

APPROVING THE ZONING PETITION OF PSE HUBER IL SOLAR LLC TO REZONE CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ILLINOIS ROUTE 38 AND JOHN HUBER PARKWAY, DEKALB, ILLINOIS, TO THE "PD-I" PLANNED DEVELOPMENT INDUSTRIAL DISTRICT AND APPROVING A CONCEPT PLAN FOR THE DEVELOPMENT OF A 5-MEGAWATT GROUND MOUNTED SOLAR ENERGY FARM (SOLAR FARM) ON APPROXIMATELY 42 ACRES.

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, PSE Huber IL Solar LLC, a Delaware limited liability company (the "Applicant"), is the contingent-contract lessee of property located at 2036 W. Lincoln Hwy., DeKalb, IL 60115, which is legally described in the attached and incorporated Exhibit A (the "Property"); and

WHEREAS, the Property is owned by DeKalb-Lincoln Development Company, LLC, an Illinois limited liability company (the "Owner"), and

WHEREAS, pursuant to 65 ILCS 5/11-15.1-1, et seq., the City, the Applicant, and the Owner negotiated an Annexation and Development Agreement (the "Agreement") to: (1) annex the Property into the City's corporate limits; and (2) rezone the Property from the "SFR1" Single-Family Residential District to the "PD-I" Planned Development – Industrial District; (3) permit a 5-megawatt ground mounted solar energy system (solar farm) and accessory uses as a permitted land use for the zoning of the Property; (4) approve the Concept Plan for a solar farm attached and incorporated as Exhibit B (the "Concept Plan"); (5) provide for the adoption of all other standards and regulations per the PD-I zoning district and Section 7.16.15 of the City's Unified Development Ordinance (the "UDO"); (6) permit continued residential use for the dwelling and residents living on the Property; (7) require the submission and approval of a Preliminary and Final Development Plan and a decommissioning plan with engineering and landscaping plans by the PZC and City Council pursuant to the UDO's procedures as a necessary precondition to the zoning entitlements provided by this Agreement; and (8) provide that any use or development of the Property shall conform to the "PD-I" Planned Development – Industrial District standards and the UDO's requirements for a solar farm and accessory uses, except as may otherwise be provided by this Agreement (collectively, the "Zoning Petition"); and

WHEREAS, on November 4, 2024, upon due notice as provided by law, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Zoning Petition, made findings of fact, and recommended the approval of the Zoning Petition; and

WHEREAS, on November 12, 2024, upon due notice as provided by law, the City's corporate authorities held a public hearing on the Agreement; and

WHEREAS, on November 12, 2024, the City's corporate authorities adopted ordinances approving the Agreement and the Property's annexation before considering this Ordinance; and

WHEREAS, the City's corporate authorities find that: (1) approving the Zoning Petition is in the City's best interests for the protection of the public health, safety, and welfare; (2) the PZC's findings of fact and recommendations are true, correct, adopted and incorporated by reference into this recital; and (3) the Zoning Petition conforms to the UDO's standards for a zoning map amendment, except as waived or excepted pursuant to this Ordinance, as follows:

III. STANDARDS FOR ZONING MAP AMENDMENT

- 1. The proposed rezoning conforms to the Comprehensive Plan, or conditions have changed to warrant the need for different types of land uses in that area. The proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding areas trend in development.**

The 2022 Comprehensive Plan recommends the Property for Agricultural uses. Given the ability to utilize agricultural style fencing paired with vegetative screening and pollinator species planted throughout the solar farm, the development is similar to an agricultural use and doesn't drastically change the use and intent of the Property. The rezoning of the Property to the "PD-I" Planned Development – Industrial District meets the intent of the City's Comprehensive Plan and is compatible with the agricultural uses in the surrounding area.

In addition, the community solar farm will help expand the tax base through additional real estate taxes, as well as support community-oriented services, by serving residents of the community with local, renewable energy.

- 2. The proposed rezoning conforms to the UDO's intent and purpose.**

The rezoning of the Property to "PD-I" provides the opportunity to more directly shape the development, use, and appearance of the Property in accordance with the City's Comprehensive Plan. The Planned Development allows the developer and the City the flexibility to agree to a development plan and standards. The proposed rezoning request and development are in compliance with the UDO, except as otherwise provided by this ordinance. The proposal also meets the General Standard requirements for a Planned Development as described in Article 5.13.07 of the UDO.

- 3. The proposed rezoning will not have a significantly detrimental effect on the long-range development of adjacent properties or adjacent land uses.**

The proposed rezoning will not have a detrimental effect on the adjacent properties or land uses as it entitles the Property to a use that is complementary with the surrounding area. A 48-acre solar farm in the City along the north side of Gurler Road, east of S. 1st St. was constructed in 2023. Development of the solar farm did not negatively impact adjoining properties as a new truck sales and repair business was developed just north of the solar farm in 2024. In addition, a solar farm was approved on 49 acres of City owned property along Pleasant St. in 2022.

Surrounding land uses for the Property include mostly farmland with the NIU campus and high density residential further east. The proposed use benefits the community by providing a clean, emissions-free, and renewable energy source.

- 4. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses.**

The Property is unincorporated and will be rezoned to the "PD-I", Planned Development Industrial District. Rezoning the Property to "PD-I" will allow for a well-designed project and the flexibility to develop the Property in a manner that will complement the surrounding area.

- 5. Adequate public facilities and services exist or can be provided.**

Adequate public services will be provided to the Property. Detention areas are proposed on the west and southeast portions of the Property. Water and sewer service is not required for the solar

farm. Access to the Property will be from a 20-foot-wide entrance located along the eastern portion of the Property. The solar facility will be surrounded by an 8' tall agricultural style fence.

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 as Section 1 to this Ordinance.

SECTION 2: Subject to the provisions of the Agreement and contingent upon the Applicant's compliance with the Agreement, the City's corporate authorities approve: (A) the Zoning Petition; (B) the rezoning of the Property from the SFR1 Single-Family Residential District to the "PD-I" Planned Development – Industrial District; (C) the Planned Development Standards attached and incorporated as Exhibit C (the "Development Standards"); (D) a 5-megawatt ground mounted solar energy system (solar farm) and accessory uses as a permitted land use for the zoning of the Property; (E) the Concept Plan; (F) the adoption of all other standards and regulations per the PD-I zoning district and Section 7.16.15 of the UDO; (G) the continuation of the residential use for the preexisting dwelling on the Property; and (H) the submission and approval of a Preliminary and Final Development Plan and a decommissioning plan with engineering and landscaping plans by the PZC and City Council pursuant to the UDO's procedures. Except as may otherwise be provided by the Agreement and this Ordinance, any use or development of the Property shall conform to the "PD-I" Planned Development – Industrial District standards and the UDO's requirements for a solar farm and accessory uses.

SECTION 3: The City's corporate authorities authorize and direct the City Manager or designee to amend the City's "Official Zoning Map" to depict the Property as located within the "PD-I" Planned Development – Industrial District.

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 this Ordinance is 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 12th day of November 2024 and approved by me as Mayor on the same day. Passed by a 6-0-2 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Walker, Barnes. Nay: None. Absent: Powell, Verbic. Second Reading waived by a 6-0-2 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Walker, Barnes. Nay: None. Absent: Powell, Verbic.




COHEN BARNES, Mayor

ATTEST:

Ruth A. Scott, Executive Assistant

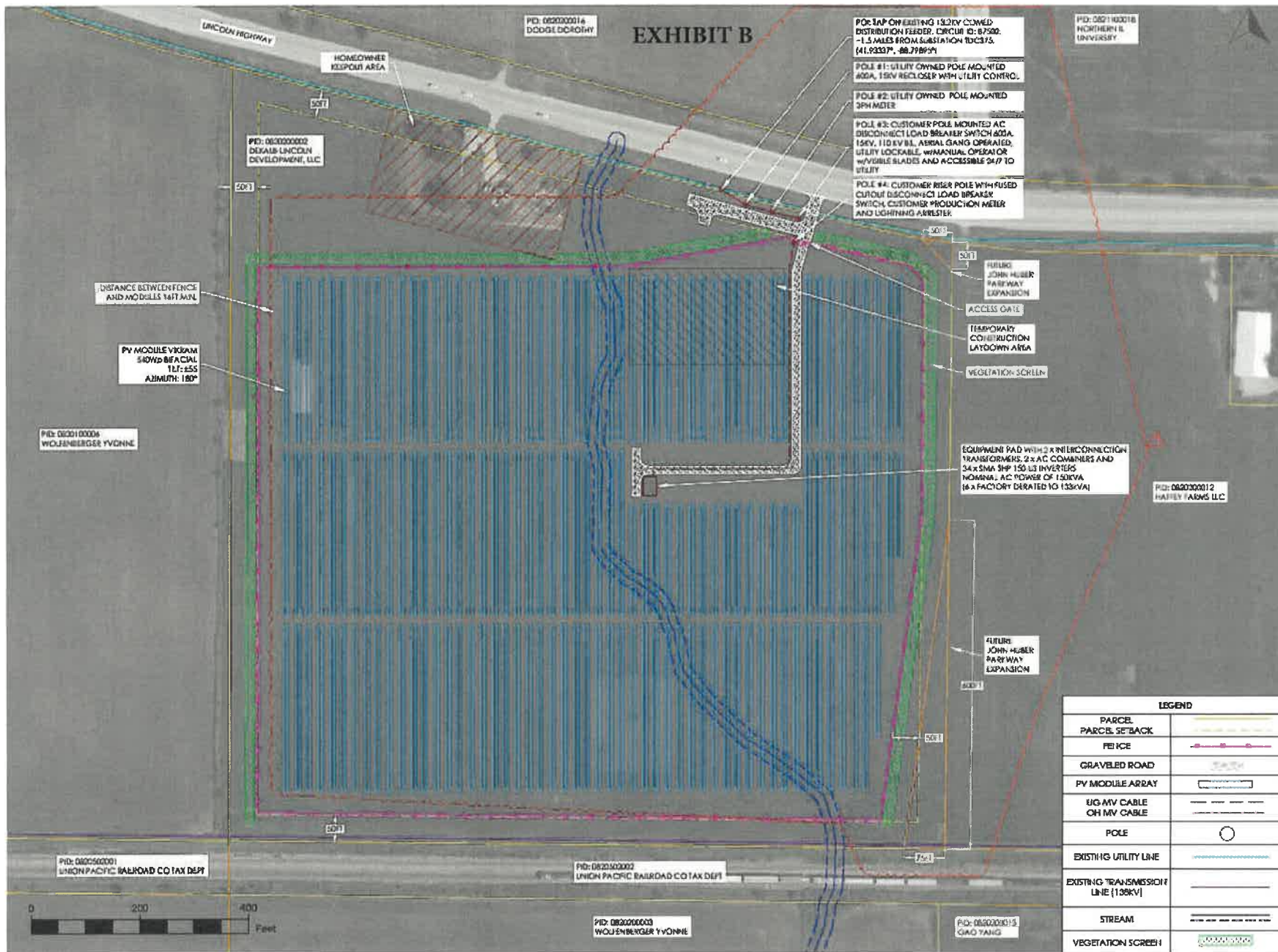
EXHIBIT A
(Legal Description of the Property)


The Property is legally described as follows:

That part of the West Half of the Northeast Quarter of Section 20, Township 40 North, Range 4, East of the Third Principal Meridian, lying North of the right of way for the Chicago and Northwestern Railway Company and lying South of the North right-of-way of DeKalb-Malta Road, commonly known as Lincoln Highway (State Route 38), situated in the County of DeKalb, State of Illinois.

Common Address: 2036 W. Lincoln Highway
PIN: 08-20-200-002

EXHIBIT B
(Concept Plan)



NOT FOR CONSTRUCTION			
PARCEL ID: 0820200002			
PROPERTY OWNER: DEKALB-LINCOLN DEVELOPMENT, LLC			
ZONING JURISDICTION: DEKALB COUNTY			
TOWNSHIP: DEKALB			
PARCEL AREA: 138 ACRES			
PRELIMINARY AREA OF DISTURBANCE: 130 ACRES			
PRELIMINARY AREA OF ARRAY: 122 ACRES			
ACCESS ROAD LENGTH: 1148 FT			
EXISTING IMPERVIOUS SURFACE AREA: 18240 FT ²			
SITE SUMMARY			
AC POWER	4.998MW/4.998MVA		
DC POWER	6.458MW/DP		
PV INVERTERS	34 x SMA SHP 150-US NOMINAL AC POWER 150KVA (6 x DERATED TO 133KVA)		
PV MODULES	11,960 (VIKRAM PARADEA VSMOH 72.540.05 540W)		
PV RACKING	SINGLE-AXIS TRACKING TILT: 35° AZIMUTH: 180°		
SITE COORDINATES	41.93142°, -88.80009°		
NOTES:			
1. ALL UTILITY AND CUSTOMER OWNED POLES ARE AT LEAST 50FT APART FROM EACH OTHER (CENTER-TO-CENTER)			
DEVELOPER			<div>516 17th Street, Suite 100 Decatur, GA 30030 United States Tel: +1 303 455 9885 www.pureskyenergy.com</div>
CLIENT	<div><div></div><div></div></div>		
<small>THIS DRAWING IS A REPRESENTATION OF PROFESSIONAL SERVICES FOR THE PRELIMINARY DESIGN OF THE PROJECT AND IS NOT A CONTRACT. IT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE AGREEMENT AND THE SPECIFICATIONS.</small>			
REV	DESCRIPTION	DATE	BY
00	ISSUED FOR REVIEW	02/02/24	JC
01	SITE PLAN REVISIONS	02/04/24	BSS
CLIENT:			
PSE HUBER IL SOLAR LLC			
PROJECT ADDRESS:			
2036 W LINCOLN HWY, DEKALB, IL 60115			
DRAWING TITLE:			
IX SITE PLAN			
DRAWING NO:			
E-00			
DRAWN BY	JC	DATE	18/01/24
CHECKED BY		DATE	18/01/24
SHEET			1 of 4

**EXHIBIT C
(PLANNED DEVELOPMENT STANDARDS)**

Permitted Uses:

5-megawatt ground mounted solar energy system (solar farm) and accessory uses.

Continuation of the preexisting residential use for the existing dwelling located on the Property.

Bulk Regulations/Landscaping/Open Space:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, parking, landscaping and other similar restrictions and regulations shall meet those standards as set forth in the "PD-I" District of the UDO and Article 7.16 Solar Energy Systems (SES) of the UDO.

An eight (8) foot tall agricultural style fence is permitted around the perimeter of the Property.

Exceptions

The Property shall be excepted from the UDO's provisions for sanitary sewer (Article 10.02 of the UDO) and water supply (Article 10.03 of the UDO), so long as the existing septic sanitary system and well water service are reasonably maintained and the Property continues to be used as a solar farm.

Preliminary and Final Development Plan Review:

A Preliminary and Final Development Plan shall be submitted and reviewed by the City's Planning & Zoning Commission and City Council pursuant to the procedures in the UDO. The Plans should include an engineering, landscaping and decommissioning plan. The landscape plan shall show additional vegetation along Rt 38 exceeding the UDO requirements.

Applicant shall as part of the Final Plan and permitting requirements prepare and submit a Plat of Subdivision which is to include both a subdivision of the proposed corner clip in the northeast corner of the parcel and a roadway and utility easement along the southeast portion of the parcel. These are understood to accommodate future roadway extension and accompanying railroad overpass for John Huber Parkway and to generally conform with Exhibit B (Concept Plan). The subdivided corner clip shall be conveyed to the DeKalb Township Highway Department as a fee simple separate parcel at no cost. The easement language will contemplate the exclusive use of the easement by DeKalb Township Highway Department or City of DeKalb for any roadway uses and their standard appurtenances, as well as utilities as permitted by the jurisdictional authority. Until the use and modification of the easement area for roadway uses it may be utilized by the Owner for solar power generation activities. Any facilities impeding roadway use will be removed by the owner at their expense within 180 days written notice from the City of DeKalb. The setback from the edge of the easement for solar generating activities shall be 10 feet at minimum.