

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 10, 2019

TIME: 7:00 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Daniel Turner, Chenxi Yu

MEMBERS ABSENT: Barry Ackerson, Nancy Ouedraogo, Jonah Weisskopf

STAFF PRESENT: Lorrie Pearson, Planning Manager; Kevin Garcia, Planner II; Marcus Ricci, Planner II; Teri Andel, Administrative Assistant II; Scott Tess, Environmental Sustainability Manager

OTHERS PRESENT: Chad Beckett, Steve Beckett, Rick Beyers, Marlene Book, Mike Friend, Karen Fresco, Stacy Gloss, Drew Hopkins, Gayle Silvers, Chad Tady (via audio)

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Fitch called the meeting to order at 7:00 p.m. Roll call was taken and a quorum of the members was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes of the December 6, 2018 regular Plan Commission meeting were presented for approval. Mr. Hopkins moved that the Plan Commission approve the minutes as written. Ms. Billman seconded the motion. The minutes were approved as written by unanimous voice vote.

4. COMMUNICATIONS

- Revised Recommended Conditions for Plan Case No. 2363-SU-18

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2359-T-18 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with changes to Article II (Definitions), Article V (Use Regulations), and Article VI (Development Regulations), and other relevant sections, to facilitate solar energy system installation.

Chair Fitch continued this case to the January 24, 2019 regular meeting of the Urbana Plan Commission at the request of the applicant.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2354-M-18 – A request by the City of Urbana to rezone three parcels totaling approximately 0.653 acres located at 502-504 South Broadway Avenue and 202 East California Avenue from R-4 (Medium Density Multiple Family Residential) and R-6 (High Density Multiple Family Residential) to B-4 (Central Business) Zoning District.

Chair Fitch opened the public hearing for this case.

Kevin Garcia, Planner II, presented the staff report for the proposed map amendment. He began by noting the location and zoning of the three subject properties. He talked about a proposed arts-centered, affordable housing project that would be developed if the proposed rezoning request were approved. He reviewed the LaSalle National Bank criteria and the Sinclair Pipeline Company factors and how they relate to the proposed rezoning. He read the options of the Plan Commission and presented City staff's recommendation for approval.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Hopkins stated that tiny homes are described as single-family dwellings; however, single-family structures are not permitted by right or with a conditional or special use permit in the B-4 (Central Business) Zoning District. He asked for clarification. Mr. Garcia replied that there would be multiple tiny home units on one lot, so it would be considered multi-family. Lorrie Pearson, Planning Manager, added that they used the layman term "*single family*" so people would understand it to be an individual dwelling unit.

Mr. Fell inquired as to how big the tiny homes would be. Mr. Garcia explained that City staff had only seen a conceptual site plan. A tiny home is around 450 or 500 square feet in size. Mr. Fell expressed concern about tiny homes not meeting the current building code. Ms. Pearson assured him that the developer would be required to construct each unit to meet the building code.

Mr. Fell wondered if the alley would be vacated. Mr. Garcia said that he was unaware of any plans and that it was not germane to the rezoning request. Ms. Pearson added that the topic of vacating the alley had not been mentioned in any of the preliminary discussions they have had with the developer.

Ms. Billman questioned whether the Plan Commission could place a condition on the approval of the rezoning request to ensure that the lower density single-family residential units would be sited along California Avenue. Mr. Garcia said no. The rezoning request is the only thing up for discussion. Ms. Pearson added that since the properties are owned by the City of Urbana, the City would have a strong interest in how they are constructed.

Mr. Fell inquired if the Plan Commission had the option to rezone one parcel and not all of them. Mr. Garcia said yes. However, part of the reason to rezone the three parcels is to have them match the Future Land Use designation in the Comprehensive Plan. Planning staff has been working towards cleaning up the zoning throughout the City.

Mr. Fell asked why the City was not proposing to rezone the two lots to the east of 202 East California Avenue as well. Mr. Garcia explained that those two properties were not owned by the City of Urbana. Staff could approach the owner of each property to see if they would be willing to rezone their lots. Ms. Pearson noted that another reason for requesting the properties to be rezoned to B-4 was the lack of a parking requirement. It is common for an affordable housing development to have less of a need for parking, and there is a parking lot located immediately adjacent to the subject properties.

Chair Fitch reviewed the procedure for a public hearing. He opened the hearing for public input.

Steve Beckett approached the Plan Commission to speak. He mentioned that he and his wife are trustees of Beckett Property Trust and beneficial owners of the property located at 508 South Broadway. Their property is immediately west of the subject property at 202 East California Avenue and immediately south of 502-504 South Broadway Avenue. He stated that he supports the concept of rezoning these properties so that all the properties (including his) are zoned the same. However, he was unsure of whether the proposed tiny house development would be compatible and concerned about the impact of the proposed development on the value of his property. He mentioned that no one had talked to him and his wife about the proposed development. He also expressed concern about the vacation of the alley as it provides access to the backside of their parking lot. Vacating the public alley would hurt his business. In addition, the proposed development would heavily impact the parking needs for the Farmer's Market.

Marlene Book approached the Plan Commission to speak. She shared many of the concerns of Mr. Beckett. She did not understand how they planned to locate 44 units on the three subject properties. Parking is a real concern in this area. She believed this type of development would have a negative impact on the property values of the neighboring properties. She would like her peaceful neighborhood to remain peaceful.

There was no additional input, so Chair Fitch closed the public input portion and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins stated that he was inclined to consider the idea of only rezoning the two parcels along Broadway Avenue. It would be sufficient to enable the proposed development to move forward. One effect of doing so would be to retain parking requirements for anything built on California Avenue and to meet the parking needs of the Farmer's Market.

Ms. Billman believed that City staff was being too optimistic about the low need for parking. So, she agreed about not rezoning 202 East California Avenue to keep the existing parking lot. She asked if the alley would be vacated. Ms. Pearson replied that there had been no request to do so. There are other property owners who take access from the alley, and the proposed developer planned to take access off the alley.

Mr. Fell asked if the developer would be applying for a planned unit development or would he/she be able to build by right. Mr. Garcia answered that the developer would be able to build by right.

Chair Fitch stated that he would be inclined to support a motion to rezone only the properties at 502-504 South Broadway Avenue.

Mr. Fell commented that it is possible for the developer to design the proposed development without creating a parking issue. Since the Plan Commission has no jurisdiction on how to govern how the developer develops the lot at 202 East California Avenue, he was leaning towards supporting the rezoning of the other two properties and not this one.

Mr. Hopkins reiterated that this is a rezoning case. The proposed development has not come into fruition yet so the Plan Commission should only focus on the proposed map amendment. He moved that the Plan Commission forward Case No. 2354-M-18 to the City Council with a recommendation of approval to rezone 502-504 South Broadway Avenue and of denial to rezone 202 East California Avenue. Ms. Billman seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Turner	-	Yes	Ms. Yu	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that this case would be forwarded to City Council on January 22, 2019.

Plan Case No. 2363-SU-18 – A request by Emulsicoat, Inc. for a Special Use Permit to expand a Polymer Manufacturing and Storage Facility at 1001 Saline Court in the IN-2, Heavy Industrial Zoning District.

Chair Fitch opened the public hearing for this case.

Kevin Garcia, Planner II, presented the staff report to the Plan Commission. He briefly described the activity of the existing facility and noted that Emulsicoat would like to expand their operations. The activities would be the same. It would just be a larger operation. He noted the location of the subject property and talked about existing access and internal circulation of the site as well as a proposed new additional access to the expanded area. He stated the existing land use and zoning of the adjacent properties. He reviewed the requirements for a special use permit in Section VII-4.A of the Urbana Zoning Ordinance. He read the options of the Plan Commission

and presented City staff's recommendation for approval including the four conditions as revised and handed out prior to the start of the meeting and listed below:

- 1) *The development shall be constructed in general conformance with the "Proposed Site Plan for Special Use Permit".*
- 2) *A landscaped berm shall be installed on the eastern and northern sides of the expanded site.*
- 3) *The activities allowed by the Special Use Permit are limited to those described in the "Special Use Activities".*
- 4) *All required Illinois EPA permits must be obtained prior to the development of the site.*

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Hopkins inquired if Saline Court was a City of Urbana street. Mr. Garcia said yes.

Mr. Hopkins asked if the extension of Saline Court had already been approved. Mr. Garcia replied yes.

Mr. Hopkins wondered if Saline Court was near the maximum allowable length for a cul-de-sac. Mr. Garcia did not have that information available.

Mr. Fell wondered if Condition #2 requiring a berm was an aesthetic consideration. Mr. Garcia responded that the existing berm provides screening, landscaping and is aesthetically pleasing. Mr. Fell asked if the berm was a requirement by the Environmental Protection Agency (EPA). Mr. Garcia referred the question to the applicant. Mr. Fell expressed concern that if the business wanted to expand again in the future, then they would have to rip out the berm. He believed that if the berm was for aesthetic purposes, then the Plan Commission should discuss removing the condition. However, if it was an EPA containment requirement, then they should leave it in.

Chair Fitch reviewed the procedure for a public hearing. He opened the hearing for public input.

Mike Friend, Engineer Manager for Farnsworth Group, approached the Plan Commission to speak. He stated that there are secondary retainer requirements to contain spills at the facility. The berm could serve a dual purpose from this standpoint. There is also a desire to respect landscape screening being sensitive to their neighbors to the north and to the east. The berm does not seem onerous to Emulsicoat. They did have concern with City staff's initial requirement to provide a berm to the west, as they need access to the railroad tracks so City staff excluded the west from the Condition.

With no additional input, Chair Fitch closed the public input portion and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Fell believed that it was redundant to keep Condition #2; however, he was okay with it either way.

Ms. Billman wondered if there was an odor associated with the facility. Rick Beyers, Vice-President of Emulsicoat, Inc., approached the Plan Commission to respond. He talked about the history of the facility in this location. Saline Court was constructed to move their facilities away

from 705 East University Avenue because of the odor issues. He does not know of any odor issues at the new location on Saline Court. He explained the process of trapping odors by using conservation vents. Emulsicoat moved over 33% of their operations to Saline Court during Phase I in 2005. The proposed expansion is Phase II, and they plan to move another 25-30% of the business to the Saline Court location. They also plan to move the remainder of the operation within the next 5 to 10 years. He noted that they have planted over 100 trees and maintain the existing berm.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2363-SU-18 to the City Council with a recommendation for approval including the four revised conditions as follows:

- 1) *The development shall be constructed in general conformance with the “Proposed Site Plan for Special Use Permit”.*
- 2) *A landscaped berm shall be installed on the eastern and northern sides of the expanded site.*
- 3) *The activities allowed by the Special Use Permit are limited to those described in the “Special Use Activities”.*
- 4) *All required Illinois EPA permits must be obtained prior to the development of the site.*

Mr. Turner seconded the motion. Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Turner	-	Yes
Ms. Yu	-	Yes	Ms. Billman	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that this case would be forwarded to the City Council on January 22, 2019.

Plan Case No. 2365-SU-18 – A request by the City of Urbana for a Special Use Permit to allow the installation, operation and maintenance of a solar energy system, approximately 41 acres in size, generally located near 901 North Smith Road in the AG (Agriculture) Zoning District.

Chair Fitch opened the public hearing for this case.

Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He began with a brief explanation for the proposed special use permit. He noted the location, zoning and existing land use of the subject properties. He talked about the proposed solar energy system. He reviewed the requirements for a special use permit according to Section VII-4.A of Urbana Zoning Ordinance. He presented City staff’s recommendation for approval including two conditions as follows:

- 1) *The use generally conforms to the site plan submitted in the application as shown in Exhibit D (Site Plan), including a minimum 500 foot buffer to the Saline Branch Drainage Ditch, except where modified to meet City regulations.*
- 2) *Solar Energy System structures would be limited to a maximum of 15 feet height.*

He explained that the maximum height of a principal structure in the AG Zoning District is 35 feet; however, City staff does not feel that these type of structures should be allowed to be that tall. He summarized staff findings and read the options of the Plan Commission. He introduced Scott Tess, City of Urbana Environmental Sustainability Manager, and Chad Tady, of SunPower Corporation.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Fell asked for verification about the removal of the equipment when it becomes obsolete. Mr. Ricci confirmed that there is a decommissioning section in the lease agreement which was already approved by the City Council.

Mr. Fitch inquired about the timing of the special use permit request noting that the Plan Commission had continued Plan Case No. 2359-T-18, a text amendment to add regulations and facilitate solar energy system installation for the second time. Mr. Ricci explained that the developer would like to apply for financial incentives from the State of Illinois to construct this development. The original deadline was January 29, 2019 to get all permits. That deadline was pushed back to February 13, 2019. Writing a text amendment for large scale solar arrays is very complex and takes time. The proposed request is conducive to the special use permit option because the property is currently owned and will continue to be owned by the City of Urbana. It is in an agricultural zoning district, and it is a very well defined project.

Mr. Fitch wondered if it would have been easier to rezone the subject properties to industrial, in which a sub-station would be permitted by right. Mr. Ricci replied that there would be no reason to rezone the properties if it would be allowed by a special use permit in its current zoning.

Mr. Fitch asked about access to the proposed site. He recalled a previous case along Barr Avenue and Smith Road in which traffic conditions were unfavorable. Mr. Ricci referred the question to Mr. Tess or Mr. Tady to address.

Chair Fitch reviewed the procedure for a public hearing. He opened the hearing for public input.

Scott Tess, Environmental Sustainability Manager, approached the Plan Commission to speak. He stated that he selected SunPower to partner with on this project. They are excited the possibility/opportunity to redevelop a brownfield that has no foreseeable use into a renewable energy asset. He mentioned that Chad Tady with SunPower Corporation was in attending via phone.

Chad Tady addressed the Plan Commission and gave a presentation on the following:

- Preliminary System Design
 - Solar Capacity
 - Mounting System
 - Inverter Stations
 - Site Improvement
- Solar Energy System Illustrative Elevation View
- SunPower, the Tenant and Solar Developer

- Reference Project – Exelon Generation located in Chicago’s 34th Ward in West Pullman neighborhood on a brownfield site
- Reference Project – Tequesquite Landfill Riverside Public Utilities located in Riverside, CA on the City’s landfill

Mr. Fell asked what the wind speed was to move one of the panels. Mr. Tady replied that a minimum threshold is 110 miles per hour wind speed.

Mr. Turner inquired what the expected life span is for the proposed facility. Mr. Tady replied that the modules have a useful life of over 30 years. The term of the solar system would be under a Power Purchase Agreement, and the term could be from 15 to 25 years. Mr. Tess added that the modules do not go to 0% after 30 years. They decline in production over time, so they have continual use value. It is simply a renegotiation of whether the partners want to continue along the same lines of a new agreement or decommission the site. The lease option and lease are setup to decommission the site with the possibility of renegotiation for an extension.

Mr. Hopkins asked what the length of a lease agreement was. Mr. Tess recalled that the City of Urbana was looking at a 25 year agreement with an optional 5 year extension.

Ms. Billman wondered how many homes could be powered by the proposed solar system. Mr. Tady said that the proposed system with the 6.7 mega watts of capacity has an expected production in year 1 of 9,700,000 kilowatt hours. This would power about 1,100 homes a year.

Mr. Turner asked how long it would take to install all of the panels. Mr. Tady explained that there would be a lot of work that would happen initially with due diligence and time. The actual field erection and foundation would take approximately 3 to 4 months to install.

Mr. Tess talked about additional access to the proposed site. Mr. Ricci clarified that Smith Road is a public road.

With no additional input, Chair Fitch closed the public input portion and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Fell expressed concern about how much wind a panel could withstand. If they cannot be constructed to withstand a 90-mile hour wind, he did not feel comfortable approving the special use permit request because it is located immediately next to Interstate 74 and across the interstate is his house. Ms. Pearson stated that according to the Specifications Page, which is part of Exhibit D, under Compliance it states that the Wind/Snow Load is 139.8 miles per hour.

NOTE: A follow-up discussion with the applicant yielded a corrected wind load of 110 mph; the 139.8 mph figure was for the inverter cabinet.

Mr. Fell moved that the Plan Commission forward Plan Case No. 2365-SU-18 to the City Council with a recommendation for approval including the following conditions:

- 1) *The use generally conforms to the site plan submitted in the application as shown in Exhibit D (Site Plan), including a minimum 500 foot buffer to the Saline Branch Drainage Ditch, except where modified to meet City regulations.*

2) *Solar Energy System structures would be limited to a maximum of 15 feet height.*

Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Turner	-	Yes	Ms. Yu	-	Yes
Ms. Billman	-	Yes	Mr. Fell	-	Yes

The motion passed by unanimous vote.

Mr. Ricci noted that this case would be forwarded to the City Council on January 22, 2019.

NOTE: The motion inadvertently did not include the conditions. Upon contacting Mr. Fell, he stated that it was his intent to include the conditions in the motion. Mr. Hopkins concurred.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Lorrie Pearson, Secretary
Urbana Plan Commission