



**DANVILLE AREA
PLANNING & ZONING COMMISSION
MEETING**

Minutes, March 5, 2020

Members in Attendance:

Tracy Taylor – Chair
Adam Brown
Ted Vacketta Jr.
Troy Savalick
Pete Goodwin
Justin Fleming

Members Not Present:

Michael Hall

City Representatives:

Logan Cronk
Natasha Elliott

I. Call to Order, Roll Call & Declaration of Quorum

- a. Chair Taylor called the meeting to order at 5:15 with declaration of a quorum.

II. Announcement that the P&Z Commission is Advisory to the City Council

- a. Announcement made.

III. Approval of Agenda:

- a. *Motion:* Brown
b. *Second:* Vacketta ALL AYE

IV. Approval of Minutes: From February 6, 2020 meeting

- a. *Motion:* Goodwin *Second:* Vacketta ALL AYE

V. General Oath of Audience

- a. All in attendance stood and were sworn-in.

VI. Public Hearings

- a. **Special Use Permit #239 - Green Growth Group Requesting SUP for the property commonly known as 202-204 Eastgate General Industrial for medicinal adult use cannabis cultivation center**
- i. Speaking on behalf of the petition – Simone Grimes and Gary Oliver
 - ii. Simone: The property in question which is zoned industrial is being proposed for the use of a craft indoor growing cannabis processing and transporting facility. It is not customer facing, in that there won't be anyone actually coming to the property. We will grow, process, package, and transport out cannabis and cannabis infused products to licensed retail establishments in the State of Illinois. We are occupying a 17,500 sq. ft. property. It did say in the newspaper that we intend to occupy 5,000 sq. ft. and then expand but that is slightly inaccurate. At day one, we will fully occupy the entire facility. In order to grow 5,000 sq. ft. of flowering cannabis, you need 15,000 sq. ft. so we will actually outfit the entire location immediately. Then we have entertained negotiations with the landlord to expand in other adjacent properties as the need and the state allows. So, on day one we fully occupy that property.
 - iii. Taylor: If this is approved, what is your timeline to begin?

- iv. Simone: The state approves all licenses on July 1st. At July 1st, we have 180 days to be operational. Because this warehouse is already established and it has great power usage, we actually have a timeline of about 3 months to get it entirely outfitted. The 17,500 sq. ft. of property gets subdivided into about 12 smaller rooms that are enclosed, locked, and are of a clean room type facility. We spend about 3 months just outfitting the warehouse. During that time, we start engaging locals on employment training so that by the time we're up and running we can start onboarding.
- v. Taylor: What is your plan for security?
- vi. Gary: We want to be a good neighbor and one of the ways we want to do that is to keep our impact in the community as low as possible. There will not be any signs outside of the building or any vans going around with hemp signs – it will be very low and discreet. The state has a number of requirements for security. One of the things we have to do is meet a number of compliance rules and regulations and one of those is to have a robust security system. There will be fans and within the building it will have restricted access. There will not be any “sight-seeing”. We won't have any windows so no one will be able to see any of the products whether it is being grown, produced, or moved. So there are a number of regulations that we have to conform to and we will make sure we hold them. We will also be talking with Chief Yates about particles, what is happening in the street, and what are the risks and the site that we chose is outside of the urban area so we are trying to lessen the impact as much as possible. Yet we're functional enough to be a distributor. We have two dispensaries in the area, we have Champaign close by so the number of times the van will need to leave the facility and time it takes to travel will be reduced because of that logistics distance.
- vii. Taylor: Anyone to speak for or against the petition? Comments?
- viii. Cronk: Yes, I have the staff recommendation. The staff feels that a special use designation for a medicinal adult use cannabis cultivation center is consistent with the current character of the neighborhood or industrial drive. This is a non-customer facing business focused on the cultivation, extraction, and transportation of cannabis. Based on the information currently available and without the benefit of additional information that may be presented at the public hearing at the next committee meeting, the staff recommends approval of special use permit petition #239
- ix. Taylor: Just to remind us all about special use permits – this goes with the owner – Green Growth Group. If they were to sell to another party, how would the special use permit work?
- x. Cronk: The use must stay one hundred percent the same. They can not have any changes to the building- expansion or even lowering the use. It has to stay exactly the same. It could transfer hypothetically – with any change – the special use permit does not transfer over.
- xi. Taylor: She had mentioned expansion – so they would need to come back and get a special use permit
- xii. Cronk: Since they are the owner of the special use permit – they can expand per our zoning district guidelines.
- xiii. Taylor: Any further questions or comments from the commission? If not, I will entertain a motion.
- xiv. Motion to approve special use permit #239 as well as the findings and fact that are listed by staff. Motion: Brown Second: Vacketta
- xv. Cronk (roll call) : Taylor – Yes ; Brown – Yes; Goodwin – Yes ; Savalick – Yes ; Vacketta – Yes; Fleming – Yes; Hall – Absent

xvi. Taylor: That has passed and will be heard again on the 17th in the City Hall Chambers at 6:00pm.

b. Special Use Permit #240 – x and Heather Pierce – a special use permit for 127 North Walnut zoned B4 simple business to a bar/tavern

- i. Heather Pierce: I am the current owner of Fat Mans Warehouse which is located within the same parking lot of where we're trying now. We have no intentions of ever closing Fat Man's down. We saw an opportunity to buy this property and our future plans are the same. We would like to open a bar/tavern plus the gaming – eventually dabble in food. We would like to use the dock for outdoor bands that we currently have. I am also vice president of DDI so I feel it could support the summer sounds and all aspects of creating more revenue for Downtown Danville.
- ii. Taylor: What is your timeline?
- iii. Pierce: We would like to have it open by next spring based on our budget.
- iv. Taylor: Would you be open seven days a week?
- v. Pierce: I would hope so. Eventually, especially if we do more food down the line - yes
- vi. Taylor: Any other questions or comments?
- vii. Cronk: Yes. The staff feels that a special use designation for the bar/tavern is consistent with the current character of the neighborhood. The comprehensive plan calls for more dense development in the downtown area and a bar/tavern is in line with this goal. For these reasons, the staff recommends the approval of special use permit petition #240.
- viii. Taylor: Any further questions or comments from the commission? If not, I will entertain a motion.
- ix. Motion to approve special use permit #240 as well as the findings and fact that are listed by staff. Motion: Brown Second: Vacketta
- x. Cronk (roll call) : Brown – Yes; Goodwin – Yes ; Savalick – Yes ; Vacketta – Yes; Fleming – Yes; Hall – Absent ; Taylor – Yes
- xi. Taylor: That motion has passed and will be heard again on the 17th

c. Special Use Permit #241 for Gregory Hoover requesting a special use permit for the property known as 3803 North Vermilion zoned B2 highway business for a retail gun shop/specialty goods store

- i. Hoover: I have looked at this facility and decided that it would be a good location to open a gun shop. I want to make my intentions known – it is a gun shop – we sell guns, we sell firearms, we sell rifles, shot guns, pistols, and handguns. We are not a sporting goods store. I am a gun shop. I am not interested in fishing licenses or anything of that sort. I am not going to have apparel – I am going to have guns. In addition to that, the area is excellent as far as traffic. I think this will be a perfect business for that area. I am in a buffer zone – I am away from homes and I am away from other businesses so I have a good area where I can market myself. Issues that I definitely want to address and let the committee know is that security is of utmost importance. It comes from my federal firearms license. I have to have a secure facility and also with the Illinois State Police, I have to have security. Specifically, cameras will be posted outside of the building to see license plates and anyone coming and going in and out of the building. Cameras will be posted in every room of the store to see if people who are transacting are interacting with the firearms. That's by Illinois state law. There are no children involved. You must be 18 years old to enter the store. In general, it is strictly for adults; and, as far as my commitment to being open – it's going to be closed on Monday and open Tuesday through Sunday.

- ii. Brown: Do you plan on making any modifications to the building – to the windows or anything like that?
 - iii. Hoover: I don't believe that I have to make any modifications to the windows in that effect – we may have to put security locks on them – but that will be determined when I have inspections by the ATF agent and by the Illinois State Police. They may say that you have to put this on or not – but – I forgot to mention – we have to have an alarm system so that will be on the windows of course.
 - iv. Vacketta: Would you just be occupying the south portion of that building?
 - v. Hoover: That is correct – there are two other buildings within this area – it is a bit of a strip mall.
 - vi. Vacketta: What would you anticipate your hours of operation are each day?
 - vii. Hoover: My hours of operation would be Tuesday through Friday from 6a-9pm in accordance with the village mall being open until 9pm on Saturday and Sunday we would be open from 8-8pm.
 - viii. Vacketta: Do you currently operate a similar business elsewhere?
 - ix. Hoover: I do not.
 - x. Vacketta: But you do have your federal license
 - xi. Hoover: A part of getting my federal license is that I would have to go through this process with this committee and get a location. Once the location has been picked, then the agent that I've worked with comes to approve the location again and the security issues and matters – those have to be approved.
 - xii. Vacketta: So this is a part of the application
 - xiii. Hoover: Yes this is a part of the application process that I have to go through
 - xiv. **Brown:** Do you have a projection on the date?
 - xv. Hoover: If everything goes through with this committee and the council, then I can have my FFL within 30 days and buying furnishings and buying firearms. I would say within the next 90 days I would be open.
 - xvi. Taylor: Any other questions or comments for or against the petition?
 - xvii. Cronk: Yes. The staff feels that a special use designation for a specialty goods/ firearm sales business is consistent with the current character of the neighborhood. A specialty good/ firearm sales are typically zoned for B3/B4 areas which are directly adjacent and nearby this proposed property. There is also another gun dealer within a mile and a half radius within a B2 zoning district. Based on this current information and without anything further until the public works committee we recommend approval of special use permit petition #241.
 - xviii. Taylor: Any further questions or comments from the commission? If not, I will entertain a motion.
 - xix. Motion to approve special use permit #241 as well as the findings and fact that are listed by staff. Motion: Brown Second: Savalick
 - xx. Cronk (roll call) : Goodwin – Yes ; Savalick – Yes ; Vacketta – Yes; Fleming – Yes; Hall – Absent ; Taylor – Yes ; Brown – Yes
 - xxi. Taylor: That motion has been approved as well
- d. Special Use Permit #242 for Aqua Illinois and Sol-Systems at 1300 W Fairchild zoned Agriculture for the construction of a solar energy system**
- i. David Striker, council for the petitioner Sol-Systems is joined by the host and landowner Aqua Illinois. A presentation is being made available.
 - ii. Striker: The address is commonly known as 1300 West Fairchild this is a 31-acre site that is currently zoned for agriculture. The applicants plan is to construct a 2 MW solar photovoltaic generating facility. The power that this facility generates will be consumed

on site. So it will go to fuel Aqua Illinois. We held a public briefing meeting last month on 2/5 to host members from the neighborhood so that we could provide them with not only a detailed briefing on the project but also answer their questions as well. We have also very carefully reviewed both the special use permitting ordinance and Danville solar ordinance and one thing that is great for us is to come into a community that already has a solar ordinance, so we know what is expected coming in. And we have taken a lot of time to design the project and craft our application not only to be consistent with your special use permitting criteria but also, most importantly, your specific solar criteria; and, we believe what you'll see in the application is that we do believe that we can meet all of the SUP and solar criteria and we're very excited to present this project with you tonight. We also had a chance to review the staff recommended findings and we are in agreement with those. We believe the project is in conformity with zoning regulations, that the surrounding neighborhood would not be negatively impacted. We did note two TBDs in the staff findings with regard to adverse impact on property values and conformity with existing uses. We're looking forward to addressing those two topics with you tonight. This project will generate very little traffic, it will be quiet, and it will be low slung and in short we think the solar energy facility is one – a great neighbor and two – it is going to be a great thing for Aqua Illinois and the local rate payers. With that, I'll turn it over to my colleague Rennie Friedman who is with Sol-Systems and can provide you with a much more detailed briefing on the project.

- iii.** Rennie Friedman: Just a brief presentation to give you some overview of the project.
- iv.** Friedman: Sol-Systems is a solar developer and financier founded in 2008 with in-house services such as legal, engineering, finance, accounting services. We do projects with a variety of customer types. The project will encompass about 8 acres of space on the Aqua site. It is going to offset energy the facility uses. The estimated savings to Aqua will be about \$4 million dollars over the life of the project. So it will help keep the costs down for the rate payers. It's a little over 2 MW DC, fixed tilt system. They do not move to attract the sun. They are spaced out. We added a couple of changes to the plan to address some of the concerns. We are keeping a minimum 200 foot buffer on existing trees and then we're adding another ten feet of additional plantings to help with the visual impacts. Initially, we were going to do a ten foot tall privacy fence which is 3 feet higher than code. We were here last year and we heard a lot of concerns and we took substantial steps to address those concerns. One of the concerns was noise. The only noise from the system is from the cooling fans and the inverters. If you are 200 feet away you can not hear that. The inverters are centrally located to the project so no one can hear anything from the street or their homes. The setbacks we are doing are more than twice what the solar ordinance mandates. It is a fixed tilt system so the panels will always face south. We are going to be doing the natural tone privacy slats. There will be 10 foot tall plantings outside of the fence so that there is no glare risk to traffic. One of the other concerns is that there might be some effects to adjacent property values. There have been a lot of studies and analysis done on this – most notably the one referenced here found that there are no negative impacts to property value in short or long term. We also want to mention, from a decommissioning standpoint – what's happening after the 25-year lease is up – there are two, 5-year extension options. The system is anticipated to still be working great and if Aqua wants, we can extend our lease with them with 5 year options but in our lease agreement it is Aqua's choice – if they don't want to lease the land, then we will come in and return the land to the condition it was in previously.

- v. Striker: We are here to answer the board's questions, we would also like to enter this PowerPoint into the record as well. We can leave a copy behind with our application. Also, if we could reserve a couple of moments to respond to any questions that might come up.
- vi. Taylor: Sure
- vii. Sevalick: What has changed since the last presentation? What have you added?
- viii. Striker: The first presentation had a 150' setback. We are now up to a 210' setback. That would be a material change. We have the 10' fence with residential facing slots with a neutral color and the additional barrier on the outside of the fence. We are going to do the fixed axis system where the panels are fixed facing south. The previous application had them where they would tilt to follow the direction of the sun. We did that to minimize the grading on the site and we did that so that we can keep the natural grading on the slope.
- ix. **Vacketta:** How does that effect the total output of the system
- x. Friedman: It slightly reduces it overall. With the tracking system you need more useable land to get the same amount of total power output. The reason you need more land is because you need a bigger space in between the rows so they don't shake each other as they tilt throughout the day. The benefit of that to a developer is you are installing less panels and less equipment so there is less in capital costs for the same amount of output but you're using a larger land area. By going to a fixed tilt, we're installing several more panels but we're going to use less area which is why I think we are able to increase the setback from 150' to 210'.
- xi. Striker: But everything we are looking at is solar, it's a very passive system, it's quiet, it doesn't generate traffic. Clearly, I think most of the residential concerns are around visual and that is what we've really tried to primarily address is that.
- xii. Taylor: Any other questions or comments?
- xiii. Andy Price (Area Manager for Aqua Illinois East Central Division – Danville): This project is to me and Aqua about three things. One – being progressive not only for Aqua but for the City of Danville overall. Two - reducing our carbon footprint which is a commitment that Aqua has made throughout all of the states that we operate in. Three, this project is about the projected savings of about \$4 million dollars over 25 years that will be passed along – that will benefit our customers. It will be offsetting future increases, mitigating future rate increases, and/or put back into our operations for improvements. That's a fact. That is what will happen with it. We're not going to earn anymore because of it. The way we're regulated through ICC we won't see that increase – it will be passed along to our customers. The land that you saw is owned by Aqua. The 8-acres currently as it serves absolutely no benefit to our rate paying customers. Transforming these 8-acres into a solar farm will benefit over 50,000 customers in Vermilion County and that is what we're asking for.
- xiv. Taylor: What is the timeline for this project if it is approved?
- xv. Friedman: We would target beginning construction in late summer – early fall and hope to have the project online by the end of the year.
- xvi. Taylor: Was it a 3-month construction period or was it longer than that?
- xvii. Friedman: Roughly 3-4 months, yes. Most of the construction is less than that - just setting equipment up. However, there will be crews on site for longer than 3 months for testing and monitoring.
- xviii. Taylor: Anyone else to speak for or against the petition?
- xix. John Crutcher resident at 16 Westwood Place: There's less people here than you probably anticipated because unfortunately our neighborhood is an older neighborhood with older homes but we also have some who will not be at the meeting that will happen later this

month. Main thing I want you guys to think about today is that this has been twice not approved. This is the second group of people that we're dealing with in Sol-Systems and Aqua and the real challenge is that they feel like there is some significant changes here that warrant this to come back; but, when you talk about 50 feet and 10 foot fence instead of 8 foot fence that's not a big change. The problem is that you're setting something that could be very detrimental for Danville in having a solar array in a residential neighborhood. If you set that, you'll have to deal with it in the future. They have twice given us the fact that it doesn't lower property values but I give the council a study from the University of Texas that did show that it does have an impact – even miles away – has impacts on property values. So I am hoping that you don't consider this in conformance with the neighborhood because this has nothing to do with the neighborhood that's on Logan and Westwood Place. It would be a great disruption to the neighborhood and our property values. I believe that we are seeing this for a third time and I believe that Section 150.32(f) of the city code provides that if an application is considered and ultimately denied by the city council, that request shall no longer be reconsidered by the zoning commission or the city council at any time in a substantially similar form unless the zoning administration determines that the conditions effecting the request for special use have changed sufficiently to justify a reconsideration. So please keep that in mind that 50 feet and 2 feet higher is not significant.

- xx.** Brown: Something must have significantly changed if it is being brought to our attention.
- xxi.** Crutcher: It did not significantly change.
- xxii.** Brown: Who had the authority to bring this to the commission that believes it has significantly changed?
- xxiii.** Crutcher: It was twice that it has not been approved.
- xxiv.** Vacketta: Can you tell me the two times that is has not been approved?
- xxv.** Crutcher: I don't remember the exact dates
- xxvi.** Taylor: One of the times was in May but I don't remember any before that
- xxvii.** Crutcher: There's two times that is has been out – was it in April? Then it came back in June and both times it was not approved. The way the vote went – there weren't enough votes to actually consider it the first time
- xxviii.** Taylor: So it was continued
- xxix.** Taylor: Anyone else to speak against the petition?
- xxx.** Brenda Dwiggin of 1012 N Logan: I oppose the plan. Our home sits at the back of the property that borders the woods where the Aqua grounds begin. Unless there is a grading of the hill, the rendering is deceiving. If this is successful, we will be looking at solar panels instead of wildlife for six months in a year. Also, the solar array limits the number of people willing to purchase it. I feel this is a good project in the wrong location. I ask that you deny the permit to construct the solar farm on this site.
- xxxi.** Taylor: Anyone else to speak against the petition:
- xxxii.** Lynn McClendon of 10 Westwood Place: I would like to read from this letter that was drafted by attorney Bill Garrison which outlines that there are three (3) changes which you can read. The first is the 150 to 210 set-back, second the fence height has increased by 2 feet, and the third is that the panels are now fixed instead of directional. None of these changes address the concerns of the immediately effected properties or the larger concerns of the residents of the Lincoln Park and Westwood areas. Last time there was a petition signed by the resident of the area. It would rid the area of a large number of trees and expose an unsightly array that would adversely effect property values. On a subjective, level I disagree with the findings of fact.

- xxxiii.** Lynn McClendon: There was considerable opposition to this and that ought to be weighed in the balance. I ask that you rule this as substantially similar to the other petitions according to section 150.32(f)
- xxxiv.** Taylor: Is there anyone else to speak?
- xxxv.** Vince Koers a resident near Lincoln Park: I am concerned that the findings were accepted as true. If the panels were consistent with the fabric of the neighborhood then we would not have come. The other is finding number four that says that it would not constitute an entering wedge. It is possibly a violation of the LaSalle Case. These panels will reflect light and they will find people's eyes. The site is in a bowl and the further down you are in this bowl the more it will reflect light.
- xxxvi.** Taylor: Is there anyone else here to speak against the petition? Comments from the City please.
- xxxvii.** Carl Carpenter Director of Public Works: I am also the zoning administrator. The Mayor, Mr. Cronk, and I have spoken at length and set some specifics that had to be met in order for us to consider bringing this up again and Aqua and Sol-Systems did comply with all of those. We have determined that it has changed sufficiently enough to bring it back to the meeting.
- xxxviii.** Cronk: I agree that the findings of fact are objective – they are not final – that is up to the commission to decide. My staff recommendation and our staff recommendation based on the information currently available and the listed below preliminary findings of fact the Public Works Department recommends the approval of the zoning petition #242
- xxxix.** Taylor: The overall height of the panels will be approximately how high?
- xl.** Striker: The highest point is 8 feet
- xli.** Taylor: The trees in the area are well above 8'?
- xlii.** Striker: Yes
- xliii.** Taylor: Any other questions? Comments?
- xliv.** Striker: There were some material changes – more than doubling the set-back, increasing the height of the fence, and engineering changes. There were also comments with regard to solar being a good neighbor and it was important for us to look for a community that already had determined what requirements it wanted to set with regard to solar. Solar is a great fit for agricultural property. I am not familiar with the University of Texas study but I am aware of the study that Mr. Friedman has entered into the record here that shows that solar increases property values. To address the view shed, we have made the modifications necessary in order to be here tonight. Yes, Aqua is a corporation but because it is regulated by the ICC the savings will be passed along to the customer. One of the comments referenced glare. We do not have mirrors in fact the solar panels operate in the exact opposite way in that they absorb light.
- xlv.** Friedman: Before, the panels with a tracking system would have followed the sun so there might have been some level of glare there. However, we have since changed to the fixed system which is also another very material change. It will be fixed and it will not be moved with the wind and other elements. It can withstand 120 mph windspeed.
- xlvi.** Vacketta: What is the angle of the panels
- xlvii.** Friedman: 20 degrees to the south
- xlviii.** Vacketta: What is the angle is the winter sun approaching those panels?
- xlix.** Friedman: I don't know
- i.** Brown: The sun rises in the east then I don't see how that is going to be an issue
- ii.** Koers: In the late morning to the mid afternoon is where Mr. Vacketta's concern arises. As the sun arcs through the day, you may have the concern of the reflected light.

- iii. Taylor: I have been able to be near a few installations and I have no recollection of a reflection
- liii. Koers: There are ravines near the hospital – I imagine portions of the array will cross over the ravines. How will you traverse those ravines?
- liv. Friedman: There are open areas between the array to accommodate that. There are a number of ways to accommodate that. The ground does not have to be perfectly flat.
- lv. Koers: Will you be moving any earth to the north of the array?
- lvi. Friedman: No
- lvii. Koers: What is your plan for the existing wooded area?
- lviii. Friedman: We are not going to touch that at all
- lix. Crutcher: I want to challenge the drawing because there is an extreme ravine on the east side that the deer go through and it goes all the way to the pond.
- lx. Vacketta: I want to make a clarification – light reflecting at a 30 degree angle down to a 20 degree panel actually rebounds up to a 70 degree angle on the horizon. Only 20 degrees from vertical reflection. So in looking at this rendering, I don't see how it could possible touch the houses on Westwood Ave. with a south facing winter sun.
- lxi. Taylor: The purpose of the solar panel is to absorb light and not to reflect it
- lxii. Andy Price: I would like to say we did reach out to OSF and they have a helicopter that flies through there and they had absolutely zero concerns.
- lxiii. Taylor: I would like to mention that this is a difficult question for us to answer because we have property owners that have property that they want to use. We also have surrounding property owners who want to continue to enjoy their property as well. Some of the things that Aqua can put in today could be equally as disruptive if not more disruptive than what we are discussing today. If there is not anymore discussion I would like to entertain a motion
- lxiv. Motion to approve special use permit #242 as well as the findings of fact that are listed by staff. Motion: Brown Second: Savalick
- lxv. Cronk (roll call) : Savalick – Yes ; Vacketta – Yes; Fleming – Yes; Taylor – No, Hall – Absent ; Taylor – Yes ; Brown – Yes; Goodwin – Yes
- lxvi. Taylor: That motion has passed and will again be heard by council on the 17th at 6:00.

VII. Adjournment

- a. Chair Taylor entertained a motioned to adjourn the meeting at 6:47pm
 - i. *Motion:* Brown, *Second:* Savalick All - AYE,