
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: DANIELLE MARION, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: AURORA AIRPORT COMMUNITY SOLAR-2 SPECIAL USE EXTENSION
AGENDA: NOVEMBER 5, 2024 VILLAGE BOARD MEETING
DATE: OCTOBER 30, 2024

ISSUE

Shall the Village Board approve a request for an extension of the expiration date for a special use previously granted for the property located on the south side of US Route 30 and west of Indigo Drive for a solar garden energy system.

DISCUSSION

Daneile Kramer on behalf of Sun Code has requested a six month extension of the requirement of the Special Use permit providing that the applicant will apply for a building permit with the Village of Sugar Grove on or before April 16, 2025.

The reason for this request is that the applicant is undergoing substantial and lengthy reviews with the Federal Aviation Authority. At this time it is not certain that these reviews will be completed prior to the April 16, 2025 deadline to obtain a building permit. Therefore, the applicant is requesting this deadline be extended by six months until October 16, 2025.

As the Village Board knows, there is an expiration date for Special Use permits if the use is not established or a building permit issued within 12 months of approval (Section 11-13-12-I-6). The applicants are aware of this deadline and have determined the needed reviews are going to extend beyond this timeframe.

The Village Board may grant an extension of time up to 6 months (Section 11-13-12-I-6-b). Two extensions are authorized. No application fees, hearings or notices are required.

Village staff is not opposed to granting the extension of time to submit a building permit application in this instance.

COSTS

There are no costs to extend the expiration of the special use permit.

ATTACHMENTS

- Written request to Village Board for extension of special use
- Ordinance No. 2024-0416CD1 granting the special use
- Ordinance granting an extension of the expiration date for a special use on certain property

RECOMMENDATION

The Village Board should approve the Ordinance granting an extension of time to establish a special use on certain property.

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

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(630) 553-9500
Fax: (630) 553-5764

KELLY A. HELLAND
D.J. KRAMER

October 29, 2024

Scott Koeppel
Village Administrator
Via Email: skoeppel@sugargroveil.gov

Danielle Marion
Village Planner
dmarion@sugargroveil.gov

RE: Sun Code Solar Special Use Permits

To the Village Board & Village President:

I hereby request that You place the Sun Code Solar Special Use Permit Items on Your Village Board Agenda for the November 5, 2024 Village Board. The purpose We are asking You to place the two matters on the Agenda is seeking an Extension of the requirement of each Special Use Permit providing that the Applicant will apply for a Building Permit with the Village of Sugar Grove on or before April 16, 2025.

The Applicant is undergoing substantial and lengthy reviews with the Federal Aviation Authority assisted by the Aurora Municipal Airport Authority. Given the time that the Reviews have undergone to date, it is not certain that Final Review Decisions shall be furnished to Applicant by the Federal Aviation Authority before April 16, 2025. We would ask for an additional six month extension of that date in order to make sure We have all Regulatory Approvals that are necessary for us to apply for our Village of Sugar Grove Building Permits for each Special Use Project.

Should You have any questions please feel free to contact Me. I would ask for confirmation that We are placed on that Village Board Agenda please.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK/rg



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2024-0416CD2

**An Ordinance Granting a Special Use Permit for a Solar Garden Energy System
(Aurora Airport, Community Solar-2)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 16th day of April 2024

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 16th day of April 2024

VILLAGE OF SUGAR GROVE

ORDINANCE NO. 2024-0402CD2

**An Ordinance Granting a Special Use Permit for a Solar Garden Energy System
(Aurora Airport, Community Solar-2)**

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, SunCode LLC (“Applicant”) is duly authorized to make application for a Special Use Permit for a solar garden energy system on the property generally located on the south side of US Route 30 and west of Indigo Drive and legally described in **Exhibit A**, attached hereto and incorporated herein by reference (“Subject Property”); and,

WHEREAS, the Applicant has made application to request to grant a Special Use Permit for a solar garden energy system on the Subject Property; and,

WHEREAS, the proposed solar garden energy system, also known as Community Solar-2, will occupy 20.88 acres of the Subject Property and consists of 9,632 solar panels that will track the sun across the sky and a small shed-like building constructed to house the inverter and other necessary equipment which will be surrounded by an eight-foot-tall security fence; and,

WHEREAS, after due notice, the Planning Commission/Zoning Board of Appeals held a public hearing on February 21, 2024, to consider the request to grant a Special Use Permit for a ground-mounted solar energy system and objectors were present and heard; and,

WHEREAS, the Planning Commission/Zoning Board of Appeals made its findings and recommendation in Planning Commission Recommendation PC24-03 that the Village Board grant the Special Use Permit, subject to certain conditions; and,

WHEREAS, the Village Board has found that the requested Special Use Permit is in compliance with the standards as set forth in the Zoning Ordinance and concurs with the Planning Commission’s Recommendation.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: RECITALS

The foregoing recitals shall be and are hereby incorporated as findings of fact as if recitals were fully set forth herein.

SECTION TWO: SPECIAL USE PERMIT

That a Special Use Permit for a solar garden energy system is hereby granted on the Subject Property generally located on the south side of US Route 30 and west of Indigo Drive and legally

described in **Exhibit A**, attached hereto and made a part hereof by this reference, subject to the following conditions:

1. Applicant must obtain FAA approval for the solar garden energy system, including satisfying glare requirements.
2. The owner/operator of the solar facility shall notify the Village, in writing, of any changes of ownership during the life of the project. Following any such transfer and as a condition of the release of any existing security, the new owner/operator must post replacement security in accordance with Village Code Section B.1.a.
3. The owner/operator of the solar facility shall notify the Village if its operations on the Subject Property cease. In addition, should the owner/operator fail to respond to an inquiry by the Village regarding the status of its operations within 30 days of the date of said inquiry, the Village shall be authorized, but not obligated, to draw upon the security deposit and to commence decommissioning.
4. Applicant shall prepare and provide a drain tile investigation, which must be approved by the Village prior to issuing the building permit.
5. Applicant shall perform a soil and water analysis within the solar field at five (5) and ten (10) years after facility is placed on-line to determine whether any undesirable substances from the solar panels are collecting on the Subject Property.
6. Battery storage shall not be permitted on the Subject Property.
7. Applicant may substitute ornamental trees for shade trees required in the landscape berm along Dugan Road at the rate required by Section 11-4-21-C-1-c
8. The service drive shown on the site development plan shall be paved, as required, prior to the facility being placed on-line.
9. The Electric Utility may be required to add new public electric infrastructure to serve the solar garden and such new infrastructure is required to be buried where above ground infrastructure does not currently exist. Where above ground electric infrastructure does exist, then any new electric infrastructure upgrades should be buried except in the case of environmental constraints such as wetland/ hydrology crossings. Also, the point of interconnection is required to be buried; all on-site private and public electric infrastructure (except the Solar Garden) shall be buried as required by Section 11-4-21-C-1-i.
10. That the Subject Property shall be developed in accordance with the site development plans attached hereto as **Exhibit B** and incorporated herein by reference. Minor changes in the location of solar panels, service road, equipment building resulting from soil or subsurface drainage features shall be permitted provided such changes do not increase the area of the solar garden energy system.
11. That the facility shall be constructed using the materials and equipment specified and attached hereto as **Exhibit C**. Substitution of materials and equipment shall require approval by the Village Board.
12. That the solar panels shall have an anti-reflective surface, as required.
13. That the decommissioning plan attached hereto as **Exhibit D**, is hereby approved and made part of this Special Use Permit.

SECTION TWO: GENERAL PROVISIONS

LAPSE OF APPROVAL. The Special Use Permit approval will lapse and have no further effect twelve (12) months following the date of this Ordinance, unless: (1) a building permit has been issued (if required); or, (2) the use or structure has been lawfully established. A Special Use Permit also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the Special Use.

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

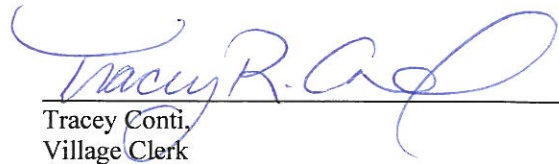
EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 16th day of April 2024.

ATTEST:



Jennifer Koenen,
President of the Board of Trustees



Tracey Conti,
Village Clerk

	Aye	Nay	Absent	Abstain	Recuse
Trustee Matthew Bonnie	✓	—	—	—	✓
Trustee Sean Herron	✓	—	—	—	—
Trustee Heidi Lendi	—	✓	—	—	—
Trustee Sean Michels	✓	—	—	—	—
Trustee Michael Schomas	✓	—	—	—	—
Trustee James White	—	✓	—	—	—



Exhibit A

(Legal Description)

The Easterly 1200 feet, as measured at right angles to the Easterly line of that part of the North East 1/4 of Section 19 and part of the North West 1/4 of Section 20, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the North East corner of said Section 19; thence North 89 degrees, 15 minutes 26 seconds West along the North line of said Section, 170.30 feet; thence South 0 degrees, 30 minutes, 0 seconds West 205.30 feet; thence North 85 degrees, 35 minutes, 0 seconds East 807.90 feet; thence South 0 degrees, 22 minutes, 0 seconds West 2.57 feet to the Center line of U.S. Route No. 30 for a point of beginning; thence continuing South 0 degrees, 22 minutes, 0 seconds West 2109.57 feet to the Northerly line of a tract conveyed to the Chicago, Burlington and Quincy Railroad by Document 431581; thence Westerly along said Northerly line 2815.97 feet; thence North 0 degrees, 11 minutes, 0 seconds West 1158.08 feet to the Center line of said Route 30; thence Easterly along said Center line 2736.40 feet to the Point of Beginning (Except that part in Route 30), in the Village of Sugar Grove, Kane County, Illinois.

PIN: 14-19-200-018 and 14-20-100-015

and

The Westerly 942.50 feet, a measured at a right angle to the West line of that part of the North West 1/4 of Section 20, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the North East corner of said North West 1/4; thence South along the Quarter Section line 40 chains to the center of Section 20; thence West along the Quarter Section line 30.47 chains to a point 9.60 chains East of the South West corner of said North West 1/4; thence North parallel with the West line of said Section 37.90 chains to the center line of the road; thence East along the center line 30.57 chains to the point of beginning; all in Township 38 North, Range 7 East of the Third Principal Meridian, (Except therefrom the right of way of the Chicago and Iowa Railroad Company and Excepting that part conveyed to the Chicago, Burlington and Quincy Railroad Company by Deed dated October 25, 1937 and recorded January 7, 1938 in Book 1067, Page 303 as Document 418102 and Excepting that part falling in the Highway), in the Township of Sugar Grove, Kane County, Illinois. And Except that part of the North West 1/4 of Section 20, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the center of Section 20; thence West along the Quarter Section line 30.47 chains to a point 9.60 chains East of the Southwest corner of said Northwest Quarter; thence North parallel with the West line of said 37.90 chains to the center line of the road; thence East along the center line 946.03 feet; thence Southerly parallel with the West line of said Northwest Quarter Section 40.15 feet to the Southerly road right-of-way line for a point of beginning; thence continuing

Southerly along a line parallel with said Westerly Quarter Section line 896.04 feet; thence Westerly at right angles to the last described course a distance of 498.13 feet; thence Northerly parallel with the Westerly line of said Quarter Section line 852.90 feet to the Southerly road right of way line; thence Easterly along said Southerly line 500.00 feet to the point of beginning, containing 10.00 acres (more or less) in Township 38 North, Range 7 East of the Third Principal Meridian, in the Township of Sugar Grove, Kane County, Illinois.

PIN: 14-20-100-021

Exhibit B

(Site Development Plan)

Exhibit C

(Material and Equipment Specifications)

Exhibit D

(Decommissioning Plan)



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2024-1105__

**AN ORDINANCE GRANTING AN EXTENSION OF THE EXPIRATION DATE
FOR A SPECIAL USE ON CERTAIN PROPERTY
(AURORA AIRPORT, COMMUNITY SOLAR-2)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 5th day of November 2024

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 5th day of November 2024

VILLAGE OF SUGAR GROVE

ORDINANCE NO. 2024-1105__

**AN ORDINANCE GRANTING AN EXTENSION OF THE EXPIRATION DATE
FOR A SPECIAL USE ON CERTAIN PROPERTY
(AURORA AIRPORT, COMMUNITY SOLAR-2)**

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-8 *et seq.*; and,

WHEREAS, the Village Board approved the proposed special use, for solar garden energy system on said property granted by Ordinance No. 2022-0416CD2; and

WHEREAS, the Village Board is authorized by Village Zoning Ordinance Section 11-13-12-I-6 to extend the expiration date for a zoning variation; and,

WHEREAS, SunCode LLC is contracted to construct a solar garden with the owner of the property, The City of Aurora, described in **Exhibit A**, has requested an extension of six months for a special use; and,

WHEREAS, the Village Board has reviewed this request and has deemed that the approval of a six month extension of the expiration date for the special use granted in Ordinance No. 2022-0416CD2 would be in compliance with all Ordinances of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: VARIATION EXPIRATION DATE EXTENSION GRANTED

The expiration date of the zoning variation granted by Ordinance No. 202-0416CD2 for a solar garden energy system hereby extended from April 16, 2025 to October 16, 2025. The extension of the expiration date shall not change or modify the special use, including conditions of approval, heretofore granted by said Ordinance.

SECTION TWO: REPEALER

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION THREE: SEVERABILITY

Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 5th day of November 2024.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Tracey Conti,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Sean Michels	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee James White	___	___	___	___

Exhibit A

Legal Description

The Easterly 1200 feet, as measured at right angles to the Easterly line of that part of the North East 1 /4 of Section 19 and part of the North West 1/4 of Section 20, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the North East corner of said Section 19; thence North 89 degrees, 15 minutes 26 seconds West along the North line of said Section, 170.30 feet; thence South 0 degrees, 30 minutes, 0 seconds West 205.30 feet; thence North 85 degrees, 35 minutes, 0 seconds East 807.90 feet; thence South 0 degrees, 22 minutes, 0 seconds West 2.57 feet to the Center line of U.S. Route No. 30 for a point of beginning; thence continuing South 0 degrees, 22 minutes, 0 seconds West 2109.57 feet to the Northerly line of a tract conveyed to the Chicago, Burlington and Quincy Railroad by Document 431581; thence Westerly along said Northerly line 2815.97 feet; thence North 0 degrees, 11 minutes, 0 seconds West 1 158.08 feet to the Center line of said Route 30; thence Easterly along said Center line 2736.40 feet to the Point of Beginning (Except that part in Route 30), in the Village of Sugar Grove, Kane County, Illinois .

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And

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Southerly road right of way line; thence Easterly along said Southerly line 500.00 feet to the point of beginning, containing 10.00 acres (more or less) in Township 38 North, Range 7 East of the Third Principal Meridian, in the Township of Sugar Grove, Kane County, Illinois.

PIN: 14-20-100-021