

**HIGHLAND, ILLINOIS
MINUTES OF REGULAR SESSION
COMBINED PLANNING & ZONING BOARD
HIGHLAND AREA SENIORS' CENTER, 187 WOODCREST DRIVE
WEDNESDAY, SEPTEMBER 6, 2023
7:00 PM**

Call to Order:

The September 6, 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, Deanna Harlan, Bill Koehnemann, Brad Korte, Shirley Lodes, Larry Munie, and Robert Vance.

Members absent: None.

Also present: Economic Development Coordinator Mallord Hubbard; Emily Calderon, Director of Planning, Moran Economic Development; City Attorney Michael McGinley via phone; Deputy City Clerk Lana Hediger; and, seven members of the public.

Approval of Minutes:

Harlan made a motion to approve the minutes of the August 2, 2023, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Munie. Harlan, Koehnemann, Lodes, Munie, Vance, and Walker voted aye; Korte 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. Three people took the oath.

New Business:

- a) **The City of Highland (1115 Broadway, Highland, IL) 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 any zone for governmental entities and only by special use permit.**

Mallord Hubbard presented information related to this application, as follows:

The applicant is the City of Highland. The request is for 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 any zone for governmental entities and only by special use permit, and that the supplemental regulations in outlined in Sec. 90-217 of the code, specifically Sec. 90-217(b)(2) Screening, be amended such that screening from adjacent residentially zoned or residential use property would only be required if that adjacent residentially zoned or residential use property is within 100 feet of the ground mounted solar array.

Findings of Fact based on the four items listed in Section 90-85 of the Zoning Code include:

1. The proposed text amendment is not inconsistent with the City's Comprehensive Plan as ground mounted solar was not a consideration at the time of adoption of the City's Comprehensive Plan.

2. The proposed Text Amendment is not a result of any changing conditions or changing political jurisdictions.
3. The proposed use will not have a negative impact on public utilities, public services, or traffic circulation on nearby streets.
4. The proposed Text Amendment will adequately protect the public health, safety and welfare, and the physical environment.

Staff Discussion and Recommendation:

Ground mounted solar energy systems are currently allowed in the C-3 highway business district and industrial districts as accessory special uses. We recommend allowing the use in all zoning districts for governmental entities as accessory special uses. Having this as a special use allows for staff to ensure that supplemental regulations pursuant to Section 90-217 will be met.

The supplemental regulations for ground mounted solar energy systems are in place to ensure that the use will be safe, operate as intended, and create standards for interconnection. The regulations also help ensure that the use does not cause any issues for surrounding property owners. As such, staff recommend modifying the screening requirement so that screening is only required when ground mounted solar panels are located within 100 feet of residential uses.

These proposed changes will allow for ground mounted solar arrays in a variety of locations, while still providing protection to residential uses within the City.

Vance asked if there are any other solar arrays in Highland besides the one on the West edge of the city. Mallord replied, "No." Vance asked if the city would be looking into this if the school had not applied for this special use permit. Mallord indicated that solar is becoming more and more popular. When the school applied, the city felt like it was a good time to address this issue and to help make this project happen. Vance indicated that he is trying to imagine the future when there could be solar dotted all around the city if this is approved. Harlan clarified that this is strictly for governmental entities with a Special Use Permit.

Attorney McGinley, attending via phone, indicated that the items presented to the board this evening are a result of the school's asking the city for any ways that they could save money on their energy bills. When the school saves money it helps all the taxpayers. This is strictly for government entities, still with the protection of the board's ability to review on a case by case basis through the Special Use Permit process. He commended board members for looking forward and noted again that whenever a governmental entity saves money, it helps all the taxpayers.

Harlan pointed out that the school has stated that they are willing to fence it and rock it, but the way the text amendment is written, that is not required if there are no residences within 100 feet. Today the property to the north of the school is farmland, but that could change. Harlan asked how future residential developments could be protected. McGinley suggested that any future developer would have to take this condition into consideration and make their own accommodations for it. The City would not have any teeth to come back to the school and ask them to install screening later.

There was a discussion led by Chairman Walker about how the text amendment could be written to protect future residential development. Korte noted that you can't worry about what might happen in the future. If it's allowed today, it is allowed. After that, it is for any developer in the future to consider.

Board members discussed future impact this text amendment may have on the city overall. Korte noted that any hesitancy toward acceptance of this may be due to solar energy being new and different. Harlan pointed out that while she is in favor of solar energy, being able to

coexist with the structures and maintaining a presentable appearance is important to her. There was brief discussion about requiring screening on all ground-mounted solar projects. It was determined that screening could be required as part of the Special use permit process. Harlan stated that she would be OK with this, if they have the ability to require screening project by project. McGinley indicated that it could be noted on an advisory report in the future. The City Council has the ability to override any recommendations. The more regulation put on it now, the better control we will have on it in the future.

The Public Hearing on this issue was opened:

There were no comments submitted via phone or email.

There were no comments made by any member of the public.

The public hearing on this issue was closed.

Korte made a motion to recommend approval of the request for 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 any zone for governmental entities, only by special use permit, and additionally, amending Sec. 90-217(b)(2) Screening, to add the 100 foot distance requirement; seconded by Koehnemann.

Munie for clarification asked if every project will need to go through the special use permit process. That was confirmed by Chairman Walker.

With no further board comment, the vote was taken by roll call: Harlan, Koehnemann, Korte, Lodes, Munie, Vance, and Walker voted aye; none voted no. The motion carried. The board's recommendation will be forwarded to the City Council for their consideration at their meeting to be held on September 18, 2023.

b) Highland Community Unit School District No. 5 (400 Broadway, Highland, IL) is requesting a Special Use Permit for a ground mount solar energy system within the R-1-C Single Family Residential at 2813 State Route 160. PIN# 02-1-18-29-00-000-012.

Emily Calderon presented information related to this application, as follows:

The applicant is Highland Community Unit School District No. 5, whose office is located at 400 Broadway, Highland, IL. The request is for a Special Use Permit for a ground mounted solar energy system within the R-1-C Single Family Residential zoning district, specifically, at 2813 State Route 160. (PIN# 02-1-18-29-00-000-012.)

Consideration regarding the Comprehensive Plan and Future Land Use Map

The subject property is denoted as Institutional / Public on the Comprehensive Plan's Future Land Use Map. The applicant's request is consistent with the Future Land Use Map and the goals and policies established within the Comprehensive Plan.

Surrounding Uses

The surrounding properties to the north and west, are situated in unincorporated Madison County and therein are zoned Agricultural. To the south is the Highland High School, which is zoned R-1-A, Single-Family Residential. To the east of the subject property are single family homes in an area zoned R-1-C, Single-Family Residential.

Findings of Fact based on the six standards of review listed in Section 90-79 of the Zoning Code include:

1. The proposed Special Use is consistent with the Comprehensive Plan.
2. The proposed use would not negatively impact public utilities or traffic circulation on nearby streets.
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 negatively impact the neighborhood or the city. Instead, the District will save significantly on energy costs, resulting in a benefit to the taxpayers as a result of the savings realized by the District.
5. The proposed Special Use will provide renewable energy, better positioning the school district (and the City) for future increasing energy demands.
6. There are no facilities near the proposed Special Use that require special protection.

Staff Discussion and Recommendation:

The only staff concern was the proposed solar array's setback from the east property line (Rt. 160) as indicated on the initial site plan. A new site plan was submitted (members were given copies when they arrived for the meeting) and is compliant with staff's recommendation, which was to bring the east edge of the solar project in line with the front of the school building. The City's new ordinance regulating ground mounted solar arrays requires them, in part, to meet the bulk regulations of "Accessory Structures." Accessory Structures are required to be setback at least as far as the principal building on the lot, so as not to be located between the principal building line and the front lot line. This solar array is proposed to be 9 feet high at maximum tilt, which is less than the 15 foot height limit for ground mounted solar arrays.

The array is proposed to be approximately 219' in length, which is approximately the depth of the school. Even with moving the array 275' to the west, the solar array should not interfere with baseball fields or any school activity further west.

The Public Hearing on this issue was opened:

The applicant had no comments and there were no comments submitted via phone. One email was received on Friday, August 18, 2023, from Jaime Eads of RLP Development. It read, "We received this letter today. RLP Development Company, Inc. has no issues or concerns with this request." Deputy Clerk Hediger noted that the letter referred to in the email is the letter sent to them by the city, as required by code.

There were no comments made by any member of the public.

The public hearing on this issue was closed.

Harlan made a motion to recommend approval of the request for a Special Use Permit by Highland Community Unit School District No. 5, to allow for installation of a ground mounted solar energy system within the R-1-C Single Family Residential zoning district at 2813 State Route 160. (PIN#02-1-18-29-00-000-012.); seconded by Lodes.

Vance asked Mr. Sutton, present and representing HCUSD #5, if solar projects at other school facilities were being planned as roof mounted arrays. Mr. Sutton confirmed that roof mounted arrays are being planned for Highland High School and Highland Elementary. With the new grade school under construction, they aren't doing anything with that. Vance asked why this project is being requested for ground-mounted rather than roof-mounted. Sutton responded that the roof structures on those schools are newer and both facilities lack space to even consider ground mounted arrays. Vance asked if there is a cost savings to the ground mounted array over the roof mounted array. Sutton explained that initial costs balance out for several reasons, but the main reason is that roof work at the middle school is anticipated during the life span of the solar panels.

Ground mounting this array will prevent the school having to move them in order to do roof maintenance in the future.

Vance asked how the school will be providing for the safety of the students relating to the solar array. Sutton responded that there will be fencing to maintain distance.

Munie asked what the life span of the solar panels is. Sutton responded that their life span is supposed to be 30 years, but that the school did their cost analyses based on 20 years, which showed a savings of \$3,000,000 over 20 years, but if the panels lasted 30 years, the savings would be between six and seven million dollars. Sutton added that with respect to the new primary school, they anticipate being in that building at least three years before any consideration can be given to sizing of the units. It is unknown if the tax credits and incentives that are being offered now will still be available at that time. If not for those tax credits and incentives the school district would not be considering installation at this time.

Chairman Walker asked what the setback is from the sidewalk. Calderon responded that the setback from the north property line is 7', and that accessory structures have to be 5' from the property line, so it meets that requirement. In addition, the array will be a maximum of 9' in height, whereas the accessory structure limit is 15', so it also meets that requirement.

Chairman Walker asked Mr. Sutton to elaborate on the type of screening to be used. Sutton indicated that it had been discussed to put the fencing all the around it to restrict access, and, while screening hasn't been determined yet, something to block the view of the array but not be a detractor seems appropriate. Mr. Sutton indicated that all those things will be taken into consideration and that any suggestions this board wants to make, he will present to the school board.

Vance asked if there is any way to move the array further to the south, away from the north property line. According to the most recent drawing, there isn't enough space to move it due to its proximity to the existing accessory driveway. Board members indicated that as it is shown, it meets the current requirements for accessory uses.

With no further board comment, the vote was taken by roll call: Harlan, Koehnemann, Korte, Lodes, Munie, and Walker voted aye; Vance voted no. The motion carried. The board's recommendation will be forwarded to the City Council for their consideration at their meeting to be held on September 18, 2023.

c) Well Care Home NFP Inc. (6 Indian Creek Lane, Frontenac, MO) is requesting to rezone 100 Faith Dr. from R-1-C Single Family Residential to R-3 Multifamily Residential. PIN# 01-1-24-08-00-000-002.005.

Emily Calderon presented information related to this application, as follows:

The applicant is Well Care Home NFP Inc., of 6 Indian Creek Lane, Frontenac, MO. The request is to rezone 100 Faith Dr. from R-1-C Single Family Residential to R-3 Multifamily Residential. (PIN# 01-1-24-08-00-000-002.005.)

Consideration regarding the Comprehensive Plan and Future Land Use Map

The subject property is denoted as Multi-Family on the Comprehensive Plan's Future Land Use Map. The applicant's request to rezone the property is consistent with the Future Land Use Map and the goals and policies established within the Comprehensive Plan.

Calderon added that this property is fully built out such that there is no proposed exterior development.

Findings of Fact based on the nine standards of review listed in Section 90-85 of the Zoning Code include:

1. The subject property is currently used as a senior living facility and is zoned R-1C.
2. The existing uses and zoning of surrounding properties are as follows: to the north is a duplex on property zoned R-1-C, Single Family Residential; to the south is a vacant lot zoned R-3, Multiple Family Residential; to the east are multi-family dwellings zoned R-3, Multiple Family Residential; and, the property to the west is situated in unincorporated Madison County and its current use is Rural Residential/Agricultural.
3. The proposed rezoning will not negatively affect nearby properties because uses permitted in the proposed zoning district, R-3, are similar to the existing use of the property.
4. The subject property is a developed site, which includes a multi-unit residential building. It is suitable for uses with the existing and proposed zoning districts.
5. The subject property is a developed site, which includes a multi-unit residential building. It is suitable for uses with the existing and proposed zoning districts.
6. The character of the proposed development aligns well with the existing neighborhood, especially since the proposed use is similar to the previous use and no site modifications are proposed.
7. The proposed map amendment is consistent with the City's Comprehensive Plan.
8. The proposed use will not have a negative impact on public utilities, public services, or traffic circulation on nearby streets.
9. The proposed zoning amendment promotes the health, safety, quality of life, comfort, and general welfare of the City

Staff Discussion and Recommendation:

Staff has no concerns with the requested zoning amendment (rezoning). The subject property, although already developed, meets the bulk requirements of the R-3 district. The applicant has also requested a Planned Unit Development in conjunction with this zoning amendment request.

The Public Hearing on this issue was opened:

The applicant, Dr. Ahsan Usman, with current practices in both O'Fallon and Belleville, thanked the board for hearing his requests. He stated that he is proposing a multi-family assisted living facility and skilled nursing facility, which is the same use as it was before.

No comments were received via phone or email.

Judy Frey-Kahrhoff of 55 Malan asked how much of the property outside of the physical building is included? Chairman Walker indicated that the legal boundary of the entire parcel is included. The concern is whether or not other buildings will be built on the property. Dr. Usman responded that the property consists of 7.8 acres. There are additional parcels around it which are owned by the city. Frey-Kahrhoff asked if Well Care Home NFP Inc. is licensed by the State of Illinois. Dr. Usman responded that they are working on the many things the state requires for licensing, it is in process. They are working on the building which has been closed for two years. There is much to do to bring the building up to certain codes before the state will license, such as the fire alarm system, sprinkler system, and the smoke detector system. Frey-Kahrhoff asked what convalescent care includes and which levels of care will be provided. Dr. Usman indicated that one portion of the building will have 36 beds for assisted living and the single-story portion will provide 74 beds for skilled nursing. He added that kidney dialysis will be provided on site and is not provided as an on-site amenity anywhere else within a 30 mile radius. Frey-Kahrhoff asked if husbands and wives will be able to live together in the assisted living facility.

Dr. Usman replied, "Yes. Either together or separately." Frey-Kahrhoff asked when the facility will be open. Dr. Usman replied that his goal is by December 2023.

Sharon Klostermann asked if there is any plan for residences to be built around the existing building, to which Dr. Usman replied, "No." Klostermann asked if long-term nursing care is included in the skilled nursing facility, to which Dr. Usman replied, "Yes."

Dr. Usman thanked the board for their consideration and is looking forward to providing a good asset for the community. He added that he has good in his heart and wants to provide a facility known for quality services.

The public hearing on this issue was closed.

Vance made a motion to recommend approval of the request to rezone 100 Faith Dr. from R-1-C Single Family Residential to R-3 Multifamily Residential. PIN# 01-1-24-08-00-000-002.005.; seconded by Koehnemann.

With no further board comment, the vote was taken by roll call: Harlan, Koehnemann, Korte, Lodes, Munie, Vance, and Walker voted aye; none voted no. The motion carried. The board's recommendation will be forwarded to the City Council for their consideration at their meeting to be held on September 18, 2023.

d) Well Care Home NFP Inc. (6 Indian Creek Lane, Frontenac, MO) is requesting Planned Unit Development approval to allow for convalescent care within the R-3 district. PIN# 01-1-24-08-00-000-002.005.

Emily Calderon presented information related to this application, as follows:

The applicant is Well Care Home NFP Inc., of 6 Indian Creek Lane, Frontenac, MO. The request is for approval of a Planned Unit Development to allow for convalescent care within the R-3 zoning district. (PIN #01-1-24-08-00-000-002.005)

Consideration regarding the Comprehensive Plan and Future Land Use Map

The subject property is denoted as Multi-Family on the Comprehensive Plan's Future Land Use Map. The applicant's request is consistent with the Future Land Use Map and the goals and policies established within the Comprehensive Plan.

Surrounding Uses

The existing uses and zoning of surrounding properties are as follows: to the north is a duplex on property zoned R-1-C, Single Family Residential; to the south is a vacant lot zoned R-3, Multiple Family Residential; to the east are multi-family dwellings zoned R-3, Multiple Family Residential; and, the property to the west is situated in unincorporated Madison County and its current use is Rural Residential/Agricultural.

Findings of Fact based on the standards of review listed in Section 90-199 of the Zoning Code include:

1. The development is consistent with the Comprehensive Plan and with all other applicable codes and ordinances.
2. The proposed development does not deviate from regulations that are generally applicable to property zoned for multi-family uses.
3. The existing site design will support the proposed use of a convalescent care center well. Because the site exists and no modifications are proposed, a site plan is not required for this PUD.
4. The proposed PUD is compatible with adjacent properties and the surrounding area.

Staff Discussion and Recommendation:

Staff has no concerns with the Planned Unit Development at this time given that the area is identified as multi-family within the comprehensive plan and the use of a convalescent care center is similar in use. The applicant has already requested rezoning for the subject property, which should be considered collectively with this PUD application.

The Public Hearing on this issue was opened:

Calderon indicated that there were no comments submitted via phone or email other than the previously stated questions by Judy Frey-Kahrhoff, which were:

- How much of the property outside of the physical building is included in the R-3 zone? (7.8 acres)
- Is Well Care Home NFP Inc. licensed by the State of Illinois? (It will be.)
- What about Medicare? (It will be.)
- What is included in convalescent care and what levels of care will be provided? (This was discussed tonight, so she stated that she believes these are the same questions which were received via email.)

The applicant made no additional comments.

There were no comments made by any member of the public.

The public hearing on this issue was closed.

Korte made a motion to recommend approval of the request for a Planned Unit Development to allow for convalescent care within the R-3 zoning district. (PIN# 01-1-24-08-00-000-002.005.); seconded by Munie.

With no further board comment, the vote was taken by roll call: Harlan, Koehnmann, Korte, Lodes, Munie, Vance, and Walker voted aye; none voted no. The motion carried. The board's recommendation will be forwarded to the City Council for their consideration at their meeting to be held on September 18, 2023.

Next Meeting:

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, October 4, 2023.

Adjournment:

Harlan made a motion to adjourn; seconded by Vance. Chairman Walker announced that the meeting was adjourned at 8:10 PM.