

# URBANA CITY COUNCIL MEETING

## URBANA CITY COUNCIL CHAMBERS

Monday, October 2, 2000

7:30 P.M.

### A G E N D A

A. MINUTES OF PREVIOUS MEETING

B. ADDITIONS TO THE AGENDA

C. PETITIONS AND COMMUNICATIONS

D. OLD BUSINESS

1. Ordinance No. 2000-09-106: An Ordinance Approving a Permanent License Agreement With the Board of Trustees of the University of Illinois for the Installation of University Utilities Along Main Street and Harvey Street
2. Resolution No. 2000-09-0030R: A Resolution Amending The Urbana HOME Consortium and City of Urbana Consolidated Plan for Program Years 2000-2004

E. REPORTS OF STANDING COMMITTEES

1. Committee Of The Whole

- a. Ordinance No. 2000-09-111: An Ordinance Approving and Authorizing the Execution of an Agreement With University Construction, a Division of MACC of Illinois, Inc.
- b. Ordinance No. 2000-09-112: An Ordinance Revising the City's Benefits Program for City Employees Exempted from Collective Bargaining Units
- c. Ordinance No. 2000-09-114: An Ordinance Revising an Ordinance Authorizing the Mayor to Take Certain Actions on Behalf of the City (Annexation Agreements)

F. REPORTS OF SPECIAL COMMITTEES

G. REPORTS OF OFFICERS

**H. NEW BUSINESS**

1. Ordinance No. 2000-09-113: An Ordinance Approving a Special Use Permit (To allow a 1,200 square foot garage, more or less, for the Urbana Assembly of God Church located at 2502 South Race Street – Plan Case No. 1757-SU-00)
2. Resolution No. 2000-09-031R: A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (Text Amendment Creating Categories of Land Use for Electric Power Generating Facilities, High Impact Wind Turbine Facilities, Gas Turbine Peak Plants, and Low Impact Wind Turbine Facilities – Plan Case CCZBA-236-AT-00)

**I. ADJOURNMENT**



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning and Economic Development Division*

**m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** April D. Getchius, AICP, Director

**DATE:** September 28, 2000

**SUBJECT:** CCZBA-236-AT-00: Champaign County Zoning Board of Appeals case amending the text of the County Zoning Ordinance to create categories of land use for electric power generating facilities; high impact wind turbine facilities; gas turbine peaker plants; and low impact wind turbine facilities.

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**Introduction**

The Champaign County Zoning Administrator is requesting text amendments to the Champaign County Zoning Ordinance to create a number of land use categories related to electric power generating facilities. The types of electric power generating facilities to be included are: 1) coal or oil steam turbine; 2) natural gas steam turbine; 3) gas turbine peaker; and 4) wind turbine. The proposed amendments divide these facilities into two categories: high impact and low impact. High impact uses include coal/oil steam turbine, natural gas steam turbine, and larger wind turbine facilities with three or more turbines. Low impact uses include gas turbine peaker plants and smaller wind turbine facilities with three or fewer wind turbines. The high impact uses are proposed to be allowed in the County's I-2, Heavy Industry, zone with a Special Use Permit. Low impact uses would be permitted with a Special Use Permit in the AG-1 and AG-2, agriculture; I-1, Light Industry; and I-2, Heavy Industry zones.

The proposed text amendments are of interest to the City of Urbana as they may affect zoning and land use decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City's corporate limits, some level of consistency in zoning regulations is also desirable. By State law, the City has an obligation to review zoning decisions within its ETJ area for consistency with the City's comprehensive plan. A municipal protest of the proposed amendment enforces a three-fourths super majority of affirmative votes for approval of the request at the County Board.

## **Background & Discussion**

Background and discussion of the proposed Champaign County text amendments are provided in the September 14, 2000 staff memorandum to the Plan Commission. Attached to the Plan Commission memorandum are Champaign County memoranda with additional background on the proposed text amendments.

In response to comments by City of Urbana and City of Champaign Planning staff, the Environment and Land Use Committee (ELUC) of the County Board agreed to delete provisions allowing electric power generating facilities in the Business zoning districts. The proposed amendment, as modified, is set forth in the attached memorandum from Frank DiNovo dated September 18, 2000. ELUC is scheduled to take final action on this case on October 11, 2000, and referral to the Champaign County Board is anticipated on October 17, 2000.

At their meeting on September 21, 2000, the Urbana Plan Commission reviewed the proposed text amendment, as modified by ELUC. Among the issues raised by the Commission were the appropriateness of the proposed uses in the Agriculture zones, and in the AG-2 zone, in particular. Staff pointed out that only those uses that have been categorized as “Low Impact” would be permitted in the Agriculture zones, and then only by Special Use Permit. It was also noted by Staff that the County’s Agriculture zones allow a number of non-agricultural uses and that this is in recognition of the need to supplement farm income with other uses, such as home occupations and rural specialty businesses. Low impact electric power generating facilities may also be appropriate in Agriculture zones, since these zones typically have the larger parcel sizes that are needed for such facilities and are generally more distant from populated areas that may be negatively impacted by such facilities. One Plan Commissioner pointed out that the turbine facilities and peaker plants are a response to deregulation of the utility industry and represent an effort to provide power efficiently and inexpensively. The Commissioner noted that the reliability of the power supply grid is an important concern to technology and other businesses. The Plan Commission discussion is summarized in the attached excerpt from the minutes for that meeting.

## **Summary of Findings**

1. The proposed text amendments are generally consistent with the Urbana Zoning Regulations and Comprehensive Plan Goals and Objectives.
2. The proposed text amendments would address specific necessary uses that are not currently dealt with in the County’s Zoning Ordinance.
3. The proposed text amendments categorize potential electric power generating facilities into those that would have low impact and those with higher impact and designates appropriate zones accordingly.

4. The proposed text amendments would require special use provisions for all relevant electric power generating facilities.
5. The proposed text amendments would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

## Options

The City Council has the following options for action in CCZBA Case #236-AT-00:

- a. defeat a resolution of protest for the proposed text amendment.
- b. defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.
- c. adopt a resolution of protest for the proposed text amendment.

## Recommendation

The Plan Commission voted 5 to 1 to recommend **DEFEAT OF A RESOLUTION OF PROTEST** for the proposed text amendment, as revised by ELUC on September 13, 2000, based upon the findings summarized above. Staff concurs with this recommendation.

Prepared by:

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Elizabeth H. Tyler, AICP/ASLA  
Assistant City Planner

Attachments:

- 1) Memorandum from Frank DiNovo with Revised Proposed Text Amendment attached, dated September 18, 2000
  - 2) Minutes of September 21, 2000 Plan Commission meeting (excerpt)
  - 3) Draft Resolution of Protest
- c: Susan Monte, Champaign County Planning and Zoning

Matt Flynn, City of Champaign Planning Department

ehtyler/CZBA cases/cc.cczba236-AT-00.doc

**A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO  
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

(t Amendment Creating Categories of Land Use for Electric Power Generating Facilities, High Impact Wind Turbine Facilities, Gas Turbine Peak Plants, and Low Impact Wind Turbine Facilities -Plan Case CCZBA-236-AT-00.)

*WHEREAS, Frank DiNovo, Champaign County Zoning Administrator, has petitioned the County of Champaign for an amendment to the text of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 236-AT-00 with respect to the following: creation of categories of land use for electric power generating facilities; high impact wind turbine facilities; gas turbine peaker plants; and low impact wind turbine facilities; and*

WHEREAS, said amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-236-AT-00: Text Amendment Creating Categories of Land Use for Electric Power Generating Facilities, High Impact Wind Turbine Facilities, Gas Turbine Peak Plants, and Low Impact Wind Turbine Facilities"; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of September 21, 2000, has recommended by a vote of 5 to 1 that

the Urbana City Council defeat a resolution of protest against the proposed text amendment to the Champaign County Zoning Ordinance; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed text amendment as presented in CCZBA-236-AT-00.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Tod Satterthwaite, Mayor