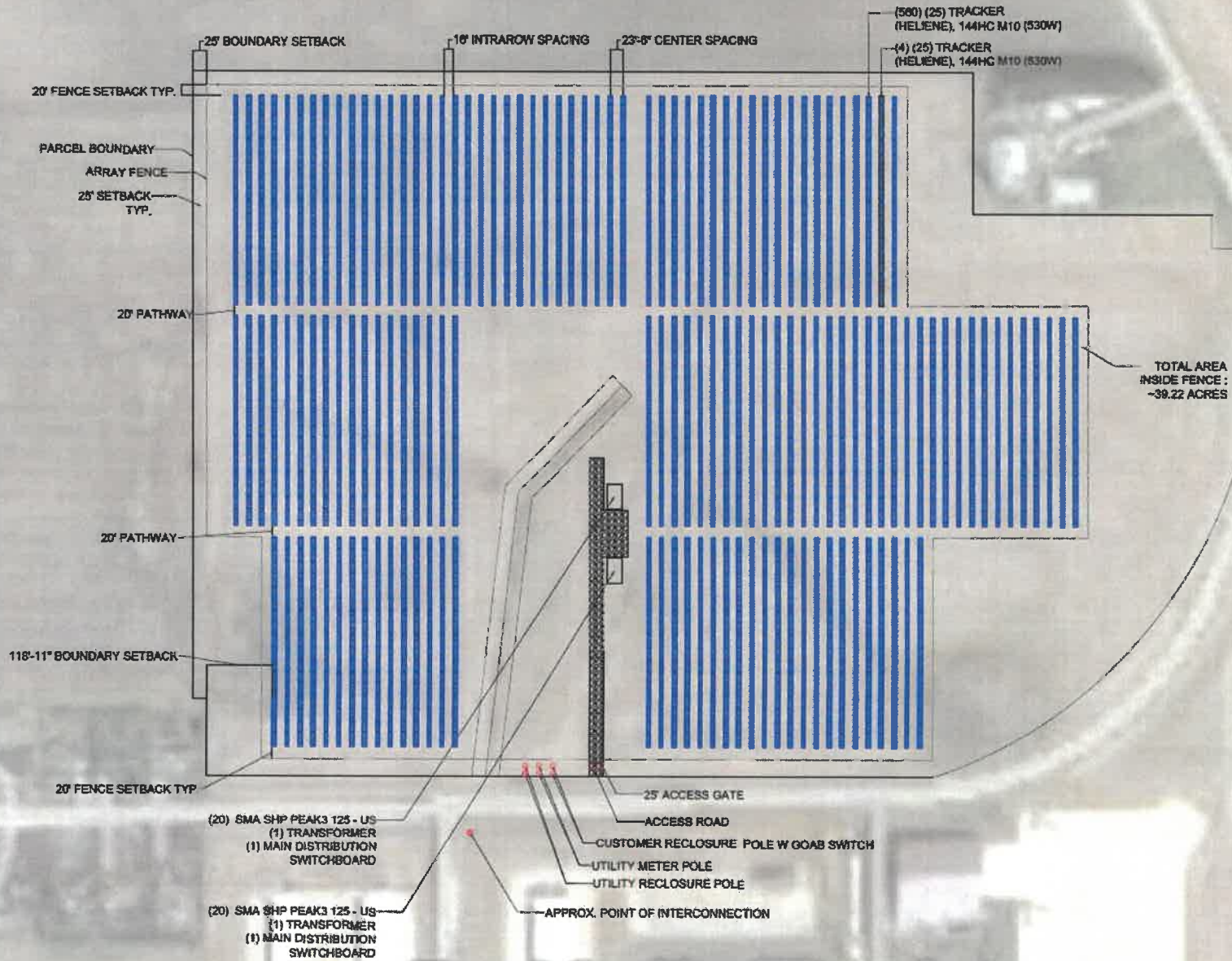
That part of Lot A of Section 19 of the Charles F. Noble Farm Plat recorded in Book "G" of Plats, Page 32, on April 9, 1937, in Township 40 North, Range 5, East of the Third Principal Meridian, DeKalb County, Illinois, described as follows: Beginning at the Southwest corner of said Lot A; thence North 0 degrees 12 minutes 45 seconds East, 1,332.29 feet (1334.1 feet record) (bearings assumed for descriptive purposes) on the West line of said Lot A to the Northwest corner thereof; thence South 89 degrees 51 minutes 26 seconds East, 1336.97 feet on the North line of said Lot A to the West line of a 5 acre Parcel; thence South 0 degrees 08 minutes 34 seconds West, 435.00 feet on said West line to the South line of said 5 acre parcel; thence South 89 degrees 51 minutes 26 seconds East, 535.79 feet on said South line to the West line of Airport Tract 15, also being the West line of relocated Loves Road; thence Southerly, 143.96 feet on said West line on a curve to the right having a radius of 560.00 feet, the chord of said curve bears South 12 degrees 38 minutes 07 seconds West, 143.57 feet; thence South 20 degrees 00 minutes 00 seconds West, 358.32 feet on said West line; thence Southwesterly, 673.29 feet on said West line on a curve to the right having a radius of 560.00 feet, the chord of said curve bears South 54 degrees 26 minutes 37 seconds West, 633.47 feet; thence South 1 degree 06 minutes 46 seconds East, 31.90 feet on said West line of Airport Tract 15 to the South line of the North 1/2 of the North Half of said Section 19; thence South 89 degrees 15 minutes 42 seconds West, 1,208.02 feet on said South line to the point of beginning;

AND BEING the same property conveyed to The City of De Kalb, an Illinois municipal corporation from Charles M. Winter, Sr., as trustee under the provisions of a certain trust agreement dated February 12, 1990, and known as Trust Number 101, as to an undivided one-half interest, and Lova L. Winter, as trustee under the provisions of a certain trust agreement dated February 12, 1990, and known as Trust Number 102, as to an undivided one-half interest by Trustee's Deed dated November 7, 2006 and recorded November 8, 2006 in Instrument No. 2006020867.

Parcel Identification Number ("PIN"): 09-19-100-088 and 09-19-100-087.

**EXHIBIT B
(Site Plan)**

EXHIBIT B



LIJESH SANKHAR, ENGINEER certifies that they prepared all the electrical "E" sheets in this drawing set.
LIJESH SANKHAR, ENGINEER certifies that they prepared all of the structural "S" sheets in this drawing set.
LIJESH SANKHAR, ENGINEER certifies that they prepared all of the civil "C" sheets in this drawing set.
 It should be noted that any plan sheets not identified above have been prepared and certified by others and have been included herein for informational purposes only.

10	20
9	19
8	18
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6	16
5	15
4	14
3	13
2	12
1	11

REV	SET/DATE	REV	SET/DATE
DRAWN BY: SR	CHECKED BY: RA		
SCALE: AS NOTED	JOB NO: JOB_NO		

DEKALB TAYLOR SOLAR
(41.934884, -88.711198)

SHEET TITLE
ARRAY LAYOUT

DWG. NO.
PV-1.00





2022008255

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 8/24/2022 10:17 AM
REC FEE: 75.00

STATE OF ILLINOIS)
COUNTY OF DEKALB) SS
CITY OF DEKALB)

PAGES: 7

CERTIFICATION

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

ORDINANCE 2022-043

APPROVING A SPECIAL USE PERMIT FOR A SOLAR ENERGY GENERATION FACILITY (SOLAR FARM) ON AN APPROXIMATELY 49-ACRE SITE ALONG THE NORTH SIDE OF PLEASANT STREET ACROSS FROM THE DEKALB TAYLOR MUNICIPAL AIRPORT, DEKALB, ILLINOIS (SUNVEST SOLAR, LLC, D/B/A DEKALB TAYLOR SOLAR, LLC).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 22nd day of August 2022.

WITNESS my hand and the official seal of said City this 24th day of August 2022.



RUTH A. SCOTT, Executive Assistant

Prepared by and Return to:

City of DeKalb
City Manager's Office
Attention: Ruth A. Scott
164 E. Lincoln Highway
DeKalb, Illinois 60115