

City of Lee's Summit

Development Services Department

March 22, 2019

TO: Planning Commission
PREPARED BY: Hector Soto, Jr, AICP, Current Planning Manager
CHECKED BY: Kent D. Monter, PE, Development Engineering Manager
RE: **PUBLIC HEARING – Appl. #PL2019-090 – PRELIMINARY DEVELOPMENT PLAN – MC Power Tracker, 4043 NE Lakewood Way; MC Power Companies, Inc., applicant**

Commentary

The applicant proposes the installation of a 32-panel ground-mounted solar array in the Eastport Business Park. The array is proposed within the front yard along the site's NE Lakewood Ct street frontage. The Unified Development Ordinance (UDO) requires ground-mounted solar arrays to be located within a rear yard. The proposed location of the solar array requires a modification to the UDO, thus prompting the requirement for a preliminary development plan application. Staff supports the requested modification.

Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. A modification shall be granted to the requirement that ground-mounted solar arrays be located in the rear yard, to allow the ground-mounted solar array to be located in the front yard along NE Lakewood Ct.

Zoning and Land Use Information

Location: generally located at the southeast corner of NE Lakewood Way and NE Lakewood Ct, approximately 1,000 feet north of NE Woods Chapel Rd

Zoning: PMIX (Planned Mixed Use)

Surrounding zoning and use:

North: PMIX — office, commercial and office-warehouse

South: CP-1 (Planned Neighborhood Commercial) — Jackson County Sheriff's Office

East: PMIX — office

West: I-470

Site Characteristics. Eastport Business Park is a 4-building multi-tenant office complex. The site is bordered along the north and west by NE Lakewood Way and NE Lakewood Ct, respectively. The site is accessed from both NE Lakewood Way and NE Lakewood Ct.

Description and Character of Surrounding Area. The site is located along the I-470 corridor, north of NE Woods Chapel Rd. The areas to the north and east are developed with office, commercial and industrial (office/warehouse) uses. The area to the south is the site of the Jackson County Sheriff's Office.

Project Information

Current Use: office complex

Proposed Use: installation of a 32-panel ground mounted solar array

Land Area: approximately 6.5 acres (283,140 sq. ft.)

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: March 9, 2019

Radius notices mailed to properties within 185 feet: March 7, 2019

Process

Procedure: The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the preliminary development plan application.

Duration of Validity: Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request.

Unified Development Ordinance

Applicable Section(s)	Description
2.300, 2.310, 2.320	Preliminary Development Plan
6.1450	Accessory Uses and Structures: Solar Collectors

Background

- December 8, 1998 – The City Council approved a rezoning from A, I-P, M-1 & C-1 to PUD (now PMIX) on land located east of Lakewood Way, north of Woods Chapel Road (Appl. #1998-050) for Lakewood Business Park east of I-470 by Ordinance No. 4713.
- 2001-2007 – Plats for Eastport Business Park (originally named Lakewood Business Park) were approved and recorded with the Jackson County Recorder of Deeds office.
- 2002-2005 – Eastport Business Park was constructed.

Analysis of the Preliminary Development Plan

Ground-mounted solar arrays. Modification requested. **Staff supports the requested modification.**

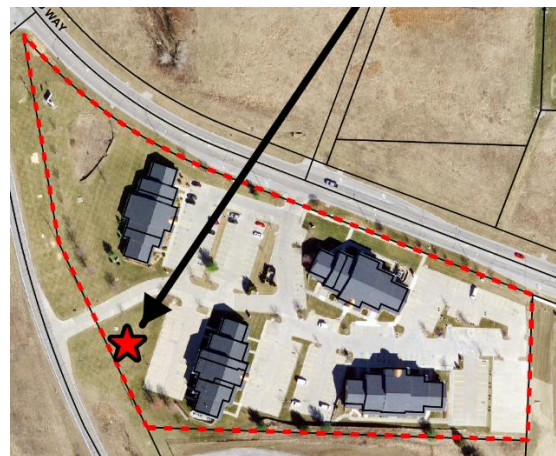
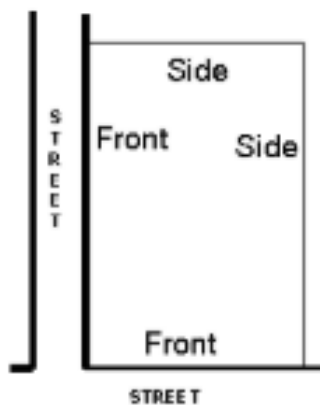
- Required – Ground-mounted solar arrays are subject to the following conditions:
 - ground-mounted solar arrays shall not exceed eight (8) feet in total height;
 - shall be located within the rear yard at least twelve (12) feet inside the property line; and
 - all lines serving the ground-mounted solar arrays shall be located underground.

- Recommendation – The table below provides a comparison of the proposed use against the required conditions listed above.

	Required	Proposed
Array Location	Rear yard	Front yard (along NE Lakewood Ct)
Height (max.)	8'	6.5'
Setback (min.)	12'	~20'
Wiring Location	Underground	Underground

The proposed array complies with the conditions above, except that the array is located in a front yard versus the required rear yard. The modification request stems from conditions particular to a corner lot, as is the case here, or other lots with multiple street frontages. The UDO defines a property line abutting the street as a front lot line; the UDO goes on to define a front yard as the area extending from the front line of a main building to the front line of the lot. Further, the UDO defines a side lot line as a property line that intersects a front lot line. The diagram below illustrates that the UDO does not consider a corner lot to have a rear lot line, and by extension does not have a rear yard. The absence of a rear yard on a corner lot makes it impossible for said type of lot to accommodate ground-mounted array under strict application of the ordinance as written.

Types of Lot Lines



The intent of the UDO is not to prohibit the use of solar arrays on any one type of lot, but rather to allow their use while also taking measures to minimize their visual impact on surrounding properties. The proposed array is located toward the south side of the site along NE Lakewood Ct, a low traffic local street. Relative to the two high-traffic roadways in the area, the array is located approximately 250' and 300' from I-470 and NE Lakewood Way, respectively. Staff believes the array to be reasonably located on the site in a manner that minimizes visibility while also meeting and maximizing the solar exposure/orientation requirements for the array. Staff supports the requested modification to allow the solar array within the front yard located along NE Lakewood Ct.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.

Fire

1. IFC 605.11.4 Ground-mounted photovoltaic arrays. Ground-mounted photovoltaic arrays shall comply with Sections 605.11 through 605.11.2 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. A clear, brush-free area of 10 feet (3048 mm) shall be required for ground-mounted photovoltaic arrays.

Planning

2. A building permit shall be obtained prior to the installation of the ground-mounted solar arrays.

Engineering

3. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final development plan. All public infrastructure must be substantially complete, prior to the issuance of any certificates of occupancy.
4. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the associated engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
5. Certain aspects of the development plan will be further reviewed during the Final Development Plan phase of the project. This includes detailed information on the location of the proposed ground-mounted solar arrays in relation to existing public storm sewer and water lines and their associated public easements as well as an existing MoDot drainage easement.

Attachments:

1. Site Plan, date stamped February 28, 2019
2. Photos with Array Mock-up, date stamped February 28, 2019 – 2 pages
3. Modification Narrative, date stamped February 28, 2019
4. Location Map