

**HIGHLAND, ILLINOIS
MINUTES OF REGULAR SESSION
COMBINED PLANNING & ZONING BOARD
HIGHLAND AREA SENIORS' CENTER, 187 WOODCREST DRIVE
WEDNESDAY, APRIL 5, 2023
7:00 PM**

Call to Order:

The April 5, 2023, 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, Bill Koehnemann, Brad Korte, Shirley Lodes, new member Larry Munie, and Robert Vance.

Members absent: Deanna Harlan

Also present: Breann Vazquez, Director of Community Development; City Attorney Michael McGinley; Deputy City Clerk Lana Hediger; and, two members of the public.

Approval of Minutes:

Korte made a motion to approve the minutes of the November 2, 2022, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Koehnemann. Koehnemann, Korte, Lodes, Vance, and Walker voted aye; Munie abstained; and, 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. One person took the oath.

New Business:

- a. Heaterz Developments, LLC (1500 Main Street, Alton, IL 62002), on behalf of Pool 6 Properties, LLC (7777 Bonhomme Ave., Suite 1700, St. Louis, MO 63105), is requesting a Special Use Permit for a drive-through establishment at 12547 State Route 143. PIN #02-2-18-29-03-301-002.**

Director Vazquez gave a presentation, summarizing this request, as follows:

- Heaterz Developments, LLC, is the applicant, acting on behalf of the property owner, Pool 6 Properties, LLC. The subject property is located at 12547 State Route 143, Suite A (currently a ReMax office). (PIN #02-2-18-29-03-301-002)
- The applicant is requesting the Special Use Permit in order to comply with Table 3.1 of Section 90-201 of the City's Municipal Code (the zoning matrix), which allows a drive-through establishment by special use permit within the C-3 zoning district.

Drive through and parking details, according to the site plan:

- Seven queuing spaces are indicated, even though they are only required to provide five.
- The drive-through and bail out lanes are 22' wide, which meets city code
- They will have a drive-through menu kiosk, which is also required.

Consideration regarding the Comprehensive Plan and Future Land Use Map

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

Surrounding Uses

The surrounding properties are zoned C-3, Highway Business. The property to the north is the Walmart Supercenter; to the east is vacant land, owned by Walmart; to the south is a commercial strip center; and, to the west is Regions Bank

Findings of Fact based on the six standards of 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. There will not be a new point of ingress/egress introduced on a public roadway.
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 and Recommendation:

A drive-through chicken restaurant would provide an additional casual dining option for the community. City staff is waiving the need for a traffic study as allowed in Section 90-206.5 given that there will be no new points of ingress/egress and any traffic will be on private drives. Staff has no concerns and recommends approval of the special use permit.

The Public Hearing on this issue was opened:

The applicant, Daniel King, was present and stated that both he and his wife work as nurses. He is the founder of Heaterz Hot Chicken. He and his wife bought into the Alton Sports Tap as co-owners in 2021. They have friends in Nashville, TN, who are well-known chefs who cook authentic Nashville hot chicken. It is an authentic style of cooking with a hot oil spice blend rather than a sauce. They piloted their recipe at the Alton Sports Tap for one year. During that year they developed their brand, called Heaterz Hot Chicken, which has a limited menu which includes, five items, five sides, and three specialties. All of the product comes in fresh and is hand-breaded. All of their dipping sauces are made in-house. Everything is served plain with either Spicy BBQ, Buffalo, or Nashville Hot. They opened their first restaurant in Alton in March of 2022. They had a food truck in Swansea, in the food truck park called The Social Kitchen. They opened a new restaurant in Kirkwood at the end of October. They plan to open three new restaurants this year and launch a second food truck which is being completed now. His business partner is from Highland. Mr. King stated that he is looking forward to becoming a part of Highland and making an impact by developing their prototype and flagship restaurant here.

There were no comments submitted via phone or email.

The public hearing on this issue was closed.

Koehnemann made a motion to recommend approval of the request for Special Use Permit by Heaterz Developments, LLC, to allow a drive-through in a C-3 zoned location at 12547 State Route 143; seconded by Korte.

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

- b. The City of Highland (1115 Broadway) is requesting a text amendment to Table 3.1.C of the Municipal Code to allow for "ground mounted solar energy systems" as a special accessory use within the C-3 and Industrial zoning districts.**
- c. The City of Highland (1115 Broadway) is requesting a text amendment to Section 90-217 of the Municipal Code to create supplemental regulations for ground mounted solar energy systems.**

Director Vazquez gave a presentation, summarizing the requests identified on the agenda as “New Business, Items b. and c.”, combined, as follows:

- The City of Highland (1115 Broadway) is requesting a text amendment to Table 3.1.C of the Municipal Code to allow for “ground mounted solar energy systems” as a special accessory use within the C-3 and Industrial zoning districts.
- The City of Highland (1115 Broadway) is requesting a text amendment to Section 90-217 of the Municipal Code to create supplemental regulations for ground mounted solar energy systems, as follows:

Sec. 90-217. – Ground mounted solar energy systems.

The purpose of this section is to provide supplemental regulations for ground mounted solar systems within City limits. A special use permit shall be required for all ground mounted solar energy systems within City limits. All ground mounted solar energy systems shall adhere to the following regulations:

- a) Ground mounted solar energy systems shall be classified as accessory structures, and must comply with 90-71—90-74.
- b) Ground mounted solar energy systems shall require the issuance of a special use permit in compliance with the following:
 - 1) *Height.* Height shall not be greater than 15 feet at maximum tilt of the solar panel(s).
 - 2) *Screening.* Ground mounted solar energy systems must be substantially screened from adjacent residentially zoned property or residential uses by fencing, walls, plantings, or other architectural feature, or any combination thereof; provided however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.
 - 3) *Standards for Interconnection, Safety, and Operating Reliability.* *The interconnection of a Customer's generating facility and associated interconnection equipment to the Utility's distribution System shall meet the applicable provisions of the following publications:*
 - i. *ANSI/IEEE1547-2018 Standard for Interconnecting Distributed Resources with Electric Power Systems (including use of IEEE 1547.1-2020 testing protocols to establish conformity) as they may be amended from time to time. The following standards shall be used as guidance in applying IEEE 1547:*
 - ii. *IEEE Std 519-2014, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems*
 - iii. *IEEE1453, IEEE Recommended Practice for the Analysis of Fluctuating Installation on Power Systems*
 - iv. *UL1741 requirement for inverter based generation*
 - v. *NESC Electric Safety Code*
 - vi. *ANSI/NFPA 70, National Electrical Code*
 - vii. *OSHA (29 CFR § 1910.269)*
- c) *Filing requirements for a special use of a ground mounted solar energy system.* Submittal packets for a special use for the construction of a ground mounted solar energy system shall contain the following:
 - 1) *Application.* The applicant for a ground mounted solar energy system shall adhere to the provisions of article II, division V, Special use permits, of this chapter. In addition, every ground mounted solar energy system application shall include a site plan showing the following:
 - i. All proposed setback dimensions.

- ii. All proposed structures on the property and the dimensions of the structures.
- iii. Existing structures on subject property and the dimensions of the structures.
- iv. All existing and proposed underground and aboveground utilities.
- v. All rights-of-way, wetlands, wooded areas, and public conservation lands.
- vi. Any screening mechanisms.

Staff Discussion

Ground mounted solar energy systems are currently disallowed in all zoning districts within the City of Highland, as any use not expressly permitted in the code is prohibited. We recommend allowing the use in the C-3 highway business district and industrial districts as accessory special uses. Having this as a special use allows for staff to ensure that supplemental regulations will be met.

The supplemental regulations for ground mounted solar energy systems are recommended to ensure that the use will be safe, operate as intended, and create standards for interconnection. The regulations will also help ensure that the use does not cause any issues for surrounding property owners.

The Public Hearing for Items b. and c. was opened:

The city staff, as applicant, had no further comments.

There were no comments submitted via phone or email.

Vance asked if there had been any requests for this, or if this is being proposed in an effort to stay ahead of the game. Director Vazquez indicated that we get a lot of inquiries from solar companies, even though we have not yet received any specific proposals. She added that most municipalities around us already have solar regulations in place.

The public hearing on these two items (b. and c.) was closed.

b.)

Vance made a motion to recommend approval of the city's request for a text amendment to Section 90-201, Table 3.1.C of the Highland Municipal Code, to allow "ground-mounted solar energy systems" as a special accessory use within the C-3 Central Highway and I Industrial zoning districts; seconded by Korte.

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

c.)

Lodes made a motion to recommend approval of the city's request for a text amendment to Section 90-217 of the Highland Municipal Code, to create supplemental regulations for "ground-mounted solar energy systems;" seconded by Munie.

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

Next Meeting:

No applications were received by the deadline for the May 3 Combined Planning & Zoning Board meeting. Therefore, the next potential meeting date is June 7, 2023.

Adjournment:

Korte made a motion to adjourn; seconded by Koehnemann. Chairman Walker announced that the meeting was adjourned at 7:17 PM.