

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 23, 2018**

SUMMARY

A request by Cypress Creek Renewables, LLC (agent) on behalf of Dunlop Development, LLC (owner), seeking to rezone a 93.85-acre property located on the south side of I-70 Drive SE, approximately 2000 feet east of St. Charles Road. The property is currently zoned A (Agriculture District) and the applicant is requesting approval of PD (Planned District) zoning and a development plan, to allow installation of a privately owned and operated 10MW solar energy facility. **(Case 18-115)**

DISCUSSION

The applicant is seeking to rezone a 93.85 acre portion of a larger 140 acre property located on the south side of I-70 Drive SE, from A (Agriculture District) to PD (Planned District). The applicant wishes to construct a privately owned and operated 10 MW solar energy facility on the 93.85 acres, which they are leasing from Dunlop Development, LLC. Pursuant to the requirements of the UDC relating to PD zoning district designation the applicant has submitted a PD Development Plan illustrating the improvement of the property for its intended usage. The Development Plan will serve as the site's preliminary plat.

Associated with the request and in accordance with the provisions of Section 29-6.4(n)(2)(iii)(C) the applicant is seeking a design adjustment from provisions of Section 29-4.4 (Landscaping, Screening, and Tree Preservation) which is described in greater detail below. Additionally, the submitted Statement of Intent seeks to have the parking standards of Section 29-4.3 (Parking) waived for the site.

This application is the culmination of an RFP process administered by the City's Utilities Department to obtain qualified bids from renewable energy providers that could assist the City in meeting its renewable energy targets. After being awarded the contract to provide services to the City, the applicant and City entered into a power purchase agreement relating to the sale of power generated from the facility to the City of Columbia. Power generated from the facility would be fed back into the City's electric distribution system through an interconnection point on the west side of the property that would require extension of two feeder lines from the City's current electric grid. Separate public information meetings, to be held following the outcome of this request, will be conducted by the City's Utilities Department to establish the feeder line extension corridors.

Prior to submission of this application, the City's Legal Department determined the applicant was not providing a service that met the definition of either a "Public Utility Service, Minor" or a "Public Utility Service, Major". These defined uses were concluded to apply only to regulated public utility providers. Since the applicant is a private utility company they were informed that the proposed solar farm would require industrial zoning. After discussion with the applicant regarding the potential challenges to obtaining approval of such a request they chose to the current application seeking approval of PD zoning.

Land Use Considerations -

Columbia Imagined identifies the property as lying within the Neighborhood District, with Open Space/Greenbelt designation along the stream corridor. The Neighborhood District is intended to allow for a variety of residential uses as well as some non-residential uses that provide services to neighborhood residents. The proposed solar farm is considered a light industrial use and would be viewed as being inconsistent with Comprehensive Plan's designation of this property. However, given the low-impact nature of the solar farm use, staff believes the proposed planned development is appropriate. Planned developments pursuant to Section 29-2.2(4) of the UDC are intended to, in part, "allow for a mixture of residential and non-residential uses located in proximity to each other when any potential adverse impacts have been minimized, mitigated, screened or buffered".

Adjacent uses to the 93.85 acres to be improved include a developed residential neighborhood to the southwest and undeveloped properties to the east, south and northwest. The remainder of the Dunlop property (46.15 acres) lies to the east of the subject site, and is zoned A (Agriculture District). The parcel to the south lies outside the City and is Boone County split-zoned with R-S (Residential Single-Family) west of the creek and A (Agriculture) east of the creek. The R-S portion of this property is adjacent to the proposed 93.85 acres to be leased and improved with the solar farm.

Land to the northwest of the 93.85 acres to be improved remains undeveloped, however; the Bull Run Drive area is zoned M-C (Mixed-Use Corridor) and extends north to I-70 Drive Southeast. South of Bull Run Drive there is a tract of PD zoning which is commercial in nature. The residentially developed Eastport Village subdivision lies immediately southwest of the 93.85 acres to be improved and includes both one and two-family homes.

As indicated, the proposed solar farm requires industrial zoning to permit its construction; however, approval of such a land use change would permit a number of odious uses incompatible with surrounding development and infrastructure capacity. A PD district is the only zoning classification in which conditions on future land use can be established. As such, staff believes the use of a planned district in this instance is appropriate and beneficial to neighboring property owners. Furthermore, approval of the attached Statement of Intent, Design Parameters, and Development Plan will facilitate accomplishment of broader environmental management goals and objectives of the Comprehensive Plan as well as assist the City in meeting its sustainable energy targets.

The attached Statement of Intent, Design Parameters, and Development Plan provide specific limitations on the development of the subject 93.85 acres. The Statement of Intent and Design Parameters provide limits on the usage of the site to the proposed solar farm, single and two-family, and multi-family uses. These documents provide further guidance on setbacks, structure height, percentage of the site landscaped or retain in existing vegetation, signage, parking, and site amenities.

The Design Parameters limit the development of the solar farm to a maximum of 48,000 solar panels on approximately 57 acres of the site at a maximum height of 12-feet above the ground. The Design Parameters further state that there will be no light poles on the site and that signage on the property would be limited to a maximum of 64 square feet and a height of 12-feet. Signage may include one wall sign and one freestanding sign.

The Statement of Intent does not provide a maximum residential density should the site be redeveloped at some point in the future. It should be noted that if redevelopment were proposed, such conversion of the land use, due to the Development Plan showing only the solar farm, would be deemed a “major” PD revision and the public hearing process would need to be repeated. Residential densities could be established as part of the major plan change.

Also, per the Statement of Intent the applicant is seeking waiver of the parking requirement for an industrial use. The applicant has stated that this waiver is justified based on the low volume of activity the site will receive annually. Staff has reviewed the parking requirements and finds that the parking required for industrial uses is based on the GFA of building area. Given there are no enclosed buildings on the site and that access drives are shown on the Development Plan staff believes there is sufficient on-site parking to meet future demands. It is supportive of the waiver.

The attached Development Plan, dated August 17, 2018, shows the entire Dunlop property (approximately 140 acres) for contextual purposes. Actual Development Plan criteria has been required for only that portion of the overall tract that is sought to be rezoned to PD which is the western 93.85 acres – generally located west of the creek on the property. The area of the Development Plan to be zoned PD would also serve as the site’s preliminary plat.

Pursuant to the PD district and preliminary platting requirements of the UDC, the submitted Development Plan includes sheets dealing with existing zoning, site improvements and future structure placement, conceptual stormwater, landscaping and screening, and site structure details. Also attached to this report is the required tree preservation plan that identifies the 25% climax forest to be preserved as well as significant tree preservation that are required as part of the preliminary platting standards. Staff review of the submitted Development Plan and tree preservation documents finds that they meet the requirements of UDC with the exception of the following design adjustment.

Landscaping and Screening

Planned district applications may include variations in any development or form standard that would typically be required of the developer. As such, Cypress Creek is seeking relief from Section 29-4.4 (Landscaping, Screening, and Tree Preservation) of the Unified Development Code, in regards to buffering between properties and street trees. Section 29-4.4(e) requires industrial uses to be screened from all other uses (besides another industrial use) by a 10-foot wide landscape buffer with an 8-foot tall screening device. This is the highest level of screening required by the UDC, known as Level 3. This section further provides design standards for such screening; stating that the screening device, or fence, should be installed on the adjoining property line and the landscape buffer shall be installed on the applicant’s side of the screening device.

As an alternative design, the applicant has provided an 8-foot tall privacy fence, placed at the 25-foot building setback line along the western property boundary. This location will allow for greater horizontal separation between the solar farm and neighboring residences, in an effort to mitigate both visual and audible impacts. The provision of right-of-way for a future major collector roadway in this location adds to the separation as well. The screening device along the southern property boundary is set back roughly 75 feet. This allows for preservation of the existing trees along the southern property line, which act as a vegetative buffer for the R-S property to the south.

Street trees are typically required along all roadway frontages at 40-foot intervals. The subject parcel fronts nearly 2600 feet of I-70 Drive Southeast. This frontage would require a total of 65 trees based upon the required spacing. The applicant has indicated that initial contract negotiations with the City regarding the purchase of power agreement, did not provide for this expense.

Additionally, the newly-created road right-of-way along the western property boundary (2300 feet) would require installation of 58 trees. However, it should be noted that upon further staff evaluation street tree installation is typically considered a part of an overall roadway project and thus delayed until after roadway construction is complete to limit potential damage to trees during the construction process. As such, roadway construction in this right-of-way as well as future street tree installation will be the responsibility of the City.

Staff agrees with the applicant's contention that the proposed solar farm is a uniquely low-impact use given its industrial nature, and therefore also agrees that the screening and buffering requirements of the code were likely considered in terms of much more obnoxious uses. The applicants have offered an alternative to the screening and buffering requirements that utilizes existing trees and moves their solar farm functions away from neighboring properties which limits view shed impacts as well as any audible noise pollution that may be produced from the site.

Staff has reviewed the proposed PD development plan and finds it meets all technical requirements of the PD District and the Unified Development Code, with the exception of the requested design adjustments for parking and screening and landscaping.

RECOMMENDATION

Approval of the requested rezoning and accompanying development plan.

ATTACHMENTS

- Locator maps
- PD Plan, dated 8/17/18
- Tree Preservation Plan
- Tree Preservation Appendix
- Statement of Intent
- Design Parameters
- Screening Justification Letter
- Public Comments

HISTORY

Annexation date	2001
Zoning District	A (Agriculture District)
Land Use Plan designation	Neighborhood District, Open Space/Greenbelt
Previous Subdivision/Legal Lot Status	Not a legal lot, plat required prior to development

SITE CHARACTERISTICS

Area (acres)	93.85 acres
Topography	Sloping generally to the SE, into creek
Vegetation/Landscaping	Native grasses, wooded along drainage channels
Watershed/Drainage	Perche Creek (North Fork Grindstone Creek)
Existing structures	Existing barn, to be removed

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

I-70 Drive Southeast	
Location	Along northern edge of property
Major Roadway Plan	Major Collector
CIP projects	N/A
Sidewalk	Required

PARKS & RECREATION

Neighborhood Parks	750' North of Eastport Park
Trails Plan	North Fork Grindstone Trail, proposed along W side of Creek
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on July 31, 2018. 11 postcards were sent.

Public information meeting recap	Number of attendees: 7 (5 neighbors, 2 applicants) Comments/concerns: Land use, stormwater, buffers, trail access
Notified neighborhood association(s)	Eastport Village HOA
Correspondence received	One letter attached to staff report

Report prepared by Rusty Palmer

Approved by Patrick Zenner