

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, October 25, 2022 at 5:00 p.m.
County Board Room

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A. Call to Order

Don Metzler, Chairman, called the meeting to order at 5:00 p.m. and conducted roll call.

B. Approval of Minutes

Chairman Metzler asked for a motion to approve the meeting minutes from September 27, 2022. George Ellis made a motion to approve. Seconded by Thomas Ambrose. Voice-vote. All ayes. Motion approved.

C. Overview of Zoning Petitions and Staff Review

Noelle Maxey, Zoning Coordinator, gave a brief overview of the six zoning petitions and provided staff review.

D. Explanation of Zoning Hearing Procedures and Swearing in of All Parties

Chairman Metzler explained hearing procedures to meeting attendees and swore in staff members and all parties wishing to address the Board.

E. Zoning Hearings

The Zoning Board of Appeals conducted the zoning hearings on the six agenda items.

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

F. Citizens Wishing to Address the Zoning Board of Appeals

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

G. Unfinished Business

None

H. New Business

1. **Hearing Z22-0065** – Petition of Allen Williams, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Allen Williams for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **1605 Union Avenue, Granite City, Illinois**, County Board District #21, PIN# 17-2-20-05-12-201-005. A **motion** was made by Sharon Sherrill and **seconded** by Thomas Ambrose that the petition of Allen Williams be as follows: **Approved with Conditions.** Roll-call vote. All Ayes. **Motion passes.**
2. **Hearing Z22-0072** – Petition of Jose Raymundo Vega Berlanga and Maria Luisa Magana Avalos, owners of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Luis Campos and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **3116 Princeton Avenue, Collinsville, Illinois**, County Board District #16, PIN# 17-2-20-36-03-308-026. A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Jose Raymundo Vega Berlanga and Maria Luisa Magana Avalos be as follows: **Approved with Conditions.** Roll-call vote. All ayes. **Motion passes.**
3. **Hearing Z22-0073** – Petition of Midwest Power Partners, LLC, applicant on behalf of Jane Pirolo, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 41 of the Madison County Zoning Ordinance in order to develop a Community Solar project on site. This is located in an “A” Agricultural District

in Olive Township at **9177 W Frontage Road, Staunton**, Illinois, County Board District #3, PIN# 08-1-05-10-00-000-011. A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Midwest Power Partners, LLC, and Jane Pirolo be as follows: **Approved with Conditions**. Roll-call vote. Ayes: George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill. Nays: Thomas Ambrose. **Motion passes**.

4. **Hearing Z22-0074** – Petition of Danielle Mitchell, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Danielle Mitchell and family for a period not to exceed 5 years. This is located in an “R-4” Single-Family Residential District in Nameoki Township at **3104 Princeton Avenue, Collinsville**, Illinois, County Board District #16, PIN# 17-2-20-36-03-308-023. A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Danielle Mitchell be as follows: **Approved with Conditions**. Roll-call vote. All ayes. **Motion passes**.
5. **Hearing Z22-0077** – Petition of ESP Solar, LLC, applicant on behalf of Gary L. Fritzsche Trust, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 41 of the Madison County Zoning Ordinance in order to develop a Community Solar project on site. This is located in an “A” Agricultural District in Omphgent Township at **8707 Church Road, Worden**, Illinois, County Board District #3, PIN# 12-1-04-35-00-000-025. A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of ESP Solar, LLC, and Gary L. Fritzsche Trust be as follows: **Approved with Conditions**. Roll-call vote. Ayes: George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill. Nays: Thomas Ambrose. **Motion passes**.
6. **Hearing Z22-0078** – Petition of Helmsing Development Group of Highland, LLC, owner of record, requesting a zoning map amendment to rezone 5.15 acres of an “M-1” Limited Manufacturing District and 3 acres of an “A” Agricultural District to a “PD” Planned Development District in order to continue operating the existing specialty trailer manufacturing business on site. This is located in Saline Township at **13480 US Highway 40, Highland**, Illinois, County Board District #4, PIN# 02-1-18-22-00-000-011.002. A **motion** was made by Thomas Ambrose and **seconded** by Mary Goode that the petition of Helmsing Development Group of Highland, LLC, be as follows: **Approved with Attachment “A”**. Roll-call vote. All ayes. **Motion passes**.

I. Zoning Coordinator’s Report

Noelle Maxey, Zoning Coordinator, informed all applicants of the upcoming Building & Zoning Committee meeting, where their requests will be heard next.

J. Adjournment

Thomas Ambrose made a motion to adjourn the meeting. Seconded by Cedric Irby. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Finding of Fact and Recommendations

Hearing Z22-0065

Petition of Allen Williams, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Allen Williams for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Nameoki Township at **1605 Union Avenue, Granite City**, Illinois, County Board District #21, PIN# 17-2-20-05-12-201-005

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Sharon Sherrill and **seconded** by Thomas Ambrose that the petition of Allen Williams be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Allen Williams for a period not to exceed 5 years, but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Allen Williams occupies the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Allen Williams vacates the structure.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Allen Williams, applicant, stated he is seeking approval for an occupancy permit. He said he has lived there since 2001 and never knew about the Special Use Permit; **VI.** George Ellis, ZBA Member, asked Mr. Williams how long he has lived in this trailer, or if he does live in this trailer. Mr. Williams responded that he has lived there since 2001, and that the people he bought it from never said anything about this permit. He said when he got the letter, he thought maybe there was something wrong with the trailer; **VII.** Cedric Irby, ZBA Member, asked Mr. Williams if he himself resides in the trailer. Mr. Williams said yes, he does; **VIII.** Thomas Ambrose, ZBA Member, asked Mr. Williams if he knows what the opposition is, or if anyone has said anything to him. Mr. Williams said no, he does not; **IX.** Mr. Ellis asked Mr. Williams if he has any other residences besides this one. Mr. Williams stated that he does have one more, but his fiancé lives there and he lives in the trailer; **X.** Noelle Maxey, Zoning Coordinator, read aloud the following letter of support from an adjacent property owner that was submitted for the record: "We do not have any problems with Allen Williams's petition to continue placement of a single-wide mobile home on the site. He lives at 1605 Union Avenue in Granite City. Thank you, Joseph Rowane and Diana Rowane."; **XI.** Ms. Maxey also read aloud the following two letters of opposition that were submitted for the record via email: (1) "As a concerned neighbor I would like to oppose the continued placement of the vacant run down single wide mobile home owned by Allen Williams. Cheryl Harper." (2) "Living in the neighborhood of this vacant ran down trailer, I oppose that it should be an eye sore for another 5 years. Thank you."; **XII.** Mary Goode, ZBA Member, asked Mr. Williams if he has had any citations for mowing or anything like that. Mr. Williams said that is how he found out about this permit. He said he works 7 days a week, and didn't have time to cut the grass and it got a little tall. Mr. Williams said the Madison County Code Enforcement Inspector came out and took a picture, and when he got the letter he cut the grass the next day; **XIII.** Mr. Irby asked if there are any other mobile homes in the area. Mr. Williams said yes, one street over.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0072

Petition of Jose Raymundo Vega Berlanga and Maria Luisa Magana Avalos, owners of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Luis Campos and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Nameoki Township at **3116 Princeton Avenue, Collinsville, Illinois, County Board District #16, PIN# 17-2-20-36-03-308-026**

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by Cedric Irby that the petition of Jose Raymundo Vega Berlanga and Maria Luisa Magana Avalos be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Luis Campos and family for a period not to exceed 5 years, but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Luis Campos and family occupy the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Luis Campos and family vacate the structure.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Maria Luisa Magana Avalos, applicant, was present with her son who stated he was speaking on behalf of her; **VI.** Mary Goode, ZBA Member, asked if they have had any citations on their mobile home for mowing or cleaning. Ms. Avalos's son replied they do not. Ms. Goode asked how long they have been there. Ms. Avalos's son responded that they have been there a little less than a year. Ms. Goode asked if the person that owned the property before them had gotten a permit. Ms. Avalos's son responded that they did not know anything about that. He said they were never told about it, so this was brand new to them. Ms. Goode asked how old the trailer is, and Ms. Avalos's son said they are not sure what year it was built, but they believe it was around the 1980s; **VII.** Cedric Irby, ZBA Member, asked if there are any other mobile homes in the area. Ms. Avalos's son said yes, there are a few around. He stated that the neighbors on the left and the right of the trailer and in the front are all mobile homes. Chris Doucleff, Building & Zoning Administrator, stated that the State Park neighborhood has them scattered throughout. Mr. Doucleff said there aren't a lot of them, but they are in the area; **XI.** Thomas Ambrose, ZBA Member, asked if they are hooked to the sewer lines. Ms. Avalos's son said they have a septic tank. Mr. Doucleff stated that area is on private sewage, and each individual property has its own private sewage system.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0073

Petition of Midwest Power Partners, LLC, applicant on behalf of Jane Pirolo, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 41 of the Madison County Zoning Ordinance in order to develop a Community Solar project on site. This is located in an "A" Agricultural District in Olive Township at **9177 W Frontage Road, Staunton, Illinois, County Board District #3, PIN# 08-1-05-10-00-000-011**

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Sharon Sherrill and **seconded** by Cedric Irby that the petition of Midwest Power Partners, LLC and Jane Pirolo be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Midwest Power Partners, LLC. If at any point in the future the current owner of the underlying property or Midwest Power Partners, LLC intend to transfer their/its interest in the property or facility, the Madison County Building & Zoning Administrator shall be notified in writing and be provided all necessary information pertaining to the new entities or parties involved.
2. No overweight or oversized loads shall be delivered to the site.
3. All vegetation, shrubbery, or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
4. The owner shall adhere to the submitted site plan and keep the property in compliance with all Madison County Ordinances.
5. The owner's failure to adhere to the conditions of the Special Use Permit will cause revocation of the same, and require immediate removal of the solar project from the site.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Chad Chahbazi, Vice President of Project Development for Cenergy Power, stated that he has been with the company for over 14 years. He said the company has been in business since 2007 and has installed over 350 projects that are over 400 megawatts, mostly distributed generation, which means for the local community on the distribution grid. Mr. Chahbazi stated that the project they built for the Indianapolis International Airport was one of their largest to date, and was done in 3 phases in 2015. He said they have built projects in 14 states, and several projects here in Illinois. He stated that the closest project they have so far to Madison County is in Pontiac, on farmland close to the airport. Mr. Chahbazi said their focus is to benefit local communities and stakeholders, including land owners, towns, villages and counties, as well as the local power subscribers. He stated when the company first started in 2007, they didn't have any bonding capacity, and that over the years they built it up to \$150 million in bonding. He said the bonding company thinks they have grown very sustainably. Mr. Chahbazi said that Midwest Power Partners is the entity owned by his company Cenergy that is developing a ground mounted solar plus battery energy storage for the Pirolo project. He said the project lifespan is estimated to be about 35 years and will take approximately 32 acres, and they are hoping to start the project next summer. Mr. Chahbazi said some of the project benefits that are codified in statute, are that the county will receive approximately \$25,000-\$35,000 per year from this project. He said initially the program limit was about 10-acres per project, but it has now been increased to 25-35 acres, and because of that, the property taxes will also double. Mr. Chahbazi said the second benefit is they are providing construction operational investments in the local communities. He said all the subscribers will be in Ameren territory and there's a good chance that a number of them will be in Madison County. He stated that they will receive savings without any upfront costs. Mr. Chahbazi said that stabilization of electric power supply happens because the projects are distributed projects that are local. He said that Jane Pirolo, property owner, traveled from far away and is in attendance at the hearing; **VI.** Sharon Sherrill, ZBA Member, asked Mr. Chahbazi what he meant when he said the lifespan is 35 years. Mr. Chahbazi said that the projects are designed to be around for at least 35 years. He said it's a temporary use, so once the useful life is over with, they will pull out the system and remove it, and it will go back to its original condition as farmland; **VII.** Thomas Ambrose, ZBA Member, said there are some downsides to this, and said those were not mentioned. Mr. Ambrose said there is habitat harm, tech waste produced at the end of life, the land has to be polluted to get silver to operate these, mining problems, tearing up a lot of land, and if you get in there and touch

something you could die. He asked Mr. Chahbazi if he has had any deaths. Mr. Chahbazi said no, that it is low voltage and they haven't had any issues. He said they have a fence around the site for protection. Mr. Ambrose asked how much subsidy they get to put in one of these projects. Mr. Chahbazi said the state has a renewable energy credit program. Mr. Ambrose asked, percentage wise, how much they get from state and federal. Mr. Chahbazi said the state provides about 20-30% of the system cost. Mr. Ambrose asked if it comes out of the taxpayers' pockets, and Mr. Chahbazi said it's a small portion of your bill, and adds about \$1 to your power bill. Mr. Ambrose said his granddaughter put solar panels on top of her house at a cost of \$42,000. He said they promised her \$11,600 cash when it was finished and another \$17,000 to help out later on. He said she found out she wasn't going to get \$11,600 in cash, but all she would get was write-offs on her taxes. He said the state is so far behind that they don't know when they are going to pay the \$17,000. Mr. Ambrose asked Mr. Chahbazi if he knew there were these problems. Mr. Chahbazi said he has heard with residential there are a lot of companies out there, and just like every other industry, some are really good and some aren't great. He said he has heard of some issues here and there, but he hears positive stories for the most part. Mr. Ambrose asked about taking land out of agricultural production, and asked if there are landfills that have been decommissioned that they could put these on. Mr. Chahbazi replied that they do have projects on landfills and that they look at all sorts of sites, but it just depends on what the landowner wants to do. He said you do get really good recharge from the soils because you're taking it out of production for 25-35 years plus, so the soil is recharging and that's good for the soil; **VIII.** George Ellis, ZBA Member, asked if Ameren is buying this power. Mr. Chahbazi said no, the power is not being purchased by Ameren. He said they sign up various subscribers in Ameren territory to buy the power. He explained that Ameren receives the benefits of the renewable energy credits that they are essentially selling them for producing these by having these projects. Mr. Ellis asked what happens to the power that's being generated at these locations if the primary power grid goes out due to weather or some other interference. Mr. Chahbazi said it would automatically shut off until the grid is back up safely. Mr. Ellis asked where their equipment is manufactured. Mr. Chahbazi said that a lot of the modules are still manufactured overseas, but with a lot of the new bills that are being passed recently, the inverters and racking materials are manufactured here in the U.S. Mr. Ellis asked if the panels are recycled at the end of their lives or if they go in the landfill. Mr. Chahbazi said the steel, copper, and all the cables that are in the ground have resale value. He said that the modules are essentially glass on top of silicone, with metal frames around it, so it's just a matter of taking the parts, putting them in different piles, and recycling them. Mr. Ellis mentioned that there are some hazardous materials in there. Mr. Chahbazi said no, there are no toxic materials in their modules. He said there is a module that contains toxic materials, but only a few companies use it, but they never use those types of modules in their systems; **IX.** Mary Goode, ZBA Member, asked if Cenergy is privately owned. Mr. Chahbazi said yes, it is. Ms. Goode asked how many partners are in that. Mr. Chahbazi said their company has 45 employees, with an ownership group made up of a handful of folks; **X.** Jane Pirolo, property owner, stated that she is from the town of Livingston, IL and said this land has been in her family for a long time, probably 80 years, and she's very proud of it and what her father did with it as a farmer. Ms. Pirolo said before her father was a farmer, this piece of land was a small airport. She said after the airport, it became a very valuable piece of farmland. She said behind their 80 acres is a small dead coal mine, and the coal mine has been rehabilitated into a winery. She said everything can be made pretty again and used to its full potential. She stated this will help Madison County and the schools, and the schools in Livingston and Staunton will benefit greatly from it; **XI.** Mr. Ambrose asked if she could give an amount that this is going to help the schools. Ms. Pirolo said she doesn't know the exact amount. Mr. Chahbazi said he believes the flow-down starts with the county and flows down to other towns and villages and school districts; **XII.** Bob Chulka, adjacent property owner and farmer, said his question is for the county about the solar fields in general. He said in regards to the \$25,000-\$35,000 estimate to local government from this project that was given by Mr. Chahbazi, he would like to know how this is going to be broken down from the county level on down to the school districts, the townships, the fire districts. He would like to know how this is going to affect our local taxing districts. Chris Doucleff, Building & Zoning Administrator, said with property taxes, it's usually the school district that gets the most money. Mr. Doucleff said that in speaking with Mr. Chahbazi before the meeting tonight, the increase in property taxes is going to double what it is now. Mr. Chulka asked to clarify if it is proportionate to the way our taxes already are, and Mr. Doucleff said yes. Mr. Chulka said \$35,000 is a lot more than what the county is getting now. Mr. Ambrose said that's not very much money overall. Mr. Chulka said if Madison County is going to be getting \$35,000 a year, it's a whole lot more than the \$3,000 it's getting now for the whole 80 acres. Mr. Chahbazi clarified it's a range of \$25,000-\$35,000 for the life of the project. Mr. Chulka asked if the property will stay zoned Agricultural but just have a Special Use Permit, and Noelle Maxey, Zoning Coordinated, responded that was the case. Mr. Chulka asked if the Special Use Permit is going to have to be renewed every 5 years like some of the others tonight, and Mr. Doucleff said no, that is just for mobile homes. Mr. Chulka asked if there is a reason why it wouldn't be renewed as another solar project after the life of this one ends, and Mr.

Chahbazi said there would be a number of reasons, such as if the landowner isn't wanting to continue with the lease. Mr. Chulka asked about the maintenance around the solar panel. Mr. Chahbazi said they typically have a gravel access road, with typically 14-20 feet between rows. He said they maintain it regularly, especially during spring, summer and fall, and they have a team that goes out and checks on the modules; **XIII**. Mr. Ambrose asked how they address water runoff. Mr. Chahbazi said they are required by law to file documents with the state to show erosion and sediment control and what they are doing to prevent flooding.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: Thomas Ambrose

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0074

Petition of Danielle Mitchell, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a single-wide mobile home on site for the occupancy of Danielle Mitchell and family for a period not to exceed 5 years. This is located in an "R-4" Single-Family Residential District in Nameoki Township at **3104 Princeton Avenue, Collinsville, Illinois**, County Board District #16, PIN# 17-2-20-36-03-308-023

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Mary Goode and **seconded** by George Ellis that the petition of Danielle Mitchell be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Danielle Mitchell and family for a period not to exceed 5 years, but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Danielle Mitchell and family occupy the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Danielle Mitchell and family vacate the structure.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Danielle Mitchell, applicant, stated that she is seeking approval for her Special Use Permit application for her mobile home; **VI.** Mary Goode, ZBA Member, asked Ms. Mitchell how long she has lived there. Ms. Mitchell said a little over a year. Ms. Goode asked Ms. Mitchell if she has ever had a permit for her mobile home, and Ms. Mitchell said no. Ms. Goode asked if there was a permit there when she bought it, and Ms. Mitchell said the gentleman that had the mobile home before her was deceased and the Special Use Permit had expired. Ms. Goode asked Ms. Mitchell if she has had any problems with violations. Ms. Mitchell said no, just the violation for not having the Special Use Permit.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0077

Petition of ESP Solar, LLC, applicant on behalf of Gary L. Fritzsche Trust, owner of record, requesting a Special Use Permit as per §93.023, Section D, Item 41 of the Madison County Zoning Ordinance in order to develop a Community Solar project on site. This is located in an "A" Agricultural District in Omphgent Township at **8707 Church Road, Worden, Illinois**, County Board District #3, PIN# 12-1-04-35-00-000-025

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Sharon Sherrill and **seconded** by Mary Goode that the petition of ESP Solar, LLC, and Gary L. Fritzsche Trust be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of ESP Solar, LLC. If at any point in the future the current owner of the underlying property or ESP Solar, LLC intend to transfer their/its interest in the property or facility, the Madison County Building & Zoning Administrator shall be notified in writing and be provided all necessary information pertaining to the new entities or parties involved.
2. No overweight or oversized loads shall be delivered to the site.
3. All vegetation, shrubbery, or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.
4. The owner shall adhere to the submitted site plan and keep the property in compliance with all Madison County Ordinances.
5. The owner's failure to adhere to the conditions of the Special Use Permit will cause revocation of the same, and require immediate removal of the solar project from the site.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Chad Chahbazi, representative with Cenergy Power, stated that ESP is a solar company that Cenergy provides development services for. Gary Fritzsche, property owner, stated that this offer came to him by mail and he pursued it to see where it would go and to see if it would be good for the community; **VI.** Mary Goode, ZBA Member, asked Mr. Chahbazi what criteria they use to determine which properties are best for these projects. Mr. Chahbazi explained that they are looking for an area that can handle the power. He said they do studies with Ameren and find out whether the site can work as far as the power flow in and out. Ms. Goode asked if population is a factor, and Mr. Chahbazi said the closer you are to the power needs, the better, but in some cases that's not always a determining factor; **VII.** Thomas Ambrose, ZBA Member, said that according to research, solar companies do better farther south than they do here. Mr. Chahbazi said they have 15 projects that they've developed in Maine, but yes, they do get better production down south than they do in Illinois, just like they get better production in Illinois than they do in Maine. Mr. Ambrose asked Mr. Chahbazi how they justify putting these in when we have all this natural gas and everything we need now, and Mr. Chahbazi said that the load centers are growing and they are seeing this in Illinois as well. He said there is a need for the power, otherwise Ameren wouldn't take it.

Roll-call vote.

Ayes to the motion: George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: Thomas Ambrose

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z22-0078

Petition of Helmsing Development Group of Highland, LLC, owner of record, requesting a zoning map amendment to rezone 5.15 acres of an "M-1" Limited Manufacturing District and 3 acres of an "A" Agricultural District to a "PD" Planned Development District in order to continue operating the existing specialty trailer manufacturing business on site. This is located in Saline Township at **13480 US Highway 40, Highland**, Illinois, County Board District #4, PIN# 02-1-18-22-00-000-011.002

Members Present: Don Metzler, Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Members Absent: Nicholas Cohan

A **motion** was made by Thomas Ambrose and **seconded** by Mary Goode that the petition of Helmsing Development Group of Highland, LLC be **Approved with Attachment "A"**.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Erin Kennedy, legal representative of the property owner, said that Mark Helmsing was present to answer any questions. Ms. Kennedy said Helmsing currently owns the 5.25 acre lot that's zoned "M-1" and is looking to purchase 3 adjoining acres to the south zoned "Agricultural." She said they are looking to rezone it all as "PD" in hopes of reaching their expansion goal in consideration of public comment. Ms. Kennedy said the existing building is about 24,000 square feet where they operate their specialty manufacturing facility, and they are hoping to expand that, which is the purpose of the additional 3 acres. Ms. Kennedy said they originally didn't have a plan for the expansion, it was just in the future that it would be nice to have the additional space, but she said they went back to the drawing board and came up with a site plan that they think addresses concerns about the eastern boundary. Ms. Kennedy said this addition blocks everything to the west when they do expand. She said they have vacated that Final Drive entrance to avoid any additional concerns about additional traffic that may be on Final Drive, and they just want to emphasize that they did take public comment into consideration, and that's why they came back and looked at this "PD" route to get some of those conditions put on so that they can move forward. She said adding the 3 adjoining acres would be much more convenient than moving across the street where the additional "M-1" lots are; **VI.** Mary Goode, ZBA Member, asked if there was any opposition at this point. Ms. Kennedy said no, there is not; **VII.** Cedric Irby, ZBA Member, asked what their thoughts were between their previous request and now and asked if they didn't think it through the first time. Ms. Kennedy said the first time they thought it would make more sense to keep with the existing zoning of their 5.25 acre lot of "M-1", so they were going to purchase that 3 acres and rezone it to "M-1." She said with the "M-1", you can't really put conditions on it, but you can with the "PD" like vacating that Final Drive entrance, and they are proposing a buffer along the east side to block anything that the other side may see.

Roll-call vote.

Ayes to the motion: Thomas Ambrose, George Ellis, Mary Goode, Cedric Irby, Sharon Sherrill

Nays to the motion: None

Whereupon the Chairman declared the motion duly adopted.

Chairman, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Attachment “A” – “PD” District Conditions of Use

(A) The applicant will be required to adhere to all district conditions and use requirements below. Should the applicant submit plans with substantive differences than the proposed use and accompanying site plan, the applicant will be required to return to the Building & Zoning Committee for review, upon a recommendation from the Zoning Board of Appeals.

(B) This “PD” Planned Development District is approved for parcel 02-1-18-22-00-000-011.002 (currently zoned “M-1”), consisting of 5.25 acres, and for the southeastern-most 3 acres of parcel 02-1-18-22-00-000-011 (currently zoned “A”). However, the rezoning is contingent on the sale of the 3 acres from Virgil Straeter to Helmsing Development Group of Highland, LLC, and shall not take place until the sale is finalized. The 3 acres shall be added to parcel 02-1-18-22-00-000-011.002 after the sale is finalized.

(C) District Conditions of Use.

1. Yard areas. No primary building or structure shall be erected or enlarged unless the following yards are provided and maintained:
 - a. Front Yard Setback: 50 feet
 - b. Side Yard Setback: 20 feet from the west property line; 40 feet from the east property line
 - c. Rear Yard Setback: 50 feet
2. Maximum floor area ratio. The maximum floor area ratio shall not exceed 1.5.
3. The only ingress/egress to the property shall be from US Highway 40. The existing ingress/egress from Final Drive shall be removed.
4. A landscape buffer shall be installed and maintained along the eastern side of the property. The buffer shall consist of trees or shrubs at least 5 feet tall when planted and at least 10 feet tall when fully grown. The buffer may also include a berm.
5. Additional Requirements: Signs §93.120, Parking §93.147

(D) Permitted Uses

1. Trailer manufacturing and sales within a building on the property.
2. Storage and warehousing of goods used in or produced by the manufacturing of trailers on site, where all storage of trailers, equipment, materials, etc. is located inside of a building on the property.

(E) Accessory Uses (See § 93.051 (B))

1. Accessory structures as per §93.051, Section B and §93.097, Section C.
2. Accessory uses that are clearly associated with and supplementary to the principal uses of the lot or tract of land.
3. Off-street parking and loading.

(F) Prohibited uses.

1. Any uses not listed in the above Permitted and Accessory Uses sections.