

# CITY OF GALESBURG

## Community Development Department Memo

Operating Under Council – Manager Government Since 1957

---

TO: Planning and Zoning Commission Members  
FROM: Steve Gugliotta, AICP, Director of Community Development  
DATE: January 3, 2022  
SUBJECT: Planning and Zoning Commission Meeting

A meeting of the Galesburg Planning and Zoning Commission has been scheduled for Tuesday, January 11, 2022 at 5:30 p.m. in the City Council Chambers of the Galesburg City Hall.

Members of the public who would prefer to view the Planning & Zoning Commission meetings remotely, can view the meetings on Comcast channel 7 or stream the meeting live on the [City's website](#).

### A G E N D A

	Approve	Minutes of the October 19, 2021 meeting
	Update	Past Planning and Zoning Commission items.
	Receive	General citizen comments.
PZ-22-0101	Public Hearing	Variances of setback, fence height and variance duration for Blackberry Solar, LLC, located in the 1400 block of South Farnham Street, PIN 99-24-151-003.

COMMISSION MEMBERS: PLEASE NOTIFY ME IF YOU ARE UNABLE TO ATTEND AT 345-3619.

cc: Mayor	Alderspersons (7)
City Manager	City Attorney/Administrative Services Director
Fire Chief	Director of Public Works
Deputy City Clerk	City Engineer
Information Systems Supervisor	Executive Secretary
Construction Inspectors (3)	Buildings & Grounds
File Copy	News Media (7)

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COUNCIL CHAMBERS OF GALESBURG CITY HALL**  
**Tuesday, October 19, 2021 at 5:30 p.m.**

MEMBERS PRESENT: Bill Johnson, Steve McKelvie, Neil Thomas, David Uhlmann 4.  
MEMBERS ABSENT: Mark Lee, 1.  
OTHERS PRESENT: Stephen Gugliotta AICP-Director of Community Development and Wayne  
Carl-Director of Public Works.

Chairman declared quorum present.

**Approve Minutes of the September 21, 2021 meeting**  
Member McKelvie moved to approve the minutes, seconded by Member Thomas.

**Minutes were approved by voice vote.**

**Update Past Planning and Zoning Commission items**

- Zoning map amendment to go from I, Institutional to B1, Neighborhood Business for proposed indoor climate controlled Storage (mini-self service), located at 387 E Grove St.. The City Council approved the amendment at their October 18<sup>th</sup> meeting.
- Special Use request to allow indoor climate controlled Storage (mini-self service), located at 387 E Grove St. The P&Z Commission approved the Special Use contingent upon City Council approving the zoning amendment. The City Council approved the zoning amendment at their October 4<sup>th</sup> meeting.
- Change of non-conforming use application to change from a Rental of Equipment or Supplies use to a Contractor's Office and Storage, located at 148 W Simmons St. The P&Z Commission approved the Special Use and the contractor plans on moving in to the facility over the next few months.
- Ordinance amendment to allow Community Gardening in the I, Institutional zoning district. The City Council approved the ordinance amendment at their October 18<sup>th</sup> meeting.
- Variance of parking spaces for a property located at 2590 N Seminary St. The P&Z Commission approved the parking variance and construction plans for the addition have been submitted and reviewed.
- Special Use request to allow a bar, located at 1611 Grand Ave. The P&Z Commission approved the Special Use. The city is awaiting construction drawings for review and to issue permits for the renovations.

**Receive Citizen Comment**  
None Received.

<b>PZ-21-1001</b>	<b>Public Hearing</b>	<b>Zoning map amendment to go from I, Institutional to B2, General Business, located at a portion of a property located west of 876 W Main St.</b>
-------------------	-----------------------	--

The petitioner was the city of Galesburg.

The Commission members considered the following items:

- The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- The city and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- The subject property is suitable for the proposed zoning classification.
- The Development Review Committee reviewed the proposed zoning amendment at their September 1, 2021 meeting and recommend approval.

Member McKelvie moved, seconded by Member Thomas to recommend approval of the zoning amendment.

**Roll Call #1**

Ayes: Johnson, McKelvie, Thomas, Uhlmann, 4.

Nays: None.

Abstentions: None.

**Chairperson declared the motion approved.**

**PZ-21-1002      Public Hearing      Ordinance amendment to add a definition and provisions for Residential Gardens.**

Member Thomas moved, seconded by Member Uhlmann to recommend approval of the ordinance amendment.

**Roll Call #2**

Ayes: Johnson, McKelvie, Thomas, Uhlmann, 4.

Nays: None.

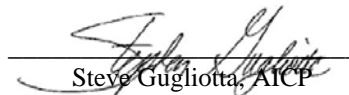
Abstentions: None.

**Chairperson declared the motion approved.**

The Commission members considered the following items:

- The proposed amendment is an improvement to current provisions;
- The Development Review Committee reviewed the proposed zoning amendment at their October 6, 2021 meeting and recommend approval on a vote of 6 Ayes and 1 Nay.

There being no further business, the meeting adjourned at 5:43 p.m.

  
Steve Gugliotta, AICP

# CITY OF GALESBURG

## Community Development Memo

Operating Under Council – Manager Government Since 1957

### Planning and Zoning Commission January 11, 2022

**AGENDA ITEM:** PZ-22-00101 Variance of setback, fence height and time limitation for a property located in the 1400 block of S Farnham St. Property identification number are 95-24-151-003.

**SUMMARY RECOMMENDATION:** The Development Review Committee members reviewed the variance request at their December 29, 2021 meeting and recommended approval.

**BACKGROUND:** Attached for the Commission's review are variance requests received from Blackberry Solar, LLC for a proposed 50Mwac utility-scale solar project, located in the 1400 block of South Farnham Street, PIN 99-24-151-003.

The applicant has done a thorough job of explaining the project in their application package. The majority of the project will be located on property in the County, only PIN 99-24-151-003 is within the geographic boundaries of the city of Galesburg.

#### Setback variance

The property is within the AG, Agricultural district, which requires a 75 foot front yard setback and a 50 foot side and rear yard setback. Section 152.019 (B) (1) of the Galesburg Code of Ordinances does provide for the ability to request a variance of up to 30% of the required setback.

In this situation, they are requesting a variance of the side (south) yard setback from 50 feet to 35 feet (a 30% reduction) and a variance of the rear (east) yard setback from 50 feet to 35 feet (a 30% reduction).

Zoning		Land Use
North	AG - Agriculture	Agriculture
West	RR – Rural Residential (County zoning)	Agriculture
East	RR – Rural Residential (County zoning)	Agriculture
South	RR – Rural Residential (County zoning)	Agriculture

#### Fence height variance

Section 152.033 of the Galesburg Code of Ordinances requires fencing in the required front yard to be at a maximum height of 4 feet and fencing behind the front yard can be no higher than 8 feet.

In this situation, they are requesting the proposed fencing that would be within the required front yard setback to be increased from the allowable 4 feet to 7 feet.

#### Variance duration variance

Section 152.019 (D) has time limitations that apply to variances. Project activity or a construction permit application, whichever is applicable to the situation, must commence within 3 months from the date a variance is granted.

In this situation, the project requires an interconnection study between the applicant and Ameren, which will take some time to complete. They are requesting a variance of the time limitation from 3 months to December 31, 2023.

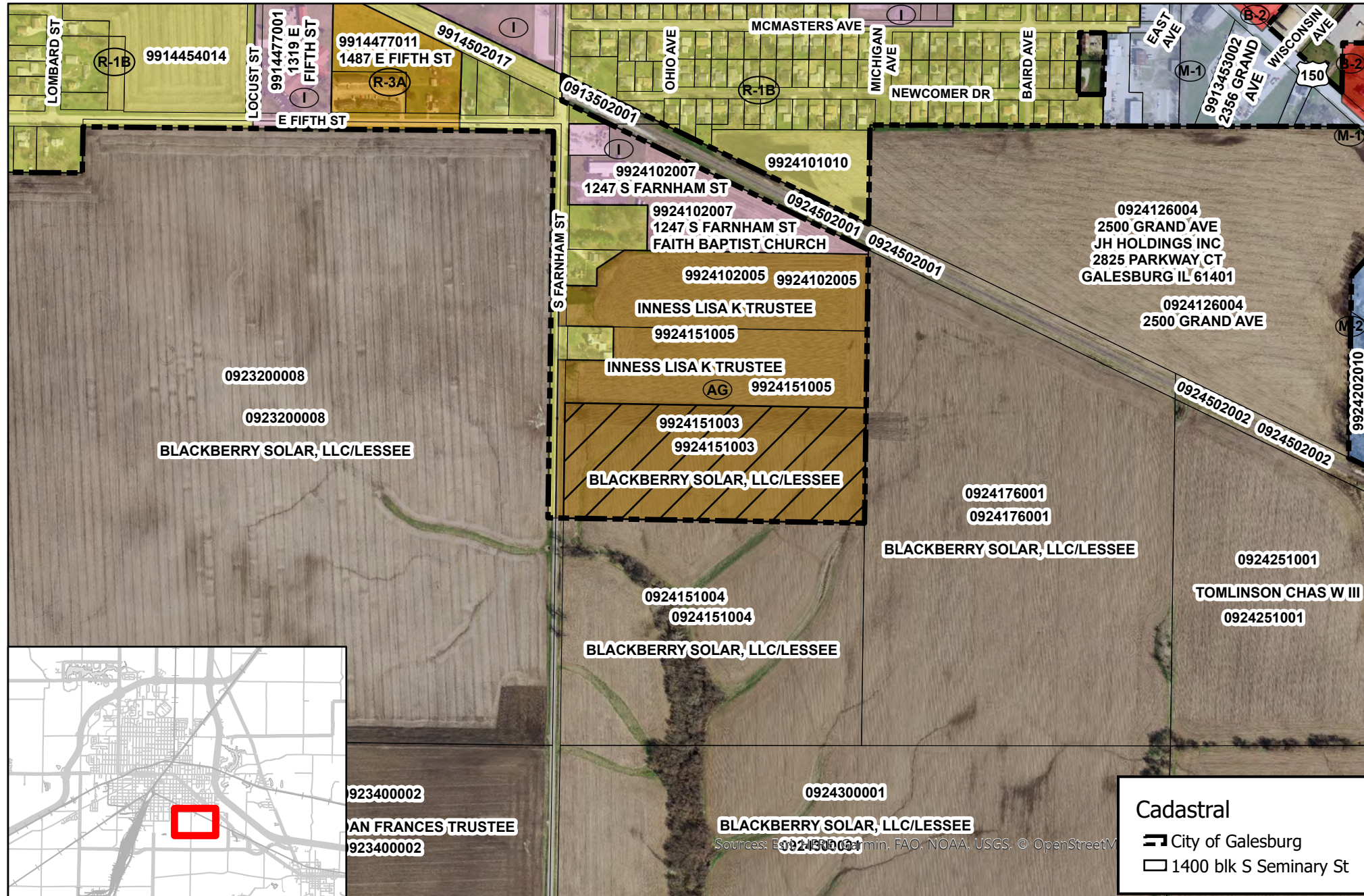
#### Supporting Documents:

1. Aerial – General location
2. Variance application

cc: File Copy



400 200 0 400 800 1,200 Feet



**Blackberry Solar, LLC**

**50 MWac Solar Project**

**Galesburg Setback, Fencing, and Duration Variance  
Application**

**Submitted December 14, 2022**

## **EXECUTIVE SUMMARY**

### **Blackberry Solar**

Blackberry Solar, LLC is developing a 50 MWac utility-scale solar project on an approximately 380-acre area of agricultural land located in Knox County, Illinois. The Blackberry Solar, LLC solar project (the “Solar Project”) will be located on 6 parcels, one of which—parcel 99-24-151-003—is located within the jurisdiction of the City of Galesburg (“Project Parcel”). All other parcels comprising the Solar Project are located within the jurisdiction of Knox County (09-24-176-001, 09-24-151-004, 09-24-300-001, 09-23-200-008 and parcel 09-24-400-005). Blackberry Solar, LLC (the “Applicant”) is a limited liability company indirectly owned by Trajectory Energy Partners, LLC (“Trajectory”). The Solar Project is described in more detail on the Site Plan set forth in the attached Exhibit B. The Applicant is submitting this application for a setback, fencing, permit duration variance pursuant to Section 152.019 of the Development Ordinance of the City of Galesburg, Illinois.

Once installed and commissioned, the Solar Project will require periodic maintenance. The performance of the Solar Project will be continuously monitored, and engineers and maintenance technicians will visit the Solar Project a few times a year for routine maintenance and any required repairs. Post-construction, the Solar Project will generate minimal traffic, solely in connection with this ongoing operations and maintenance.

### **About Trajectory Energy Partners, LLC**

Blackberry Solar, LLC is a wholly owned indirect subsidiary of Trajectory Energy Partners, LLC. Trajectory Energy Partners, LLC brings together communities, organizations, and land owners to develop clean energy projects that are integrated into the local landscape and community.

## CONTENTS

I. SUMMARY OF APPLICATION .....	4
II. SETBACK VARIANCE.....	4
III. FENCING VARIANCE.....	5
IV. PERMIT DURATION VARIANCE .....	5
V. STANDARDS FOR GRANTING VARIANCES.....	5

**Exhibit A:** Variance Application Form

**Exhibit B:** Site Plan

**Exhibit C:** Landowner Acknowledgment Letter



## I. SUMMARY OF APPLICATION

Blackberry Solar, LLC is applying for setback, fencing, and permit duration variances on the Project Parcel to allow for the development, construction, and operation of a 50 MWac commercial solar project on the Project Parcel and adjacent parcels. The Project Parcel is located in the AG District of the City of Galesburg ("City"). The Applicant is submitting this variance application pursuant to Section 152.019 of the Development Ordinance of the City of Galesburg, Illinois ("Development Ordinance").

1. Setback Variance. Pursuant to Section 152.019(B)(1) of the Development Ordinance, Applicant requests variances from the AG District setback requirements for the east and south parcel lines of the Project Parcel.

2. Fencing Variance. Pursuant to Section 152.019(B)(8) of the Development Ordinance, Applicant requests variances from the fencing requirements for west and north borders of the Solar Project on the Project Parcel.

3. Permit Duration Variance. Applicant requests a variance from the permit duration limitations of Development Ordinance Section 152.019(D).

## II. SETBACK VARIANCE

Setback requirements for parcels in the City's AG District are as follows:

- Front yard not less than 75 feet;
- Side yard not less than 50 feet; and
- Rear yard not less than 50 feet.

See Section 152.065 of the Development Ordinance. Pursuant to Section 152.019(B)(1) of the Development Ordinance, the Applicant requests a maximum setback variance of 30% of the above-listed requirements for the following:

- Side yard (south side of the Project Parcel), reducing the 50-foot setback requirement to 35 feet (a 30% reduction); and
- Rear yard (east side of the Project Parcel), reducing the 50-foot setback requirement to 35 feet (a 30% reduction).

These setback variances would provide for a larger solar panel array area on the Project Parcel, thus reducing the setback between the solar panels on the Project Parcel and those on the adjoining parcels to the east and south.

### III. FENCING VARIANCE

Fencing requirements for the Project Parcel are set forth in Section 152.033 of the Development Ordinance. Pursuant to Section 152.019(B)(8) of the Development Ordinance, the Applicant requests a variance on the fence height limit of four (4) feet that applies to the front yard of the Project Parcel, thereby allowing the Applicant to install a 7-foot chain length fence around the perimeter of the Solar Project (including the applicable west and north property lines of the Project Parcel).

These fencing variances are necessary for the Solar Project to comply with National Electric Code requirements on fencing.

### IV. PERMIT DURATION VARIANCE

The Applicant entered into a Combined Interconnection Study Agreement with Ameren Illinois to assess the feasibility and impact of interconnecting the Solar Project to Ameren's electric distribution system. The Point of Interconnection ("POI") is expected to be located on the existing Ameren-owned 69kV utility line north of the Project Parcels as depicted on Exhibit B.

The interconnection process with Ameren Illinois presents timing uncertainties with respect to the development of the Solar Project. As such, the Applicant will not be able to move forward with constructing the Solar Project until it has received the required agreements and approvals from Ameren Illinois and until weather and ground conditions are favorable for installation. For this reason, the Applicant requests a variance from the permit duration limitations of Development Ordinance Section 152.019(D). If granted, Applicant requests that the setback and fencing variance permit expire no sooner than December 31, 2023, provided that the Applicant may petition the City for an extension of the permit for good cause shown.

### V. STANDARDS FOR GRANTING VARIANCES

According to Section 152.019(C) of the Development Ordinance, the City's standards for granting variances are as follows:

*(a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.*

The Applicant would be unable to develop and finance the proposed Solar Project on the Project Parcel without the variances requested above.

*(b) The situation of the owner is due to unique physical circumstances of the property.*

Solar energy systems are by their nature a unique circumstance with respect to the structure's relationship to the property. Without the requested variance, the Applicant would not be able to construct the Solar Project, and the Landowners would not be able to lease their land to the Applicant.

*(c) The variance, if granted, will not alter the essential character of the neighborhood.*

The Solar Project will comply with all other applicable requirements of the Development Ordinance meant to preserve the essential character of the locality. Solar energy systems are consistent with the essential character of the locality, as described above and as depicted on the Site Plan included on Exhibit B.

Section 152.019(C)(2) establishes supplemental standards to guide the City on granting variances "whenever there are practical difficulties or particular hardships":

*(a) The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.*

The Applicant would be unable to develop and finance the proposed Solar Project on the Project Parcel without the requested variances.

*(b) The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification.*

The variances are requested on the specific Project Parcel because the Project Parcel is particularly well suited to the placement of a large-scale solar project in the City and in Knox County, given the local topography, ability to interconnect to the electrical grid, road access, surrounding uses, and the alternative productive uses of the land.

*(c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property.*

In addition to the rental income to the Landowners, the development of the Solar Project on the Project Parcel will bring benefits to the local community, including increased tax revenue,

economic benefits from construction and operation, and clean energy that will avoid the pollution associated with other forms of power generation.

*(d) The alleged difficulty or hardship has not been created by any person presently having an interest in the property;*

The difficulty or hardship has not been created by any person presently having an interest in the property.

*(e) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and*

The granting of the variances and the construction of the Solar Project would not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. The Solar Project will be constructed with solar panels and other electrical equipment with long-term warranties and very low expected rates of replacement, and the components of the Solar Project will comply with the current edition of the National Electric Code and will be UL listed or meet a comparable safety standard.

The Solar Project will be designed to integrate into the local landscape. Where feasible, the Applicant will prioritize pollinator-friendly landscaping, vegetation maintenance that limits runoff, and other management practices that are in keeping with the community, adjacent uses, and the local ecosystem.

*(f) That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

As discussed herein, the proposed variances will not impair an adequate supply of light and air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.



**EXHIBIT A**

Variance Application Form

# VARIANCE APPLICATION

## PETITION/DEVELOPMENT NAME (if applicable):

**Blackberry Solar, LLC**

## PETITIONER INFORMATION:

<b>Jonathan Carson</b>	<b>P.O. Box 310</b>	<b>Highland Park, IL 60035</b>
Primary contact name	Mailing address	City, State, Zip
<b>(312)-882-3713</b>		<b>legal@trajectoryenergy.com</b>
Phone	Fax	Email

## OTHER APPLICANTS AND INTERESTED PARTIES:

Relationship	Name	Company	Mailing Address	Phone #
Applicant				
Owner(s)				
Developer(s)				
Engineer				
Surveyor				
Agent/Attorney				

## SITE INFORMATION:

<b>15.38 (approximate)</b>	<b>99-24-151-003</b>
Acres	Property Identification Number (PIN)

## WHAT SPECIFIC ORDINANCE SECTION(S) ARE YOU REQUESTING A VARIANCE:

**Setback variance (Section 152.065 of the Development Ordinance); fencing variance (Section 152.033 of the Development Ordinance); permit duration variance (Section 152.019(D))**

## ZONING INFORMATION:

<b>AG District</b>
Current Zoning
<b>Agriculture</b>
Existing Land Use

## EXPLAIN THE REASON FOR THE VARIANCE REQUEST:

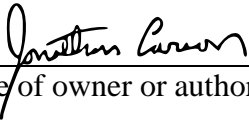
**See attached variance application.**

Description why the applicant is not able to comply with the code requirement.



I hereby affirm that I have full legal capacity to authorize the filing of this Petition and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. The Authorized Signer invites City representatives to make all reasonable inspections, investigations and pictures of the subject property during the processing period of the application. I agree to pay all fees consistent with the City payment policies and comply with City codes. I understand these fees will include publication and processing expenses and are non-refundable.

I understand that all correspondence from the City staff will be directed to the Primary Contact. It will be the Primary Contact's responsibility to inform all other interested parties of any correspondence and the status of the application.



Signature of owner or authorized agent

December 14, 2021

Date

#### CHECKLIST OF REQUIRED VARIANCE APPLICATION ITEMS:

- ☐ One original completed variance application form.
- ☐ Payment of a \$75 non-refundable filing fee. Checks should be made payable to "City of Galesburg".
- ☐ Fifteen (15) copies of the site plan addressing all required items as listed in subsection 152.134 C of the Development Ordinance. In general, subsection 152.134 C seeks to preserve existing trees, minimize cut and fill, avoid unnecessary impervious cover, prevent flooding and pollution, provide adequate access to lots and sites and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
- ☐ Authorized Signature Acknowledgement. If the owner(s) of the property in question will not be the primary contact or is not the applicant, then an acknowledgement must be signed by the property owner(s) designating an authorized agent for the petition. It shall state the authorized agent has the authority to deal with the property in all aspects with regards to the petition.
- ☐ Attachments such as building layouts or elevations, etc. depicting compliance with the standards for granting variances are recommended in order to provide accurate and sufficient information for consideration by the Development Review Committee and Planning and Zoning Commission.
- ☐ The petitioner(s) or authorized agent must be present at the Planning and Zoning Commission meeting to address any questions that may arise.




**EXHIBIT B**

Site Plan





**Trajectory**  
Energy Partners

Project Name:  
Blackberry Solar

Facility Location:  
40.9282°N, 90.3391°W

Project County:  
Knox, IL

Revision: A-1      Date: 12-01-2021

Maxar, Microsoft  
0 125 250 500  
US Feet

- 500' Residence to System Setback (Knox County)
- 50' PL to System Setback (City of Galesburg)
- 20' PL to System Setback (Knox County)
- 75' PL to System Setback (City of Galesburg)
- 50' PL to System Setback (Knox County)
- 20' PL to System Setback (Knox County)
- 50' PL to System Setback (Knox County)
- 35' PL to System Setback (VAR City of Galesburg)
- 35' PL to System Setback (VAR City of Galesburg)
- 50' PL to System Setback (Knox County)
- 50' PL to System Setback (Knox County)
- 20' PL to System Setback (Knox County)
- 20' PL to System Setback (Knox County)
- 30' PL to System Setback (Knox County)





**EXHIBIT C**

Landowner Acknowledgment Letter

Steven M. Swanson  
326 E First Street  
Hinsdale, IL 60521  
(630) 370-0102  
[steveswanson326@gmail.com](mailto:steveswanson326@gmail.com)

City of Galesburg, Illinois  
Community Development Department  
55 West Tompkins Street  
Galesburg, Illinois 61401

*Re: Landowner Acknowledgement and Authorization of Blackberry Solar, LLC's Variance Requests Related to Parcel 99-24-151-003*

Dear City of Galesburg Community Development Department,

As the trustee of the owner of parcel 99-24-151-003 in the City of Galesburg, Illinois ("Project Parcel,"), I authorize Blackberry Solar, LLC to submit a variance application on the setback, fencing, and permit duration requirements for the development, construction, and operation of a commercial solar energy project on the Project Parcel.

Sincerely,

Steven M. Swanson

Swanson Family Farm Land Trust dated November 29, 2012

By: Steven M. Swanson

Name: Steven M. Swanson

Title: Trustee

Date: 12-13-2011