

Request for City Council Action

Date: October 8, 2013

Agenda Section: General Business No. 6	Originating Department: Planning Services/Legal
Item: A Resolution approving and a Resolution denying Brightfields Development LLC’s request for a special use permit to develop a solar array on the property located at 1555 North Marion Street No. 6.1	Approved:

Background and Summary:

Brightfields Development LLC is requesting a Special Use Permit to allow the development of a solar array in an AG, General Agriculture and GI, General Industrial, district. Brightfields and Renova Partners LLC., have been enlisted by the current owner Beazer East Inc. to provide assistance during the remediation and redevelopment process. Brightfields has significant experience working on distinct aspects of the remediation and redevelopment of contaminated properties for use as solar energy generation facilities.

After an assessment, in coordination with Beazer and their engineering team, Brightfields identified the site as an ideal location for development of a solar array. Brightfields has completed preliminary designs and plans to develop a 20 MW array on 73 acres of the site, consisting of approximately 27.5 acres of pole-driven panels and 45.5 acres of ground-mounted panels.

At the Public Hearing the Planning Commission recommended approval of the Special Use Permit with the following conditions:

1. That all dust be controlled during the construction project.
2. That there be no disruption to the contaminated soil.

Staff is also recommending that the applicant be given 3 years to begin construction on the solar array to allow the time to receive clearance from the EPA.

Attached for City Council review are the following:

1. A Resolution approving and a Resolution denying the Special Use Request.
2. A copy of the unapproved minutes of the Planning Commission for public hearing PC 14-09.
3. A copy of the staff report to the Planning Commission. (PC 14-09)
4. A letter from Green Earth Inc. in support of the request.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager’s Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

Additional Information:

1. *Constituent/Advisory Body Impact:* The Planning Commission conducted a public hearing on September 18, 2013 and voted (4-yes, 2-no) on a motion to recommend approval of the Special Use Permit request. A notice of public hearing was published in the *Southern Illinoisan* newspaper on September 1, 2013 and forty three (43) property owners were notified of the hearing by certified mail. The applicant was present; two people spoke in favor of and five people spoke in opposition to the request.
2. *Financial Impact:* The City may experience an expanded tax base.
3. *Staff Impact:* Staff will be responsible for reviewing the site for compliance with all applicable zoning and building requirements.
4. *Community Goals:* Promote the City as an ideal location for new development of residential, commercial, and industrial uses.

Recommended Action:

It is recommended that the Council “move to adopt the resolution approving the Special Use Permit for the development of a solar array in the AG, General Agriculture and GI, General Industrial, district” with the following conditions:

1. That all dust be controlled during the construction project.
2. That there be no disruption of the existing contaminated soil
3. That the applicant be given 3 years to begin construction on the solar array to allow the time to receive clearance from the EPA.

If the Council wishes to deny the Special Use Permit request it should “move to adopt the Resolution denying the request for a Special Use Permit for the development of a solar array in the AG, General Agriculture and GI, General Industrial, districts.”

RESOLUTION NO. 2014-R-____

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW RENEWABLE ENERGY PRODUCTION IN AG, GENERAL AGRICULTURE, AND GI, GENERAL INDUSTRIAL, DISTRICTS.
(1555 North Marion)

WHEREAS, a Petition has been filed with the City of Carbondale by Brightfields Development LLC requesting that certain property within the zoning jurisdiction of the City of Carbondale be granted a Special Use Permit to allow the development of a solar array in AG, General Agriculture, and GI, General Industrial, districts at the location described hereafter; and,

WHEREAS, a notice of the hearing before the Planning Commission of the City of Carbondale, stating its purpose was published in the *Southern Illinoisan* on the 1st day of September, 2013, being at least fifteen (15) days prior to said hearing; and,

WHEREAS, the administrative official posted a notice on said property and served notice on all the property owners within 500 feet from the portion of the site zoned GI, General Industrial, and 1000 feet from the portion of the site zoned AG, General Agriculture, of said property according to Section 15-6.8.2.D of the Revised Code of the City of Carbondale; and

WHEREAS, the hearing of the Planning Commission of the City of Carbondale was called at 6:00 p.m. on the 18th day of September, 2013, at the City Council Chambers in said City to consider the special use request for said property; and,

WHEREAS, said Planning Commission conducted said hearing pursuant to the notice given and to the laws of the State of Illinois; and

WHEREAS, said Planning Commission thereafter filed with the City Council a report of this hearing disclosing its findings of fact and its recommendation being as follows: to approve PC 14-09, Brightfield Development LLC's request for a Special Use Permit to allow the development of a solar array in the AG, General Agriculture, and a GI, General Industrial, districts with the conditions that must be controlled during the construction project and being that there is no disruption of existing soil; and,

WHEREAS, the City Council of the City of Carbondale has considered the findings of fact filed by the Planning Commission, the record of the Commission's public hearing, the provisions of the zoning ordinance and additional information provided to the City Council, and based thereon finds that the special use should be granted with certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS AS FOLLOWS:

1. That the City Council adopts the findings of fact as filed by the Planning Commission.
2. That the request for a Special Use Permit to allow a Renewable Energy Production in AG, General Agriculture, and GI, General Industrial, districts, at the property shown in Exhibit A attached hereto is approved for the property described below as:

GENERAL DESCRIPTION

1555 North Marion Street

3. That the Special Use granted shall be subject to the following conditions:
 1. That all dust be controlled during the construction project
 2. That there be no disruption to the existing contaminated soil.
 3. That the applicant be given 3 years to begin construction on the solar array to allow the time to receive clearance from the EPA.
4. That this Resolution be spread at length upon the minute records of the City Council of the City of Carbondale, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of Carbondale, Illinois on the 8th day of October, 2013.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Jessica L Sergeev, Planner

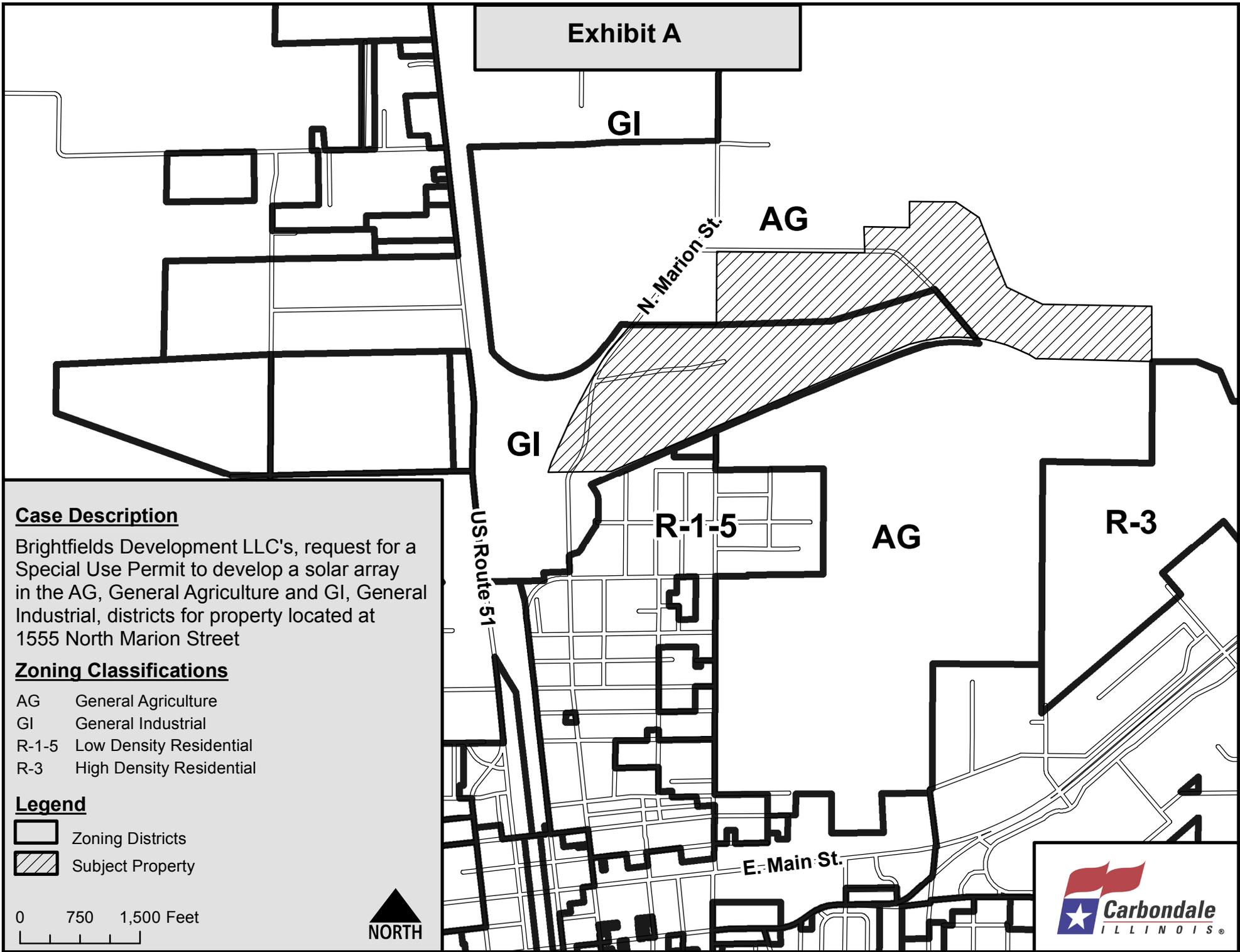


Exhibit A

GI

AG

N. Marion St.

GI

R-1-5

AG

R-3

US Route 51

E. Main St.

Case Description

Brightfields Development LLC's, request for a Special Use Permit to develop a solar array in the AG, General Agriculture and GI, General Industrial, districts for property located at 1555 North Marion Street

Zoning Classifications

- AG General Agriculture
- GI General Industrial
- R-1-5 Low Density Residential
- R-3 High Density Residential

Legend

-  Zoning Districts
-  Subject Property

0 750 1,500 Feet



RESOLUTION NO. 2014-R-___

A RESOLUTION DENYING A SPECIAL USE PERMIT TO ALLOW RENEWABLE ENERGY PRODUCTION IN THE AG, GENERAL AGRICULTURE, AND GI, GENERAL INDUSTRIAL, DISTRICTS.
(1555 North Marion Street)

WHEREAS, a Petition has been filed with the City of Carbondale by Brightfields Development LLC. requesting that certain property within the zoning jurisdiction of the City of Carbondale be granted a Special Use Permit to allow the development of a solar array in the AG, General Agriculture and GI, General Industrial, districts, at the location described hereafter; and,

WHEREAS, a notice of the hearing before the Planning Commission of the City of Carbondale, stating its purpose was published in the *Southern Illinoisan* on the 1st day of September, 2013, being at least fifteen (15) days prior to said hearing; and,

WHEREAS, the administrative official posted a notice on said property and served notice on all the property owners within 500 feet of the portion of the site zoned GI, General Industrial and 1000 of the portion of the property zoned AG, General Agriculture, of said property according to Section 15-6.8.2.D of the Revised Code of the City of Carbondale; and

WHEREAS, the hearing of the Planning Commission of the City of Carbondale was

called at 6:00 p.m. on the 18th day of September, 2013, at the City Council Chambers in said City to consider the special use request for said property; and,

WHEREAS, said Planning Commission conducted said hearing pursuant to the notice given and to the laws of the State of Illinois; and

WHEREAS, said Planning Commission thereafter filed with the City Council a report of this hearing disclosing its findings of fact and its recommendation being as follows: to approve PC 14-09, Brightfields Development LLC.'s request for a Special Use Permit to allow the development of a solar array in the AG, General Agriculture and GI, General Industrial, districts with the conditions that must be controlled during the construction project and being that there is no disruption of existing soil; and,

WHEREAS, the City Council of the City of Carbondale has considered the findings of fact filed by the Planning Commission, the record of the Commission's public hearing, the provisions of the zoning ordinance and additional information provided to the City Council, and based thereon finds that the special use should be denied.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS AS FOLLOWS:

1. That said petition for a Special Use Permit to allow Renewable Energy Production in the AG, General Agriculture, and a GI, General Industrial, districts is denied for the property shown in Exhibit A, attached hereto, and described below as:

GENERAL DESCRIPTION

1555 North Marion Street

2. That the City Council of the City of Carbondale makes the following findings as the basis for denial of said petition:

- a. The proposed Special Use will not permit and encourage an environment of sustained desirability and stability, and that it will not be in harmony with the character of the surrounding neighborhood;
- b. The Special Use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property value within the neighborhood, and;
- c. The establishment of the Special Use will impede the normal and orderly development and improvement of surrounding property for uses permitted in the District.

3. That this Resolution be spread at length upon the minute records of the City Council of the City of Carbondale, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of Carbondale, Illinois on the 8th day of October, 2013.

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Joel Fritzler, Mayor

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APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

LEGAL DESCRIPTION REVIEWED BY:

Jessica L Sergeev, Planner

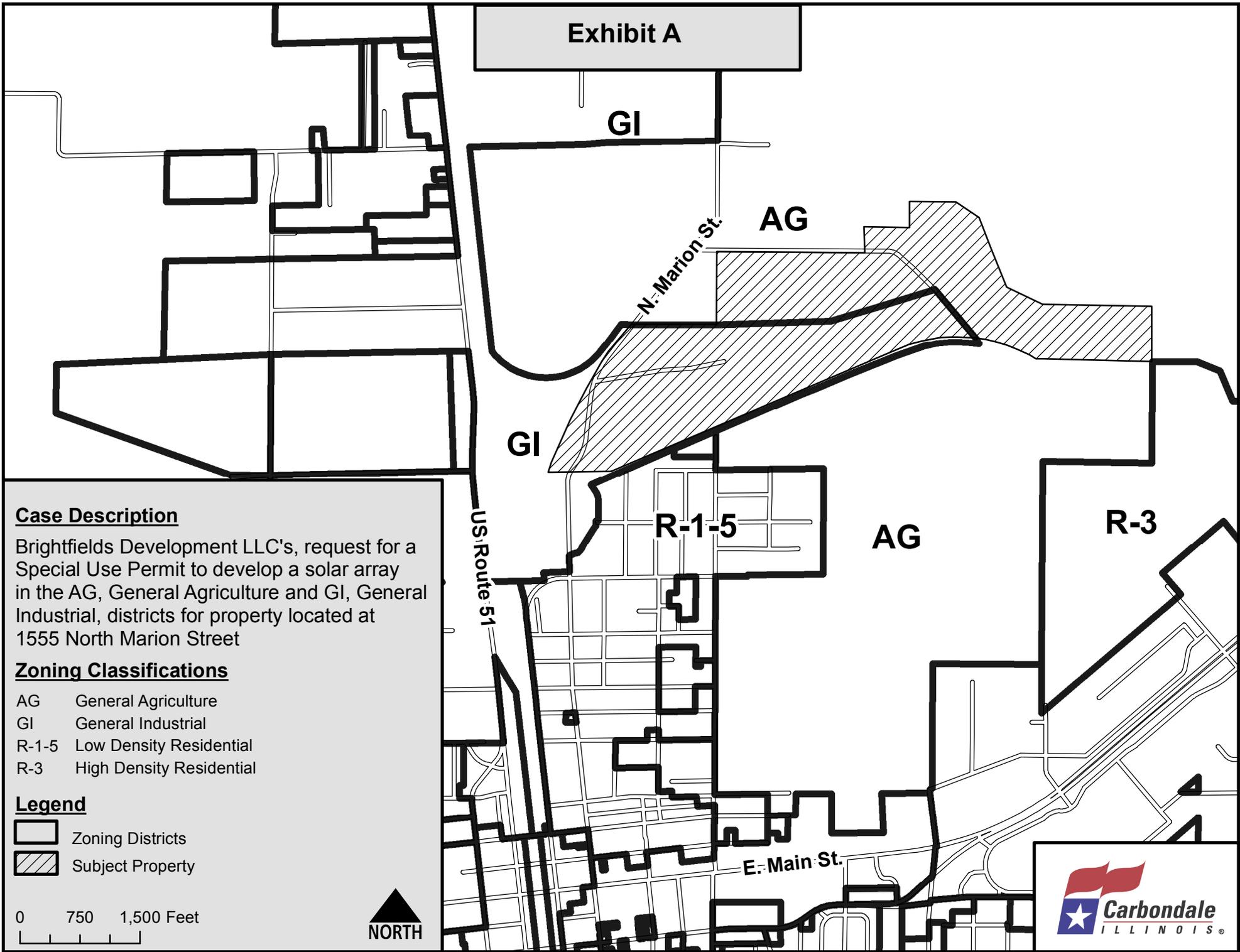


Exhibit A

GI

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N. Marion St.

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R-1-5

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Legend

-  Zoning Districts
-  Subject Property

0 750 1,500 Feet





MINUTES

Carbondale Planning Commission
Wednesday, September 18, 2013
Room 108
City Hall/Civic Center
7:00 p.m.

Mr. Grant called the meeting to order at 6:01 p.m.

Members Present: Anz, Hunsaker, Grant, Kang, McClurg, Lilly (6:03)
Bradshaw (ex-officio)

Members Absent: Barke, Love

Staff Present: Wallace, Taylor, Sergeev

Public Hearings:

B. PC 14-09, Brightfields Development, LLC is requesting a Special Use Permit to develop a solar array in the AG, General Agriculture, and GI, General Industrial, districts, for property located at 1555 North Marion Street.

Mr. Grant declared Public Hearing PC 14-09 open and asked Mr. Wallace to read the legal notice.

Mr. Wallace read the legal notice.

Mr. Grant asked Ms. Sergeev to present the staff report.

Ms. Sergeev, Planner for the City of Carbondale, was sworn in and read parts A and B of the staff report.

Mr. Grant asked if there were any questions for staff from Commissioners.

There were none.

Mr. Grant asked if the applicant was present and would like to speak.

Mr. Michael Singer came forward, was sworn in, and stated that he was speaking on behalf of Brightfields Development. He then offered to answer any questions.

Mr. Grant asked if there were any questions for Mr. Singer from Commissioners.

Mr. Grant asked Mr. Singer if the monitoring of the sanitary landfill on the site will continue to be done by Beazer.

Mr. Singer responded that is correct, that they generally take over responsibility for the operation and maintenance of the solar array, and that the plan submitted thus far is a preliminary one, but that he is 99% certain that there will be development only on the clean and undeveloped portions of the property. He stated that there is potential for them to take over the entire property, but for now the plan is bifurcated.

Mr. Grant asked about the capped soiled areas, and how the development would refrain from disturbing the contaminated area.

Mr. Singer pointed out the area on the visual to show Mr. Grant how the array system sits on top of a bed of stone, so there is no permeation of the soil. He said that the loading on the system is approximately 23.5 or 24 pounds per square foot, so it would be less than him standing out there.

He went on to review the way the system works and explained that they are in the concept stages right now, so some areas may be varied once the clear indication is detailed. He also spoke about tying into the City's bike path on the outer limits. He added that they design to whatever the building code is for wind.

Mr. Kang asked how many of these projects they've done throughout the country.

Mr. Singer responded that they are working on a few sites currently in both the U.S. and Puerto Rico, and reviewed the locations.

Mr. Kang asked how they prevent disturbing the soil.

Mr. Singer responded that they use ground mounts and look at the wind forces.

Ms. Lilly asked how safe the solar is against the chemicals that are already in the ground.

Mr. Singer responded that they have done this on other sites and that there is no concern with the compatibility because there's plenty of barrier out there, then they add even more. He stated that the EPA has looked at it and has no concerns.

Ms. Lilly expressed health concerns at the site, and Mr. Singer explained how the safety measures are taken to assure the safety and security at the site.

Mr. Hunsaker asked about glare impacting the neighborhood to the south.

Mr. Singer responded that the panels are designed to absorb light, so they produce very little glare, and that they intend to maintain a tree buffer as well.

Mr. Grant stated that his understanding that the monitoring of the site and the sanitary landfill will continue for the next two to three decades until the EPA decides it is finished.

Mr. Singer responded that their system should not impact any requirements of the EPA, and that is why they begin the process so early on.

Mr. McClurg asked the distance between the southernmost point to the closest neighborhood.

Mr. Singer responded that he does not have that information at this time, because the project is still in the concept stage.

Mr. Grant asked if there would be any permanent jobs created.

Mr. Singer responded that the operation and maintenance is very minimal, so there may be one to four full time employees at the end, but during construction there will be many jobs for local people in the community.

There was discussion regarding the fencing, signage, and notification that would be used.

Mr. Singer stated that they will comply with whatever the EPA finds necessary.

Mr. Grant asked if there were any further questions for the applicant.

There were none.

Mr. Grant asked if anyone wished to speak in favor.

Mr. Aur Beck came forward and stated that he is on the Sustainability Commission, whose members grilled them for some time, and were supposed to be kept apprised of the situation on the site, but they were not. He said he heard about this evening's hearing through the public, not from the applicant. He added that he helps train people to install this type of system, that John A. Logan College has a program to teach people about this type of system, and that he is in support of this project.

Ms. Mary O'Hara came forward, was sworn in and stated that she is a former Sociology professor at John A. Logan College, and that one of her positions was on the Sustainability Committee. She said she is very excited about this project as an example of something to provide a vision and a sense of possibility for future generations.

Mr. Grant asked if anyone else would like to speak in favor of the application.

There was no one.

Mr. Grant asked if there were any questions for Mr. Beck or Ms. O'Hara

There were none.

Mr. Grant asked if anyone wished to speak in opposition of the application.

Ms. Marilyn Tipton came forward, was sworn in, and stated that she owns property within 250 feet of the site and that she is opposed to the project. She said there is toxic waste in the land and the people in northeast have suffered enough from the creosote, which will be in the air they breathe as the project is constructed. She stated that many people have died from cancers from the creosote and asked that the Commission recommend denial of the permit.

Mr. Rodney Morris came forward, was sworn in and stated he owns property at 521 and 517 East Knight Street. He stated that he is less than 100 feet from the property and can see the fence from his house. He said that the EPA has been calling him for the last two weeks trying to set up a meeting with the people on the northeast side because only a handful of people know what's really going on back there. He said there's got to be something not right for the EPA to be regularly calling him about the hazards going on. He then asked who drew up the map.

Mr. Wallace stated that it was a staff member.

Mr. Morris then asked if his taxes are going to go up.

Mr. Wallace responded that his zoning is not going to change and that his taxes will not change because of a development on the adjacent property.

Ms. Lilly asked if anybody has checked that out.

Mr. Wallace stated that, according to Jackson County, the zoning and adjacent uses do not affect the taxes and certainly will not make them go up.

Mr. Morris stated that he wanted it to be known that he objects to the project at this time.

Mr. Grant asked if the property is higher or about the same level as his house.

Mr. Morris responded that he has a two story house so he is going to see the solar panels anyway. He added that the person from the EPA is named Raphael Gonzalez who is trying to form a committee.

Ms. Elva Liddell came forward, was sworn in and stated that she lives on the northeast side, maybe four blocks from Ms. Tipton. She said that only certain people got certified letters about this, and she got nothing, and her property is just as contaminated as anybody else's.

Mr. Wallace stated that certified letters were sent to all property owners within one thousand feet of the site, so if she lives farther away than that she would not have received one. He then asked her if she would like to send him an email so he could add her to the Neighborhood Notification Program so she would receive notice of all upcoming public hearings.

Ms. Liddell responded that she could do that.

Ms. Iray Tisdale came forward, was sworn in, and asked who mentioned Knight Street. She then asked what the little green section is.

Mr. Singer stated that it is a stock photo, not necessarily applicable to this project.

Ms. Tisdale asked if they only build their systems on contaminated property.

Mr. Singer responded that they work on municipal landfills and ground fill sites almost exclusively, but some noncontaminated spots could have been incorporated at times.

Ms. Tisdale asked if the site is currently still contaminated.

Mr. Singer responded that the property is being further studied by EPA and that the EPA implemented a full closure plan for the property that Beazer went out and did, then EPA came back and said they want to do more studies, so Beazer and EPA are now working together to be sure that the work that has been done is sufficient. He said that the property will continue to be inspected, and that his company is not changing anything.

Mr. Pepper Holder came forward and stated that everyone has jumped the gun by seeking something on land that the EPA is still looking at. He said that he sees no experts on the effects on the environment or on people that this site can produce, and that nothing should be done until that has been done.

Mr. Hunsaker stated that no one and no company can do anything with this property without the approval of the EPA.

Mr. Wallace explained that the company needs to know that they have the approval of the City prior to making any further attempts at progress on the development.

Mr. Holder stated that he is opposed to the special use due to the fact that all things have not been laid on the table and the history has not been dealt with. He added that the contamination of the property was a one and a half mile radius of the site, so all within that radius should have been notified, not just people within one thousand feet. He said that he lived under that contamination and has seen many people die from it, so the EPA should make sure it's approved before the imposition of anyone else's issues upon his community.

Ms. Margaret Nesbitt came forward and stated that she does not live close enough to the area to have received a letter, but how dare she be left out of a community of people that if you touch one, you touch her. She said that they have felt the effect of this particular area over the past fifty or sixty years, and it is unfair for only a few to be notified and not everyone. She said that she expects the committee to take into consideration the ones who have been affected for so many years, and also the children who will be affected. She said that she does not think the work has been done, and asked that the Commissioners think hard before voting to approve this project. She asked what the benefit to the City would be if the project moves forward.

Mr. Grant explained that the City would gain energy from the sun without the burning of

fossil fuels, making cleaner energy available.

Ms. Bradshaw spoke about driving around a project like this in Tennessee recently and that it was very nice, had trails around it, and provided for ecotourism which could work here as well. She said that she understands the horrible history on that land, but this could be a beautiful addition to the neighborhood.

Ms. Nesbitt stated that she needed to put it in writing, and that more people need to be notified.

Mr. Grant again explained about the Neighborhood Notification Program.

Mr. Holder asked if there was any way a petition could be submitted to halt this decision.

There was discussion about the Planning Commission being an advisory body to the City Council, and that a petition could be submitted to them if he so chooses.

Mr. Grant asked if anyone else wished to speak in opposition.

There was no one.

Mr. Grant asked if there were any questions from anyone to anyone.

There were none.

Mr. Grant asked Ms. Sergeev to continue with the staff report.

Ms. Sergeev read parts B and C of the staff report with a recommendation to approve PC 14-09.

Mr. Grant asked if there were any questions of staff from Commissioners.

Mr. Kang asked for a definition of "brownfield."

Mr. Singer responded that generally a brownfield is a term to mean a contaminated site.

Mr. Grant closed the public hearing for PC 14-09 and asked for a motion on the findings of fact.

Mr. Kang moved, seconded by Mr. McClurg, that the Commission accept as findings of fact Parts A and B of the staff report for PC 14-09, that a representative for the applicant was present and spoke, that two people spoke in favor, and five people spoke in opposition.

The motion passed on a unanimous voice vote.

Mr. Hunsaker moved, seconded by Mr. McClurg, to take all seven criteria as one.

Roll Call Vote:

Yes – 5 (Anz, Grant, Hunsaker, McClurg, Kang)

No – 1 (Lilly)

Mr. Kang moved, seconded by Mr. Hunsaker, that all seven criteria meet the requirements for a special use permit.

Roll Call Vote:

Yes – 4 (Grant, Hunsaker, McClurg, Kang)

No – 2 (Anz, Lilly)

Mr. Grant asked for a recommendation to the City Council.

Mr. Kang moved, seconded by Mr. Hunsaker, that the Commission recommend approval of PC 14-09, as stated in the staff report.

Mr. McClurg stated that he was exposed to radiation runoff from a project as he grew up, which is why he still has a tumor in his head to this day, so he does not take this lightly. He stated that he also takes the issue of notification seriously and appreciates people speaking up about this until the Commission finds a way to do it better. He said that he intends to vote yes on the project, explained why, and said that he considers it very safe.

Mr. Kang stated that the Commission does not include a chemist, an engineer, or a physicist, but the EPA does and that is who we must trust in this matter. He added that this is just part of the process of making a recommendation to the City Council, that this is a good investment in the City, and that clean energy must be considered as well.

Mr. Anz stated that he believes sustainability is often an overused word, and that if Carbondale wanted a solar array, there are hundreds of other places they could have put one.

Mr. Grant stated that the remediation on this property has been ongoing for ten to fifteen years, and during his time as a Sustainability Commissioner he saw a monthly report from the EPA to the City regarding the progress of the clean up at the site. He added that he would like to place conditions on this case, one being that the dust is controlled during the construction project, two being that there is no disruption to the existing soil, and three being the continued monitoring of the site water runoff and sanitary landfill by the EPA or someone with the expertise to study the samples. Mr. Grant stated that he would like to see something good come of this land for the future.

Mr. Kang stated that he agrees with the first two, but finds the third to be redundant. He said that he would modify his motion to add the first two conditions, but not the third one.

Mr. Grant agreed, and asked for a roll call vote.

Roll Call Vote:

Yes – 4 (Grant, Hunsaker, McClurg, Kang)

No – 2 (Anz, Lilly)

Mr. Wallace stated that this matter will tentatively be on the City Council agenda of October 8th.

M-E-M-O-R-A-N-D-U-M

TO: The City of Carbondale Planning Commission

FROM: Jessica Sergeev, Planner

RE: PC 14-09 Brightfields Development LLC is requesting a Special Use Permit for renewable energy production at 1555 N. Marion Street

DATE: September 11, 2013

(Planning Commission Public Hearing on Wednesday, September 18, 2013 6:00 p.m.)

PART A. GENERAL INFORMATION

1.

<p><u>Applicant:</u> Brightfields Development LLC 40 Walnut St Ste. 301 Wellesley, MA 02481</p>	<p><u>Owner:</u> Beazer East Inc. c/o Three Rivers Management Manor Oak One Ste. 200 1910 Cochran Rd Pittsburgh, PA 15220</p>
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2.

Requested Action: Brightfields Development LLC is requesting a Special Use Permit to develop a solar array in the AG, General Agriculture, and GI, General Industrial districts, for property located at 1555 North Marion Street. (Please Refer to Exhibit A - Applicant's Brief)

3.

Background: The property is currently owned by Beazer East Inc. Pittsburgh, Pennsylvania. The property was formerly the site of a wood treating facility which operated from 1902 until 1991. Raw wood products were generally delivered to and finished wood products were generally shipped from the site via the adjacent railway. Since the closure of the site, the EPA has declared the site a brownfield. Extensive cleaning

was initiated in 2004 including the placement of surface soil cover, relocation of Glade Creek, and the construction of an interceptor/barrier trench. Following the completion of remedial efforts, monitoring of the site is to continue for a minimum of a 30 year period.

4. Number of Notices Sent to Property Owners within 1,000 feet: Forty three (43) notices were sent to property owners within 1,000 feet of the subject property.
5. Location & size: The subject property is located at 1555 N. Marion and is approximately 233.5+/- acres in total size. (Please refer to Exhibit B - Photographs of Subject Property)
6. Existing Zoning: The western portion of the property is located within city limits and the northern and eastern portions are outside of the City of Carbondale. The subject property is zoned AG, General Agriculture, and GI, General Industrial. Properties to the north, east and south of the subject property are zoned AG, General Agriculture. The adjacent property to the southwest is zoned R-1-5, Low Density Residential. The adjacent property to the west is zoned GI, General Industrial. (Please refer to Exhibit C – Existing Zoning)
7. Existing Land Use: The subject property is currently unoccupied with the exception of ongoing remediation work. The current land use for the adjacent properties to the north, southeast, east and west are agriculture. There are single family residences adjacent to the southwestern portion of the subject property. (Please refer to Exhibit D - Existing Land Use)
8. Comprehensive Plan: The 2010 Comprehensive Plan Land Use Map designates the subject property and the surrounding properties as Agriculture and General Industrial with boundaries touching Neighborhood Conservation/Restoration. (Please refer to Exhibit E - Comprehensive Plan)
9. Zoning History: The subject property was zoned AG, General Agriculture and GI, General Industrial, with the adoption of the 1974 Zoning Ordinance.
10. Applicable Regulations:

15-2.9 AG General Agriculture

15-2.9.1. Statement of Intent

This district is created to provide land for purposes devoted primarily to the production of agricultural products such as field crops, livestock, fowl and other conventional agricultural pursuits. Other limited compatible uses are also permitted. This district is also created to assist in the conservation of the natural resources within the jurisdiction of this ordinance by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and floodwater damages. Utilities other than electricity and telecommunications should be provided by the land user thereby discouraging the uneconomical extension of public water supply and sewage disposal facilities. Uses not related to agriculture are discouraged. When the public interest will be served and only when a contribution will be made to orderly growth, portions of this district may be rezoned for alternative uses.

15-2.25: GI General Industrial District

15-2.25.1 Statement of Intent:

This district is established to provide areas for industrial and/or manufacturing and/or warehouse or storage operations which may require buildings and/or open area for fabricating, processing, repairing, dismantling or disposal of equipment, raw materials, manufactured products or wastes. Land designated for this district should be located in relation to the thoroughfare network of the community, as well as rail and air if required, so as to not disrupt normal traffic flow.

15-6.8 Special Use Review

15-6.8.1 Intent

The special use permit is established to provide for those uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and to provide for those public and quasi-public uses affected with the public interest. Where a use exists on the effective date of this ordinance and it is classified as a special use by this ordinance, it shall be considered to be a lawful special use.

15-6.8.2. Procedures

C. Hearing

1. A special use may be permitted by the City Council only after a public hearing before the Planning Commission. The Planning Commission shall make findings of fact; and if the Planning Commission finds that:
 - (a) The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood;
 - (b) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare;
 - (c) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood;
 - (d) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - (e) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - (f) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - (g) The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Title 15.

2. The Planning Commission shall recommend that the City Council approve the issuance of the zoning certificate for such special use. Otherwise, the Planning Commission shall recommend that the City Council direct the administrative official to deny the application. The findings of fact and the recommendation of the Planning Commission shall be in writing. The City Council decision shall be written to the applicant by the administrative official.

PART B. SPECIAL INFORMATION

1. **Public Utilities:**

Water: There is a six inch (6”) City of Carbondale water line along N. Marion Street. Also, a two inch (2”) City of Carbondale water line is located off N. Marion Street that services an existing fire hydrant on the property.

Sanitary Sewer: The City of Carbondale has an eight inch (8”) sanitary sewer line that runs south of the site along E. Knight St.

Storm Sewer: Storm water runoff is contained via an open ditch system

2. **Public Services:** The southwest section of the subject property is located within the Carbondale City limits and is served by the City of Carbondale Police and Fire Departments. The northeast section of the subject property is located outside of the City of Carbondale and would be served by Carbondale Township for fire protection and the Jackson County Sheriff Department.

3. **Traffic Counts:** The latest Illinois Department of Transportation Traffic Map indicates that North Marion Street has an average traffic count of 450 vehicles per day.

4. **Correspondence Received:** As of the date of this report the staff has received four phone calls requesting general information regarding this request.

PART C. ANALYSIS

Brightfields Development LLC is requesting a Special Use Permit to allow the development of a solar array in an AG, General Agriculture and GI, General Industrial, district. Brightfields and Renova Partners LLC., have been enlisted by the current owner Beazer East Inc. to provide assistance during the remediation and redevelopment process. Brightfields has significant experience working on distinct aspects of the remediation and redevelopment of contaminated properties for use as solar energy generation facilities.

After an assessment, in coordination with Beazer and their engineering team, Brightfields identified the site as an ideal location for development of a solar array. Brightfields has completed preliminary designs and plans to develop a 20 MW array on 73 acres of the site, consisting of approximately 27.5 acres of pole-driven panels and 45.5 acres of ground-mounted panels. (See Exhibit F- Property Map and Array Layout)

The installation of a solar field in a brownfield on the existing site would be in accordance with Focus Area 2.1 Managing Future Growth strategy 1 of the 2010 Comprehensive Plan which states: Actions and Initiatives K.

Redevelop brownfield sites, as appropriate, while being mindful of the possibility of brownfield grants to aid in the environmental remediation and site reuse. The Koppers Tie Plant is one such brownfield that could be a redevelopment site in the future.

The redevelopment of brownfields is further explained in Figure 2.7 Brownfield Redevelopment: The former Koppers Wood Treating site, located in the northeast corner of Carbondale, dates back to 1902 when railroad cross ties, utility poles, and other wood products were treated. Until the plant closed in 1991, wood products were treated with chemical preservatives, including creosote. During the years the plant was operational, handling and storage of chemicals caused spills, resulting in the pollution of soil, ground water, and nearby surface water.

Beazer East Inc. - the current owner of the property - has conducted numerous studies of the site to learn more about the location, amount and type of contamination. As the site and surrounding area is decontaminated, there are potential redevelopment options than can be explored. SOURCE: US EPA

The installation of the solar arrays is a low impact project for the subject property. Once the construction of the solar arrays is complete the anticipated traffic to the site will be one or two workers per month for maintenance and repairs. Therefore the traffic to the site will be minimal and the effect on traffic in the neighborhood will not increase substantially.

The unique opportunity of having a solar field in Carbondale would also allow for educational opportunities. Although the area with the solar panels would have restricted access for the public's safety, the preliminary plan includes a solar project educational kiosk. In addition to the production of renewable energy, the construction of a bike path will provide opportunity to improve public health and link two existing and future bike paths.

The following are staff's responses to the seven criteria for granting a special use (Section 15-2H-2:C):

1. *The proposed special use will permit and encourage an environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood.*

The prior use of the property was of a commercial nature which is the general character of the proposed project. In contrast to the previous industry the solar array project would have little impact on the site itself once the panels are installed. The proposed use would encourage an environment of sustained desirability and would be in harmony with the character of the surrounding neighborhood.

2. *The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.*

The establishment of the special use should not be detrimental to or endanger the public health, safety, or general welfare.

3. *The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property value within the neighborhood.*

The prior use of the land as the Kooper Wood Treatment Plant has resulted in lingering environmental contamination concerns for the area. The installation of the solar array would require additional approval from the EPA. Prior to the approval from the EPA the site will continue to be remediated, which will improve the current conditions for the neighboring properties. Therefore, the special use will not be injurious to the use and enjoyment of other properties in the immediate vicinity nor diminish and impair property value within the neighborhood.

4. *The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The proposed Special Use Permit will not impede the normal and orderly development of surrounding property for uses permitted in the AG district or GI district.

5. *Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

Adequate utilities, access roads and other facilities are in place to accommodate proposed use.

6. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Adequate ingress and egress is provided off of N. Marion Street. Anticipated traffic once constructed is completed will be one or two workers approximately once a month for maintenance and repair, therefore has no significant impact on traffic in the area.

7. *The special use will be located in a district where such use may be permitted, and shall conform to all requirements of this Chapter.*

The AG and GI districts allow for renewable energy production as a special use.

PART D. RECOMMENDATION

Based on the above analysis, staff recommends approval of PC 14-09.

Exhibit A

Applicant's Brief

Beazer East, Inc. (“Beazer”) owns a property in Carbondale (the “Site”) which consists of eleven contiguous parcels, formerly known as the Koppers Wood Treating Plant. Beazer enlisted the help of Brightfields Development LLC (“Brightfields”) and Renova Partners LLC (“Renova”), independent companies under common ownership, to provide assistance during the remediation and redevelopment process. More information on the companies can be found at www.brightfieldsllc.com and at www.renovapartners.com, respectively. Collectively, they shall be referred to as “Brightfields” in this document. The companies have significant experience working on distinct aspects of the remediation and redevelopment of contaminated properties for use as solar energy generating facilities. Generally, Renova acts as the property owner responsible for the remediation and environmental liability management while Brightfields serves as the energy developer and operator.

After thorough assessment in coordination with Beazer and their engineering team, Brightfields identified the Site as an ideal location for development of a solar array. Brightfields has completed preliminary designs and plans to develop a 20 MW array on 73 acres of the site, consisting of approximately 27.5 acres of pole-driven panels and 45.5 acres of ground-mounted panels (the “Project”). The Site is currently zoned a combination of General Industrial and General Agriculture, which both allow the development of solar arrays. However, we have determined that a Special Use Request is required for the Site.

Exhibit B: Photographs of Subject Property



PC 14-09, Looking East from N. Marion Street to 1555 N. Marion Street



PC 14-09, Looking West from 1555 N. Marion Street to N. Marion Street

Exhibit B: Photographs of Subject Property



PC 14-09, Looking East view of 1555 N. Marion Street



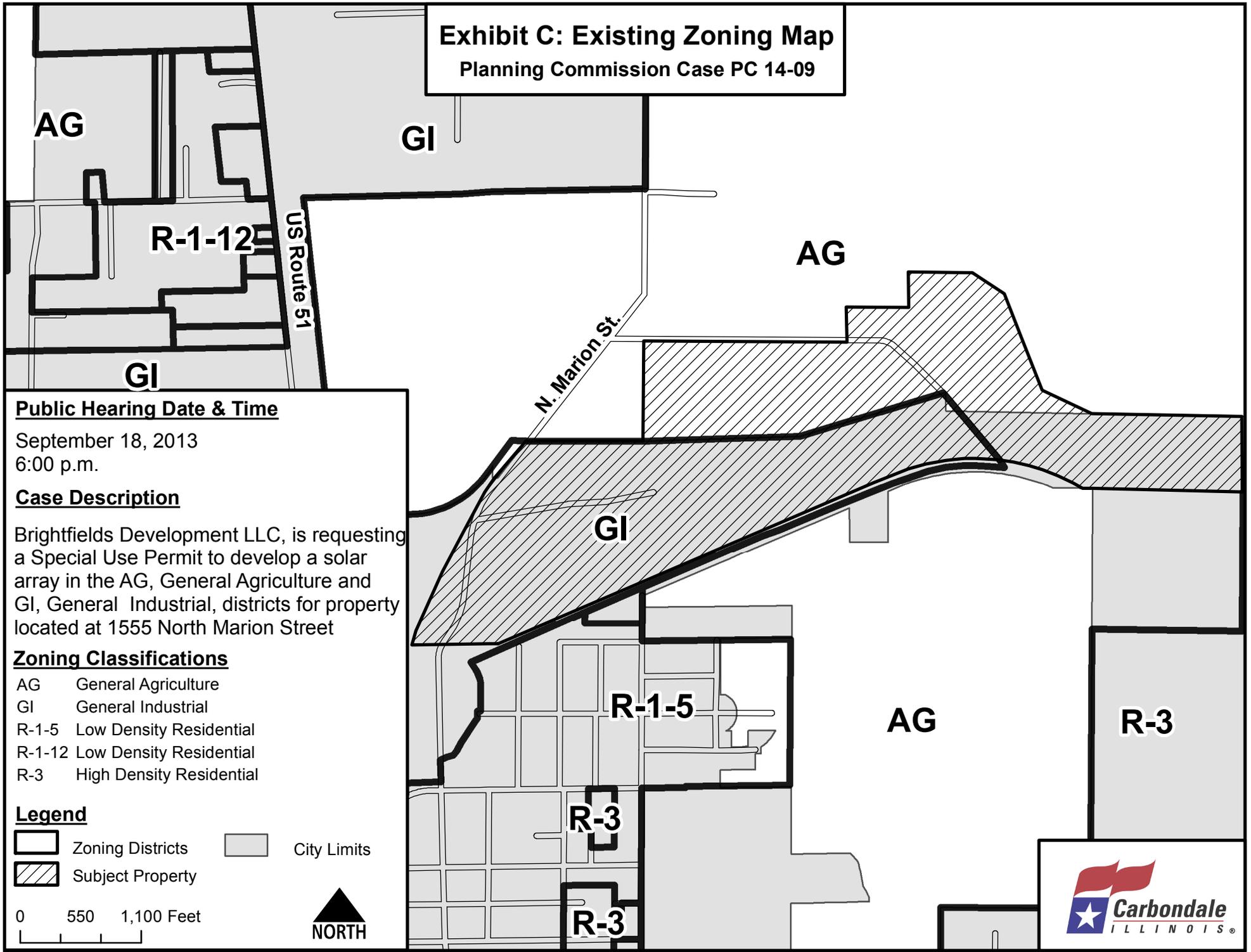
PC 14-09, Looking North 1555 N. Marion Street Existing Structures

Exhibit B: Photographs of Subject Property



PC 14-09, Looking South East view of 1555 N. Marion

Exhibit C: Existing Zoning Map
 Planning Commission Case PC 14-09



Public Hearing Date & Time

September 18, 2013
 6:00 p.m.

Case Description

Brightfields Development LLC, is requesting a Special Use Permit to develop a solar array in the AG, General Agriculture and GI, General Industrial, districts for property located at 1555 North Marion Street

Zoning Classifications

- AG General Agriculture
- GI General Industrial
- R-1-5 Low Density Residential
- R-1-12 Low Density Residential
- R-3 High Density Residential

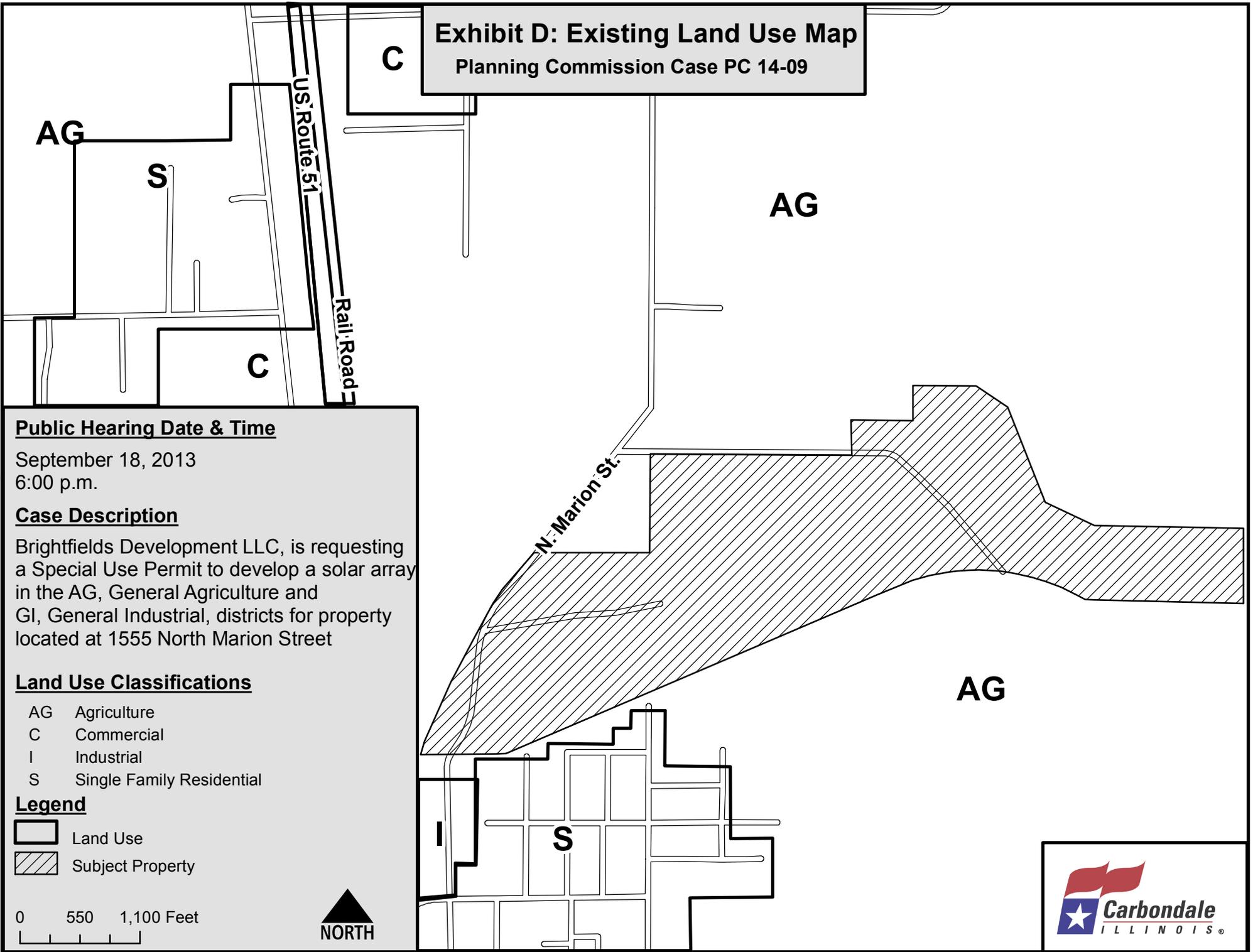
Legend

- Zoning Districts
- City Limits
- Subject Property

0 550 1,100 Feet



Exhibit D: Existing Land Use Map
Planning Commission Case PC 14-09



Public Hearing Date & Time

September 18, 2013
6:00 p.m.

Case Description

Brightfields Development LLC, is requesting a Special Use Permit to develop a solar array in the AG, General Agriculture and GI, General Industrial, districts for property located at 1555 North Marion Street

Land Use Classifications

- AG Agriculture
- C Commercial
- I Industrial
- S Single Family Residential

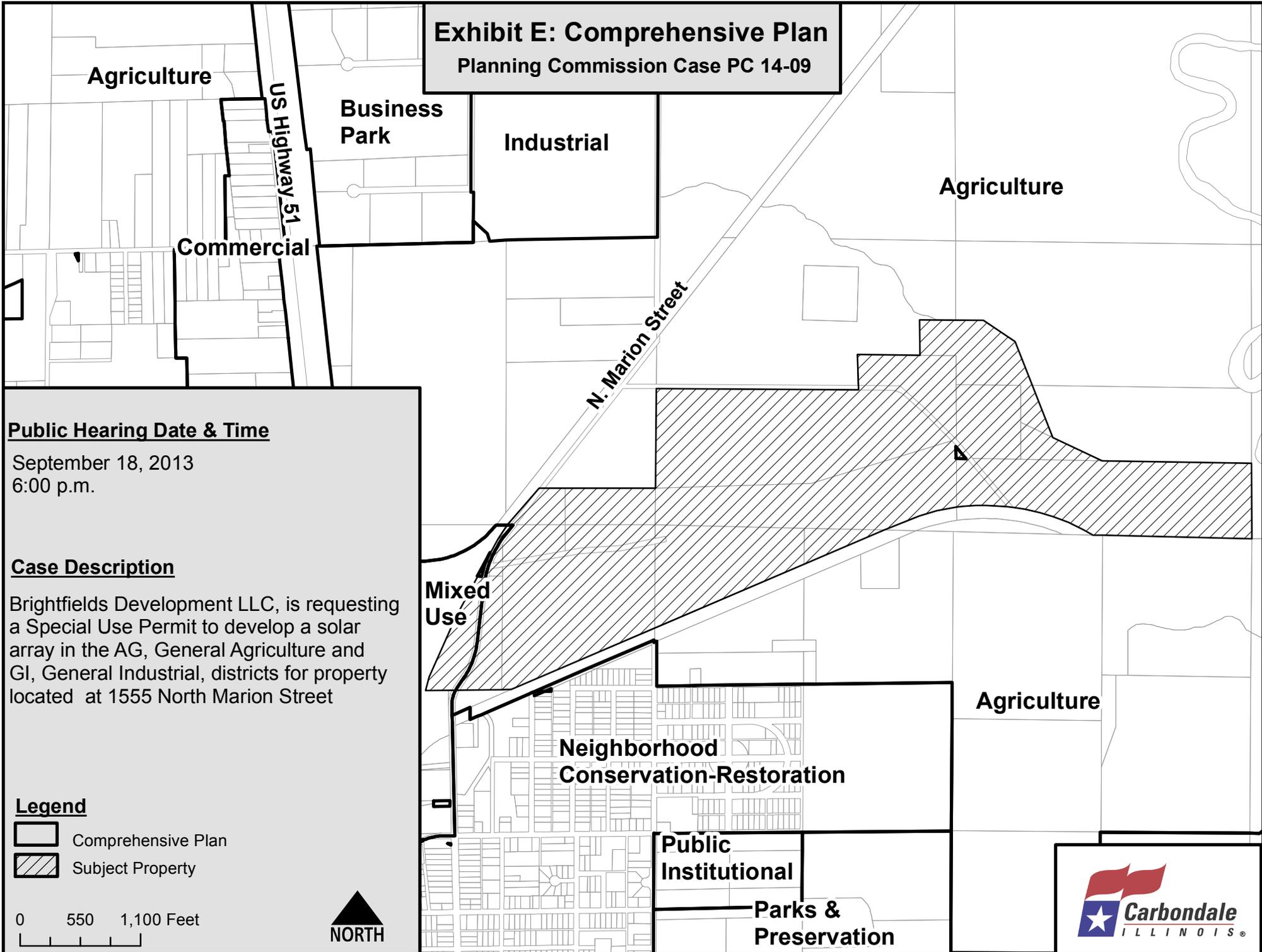
Legend

-  Land Use
-  Subject Property

0 550 1,100 Feet



Exhibit E: Comprehensive Plan
Planning Commission Case PC 14-09



Public Hearing Date & Time

September 18, 2013
6:00 p.m.

Case Description

Brightfields Development LLC, is requesting a Special Use Permit to develop a solar array in the AG, General Agriculture and GI, General Industrial, districts for property located at 1555 North Marion Street

Legend

- Comprehensive Plan
- Subject Property

0 550 1,100 Feet



Exhibit F

LEGEND

- PROPERTY BOUNDARY & SOLAR CONTROLLED AREA
- CAMU AND SUPPORT AREA (BEAZER)
- EDUCATIONAL KIOSK
- PARKING LOT (20 SPACES)
- CONSERVATION EASEMENT (HELD BY CITY)
- PROPOSED BIKE TRAIL AND GREENEARTH ACCESS
- FORMER PROCESS AREA SURFACE COVER

PRELIMINARY SYSTEM SIZE

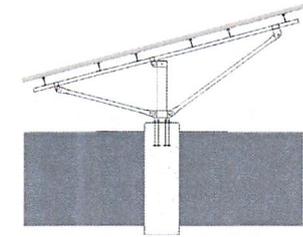
27.5 ACRES DRIVEN PILES
 45.5 ACRES GROUND MOUNT
 TOTAL: 73 ACRES
 24.0 MWDC

KEY

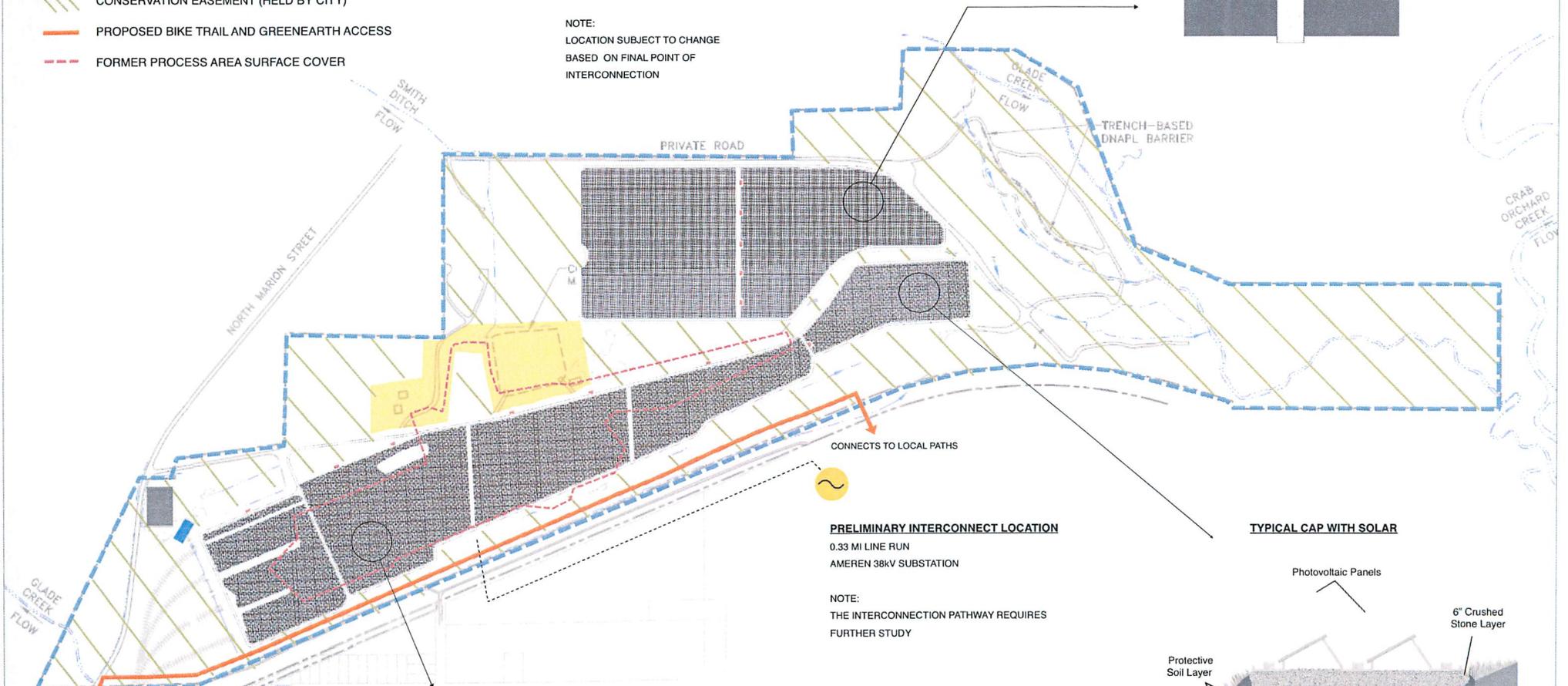
- APPROX. LOCATION OF EQUIPMENT PAD INVERTER / TRANSFORMER

NOTE:
 LOCATION SUBJECT TO CHANGE
 BASED ON FINAL POINT OF
 INTERCONNECTION

POLE MOUNT RACKING DETAIL



180 DEG.



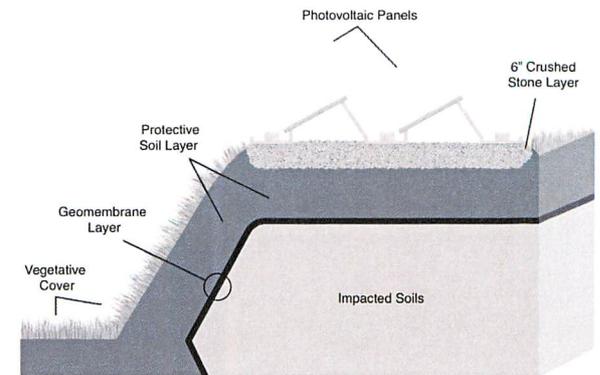
CONNECTS TO LOCAL PATHS

PRELIMINARY INTERCONNECT LOCATION

0.33 MI LINE RUN
 AMEREN 38kV SUBSTATION

NOTE:
 THE INTERCONNECTION PATHWAY REQUIRES
 FURTHER STUDY

TYPICAL CAP WITH SOLAR



SOLSTICE® GRAPHIC SCHEMATIC



NOTE:
 EACH BLOCK INCLUDES ONE 245W, 60
 CELL PANEL AND INDIVIDUAL BALLASTED
 MOUNTING. PANELS ARE ATTACHED WITH
 T CLIPS AND CONNECTED BOTH EAST-
 WEST (PANEL TO PANEL) AND NORTH-
 SOUTH (RACK TO RACK).

ZONE	A	REV	DESCRIPTION	REVISIONS	11-26-2012	NC	DWG BY	APV BY
			PRELIMINARY PV ARRAY LAYOUT, NOT FOR CONSTRUCTION					

BEAZER EAST CARBONDALE

1555 NORTH MARION STREET
 CARBONDALE, ILLINOIS 62901

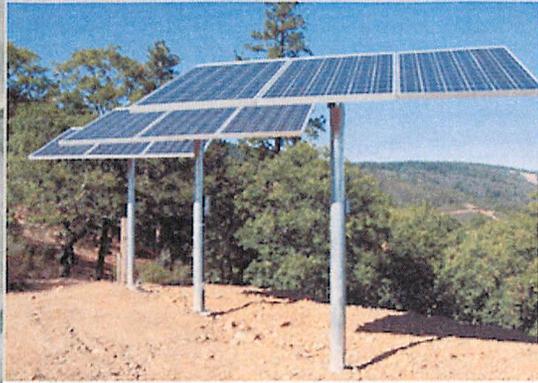


40 WALNUT STREET, SUITE 301
 WELLSLEY, MA 02481
 781-489-5229
 INFO@BRIGHTFIELDSLLC.COM

PROPERTY MAP & ARRAY LAYOUT

SOLSTICE® GROUND MOUNTED ARRAY
 SHEET 1 OF 1

Exhibit F



Typical Pole Mounted Racking for Use in Borrow Pit



Solar Project Education Kiosk



Low Impact Mounting for Capped Areas



Community Bike Trail



Carbondale, IL
20MW (ac) Solar Project

Green Earth, Inc.

P.O. BOX 441
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www.greenearthinc.org

EXECUTIVE DIRECTOR
STEPHANIE EICHHOLZ
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(618) 201-3774

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October 2, 2013

Dear Mayor Joel Fritzler and City Council Members,

Green Earth, Inc., wishes to put on record that it supports the Special Use Permit requested by Brightfields Development LLC to develop a solar array in the AG, General Agriculture, and GI, General Industrial districts for property located at 1555 North Marion Street. In doing so, Green Earth, Inc., is supporting the recommendations of the Planning Commission in this matter.

Green Earth, Inc., is a 501(c)3 non-for-profit land conservation organization that owns and maintains over 220 acres of natural areas open to the public in Carbondale. We support the development of the solar array because it is an environmentally sustainable use of the land. The subject property is currently unoccupied but has been undergoing environmental remediation to remove and contain environmental pollutants from its previous use as the former Koppers Wood Treating site.

Our particular interest in this project is that we have been in talks with Beazer East Inc., the current owners of the land, and Brightfields Development LLC for some time now about the future development of the site. We specifically hope that as the land is developed, that Green Earth will be granted access to the northern end of Pyles Fork Nature Preserve, one of our properties.

Thank you for your consideration.
Sincerely,


David Gibson
President, Green Earth, Inc.
On behalf of the Board of Directors

cc: Kevin Baity, City Manager
Chris Wallace, Development Services Director