



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 17, 2018

Re: Truman Solar Farm – Rezoning & Development Plan (Case #18-115)

## Executive Summary

Approval of this request would result in the rezoning of a 93.85-acre parcel, located on the south side of I-70 Drive Southeast approximately 2000 feet east of St. Charles Road, from A (Agriculture District) to PD (Planned District) and approval of a PD Plan to be known as “Truman Solar PD Plan.”

## Discussion

The applicant, Cypress Creek Renewables, LLC (agent), on behalf of Dunlop Development, LLC (owner), 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) and obtain approval of a PD Plan entitled “Truman Solar PD Plan”. The applicant wishes to construct a privately owned and operated 10 Megawatt solar energy facility on the subject parcel which they are leasing from Dunlop Development, LLC. 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 design adjustments from provisions of Section 29-4.4 (Landscaping, Screening, and Tree Preservation) which are 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.

The requested rezoning has been precipitated by the applicant being awarded a renewable energy contract administered by the City’s Utilities Department. Associated with the renewable energy contract is a previously approved “Power Purchase Agreement” between the applicant and the City in which the City has agreed to purchase power generated from the solar facility for distribution into the city’s power grid. Distribution of the power generated from the facility will feed back into the City’s power grid via two feeder line extensions that will connect along the western boundary of the subject site. Separate public hearings on the final location of the feeder line corridors will be held at a later date.

Upon being awarded the services contract, the applicant identified the subject site as a viable location and began to pursue zoning entitlement to construction the 10 MW facilities. Following consultation with City staff and review of the UDC’s Permitted Use Table, it was concluded that the proposed use did not meet the definition of either a “Public Utility Service, Minor” or a “Public Utility Service, Major”, but rather was considered to be a private utility provider. Such uses are permitted only upon industrially (IG) zoned land. After weighing the challenges associated with rezoning the subject property to “open” IG, the applicant choose to seek the PD zoning request with a site specific development plan.



## **Land Use Considerations:**

The subject property upon which the solar facility is proposed to be constructed is surrounded by a mixture of agricultural, residential, and commercial zoning located within and outside the City of Columbia. Property to the south is County split-zoned R-S (Single-family) and A (Agriculture). To the southwest is existing Eastport Village which is improved with one and two-family dwellings. To the west and northwest is developed and undeveloped property zoned M-C (Mixed-use Corridor) and a commercial PD (Planned District). The balance of the Dunlap property (46.15 acres) located east of the subject site is to remain zoned A (Agriculture).

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 use is not consistent with these objectives; however, given the low-impact nature of the solar farm use, staff believes the proposed planned development is appropriate. Planned developments allow for a mixture of residential and non-residential uses located in proximity to one another when any potential adverse impacts have been minimized, mitigated, screened or buffered.

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.

## **Statement of Intent, Design Parameters, and Development Plan considerations:**

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. While the Statement of Intent does not specify maximum multi-family densities, due to the Development Plan showing only the solar farm any changes to that plan would be deemed a "major" PD revision and require a new public hearing be held to modify the plan and its uses. At such time, the densities for multi-family development could be established.

The Design Parameters limit the development of the solar farm to a maximum of 48,000 solar panels on approximately 57 acres at a maximum height of 12-feet above the ground. The Design Parameters further state no light poles will exist upon the site and signage (wall or freestanding) will be limited to 64 square feet and a height of 12-feet.

As part of the PD Plan approval process, the applicant is seeking waiver of the parking requirements for an industrial use. The applicant states this waiver is justified based on the low volume of activity the site will receive annually. Given there are no enclosed buildings on the site (the basis by which parking demands is calculated) and that access drives are



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shown on the development plan to accommodate potential traffic and parking needs, staff believes there is sufficient on-site parking and is supportive of the waiver.

Additionally, the applicant is seeking design adjustments from Section 29-4.4 (Landscaping, Screening, and Tree Preservation) of the UDC specifically regarding buffering between properties and required installation of street trees. Section 29-4.4(e) requires industrial uses to be screened from all other uses (except industrial uses) by a 10-foot wide landscape buffer with an 8-foot tall screening device. 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 to these requirements, 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. The provision of a 66-foot wide 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 from the property line. This allows for preservation of the existing trees along the southern property line, which acts as a vegetative buffer for the R-S property to the south. Staff is supportive of these design adjustments as they preserve existing vegetation and move the impacts of the solar facility further from adjoining development.

Additionally, the applicant is seeking waiver of the requirement that street trees be installed along all roadway frontages at 40-foot intervals. The subject parcel has nearly 2600 feet of I-70 Drive Southeast frontage and will have approximately 2300 feet of roadway frontage along the future major collector street on its western boundary. A total of 65 trees would be required along I-70 Drive Southeast and 58 trees would be required along the future roadway. Staff does not find that the applicant has provided sufficient justification for the design modification along I-70 Drive Southeast and recommends denial of that requested modification.

As for the design adjustment relating to the future major collector on the western boundary, following consultation with the City's Traffic Engineers, it was concluded that the required 58 street trees and other public infrastructure improvements (i.e. sidewalks) would be installed at such time as the roadway is constructed. Given this information, staff is supportive of the requested modification. The applicant, as part of a final platting action, will be required to dedicate the right-of-way for the future major collector street which is viewed as a significant contribution. Installation of street trees at this time would potentially result in their removal when the future roadway is constructed.

It should be noted that 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 - the western 93.85 acres generally located west of the creek on



the property. Staff review of the submitted Development Plans finds that they meet the requirements of UDC with the exception of the aforementioned design adjustments.

The Planning and Zoning Commission considered the proposed rezoning and development plan approval at their August 23, 2018 meeting. Following the staff and applicant presentations, the Commission's discussion centered on the requested design adjustments from landscaping, screening, and street trees. Commissioners also inquired about future changes to the solar farm, as new technologies become available or a wholesale change of use. Staff noted that a change of use or an increase in the number of solar panels beyond that stated in the Design Parameters would require new approval from both the Planning and Zoning Commission and Council. One member of the public spoke regarding concerns about storm water implications downstream and asked that the Commission deny the requested design adjustments.

Following additional discussion, the Planning and Zoning Commission voted (7-0) in favor of the rezoning and approval of the "Truman Solar PD Plan." The requested design adjustments waiving landscaping and screening requirements were also approved, with the exception of the request for waiver from street tree installation along I-70 Drive Southeast.

It should be noted that page 5 of the PD Plan has been revised since the Planning Commission's August 23, 2018 meeting. The revision to page 5 was to show the required street trees along the parcel's I-70 Drive Southeast frontage in response to the Commission's denial of the requested waiver. PD Plan page 5 is now dated September 6, 2018 – all other PD Plan pages remain unchanged and are dated August 17, 2018.

A copy of the Planning Commission staff report, locator maps, Statement of Intent, Design Parameters, PD Plan, tree preservation plan, tree preservation plan appendix, screening justification, public correspondence, and meeting excerpts are attached.

## Fiscal Impact

**Short-Term Impact:** None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the applicant.

**Long-Term Impact:** Long-term impacts would be incurred as part of fulfilling the obligations of the "Power Purchase Agreement" between the applicant and City. Additional long-term impacts may include construction costs associated with the future improvement of the major collector street along the western boundary of the subject property.



## Vision & Strategic Plan Impact

### Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Infrastructure, Tertiary Impact: Environmental Management

## Legislative History

Date	Action
2/5/2018	Authorizing a small generator interconnection agreement with Truman Solar, LLC. (Ord. No. 023474)
2/5/2018	Authorizing a solar project power purchase agreement with Truman Solar, LLC. (Ord. No. 023473)

## Suggested Council Action

Approve the "Truman Solar PD Plan", as recommended by the Planning and Zoning Commission.