MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION **DRAFT**

DATE: **June 6, 2019**

TIME: **7:00 P.M.**

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

MEMBERS PRESENT:	Barry Ackerson, Andrew Fell, Tyler Fitch, Jonah Weisskopf
MEMBERS EXCUSED:	Dustin Allred, Jane Billman, Lew Hopkins, Nancy Ouedraogo
MEMBERS UNEXCUSED:	Chenxi Yu
STAFF PRESENT:	Lorrie Pearson, Planning Manager/Zoning Administrator; Marcus Ricci, Planner II; Lily Wilcock, Planner I
OTHERS PRESENT:	None

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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 there was not a quorum of the members present.

2. CHANGES TO THE AGENDA

There was none.

3. APPROVAL OF MINUTES

Due to lack of a quorum, the approval of the minutes of the Urbana Plan Commission meeting held on April 4, 2019 were continued to the next meeting.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

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

Chair Fitch announced that while the Plan Commission could not vote on the case at this meeting due to a lack of quorum, they could hear staff's presentation and have discussion. Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He discussed the purpose for a text amendment, solar development issues with the existing Zoning Ordinance, other cities' regulations on solar arrays and staff's research on solar arrays and the main considerations staff has for creating a text amendment. To determine if a solar array use is a principal use or an accessory use, staff proposes to base the decision on the array user and on the array size. He talked about regulating principal and accessory structure solar arrays and where to permit solar arrays. He reviewed the questions in the written staff report for the Plan Commission. He stated that City staff requests that the Plan Commission continue the public hearing to August 8th at which time a draft text amendment will be presented.

The Plan Commission had questions about the following:

- If a future business wanted to install a large array to power their operations, would that be considered a principal use or an accessory use?
  Mr. Ricci replied that in model regulations and other cities' regulations, if a solar array is designed to feed a nearby use, then it would be considered an accessory use regardless of its size. Any leftover energy would go to the grid and be credited for future use for that business. If they build a solar array larger than what they would need, then it would be considered a second principal use on the same zoning lot.
- Why not allow solar array farms in "Industrial" zoning districts?
  Mr. Ricci replied that there would already be roads, water lines, sewer lines, etc. that would be wasted on a solar farm which does not need any of that infrastructure.
- What does research show about how neighboring property owners feel about solar array farms?
  Mr. Ricci replied that there were discussions about glare and noise at a Champaign County meeting. Large solar farms are typically considered less problematic than large wind farms in these two aspects. Some studies show that small-scale solar arrays help a residential property retain its property value or sell faster. City staff is also recommending any solar array larger than one acre in size would require approval of a Conditional Use Permit and any solar array larger than five acres in size would require approval of a Special Use Permit. This would allow the City to determine if the proposed use needed additional conditions such as additional setbacks, reduced height, or screening.
- How do solar arrays effect the open space requirements?
  Mr. Fell was concerned that allowing a solar array by right might lead to a landowner violating the open space requirement. Mr. Ricci explained that the majority of solar arrays would be roof-mounted. Those that are constructed on the ground would not be included in the open space requirements.
- Will allowing solar arrays as a secondary use by right in all zoning districts add to the City's responsibilities to resolve issues of residents complaining about their neighbor's trees

blocking exposure to their solar array panels or, conversely, residents being concerned that neighbors proposing solar arrays might want them to trim their trees back?
Mr. Ricci stated that he would research the impact a solar array would have on both the open space requirements and on neighboring properties.

With there being no public input, Chair Fitch suggested that the Plan Commission members go through the questions in the written staff report. The questions and members responses were as such:

1a) Should principal use solar arrays be regulated based on their size, with smaller arrays being permitted by right, and with larger arrays being permitted with Conditional or Special Use Permits? If not, is there some other way to regulate principal use solar arrays?
Response: Although Mr. Fell had concerns about the ambiguity of differentiating between "principal use" and "accessory use" solar arrays, Plan Commission members could not think of a better way to regulate solar arrays.

1b) If so, is the proposed breakdown acceptable (1 acre = by right, 1 – 5 acres = Conditional Use Permit, 5+ acres = Special Use Permit)? If not, are there other suggestions?
Response: The Plan Commission members could not reach a consensus. Some felt that more research and examples were needed, and others believed that all principal use solar arrays should require approval of a Special Use Permit. Mr. Ricci stated that Champaign County's recent Solar Farm Zoning Text Amendment permitted solar farms in AG-1 and AG-2 zoning districts as a Special Use, so all principal use solar arrays were treated as special uses. A straw poll indicated that the majority of the Commission were in favor of treating all principal use solar arrays as a special use, with the remaining member leaning towards in favor.

2) Should solar arrays be regulated the same as other accessory structures, so that they would be permitted by right if they meet the accessory structure requirements in the zoning district? If not, are there other suggestions?
Response: First, the majority of the Plan Commission members agreed on the principal use/accessory use differentiation in that if a solar array is designed to generate energy for the grid, then it becomes a principal use. For the main questions, the Plan Commission did not have a recommendation. They felt they needed more information, especially regarding how it impacts the Open Space Ratio (OSR) requirement.

3) Should ground-mounted, accessory solar arrays be excluded from gross floor area calculations?
Response: The Plan Commission members agreed that ground-mounted, accessory solar arrays should be excluded from gross floor area calculations.

4) Should principal use solar arrays be permitted only in the AG, Agricultural Zoning District, or should they be permitted in other zoning districts?
Response: The Plan Commission members felt that, if principal use solar arrays were treated as a Special Use regardless of their size, they should be allowed in all zoning districts except for the R-1 (Single Family Residential), R-2 (Single Family Residential) and R-3 (Single- and Two-Family Residential) Zoning Districts. They believed that a high-density residential property owner would have to construct a rather large solar array in order to go beyond being an accessory use to the principal use multi-family residential structure on their property. In addition, the Plan Commission and City Council would have the ability to review each solar array development if they require approval of a Special Use Permit for all principal use solar arrays.

5) Should accessory solar arrays be permitted in all zoning districts, as long as they comply with other zoning regulations? If not, does the Commission have other suggestions?
Response: The majority of the Plan Commission agreed that accessory solar arrays should be allowed in all zoning districts with approval of a Special Use Permit. Planning staff pointed out that accessory solar arrays (roof-mounted and ground-mounted) are currently allowed by right in the Urbana Zoning Ordinance due to a text amendment a few years ago. City staff would not want to reverse what was approved in that text amendment. The proposed text amendment is to define what makes a solar array an accessory structure and then to treat it like all other accessory structures. Mr. Fell stated that solar arrays should not be included in the aggregate accessory structure area limitations. Current building plan review procedures for solar arrays include determining if they will cause a lot and its structures to become nonconforming to zoning regulations such as Floor Area Ratio and OSR. There was discussion about accessory solar arrays and whether or not they should be included in the calculations for the open space ratio (OSR). Currently, a ground-mounted solar array is not considered open space, and this should be clarified in the proposed text amendment. Principal use solar arrays would meet principal use and structure development regulations (height, required yards, etc.) and accessory use solar arrays would meet accessory use and structure development regulations.

The case was automatically continued to the June 20th meeting of the Plan Commission.

Plan Case Nos. 2377-T-19 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with minor changes to Article II (Definitions), Article V (Use Regulations), Article VI (Development Regulations), Article VII (Standards and Procedures for Conditional and Special Uses), Article VIII (Parking and Access), Article IX (Signs and OASS Regulations), Article XI (Administration, Enforcement, Amendments and Fees), Article XII (Historic Preservation), Article XIII (Special Development Provisions), and to make any other changes that are deemed necessary to provide clarity and ease of administration.

Chair Fitch re-opened the public hearing for this case. Lily Wilcock, presented the staff report to the Plan Commission. She reviewed the proposed changes to the language in the Urbana Zoning Ordinance.

The Plan Commission members asked City staff to research if the language in Section V-2.C.4, "*may*" should be changed to *"shall"* so the Zoning Administrator requires an owner to sign a covenant running with the land rather than allowing the Zoning Administrator the option to require it.

The Plan Commission members discussed the definition of "*owner*" and whether it was restricting to an individual. Lorrie Pearson, Planning Manager, looked up the definition of *"person"* in the Urbana City Code and read the following to the Plan Commission, *"Person. The word "person" means any individual, partnership, corporation, joint stock association or any city or state or any subdivision thereof, and includes any trustee, receiver, assignee or personal representative thereof."*

There was also discussion about whether the proposed language in Section IX-4 would include a commercial sign as well. Ms. Wilcock explained that the definition of *"institution"* does not include commercial business. A commercial sign would not be allowed to have an electronic display on it under Section IX-4.C.

The case was automatically continued to the June 20th meeting of the Plan Commission.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

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 8:31 p.m.

Respectfully submitted,

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Lorrie Pearson, Secretary
Urbana Plan Commission