

**HIGHLAND, ILLINOIS  
MINUTES OF REGULAR SESSION  
COMBINED PLANNING & ZONING BOARD  
CITY HALL, 1115 BROADWAY  
WEDNESDAY, JULY 6, 2022  
7:00 PM**

**Call to Order:**

The July 6, 2022, meeting of the Combined Planning & Zoning Board was called to order at 7:00 PM by Chairman Anthony Walker.

**Roll Call:**

Members present: Chairman Anthony Walker, Deanna Harlan, Brad Korte, Shirley Lodes, Alan Stoecklin, and Robert Vance.

Members absent: Bill Koehnemann.

Also present: Director of Community Development Breann Vazquez; Economic Development Coordinator Mallord Hubbard; City Attorney Michael McGinley, via phone; Deputy City Clerk Lana Hediger; and, nine members of the public.

**Approval of Minutes:**

Korte made a motion to approve the minutes of the June 1, 2022, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Vance. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted aye; none voted no. The motion carried.

**Public Comments Relating to Items Not on the Agenda:**

There were none; and, no written comments were submitted by email or other means.

**Public Hearing Procedures:**

Chairman Walker reviewed the procedures for testifying on any items on this agenda during the hearings and offered to swear-in members of the public wishing to testify on any issue listed on the agenda. Two people took the oath. One person on the phone also took the oath, Kari Neary with Summit Ridge Energy.

**New Business:**

- a. **Summit Ridge Energy (1515 Wilson Blvd., Suite 300, Arlington, VA 22209), on behalf of Grandview Farms Limited Partnership (10295 state Rt. 143, Marine, IL 62601), is requesting a variance to Section 90-214 of the Municipal Code to allow for above ground wiring between electric components within a solar farm on a presently unaddressed property located on the north side of Highland Road and approximately 1/3 mile west of the intersection of Highland road and Hemlock Street. PIN #01-1-24-06-00-000-017.002**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request, as follows:

- Applicant: Summit Ridge Energy
- Property Owner: Grandview Farms Limited Partnership
- Location: unaddressed property located on the north side of Highland Road and approximately 1/3 mile west of the intersection of Highland Road and Hemlock Street.
- PIN# 01-1-24-06-00-000-017.002
- Summary: To allow for above-ground wiring between electric components within a solar farm.

### **Solar Farm Case History:**

In 2018, the City Council approved the following two Special Use Permits with conditions as recommended by the Combined Planning & Zoning Board:

SUP #1: Summit Ridge Energy (1401 Wilson Boulevard, STE 800 Arlington, VA 22209) on behalf of Grandview Farm Limited Partnership (10205 State Route 143, Marine, IL) is requesting a Special Use Permit to allow for a Solar Energy Farm on a presently unaddressed property located on the north side of Highland Road approximately 1/3 mile west of the intersection of Highland Road and Hemlock Street and zoned I Industrial District PIN# 01-1-24-06-00-000-017.002. Property is referred to as Site #1 and is comprised of approximately 14 acres.

SUP #2: Summit Ridge Energy (1401 Wilson Boulevard, STE 800 Arlington, VA 22209) on behalf of Grandview Farm Limited Partnership (10205 State Route 143, Marine, IL) is requesting a Special Use Permit to allow for a Solar Energy Farm on a presently unaddressed property located on the north side of Highland Road approximately 1/2 mile west of the intersection of Highland Road and Hemlock Street and zoned I Industrial District PIN# 01-1-24-06-00-000-017.002. Property is referred to as Site #2 and is comprised of approximately 14 acres.

The following conditions were applied as recommended by the Combined Planning & Zoning Board:

- This Special Use Permit is perpetually granted for the sole usage of Grandview Farm Limited Partnership. Any change of Operator will require a new Special Use Permit.
- There shall be no off-site parking.
- The Operator shall be in compliance with all Illinois Department of Public Health licensing requirements.
- The Operator shall apply for an amendment to this Special Use Permit for any future alterations, modifications, or expansions of the use.
- The Operator'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 Energy Farm operation.
- Vegetation is not to exceed 18".

In May 2022, the Combined Planning & Zoning Board approved the following variances with conditions:

- a. Summit Ridge Energy (1515 Wilson Blvd., Suite 300, Arlington, Virginia 22209), on behalf of Grandview Farms Limited Partnership (10295 State Rt. 143, Marine, IL 62601), is requesting a variance to Section 90-214 of the Highland Municipal Code to allow for a reduction of the side and rear yard setbacks from 75 feet to 50- feet. (PIN# 01-1-24-06-00-000-017.002)
  - Conditions: None.
- b. Summit Ridge Energy (1515 Wilson Blvd., Suite 300, Arlington, Virginia 22209), on behalf of Grandview Farms Limited Partnership (10295 State Rt. 143, Marine, IL 62601), is requesting a variance to Section 90-214 of the Highland Municipal Code to allow for the transitional buffer yard to be reduced from four sides of the project boundary down to two sides (South and West) of the project boundary. (PIN# 01-1-24-06-00-000-017.002)
  - Conditions: Allow for the required transitional buffer yards to be reduced from four sides of the project boundary down to three sides (excluding the North side) of the project boundary.

### **Need for variance**

Section 90-214 – Solar Energy Farms

(c) *Design and installation requirements.*

(3) *Electrical components.* All electrical components of a solar energy farm shall conform to all applicable local utility standards and national electric codes. All electrical wires and lines that are used in conjunction with the solar energy farm, including all electrical control wiring and connections to power lines, shall be installed underground unless specifically allowed otherwise by the Highland Combined Planning and Zoning Board.

**Findings of Fact based on Standards for Review with regard to this request include:**

1. The need for a variance is the result of the need for above-ground wiring between solar farm components.
2. The proposed variance is consistent with the general purpose of this chapter, Section 90-1.
3. If a variance is not granted, the applicant will need to adhere to the code.
4. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property.
5. This variance request is unique to solar farm guidelines. This is the only approved solar farm within the City.
6. The variance is a more appropriate remedy than an amendment to the zoning code.
7. The variance will not alter the essential character of the area. Screening will be required along three sides of the property.

**Staff Discussion:**

Staff has no concern with allowing for above ground wiring between electric components within the solar farm, as this is standard practice within the industry and screening measures will be applied.

Per Light & Power Director Dan Cook: It is a common practice in solar panel wire management of the DC "homerun conductors" (the wires running from the solar panels themselves to the DC combiner boxes) to be suspended from the solar arrays. In most cases, the homerun conductors/messenger cables are bundled together and attached to the last panel structure of end rows providing access for grounds keeping purposes throughout the rest of the array structures.

It is, however, expected the wiring from the DC combiner boxes to the inverters, from the inverters to the AC panelboards, and the output circuit conductors shall all be underground, typically in buried conduit, but in concrete encased ductbanks at road crossings.

**The Public Hearing on this issue was opened:**

Tyrell McGee, with Quatrain, LLC, participating via phone, asked for a high level overview of the operation. The applicant obliged via phone.

There were no other public comments and no online or written comments were submitted.

**The public hearing on this issue was closed.**

Harlan made a motion to approve a variance to Section 90-214 of the Municipal Code to allow for above ground wiring between electric components within a solar farm on a presently unaddressed property located on the north side of Highland Road and approximately 1/3 mile west of the intersection of Highland road and Hemlock Street; seconded by Korte.

Lodes asked why we are considering allowing this above ground when we have changed the ordinance to require things be installed underground. Director Vazquez noted that this has become the better practice within in this industry for maintenance purposes; so that the equipment can be worked on more easily and vegetation can also be easily maintained. The applicant reiterated and added that it would allow easier removal when the equipment reaches end of life.

Korte noted that it is underground to the facility and above-ground within the facility.

With no further board comment, the vote was taken by roll call. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**b. Jean Schellenger, LLC (1106 New Trenton Rd.) is requesting a Special Use Permit for a bar/tavern at 1106 New Trenton Rd. PIN #01-1-24-06-12-201-034**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request, as follows:

- Applicant & Property Owner: Jean Schellenger LLC
- Location: 1106 New Trenton Rd
- Summary: requesting a Special Use Permit for a bar/tavern at 1106 New Trenton Rd.
- PIN #01-1-24-06-12-201-034

**Consideration regarding the Comprehensive Plan:**

The subject property is denoted as Industrial on the Comprehensive Plan's Future Land Use Map, and this is an appropriate Special Use.

**Surrounding Uses:**

The property to the north, Deibert Electric, is zoned Industrial. The property to the south, American Legion Post #439, is zoned Industrial. The property to the east is a single-family home in Madison County, zoned by the county as R-3. The property to the west is a single-family home, zoned Industrial.

**Findings of Fact based on Standards for Review with regard to this request include:**

1. The proposed use is consistent with the City's Comprehensive Plan.
2. The proposed use would not have an effect on public utilities or traffic circulation. The bar already exists on the property and the new owner must obtain a Special Use Permit in their name.
3. The use currently exists on the property and adequately protects the public health, safety and welfare, and the physical environment.
4. The use currently exists on the property and does not have an adverse effect on the value of neighboring property. The business contributes to the City's tax base.
5. The use currently exists on the property and utilizes public utilities.
6. There are no facilities nearby that require special protection.

**Staff Discussion:**

The 501 Blues Club is a bar/tavern that is currently located on the property. The former owners have sold the property and the new owners must receive a Special Use Permit in their name in order to continue operations. Staff supports the continuance of this existing business.

**The Public Hearing on this issue was opened:**

The applicant had no comment and there were no online or written comments submitted. Daniel Ruppel, resident for 7 years across the road to the east of the subject location. He is in favor of allowing the Special Use Permit, but has issues with the loud music. He would like consideration from the owners with regard to the level of sound from the live music because he is 150' from the building, and he and his wife have to get up for work at 3:30 a.m. He has health issues and lack of sleep doesn't help.

BV added that this issue has been brought to the attention of the Building & Zoning Department, the Police Department, the City Council and the City Manager. They have all looked into it and have found that 501 Blues Club has not been in violation of any city ordinances. We are working with both parties to try to find a solution.

**The public hearing on this issue was closed.**

Lodes made a motion to recommend approval of a Special Use Permit for a bar/tavern at 1106 New Trenton Rd.; seconded by Vance.

With no further board comment, the vote was taken by roll call. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**c. BS Merkle, LLC (1014 Pine Street), on behalf of Kevin Kapp (1816 Parkview Drive), is requesting a Special Use Permit for a bar/tavern at 1014 Pine St. PIN #01-2-24-05-07-202-030**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request as follows:

- Applicant: BS Merkle LLC
- Property Owner: Kevin Kapp
- Location: 1014 Pine Street
- Summary: requesting a Special Use Permit for a bar/tavern at 1014 Pine Street.
- PIN #01-2-24-05-07-202-030

**Consideration regarding the Comprehensive Plan:**

The subject property is denoted as C-2 on the Comprehensive Plan's Future Land Use Map, and this is an appropriate Special Use.

**Surrounding Uses:**

The property to the north is a single-family home, and is zoned C-2. The property to the south is a vacant commercial building and multifamily dwellings, zoned C-2. The property to the east, Joseph Matthews Salon, is zoned C-2. The property to the west is multifamily dwellings and retail, zoned C-2.

**Findings of Fact based on Standards for Review with regard to this request include:**

1. The proposed use is consistent with the City's Comprehensive Plan.
2. The proposed use would not have an effect on public utilities or traffic circulation. The bar already exists on the property and the new owner must obtain a Special Use Permit in their name.
3. The use currently exists on the property and adequately protects the public health, safety and welfare, and the physical environment.
4. The use currently exists on the property and does not have an adverse effect on the value of neighboring property. The business contributes to the City's tax base.
5. The use currently exists on the property and utilizes public utilities.
6. There are no facilities nearby that require special protection.

**Staff Discussion:**

Ed & Millie's is a bar/tavern that is currently located on the property. The current owners are selling the property and the new owners must receive a Special Use Permit in their name in order to continue operations. Staff supports the continuance of this existing business.

**The Public Hearing on this issue was opened:**

The applicant had no comments, there were no public comments, and no online or written comments were submitted.

**The public hearing on this issue was closed.**

Korte made a motion to recommend approval of a Special Use Permit for a bar/tavern at 1014 Pine St.; seconded by Harlan.

With no further board comment, the vote was taken by roll call. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**d. Cedarhurst of Highland Real Estate, LLC (300 Hunter Ave., Suite 200, St. Louis, MO) is requesting a variance to Section 90-73 of the Municipal Code to allow for a storage shed to be located within the eastern front setback on a corner lot with two street frontages at 220 Field Crossing Drive. PIN #02-2-18-31-00-000-045**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request as follows:

- Applicant & Property Owner: Cedarhurst Real Estate LLC
- Location: 220 Field Crossing Drive
- Summary: Allow for a storage shed to be located within the eastern front setback on a corner lot with two street frontages at 220 Field Crossing Drive.
- PIN #02-2-18-31-00-000-045

**Need for Variance:**

Sec. 90-73.—Accessory structures and uses—Development criteria

*Intent:* Building additions or improvements are to be attached to the principal building in a manner consistent with the zoning provision of this chapter and the Building Regulations (chapter 18). When not so attached, buildings of uses shall be deemed either accessory structures or accessory uses and be in compliance with the requirements of this section.

(a) Accessory structures.

(5) No accessory structure shall:

e. Be built in a manner inconsistent with:

- (i) Section 90-9 requiring corner or through lots to meet the front setback requirements of the zoning district in which it is located on every side having frontage; and
- (ii) Sight distance triangle requirements as defined in Section 90-15.

Sec. 90-9.—Front setbacks—For corner or through lots.

Every lot with multiple frontages, such as corner or through lots, shall meet the front setback requirements of the zoning district in which is located on every side having frontage.

**Surrounding Uses:**

The property to the north is multi-family dwellings, zoned MX, mixed use. The property to the south, San Gabriel Memory Care, is zoned R-1-C. The property to the east is a vacant lot, zoned MX, mixed use. The property to the west is duplexes, zoned R-2-A.

**Findings of Fact based on Standards for Review with regard to this request include:**

1. The variance is the result of the property having two street frontages and is not caused by the property owner.
2. The variance is consistent with the general purpose of the code
3. If this variance is not granted, Cedarhurst will not be able to place a utility shed on the property.
4. This is the minimum deviation to the code.
5. The variance is the result of the property owner having two street frontages.
6. A variance is the most appropriate remedy.
7. This variance will not alter the essential character of the area or affect implementation of the comprehensive plan.

**Staff Discussion:**

The proposed storage shed will be out of the site distance triangle, so it would not cause safety issues. It will also be over 20' from Frank Watson Parkway and will not be within the front entrance setback. Staff has no concerns.

**The Public Hearing on this issue was opened:**

The applicant had no comments, there were no public comments, and no online or written comments were submitted.

**The public hearing on this issue was closed.**

Vance made a motion to approve this variance to Section 90-73 of the Municipal Code to allow for a storage shed to be located within the eastern front setback on a corner lot with two street frontages at 220 Field Crossing Drive; seconded by Harlan.

Korte asked what the structure of the building would be like. Director Vazquez indicated it would be prefab set on existing concrete and the appearance would match the main structure.

Vance asked for clarification on whether or not the required number of parking spaces would be maintained. Vazquez indicated that they would.

Chairman Walker asked again if the exterior of the shed would coordinate with the main building. Director Vazquez indicated that if the exact materials are not available, due to the age of the building, the applicant will be doing their best to match/coordinate with the main structure.

With no further board comment, the vote was taken by roll call. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**e. Options HME, Inc. (25 Shannon Ct.) is requesting to rezone 713 5<sup>th</sup> Street from C-2 Central Business District to Industrial. PIN #02-2-18-32-18-301-019**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request as follows:

- Applicant & Property Owner: Options HME, Inc.
- Location: 713 5<sup>th</sup> Street
- Summary: Rezone 713 5<sup>th</sup> Street from C-2 Central Business District to Industrial
- PIN #02-2-18-32-18-301-019

**Consideration regarding the Comprehensive Plan:**

The subject property is denoted as "commercial" on the Comprehensive Plan's Future Land Use Map. It is adjacent to "industrial" areas. The commercial business is appropriate in this location.

**Findings of Fact based on Standards for Review with regard to this request include:**

1. The property is currently Options HME, Inc. and is zoned C-2.
2. The property to the north is a vacant lot and a mobile home, zoned C-2; the property to the south, Highland Machine, is zoned Industrial; the property to the east is Highland Auto Wash, and is zoned Industrial; and, the property to the west is a vacant lot zoned C-2.
3. Nearby property will not be negatively affected. The area to the east and south is zoned Industrial and this area contains a variety of commercial and industrial uses.
4. C-2 is primarily for downtown commercial uses and, therefore, is not the most appropriate zoning classification.
5. The property is suitable for the existing business and future expansion.
6. The proposed zoning goes with the character of the area. This area has a mixture of zoning districts, including industrial.
7. The proposed map amendment is consistent with the City's Comprehensive Plan.
8. There would not be a negative effect on public utilities, other needed public services and traffic circulation on nearby streets.
9. The map amendment will promote the health, safety, quality of life, comfort and general welfare of the city.

**Staff Discussion:**

Options HME, Inc. is currently located on the property and will continue to remain there. Rezoning is necessary in order to allow for further warehouse expansion for routine business operations. Even

without expansion, this property does not match the intent of the C-2 district and is better suited for industrial zoning. Staff has no concerns.

**The Public Hearing on this issue was opened:**

Harlan asked the applicant if the expansion will increase traffic? Applicant indicated that it would not increase customer traffic, but delivery and shipping vehicles may increase.

One online comment was submitted: Bill Sullivan, President and CEO of Highland Machine stated that he has no objections to the proposed rezoning.

No other public comments were made.

**The public hearing on this issue was closed.**

Harlan made a motion to recommend approval of the request to rezone 713 5<sup>th</sup> Street from C-2 Central Business District to Industrial; seconded by Lodes.

No further board comments.

With no further board comment, the vote was taken by roll call. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**f. Plocher Construction Company (2808 Thole-Plocher Road), on behalf of Rehberger Holdings, LLC (3945 N. Neenah Ave., Chicago, IL 60634) is requesting a Special Use Permit for a drive-through at 916 6<sup>th</sup> Street, 608 Washington Street, and 620 Washington Street. PIN #02-2-18-32-19-403-017, 02-2-18-32-19-403-018, 02-2-18-32-19-403-019**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request as follows:

- Applicant: Plocher Construction
- Property Owner: Rehberger Holdings, LLC
- Location: 916 6<sup>th</sup> Street, 608 Washington Street, 620 Washington Street
- Summary: requesting a Special Use Permit for a drive-through at 915 6<sup>th</sup> Street, 608 and 620 Washington Street.
- PIN #'s: 02-2-18-32-19-403-017, 02-2-18-32-19-403-018, and 02-2-18-32-19-403-019

**Comprehensive Plan Consideration:**

The subject property is denoted as downtown on the Comprehensive Plan's Future Land Use Map. A drive-through establishment is an appropriate Special Use for the downtown area.

**Surrounding Uses:**

The property to the north, Barnett's Pest Control, is zoned Industrial. The property to the south is a single-family home, zoned C-2. The property to the east is a single-family home, zoned R-1-D. The property to the west is a single-family home, zoned C-2.

**Findings of Fact based on Standards for Review with regard to this request include:**

1. The proposed Special Use is consistent with the Comprehensive Plan.
2. The proposed Special Use would not have an adverse effect on public utilities. Per Section 90-206 of the Municipal Code, a traffic study is required to ensure that the drive-through will not have a negative impact on traffic circulation.
3. The proposed Special Use will adequately protect the public health, safety and welfare, and the physical environment.
4. The proposed Special Use will not have a detrimental impact on the value of neighboring property or on the City's overall tax base.
5. The proposed Special Use will utilize public utilities.



6. There are no facilities nearby that require special protection.

**Staff Discussion:**

A coffee drive-through establishment would be an asset to the community and this proposal would make use of three currently vacant lots, which will be combined into one lot. The applicant has proposed to meet all necessary site requirements, including drive-through queuing, parking, and setbacks. Each of these items will be verified in the site plan review and permitting phase. A traffic study is also required per code to ensure that traffic flow will not congest the surrounding area. Staff recommends approval of the SUP contingent upon staff's approval of the traffic study.

**The Public Hearing on this issue was opened:**

No comments were offered by the applicant. No online or written comments were submitted. There were no other public comments made.

**The public hearing on this issue was closed.**

Korte made a motion to recommend approval of the request for a Special Use Permit for a drive-through at 916 6<sup>th</sup> Street, 608 Washington Street, and 620 Washington Street; seconded by Stoecklin.

A brief discussion was held regarding the staff recommendation to make the Special Use Permit contingent upon staff's approval of the traffic study.

Korte made a motion to amend the motion to add the recommendation to make the Special Use Permit contingent upon staff's approval of the traffic study; seconded by Lodes. A roll call vote was taken on the amendment as follows: Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted aye. The motion for the amendment carried.

Vance asked to have the applicant give an explanation of what would be in Molly's Mocha. Arianna Kampwerth of Plocher Construction, representing Molly's Mocha indicated that it would have a drive-through and serve coffee, sandwiches and salads. It would have a lounge area and a game room, with indoor dining and patio seating. Lodes asked how big the building would be in order to have all of this in it. Kampwerth indicated that it is currently planned to be roughly 2800 square feet. Harlan asked for confirmation that they were still planning to have liquor sales, as originally planned. Kampwerth indicated, "Yes." Lodes asked if it would be individual liquor sales or bulk sales. Jeff Rehberger indicated that they would be requesting a combination license so that they can carry a wine selection and have package liquor sales as well as serving beer, wine, espresso, martinis, and cocktails for consumption on premise. Harlan asked what the hours would be. They intend to be open from 5:30 a.m. until the maximum closing time allowed by ordinance.

Korte added that this proposal looks much better than the first time it was brought before this board.

With no further board comment, the vote was taken by roll call on the original motion, as amended. Harlan, Korte, Lodes, Stoecklin, and Walker voted yes; Vance voted no. The motion carried.

- g. Plocher Construction Company (2808 Thole-Plocher Road), on behalf of Rehberger Holdings, LLC (3945 N. Neenah Ave., Chicago, IL 60634) is requesting a preliminary plat to combine 916 6<sup>th</sup> Street, 608 Washington Street, and 620 Washington Street into one parcel. PIN #02-2-18-32-19-403-017, 02-2-18-32-19-403-018, 02-2-18-32-19-403-019**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request as follows:

- Applicant: Plocher Construction Company
- Property Owner: Rehberger Holdings, LLC
- Summary:
  - requesting a preliminary plat to combine 916 6th Street, 608 Washington Street, and 620 Washington Street into one parcel. PIN# 02-2-18-32-19-403-017, 02-2-18-32-19-403-018, 02-2-18-32-19-403-019
- In order to combine the three existing parcels into one lot, the subdivision process is necessary. However, this subdivision does not involve any new infrastructure. The lot combination is needed in order to contain a proposed use within one parcel.
- The City has verified that all necessary utility easements are shown on the preliminary plat.

**Staff Discussion:**

Director Vazquez added that staff recommends approval of the Preliminary Plat to combine the three parcels into one, and offered to answer any questions.

**The Public Hearing on this issue was opened:**

No comments were offered by the applicant. No online or written comments were submitted. There were no other public comments made.

**The public hearing on this issue was closed.**

Stoecklin made a motion to recommend approval of the Preliminary Plat to combine 916 6th Street, 608 Washington Street, and 620 Washington Street into one parcel; seconded by Korte.

With no further board comment, the vote was taken by roll call. Harlan, Koehnemann, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**h. The City of Highland is requesting a text amendment to Section 90-201, Table 3.1.B of the Municipal Code to allow for data processing, hosting and related services as a Special Use within the Industrial District.**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request as follows:

- Applicant: City of Highland
- Summary:
  - requesting a text amendment to Table 3.1.A of the Municipal Code to allow for "Short-term rentals" as a Special Use within Industrial Districts

**Article III, Section 90-201, Table 3.1.B**

*Note: Red text is the proposed amendment.*

Table 3.1.B — PRINCIPAL NON-RESIDENTIAL USES															
Use	R1A	R1B	R1 C	R1 D	R2 A	R2 B	R3	C1	C2	C3	C4	I	M	MX	Supp. Regs.
17. Data processing, hosting, and related services												S			

**Staff discussion:**

- This text amendment would allow for applicants to apply for a special use permit for data processing, hosting, and related services. This use is not currently a listed use within the zoning code and, therefore, is currently disallowed.
- Data processing, hosting, and related services would be required to follow the Industrial District lot and building requirements, limitations, and parking requirements as outlined in the Municipal Code.
- For comparison, Rantoul, IL (which has a data center within its municipal limits) allows for data centers outright within the industrial district and does not apply supplemental regulations to the use. Edwardsville, IL allows for data processing, hosting and related services as a PUD in their commercial – primary, commercial-urban, office building, and mixed-use building districts. The use is a Special Use within their live/work building district. They do not apply supplemental regulations to the use. Collinsville, IL allows for data processing, hosting, and related services in their Business Park-1, Business Park-2, Business Park-3, Business Park-4. And M-1 districts. They do not apply supplemental regulations to the use.
- City staff has identified a need to allow for this use in some capacity within our municipal boundaries. This use is typically discreet and unobtrusive, while providing economic benefits such as high utility consumption and property tax contribution. Given that the City has readily available property within the existing Industrial district, we have identified this as the most appropriate designation to allow for the use while preserving our commercial business districts for consumer-oriented industries.

Director Vazquez offered to answer any questions.

Korte asked why this was being considered as right via special use permit, as opposed to being allowed outright in Industrial areas. A brief discussion was held on this point. Director Vazquez offered that this is a very new industry, and we could entertain making it allowed by right in the future.

**The Public Hearing on this issue was opened:**

No comments were offered by the applicant. No online or written comments were submitted. There were no other public comments made.

**The public hearing on this issue was closed.**

Harlan made a motion to recommend approval of the text amendment to Section 90-201, Table 3.1.B of the Municipal Code to allow for data processing, hosting and related services as a Special Use within the Industrial District; seconded by Lodes.

With no further board comment, the vote was taken by roll call. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**i. Quatrain, LLC (651 N. Broad St., Suite 206, Middletown, DE), on behalf of Trow Nutrition, USA, LLC (115 Executive Drive) is requesting a Special Use Permit for data processing, hosting and related services at 1 Ultraway Drive. PIN #01-2-24-06-08-202-004; 01-2-24-06-08-202-002**

Director Vazquez reviewed a prepared Power Point presentation, summarizing this request as follows:

- Applicant: Quatrain LLC
- Property Owner: Trow Nutrition USA LLC
- Location: 1 Ultraway Drive
- Summary:
  - *requesting a Special Use Permit for data processing, hosting and related services at 1 Ultraway Drive. PIN# 01-2-24-06-08-202-004; 01-2-24-06-08-202-002\**

*\*This petition is only valid if the proposed text amendment allowing for “data processing, hosting, and related services” within the industrial district is passed by City Council.*

**Comprehensive Plan Consideration:**

The subject property is denoted as industrial on the Comprehensive Plan's Future Land Use Map. Pending a text amendment to allow for data processing, hosting, and related services within the industrial district, they are an appropriate Special Use for the industrial area.

**Surrounding Uses:**

All properties surrounding the subject property are zoned Industrial. The property to the north is a medical building. The properties to the south are a vacant warehouse and Korte Meats. Properties to the east are Phoenix Physical Therapy and Gateway Cylinder Technologies; and, the property to the west is Plant Maintenance Services.

**Findings of Fact based on Standards for Review with regard to this request include:**

1. The proposed Special Use is consistent with the Comprehensive Plan.
2. The data processing, hosting and related services center would be a high consumer of public utilities. The business would not have an adverse effect on traffic circulation on nearby streets, as it does not attract a high volume of visitors
3. The proposed Special Use would adequately protect the public health, safety, and welfare, and the physical environment.
4. The proposed special use would not have a detrimental impact on the value of neighboring property and would contribute to the City's overall tax base.
5. The proposed Special Use would heavily utilize public utilities
6. There are no facilities nearby that require special protection.

**Staff discussion:**

This data hosting, processing, and related services center would be a private operation that would be a heavy consumer of public utilities, namely electric, therefore providing a steady stream of revenue for the City. The operations would be contained entirely inside the existing warehouse on the property and are not anticipated to have any negative effects on the area. Staff has no concerns.

**The Public Hearing on this issue was opened:**

No comments were offered by the applicant. No online or written comments were submitted. There were no other public comments made.

**The public hearing on this issue was closed.**

Vance made a motion to recommend approval of the request for special use permit to allow for data processing, hosting and related services at 1 Ultraway Drive; seconded by Harlan.

With no further board comment, the vote was taken by roll call. Harlan, Korte, Lodes, Stoecklin, Vance, and Walker voted yes; none voted no. The motion carried.

**Next Meeting:**

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, August 3, 2022.

**Adjournment:**

Korte made a motion to adjourn; seconded by Lodes. Chairman Walker announced that the meeting was adjourned at 8:04 PM.

