

**HIGHLAND, ILLINOIS  
MINUTES OF REGULAR SESSION  
COMBINED PLANNING & ZONING BOARD  
HIGHLAND AREA SENIORS CENTER, 187 WOODCREST DRIVE  
WEDNESDAY, NOVEMBER 6, 2024  
7:00 PM**

**Call to Order:**

The November 6, 2024, 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, Larry Munie, and Robert Vance.

Members absent: Bill Koehnemann.

Also present: Economic Development Director Mallord Hubbard; City Attorney Trent Carriger; Moran Economic Development's Director of Planning, Emily Calderon; Building & Zoning Inspector Mike Hanna; eight citizens, and, Deputy City Clerk Lana Hediger.

**Approval of Minutes:**

Deanna Harlan made a motion to approve the minutes of the October 2, 2024, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Shirley Lodes. Harlan, Lodes, Munie, and Walker voted aye; Korte and Vance abstained; and, none voted no. The motion carried.

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

No comments were made and no written comments were submitted by email or other means.

**Procedures - Public Hearings and Items Listed on the Agenda:**

Chairman Walker reviewed the procedures for testifying on items on this agenda during the hearings and offered to swear-in members of the public wishing to testify on any issue. Six people took the oath.

**New Business:**

- a) David and Meghan Ziegler of 1157 Arkansas Road, Highland, IL are requesting a Special Use Permit for a short-term rental within the C-2 Central Business District at 405 Walnut St. PIN 02-2-18-32-19-401-003.

Emily Calderon reported on behalf of the city that the applicants and property owners are David and Meghan Ziegler of 1157 Arkansas Road, Highland. They are requesting a Special Use Permit to allow a short-term rental at 405 Walnut Street

**Consideration regarding the Comprehensive Plan and Future Land Use Map**

The subject property is denoted as downtown on the Comprehensive Plan's Future Land Use Map. The applicant's request is an appropriate Special Use for the downtown area.

**Surrounding Uses:**

The property to the north is zoned C-2 Central Business District and the current use is as an office. The properties to the south and west are also zoned C-2 but are currently single family residences.

The property to the east is zoned R-1-D Single Family Residential and is currently a single family residence.

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

There are six items of consideration listed in Section 90-79 of the Zoning Code that the board shall take into account while reviewing a request for a Special Use Permit. The findings on the six items are as follows:

1. The proposed SUP is consistent with the Comprehensive Plan.
2. The proposed short-term rental would not have an adverse effect on public utilities or traffic circulation on nearby streets. Off-street parking is provided
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. It will contribute to the City's overall tax base through the hotel-motel tax generated.
5. The proposed Special Use will utilize public utilities.
6. There are no facilities near the proposed Special Use that require the need for special protection.

Additionally, Section 90-216(c) of the Zoning Code provides additional criteria that the CPZB must consider in making their decision.

1. By way of approval of this SUP, the proposed short-term rental will comply with all provisions of 90-216(b) of the city's Zoning Code.
2. No anticipated negative effect will result from the approval of this short-term rental.
3. It is anticipated that the proposed short-term rental will not have an adverse impact on other nearby properties.
4. The proposed short-term rental will not have an adverse impact on the public health, welfare, or safety of the community as a whole.

**Staff Discussion:**

Staff sees a need for more hospitality businesses in Highland and a new short-term rental would help to meet this demand. Off street parking is provided at the rear of this property.

**Staff Recommendation:**

Staff recommends approval of the Special Use Permit

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

The applicant, David Ziegler stated that he owns the office to the north of the subject property and so has an interest in it being operated properly. The rules include, no unregistered guests and no loud parties.

There were no comments submitted via the online portal or via email.

There was no further staff discussion.

Vance made a motion to recommend approval of the request for a Special Use Permit for a short-term rental within the C-2 Central Business District at 405 Walnut Street (PIN 02-2-18-32-19-401-003.) to David and Meghan Ziegler of 1157 Arkansas Road, Highland; seconded by Korte.

There was no board discussion.

The vote was taken by roll call: Harlan, Korte, Lodes, Munie, Vance, and Walker voted aye; none voted no. The motion carried. The Board recommendation to the city council will be for approval of this request.

Calderon gave a combined staff report to cover the remaining items on the agenda. Those being applications for Rezoning, a Special Use Permit, and two Variances to the Zoning Code. The applicant is Summit Ridge Energy (1000 Wilson Boulevard, STE 2400 Arlington, VA 22209) on behalf of Grandview Farm LP. All applications submitted pertain to the unincorporated property identified by PIN 01-1-24-06-00-000-027.001, which will be considered for annexation at the city council meeting on November 18.

- b) Highland Solar 2, LLC (1000 Wilson Blvd., Ste. 2400, Arlington, VA 22209) is requesting a Zoning Map Amendment (Rezoning) for the property identified as PIN 01-1-24-06-00-000-027.001. The subject property contains approximately 60 acres and is currently zoned Madison County "A" (Agriculture) and the proposed zoning classification is City of Highland "I" (Industrial), pending annexation.

Per Section 90-115 of the city's Zoning Ordinance, all property annexed to the city shall be zoned "R-1-C" Single-Family Residential. The applicant is requesting rezoning of the subject property to "I" Industrial so that it may be used for a solar energy farm with a Special Use Permit.

- c) Highland Solar 2, LLC (1000 Wilson Blvd, Ste. 2400, Arlington, VA 22209) is requesting a Special Use Permit to use the property located at 01-1-24-06-00-000-027.001 as a Solar Energy Farm. The property contains approximately 60 acres and is currently zoned Madison County "A" (Agricultural District).

Section 90-201 (Use Table) identifies Solar Energy Farms as a special use in the "I" Industrial zoning district. Therefore, the applicant is requesting a Special Use Permit to operate the Solar Energy Farm on the subject parcel.

- d) Highland Solar 2, LLC (1000 Wilson Blvd, Ste. 2400, Arlington, VA 22209) is requesting a Zoning Variance from Section 90-214(c)(3) of the Zoning Code in order to allow above ground CAB wiring inside of the solar array to be located on Parcel 01-1-24-06-00-000-027.001. The subject property is currently zoned Madison County "A" (Agricultural District).

The applicant is requesting a Variance from Section 90-214(c)(3) of the Zoning Code in order to allow above ground CAB wiring inside of the solar array.

- e) Highland Solar 2, LLC (1000 Wilson Blvd, Ste. 2400, Arlington, VA 22209) is requesting a Zoning Variance from Section 90-214(c)(6) in order to allow a Transitional Buffer Yard (TBY) that includes one single row of evergreen trees planted outside of the perimeter fence on 10-foot centers, which will be 2-feet at time of planting and approximately 6-feet within two years. The ordinance requires plantings to be 8-feet upon installation and planted in a staggered pattern, 8-foot on center. The subject property is located on parcel 01-1-24-06-00-000-027.001 and is currently zoned Madison County "A" (Agricultural District).

The applicant is requesting a Variance from Section 90-214(c)(6) of the Zoning Code in order to allow a Transitional Buffer Yard (TBY) that includes one single row of evergreen trees planted outside of the perimeter fence on 10-foot centers, which will be 2-feet at the time of planting and approximately 6-feet within two years. The ordinance requires plantings to be 8-feet upon installation and planted in a staggered pattern, 8-foot on center.

**Comprehensive Plan Consideration:**

The subject property is denoted as Non-Urban / Agricultural on the Comprehensive Plan's Future Land Use Map. Although the property is proposed to be zoned industrial, the passive use of a solar farm is aligned with the non-urban/agricultural land use category.

**Surrounding Uses:**

The properties to the north, south, and east are situated in Madison County and are zoned Agricultural. The property to the west is in the city's boundaries and it is zoned "R-1-C" Single-Family Residential. The land use in all directions is agricultural.

**Standards of Review for Rezoning**

Section 90-88 of the Zoning Code provides the following findings of fact which must be reviewed prior to the CPZB making a recommendation on the proposed rezoning:

1. The subject property is currently located in unincorporated Madison County is zoned "A" Agricultural District.
2. All land surrounding the proposed property is used for Agricultural purposes. Land on the North, East, and South is unincorporated and zoned "A" (Agricultural) in Madison County,
3. It is not anticipated that the zoning amendment would negatively impact nearby property.
4. Upon annexation, the property will be zoned R-1C, which allows for uses that are suitable for the area.
5. The proposed use is a solar energy farm, which is a suitable land use for this tract.
6. There is little to no development in the immediate vicinity of this parcel. Additionally, the future land use map identifies the future land use as "Non-Urban / Agricultural" and the proposed use as a solar farm is a passive use aligned with this land use category.
7. The rezoning would not interfere with the implementation of the comprehensive plan.
8. The proposed use will not negatively impact public utilities, other public services, or traffic circulation.
9. The proposed amendment will adequately protect and promote the health, safety, quality of life, comfort, and general welfare of the City of Highland.

**Standards of Review for Special Use Permit**

Section 90-79 of the Zoning Code provides the following findings of fact which must be reviewed prior to the CPZB making a recommendation on the proposed Special Use Permit:

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 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 have a detrimental impact on the value of neighboring property or on the City's overall tax base.
5. It is expected that solar energy generated on the site will have a positive impact on public utilities. However, electricity generated will be provided to Ameren Illinois and not directly to Highland residents.
6. There are no facilities near the proposed Special Use that require the need for special protection.

Additionally, Section 90-214(c) requires that all Solar Energy Farms meet 20 specific points of design criteria. This project meets all the design requirements except those for which variances have been requested.

#### **Standards of Review for Variance #1**

The applicant has requested a Variance from Section 90-214(c)(3) of the Zoning Code in order to allow above ground CAB wiring inside of the solar array. Staff has established the following with regard to this variance:

1. The strict application of the zoning code would prohibit the use of a CAB wire management system for this Solar Energy Farm, which is the preferable method of managing wires within the perimeter fencing of the array.
2. The proposed variance is consistent with the purposes of this Chapter.
3. Strict application of this chapter would constitute a hardship for the applicant in terms of managing the electrical cables within the array.
4. The variance requested is the minimum variation that will alleviate the hardship.
5. The variance requested is unique to this property.
6. The circumstances engendering this variance request are specific to this solar array.
7. The variance, if granted, will not impede the implementation of the City's comprehensive plan.

#### **Standards of Review for Variance #2**

The applicant has requested a Variance from Section 90-214(c)(6) in order to allow a Transitional Buffer Yard (TBY) that includes one single row of evergreen trees planted outside of the perimeter fence on 10- foot centers, which will be 2-feet at time of planting and approximately 6-feet within two years. The ordinance requires plantings to be 8-feet upon installation and planted in a staggered pattern, 8-foot on center. Staff has established the following with regard to this variance:

1. The strict application of the zoning code would result in undue difficulty for the developer, as there are no land uses or facilities near the subject property that require protection and/or screening.
2. The proposed variance is consistent with the general purpose of this chapter.
3. Strict application of the Code would create an unnecessary hardship for the developer.
4. The proposed variation is the minimum deviation that would provide screening while alleviating the said hardship.
5. The conditions of the proposed variance are unique to this property, which is surrounded

by agricultural uses that do not require special protection and / or special consideration for screening purposes.

6. The circumstances engendering this variance request are specific to this solar array.
7. The variance, if granted, will not impede the implementation of the City's comprehensive plan.

### **Staff Recommendations**

Rezoning: Approval of the request to rezone the property from R-1C to I is recommended.

Special Use Permit: Approval of the request for a Special Use Permit for a Solar Array is recommended.

Variance #1 (underground CAB wires): Approval of the variance to allow above ground CAB wires is recommended.

Variance #2 (screening): Approval is recommended for the variance to allow for one single row of evergreen trees planted outside of the perimeter fence on 10-foot centers, which will be 2-feet at time of planting and approximately 6-feet within two years.

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

Chase Wittich of Summit Ridge Energy spoke on behalf of the applicant, Highland Solar 2. He stated that he has 20-35 years involvement with and background in solar energy. This project will be connected to the energy grid via an underground connection to the Ameren 34.5 transmission line. He spoke about the company that makes the above-ground CAB wiring system and indicated that he has had conversations with the Highland Fire Department regarding space for emergency vehicles to maneuver within the footprint of the project, should they be needed.

Shirley Lodes asked what CAB is. Mr. Wittich indicated that it is an open air cable management system for solar arrays. Lodes asked if it is more dangerous than underground cabling. Wittich responded not due to the CAB System.

Lodes asked why they have requested the variance related to the screening. Wittich responded that they will water the trees as part of the installation, that a single row will cost less and they believe it will fill in, and, that it is easier to cut grass around a straight row, as opposed to the staggered pattern.

Korte asked what the amount of cost savings is compared to what is called for in the Zoning Code. Wittich did not offer a dollar amount. Munie stated that he believes that what exists around the Highland Solar 1 project right now is insufficient. Wittich indicated that the cost of installing 8' trees in the staggered pattern would cost between \$500,000 and \$1.5 million.

Harlan pointed out that in one place in the application, it calls for 2' trees planted 10' on centers, but later in the application it says 12' on centers. Munie asked if there was a potential for energy loss due to shading of the panels with 8' trees vs. 10' trees. There was a brief discussion regarding the height of the racks/panels. Munie asked if there are wires on every panel. Wittich indicated yes, that the CAB system is mounted below the panels.

Korte asked where this will connect to the Ameren line. Wittich indicated that it will run along the field road to the west edge of the parcel. Korte asked if it is related to the Highland-Sursee line. Chairman Walker indicated that it is. Adding that Ameren is working to minimize outages.

There were no comments submitted via the online portal or via email.

Craig Kombrick, property owner to the north of the subject property asked why the parcel has to be annexed. Calderon replied that there is better regulation than in the County. Kombrick noted that the location being near the electric grid makes sense, adding that he likes the screening.

There was no further staff discussion. The public comment was closed.

Harlan made a motion to recommend approval of the request for rezoning of property owned by Grandview Farm LP (Dr. William K. Drake), identified as PIN 01-1-24-06-00-000-027.001 to "I" Industrial; seconded by Korte.

Lodes stated that she is opposed to Agricultural property being rezoned but understands that solar energy is needed. Chairman Walker noted that he also had concerns related to rezoning vs. the future land use map. He was in a meeting and was able to hear how this will play into the electric grid and believes that the upgrades make sense. Harlan believes it adds to the tax base. Munie doesn't like to add more industrial, so doesn't want this. He believes it is the wrong place for it. He would prefer to only approve the west 30 acres.

With no further board discussion, the vote was taken by roll call: Harlan, Korte, Vance, and Walker voted aye; Lodes and Munie voted no. The motion carried. The Board recommendation to the city council will be for approval of this rezoning request.

Korte made a motion to recommend approval of the request for a Special Use Permit for a Solar Energy Farm to Grandview Farm LP (Dr. William K. Drake) for property located at 01-1-24-06-00-000-027.001; seconded by Vance.

Munie indicated that he does not want to approve the Special Use Permit for the east 30 acres, even though the applicant would have to get approval of a Revised Site Plan before they could proceed.

Korte indicated that he believes those wanting to build residences usually prefer tree areas. He doesn't like to see residential on agricultural property. He also pointed out that solar arrays have a lifespan, that this is not totally permanent.

With no further board discussion, the vote was taken by roll call: Harlan, Korte, Vance, and Walker voted aye; Lodes and Munie voted no. The motion carried. The Board recommendation to the city council will be for approval of this Special Use Request.

Korte made a motion to approve the request for a variance from Section 90-214(c)(3) of the City of Highland Zoning Code in order to allow above ground CAB wiring inside of the solar array to be located on property owned by Grandview Farm LP, identified as PIN 01-1-24-06-00-000-027.001; seconded by Vance.

Korte pointed out that he is OK with CAB wiring as long as any high voltage wiring is underground or protected. There is a need to connect to overhead.

The vote was taken by roll call: Harlan, Korte, Vance, and Walker voted aye; Lodes and Munie voted no. The motion carried. The requested variance was granted.

Lodes made a motion to approve the request for a variance from Section 90-214(c)(6) of the City of Highland Zoning Code in order to allow a Transitional Buffer Yard (TBY) that includes one single row of evergreen trees planted outside of the perimeter fence of a solar array on 10-foot centers, which will be 2-feet at time of planting and approximately 6-feet within two years, located on property owned by Grandview Farm LP, identified as PIN 01-1-24-06-00-000-027.001; seconded by Harlan.

Harlan indicated that she was not comfortable with the request as presented. She could give a little on the 8' heights and, if planted in a single row she would want them planted at 8' on centers. Lodes would like the trees to be bigger than 2' at planting. Larry Munie would like to come up with a suitable plan for all. Korte doesn't want to grant a variance.

A motion was made by Vance to amend the main motion regarding the Transitional Buffer Yard to allow a single row of trees planted 6' on centers; with all other requirements to remain as per the ordinance.

On the motion to amend, Harlan, Korte, Lodes, Munie, Vance, and Walker voted aye; none voted no. The motion carried and the main motion was amended.

The vote was taken by roll call on the main motion as amended: Harlan, Korte, Lodes, Munie and Walker voted aye; none voted no. The motion carried. The requested variance, as amended, was granted.

**Next Meeting:**

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, December 4, 2024.

**Adjournment:**

Lodes made a motion to adjourn; seconded by Korte. All members voted aye. The motion carried and the meeting was adjourned at 8:37 PM.