

Sol America Rezoning
Analysis
August 6, 2021

Staff does not oppose a solar panel array on the subject property. The question is how to achieve this use consistent with the ULDC.

A solar panel array is allowed in the IS zone. This zone specifically allows “private facilities for...energy generation...which may require environmental permits.” ULDC 2.01.05(D). A solar panel array is a facility for energy generation. Our research shows solar panel arrays may require an environmental permit. This section of the ULDC fits hand in glove with a solar panel array. It is not gray.

The proper process for a rezoning of the owner’s property to allow a solar panel array is for the owner to plat the portion of its property on which it wants to construct a solar panel array and to apply for a rezoning of that portion of the property to IS. This could be subject to a condition that the only allowed use would be a solar panel array. It could also be subject to buffer requirements.

If the owner would withdraw its current application and submit an application to rezone the applicable portion of the property IS, Staff would support the request.

What has been presented does not comply with the ULDC for three reasons.

First, the owner has not submitted a new site plan that meets the minimum standards and site plan requirements for a PD zoning. The eastern portion of the subject property is zoned PD. This existing PD zoning is subject to a site plan approved when the property was zoned PD in 2010. This site plan depicts buildings, drives, and parking areas. The ULDC says this specific approved site plan is binding on all future developments and use within the PD development. ULDC 4.06.03(D). An amendment to a PD zoning requires a new site plan. ULDC 10.02.06(A). A new PD site plan must meet all the requirements of the ULDC for a PD site plan. A PD site plan must include specific site design and development standards. ULDC 4.06.03(A). It must meet numerous minimum standards and site plan requirements. ULDC 4.06.02, 4.06.03. Here, the applicant has not submitted a new PD site plan that meets the minimum standards and site plan requirements of the ULDC. The drawing it has submitted removes a large portion of the PD zoned property from the PD. The remaining portion is simply colored green. This is not a PD site plan. It does not comply with the ULDC.

Second, a solar panel array is not a use allowed in a PD zone. The PD district is intended for “a combination of residential, office, and limited commercial uses.” PD districts are for “projects that include compatible, interrelated uses and related public facilities unified by a development plan.” ULDC, 2.01.07. The purpose of PD districts is to encourage projects that include “compatible residential, commercial, office, and related public facilities unified by a development plan.” ULDC, 4.06.01(A)(1). Commercial and office uses in a PD zone “shall be designed as an office park, a shopping center, or a planned service center.” ULDC, 4.06.02(E)(2). Commercial uses are “retail and service uses” provided to “residents.” ULDC, 2.01.04.