



**BARTHOLOMEW COUNTY  
BOARD OF ZONING APPEALS  
(May 23, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** B/CU-16-06 (Vogel Solar, LLC)  
**Staff:** Charles Russell  
**Applicant:** Vogel Solar, LLC  
**Property Size:** 156.86 Acres  
**Zoning:** AP (Agriculture: Preferred)  
**Location:** North and south sides of 900 North between 350 East and 425 East, in Flatrock Township

**Background Summary:**

The applicant is requesting a conditional use to allow a solar farm in the AP (Agriculture: Preferred) Zoning District. The solar array will connect to existing Duke Energy Transmission Lines via a utility substation. The development will consist of 100,000 single-axis solar panels spread across approximately 156 acres.

**Key Issue Summary:**

The following key issue(s) should be resolved through the consideration of this application: Is a solar field an appropriate use at this location?

**Preliminary Staff Recommendation:**

Approval – All criteria have been met, with the following condition: At the time the property is developed, the developer shall install a Type A buffer on the west, south, and east property lines of the residence at 7261 East 900 North, and on the west, south, and east property lines of the cemetery located on 900 North between 350 East and 425 East.

**Zoning District Intent:**

The intent of the AP (Agriculture: Preferred) Zoning District is as follows: Intended to provide an area suitable for agricultural related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Agriculture
<b>Site Features:</b>	Sidney Branch creek, Agricultural Fields, Cemetery, Duke Energy transmission lines

<b>Flood Hazards:</b>	Zone A 100 Year is located in the northwest corner of the parcel north of 900 North. It is also located in the northwest corner of the parcel south of 900 North.
<b>Vehicle Access:</b>	900 North (Local Road)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	AP (Agriculture: Preferred)	Agriculture
<b>South:</b>	AP (Agriculture: Preferred)	Agriculture
<b>East:</b>	AP (Agriculture: Preferred)	Agriculture
<b>West:</b>	AP (Agriculture: Preferred)	Agriculture

<b>Interdepartmental Review:</b>	
<b>County Engineer:</b>	No comments at this time.
<b>Fire Department:</b>	No comments at this time.
<b>Duke Energy:</b>	The applicant must work through MISO to connect to the transmission lines.

**Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. A power generation facility is defined by Section 14.2 of the Zoning Ordinance as “ a commercial facility that produces useable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.”
2. The proposed solar field is approximately 156 acres in size, and, according to the applicant, would consist of 100,000 single-axis solar panels. The panels would be no taller than 12 feet. A utility substation on the west side of the array would distribute solar power to the existing Duke Energy transmission lines on the western property line. The installation includes 4 parcels, 3 on the south side of 900 North, and 1 on the north side.
3. The solar arrays would be required to have a 30 foot setback from the side and rear property lines, and would have a 50 foot setback from 900 North. The entirety of the installation would be enclosed by a 6 foot tall security fence. The property would be accessed off 900 North for semi-regular maintenance and repairs.
4. The majority of the surrounding area is used for agriculture, with some scattered residential homesteads. The solar field directly abuts two residential properties and a cemetery. The subject property is currently used for agriculture.
5. A Type A buffer is proposed around the residential property and cemetery located on 900 North. The buffer would consist of an additional 25 foot setback with a dense buffer consisting of a fence or wall with landscaping, and opaque tree screen, or a combination of both. A berm would also be permitted within the buffer area.

### **Comprehensive Plan Consideration(s):**

The Future Land Use Map indicates the future use of this property as Agricultural Preferred.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

- **Goal 1:** Preserve productive farmland and maintain the productive capacity for a strong county agricultural industry.
- **Policy 1-D:** Require appropriate buffers to allow the continued full use of adjoining farmland and to reduce conflicts between neighboring uses.
- **Policy 1-F:** Direct development away from more productive farmland and agricultural areas.
- **Policy 1-J:** Require development to take place in a manner that allows for preservation and conservation of farmland, open land and significant natural features.
- **Policy 1-K:** Protect neighboring farmland from increased water runoff (both surface and subsurface), night lighting, sun-blocking interference, trespassing or anything else which might interfere with existing or potential farm operations.
- **Policy 1-L:** Ensure that the Plan Commission and County Commissioners consider the impact on agriculture when they make decisions on extending infrastructure or approving new development.

### **Provisional Findings of Fact/Decision Criteria**

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board may impose reasonable conditions as part of an approval.

- 1. The proposal will not be injurious to the public health, safety, and general welfare of the community.**

*Provisional Findings:* The property will be regularly maintained, and will be enclosed by six foot security fence. A Type A buffer shall be provided around adjacent residential properties and the cemetery located on 900 North. *This criterion has been met.*

- 2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

*Provisional Findings:* The solar field meets all development standards required for similar permitted uses in the AP zoning district. This includes required setbacks, landscaping, and drive separation. *This criterion has met.*

- 3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

*Provisional Findings:* Because the solar field would adhere to all the required development standards of the Zoning Ordinance it would not interfere with ongoing agricultural operations on adjacent properties. A type A buffer proposed around the house and cemetery on 900 North would limit the aesthetic impact of the development on those properties. *This criterion has been met.*

- 4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

*Provisional Findings:* Because it is located in a rural area of the county with minimal residential development and near high voltage transmission lines the proposed solar field would be an efficient use of this agricultural land. It would promote a viable local energy strategy and would

not drastically hinder the future agricultural viability of the land. *This criterion has been met.*

**Board of Zoning Appeals Options:**

In reviewing a request for conditional use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

**Columbus – Bartholomew County Planning Department**  
**Conditional Use Application**

**RECEIVED**  
APR 20 2016  
BY: *By Mail*  
*Talked to Allie*

**Planning Department Use Only:**

Jurisdiction:  Columbus  Bartholomew County

Zoning: \_\_\_\_\_

Docket No.: BTCU-16-06

Hearing Procedure:  Hearing Officer  Board of Zoning Appeals

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**Conditional Use Application:**

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**Applicant Information (the person or entity that will own and/or execute what is proposed):**

Name: Vogel Solar LLC

Address: 33250 Ocean Park Blvd. Santa Monica CA 90405  
(number) (street) (city) (state) (zip)

Phone No.: 213-347-9349 Fax No.: \_\_\_\_\_ E-mail Address: hollingsworth@ccrenew.com

**Property Owner Information (the "owner" does not include tenants or contract buyers):**

Name: Donald and Deborah Schroer

Address: 4605 S. 150 W Columbus IN 47201  
(number) (street) (city) (state) (zip)

Phone No.: 812-371-1097 Fax No.: \_\_\_\_\_ E-mail Address: n/a

**Notification Information (list the person to whom all correspondence regarding this application should be directed):**

Name: Matthew Farley

Address: 5003 Southpark Dr. Suite 210 Durham NC 27713  
(number) (street) (city) (state) (zip)

Phone No.: 866-795-4015 ext. 703 Fax No.: \_\_\_\_\_ E-mail Address: mfarley@cooperative.solar

How would you prefer to receive information (please check one):  E-mail  Phone  Fax  Mail

**Property Information:**

Address: \_\_\_\_\_  
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Near 7261 E County Rd 900 N. For zoning purposes, the project includes the entirety of parcels: 03-06-10-000-000.100-006, 03-06-10-000-000.102-006, 03-06-11-000-000.800-006, & 03-06-03-000-001.900-006.

**Conditional Use Requested:**

I am requesting a conditional use as listed by Section 3.5 (B) of the Zoning Ordinance to allow the following:

The construction of a utility substation and utility scale solar power facility. The facility will interconnect with the Duke Energy Indiana transmission line that intersects with the property. Solar power will be collected by a solar panel array and distributed onto the Duke transmission grid via the to be constructed substation.

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**Conditional Use Criteria:**

The Columbus & Bartholomew County Zoning Ordinance establishes specific criteria that each must be met in order for a conditional use to be approved. Describe how the conditional use requested meets each of the following criteria.

**The approval of the conditional use will not be injurious to the public health, safety, and general welfare of the community.**

The proposed solar energy facility will maintain the public health, safety and general welfare. The solar energy facility will not be staffed daily. Employees are expected to visit the property weekly or less frequently to check and maintain the equipment, mow the grass and make repairs. The solar energy facility will be secured by a six (6) foot tall chain link fence topped with three (3) strands of barbed wire, consistent with state and county regulatory requirements. Access codes to the gate will be provided to local police, fire, and emergency service providers.

**The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

Allowing the subject property to develop as a solar energy facility is consistent with the Zoning Ordinance's intent within this district to "preserve the viability of Agricultural Operations" (Z.O. 3-12) by providing the landowner with an alternative to commercial or residential development that keeps the land intact for future agricultural use.

**Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

Construction of a solar facility as described in the site plan maximizes the ability to return the land to agricultural use at a later date. Furthermore, by developing the site in full Compliance with Bartholomew County building and drainage requirements the facility will have no impact on the continued use of neighboring properties for agricultural purposes.

**The conditional use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

Allowing the subject property to develop as a solar energy facility complies with many of the recommendations made in Section I of the Goals and Policies of the Bartholomew County Comprehensive Plan Policies 1-A through 1-R. The facility will not require sewer or water connections preventing any strenuous effort by the County to provide water utilities to the site (1-P) . By complying with building and drainage standards, the facility will have no impact on the ability of neighboring properties to continue agricultural production (1-D, 1-K). Allowing the subject property to develop as a solar energy facility provides an opportunity for locally generated energy resources in Bartholomew County and creates income for the property owner and tax base for the county that does not result in another suburban - style residential subdivision (1-G).

**Applicant's Signature:**

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

DocuSigned by:  
Evan Riley  
E1A914985F34495...

4/15/2016

(Applicant's Signature)

(Date)

**Property Owner's Signature (the "owner" does not include tenants or contract buyers):**

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

Donald L. Schwan  
(Owner's Signature)

April 14, 2016  
(Date)

Deborah J. Schwan  
(Owner's Signature)

April 14, 2016  
(Date)

April 18, 2016

Planning Department  
123 Washington St.  
Columbus, IN 47201

To Whom It May Concern:

Enclosed you will find the relevant materials for the Conditional Use Permit Application of Vogel Solar LLC. Included are 15 copies of the application, signed by both the applicant and the landowner, five copies of the site plan for your consideration, and the filing fee of \$125. The additional 10 copies of the site plan will be provided by the revised submission deadline on May 9<sup>th</sup>, 2016.

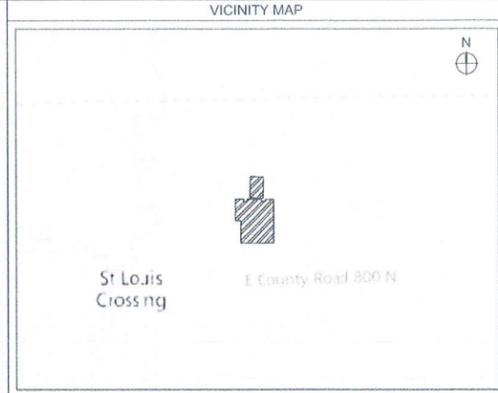
Best regards,



Matthew Farley

[mfarley@cooperative.solar](mailto:mfarley@cooperative.solar)

866-795-4015 ext. 703



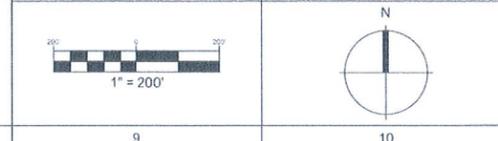
SCALE 1" = 5000'

SITE DATA			
<b>PIN #</b>	<b>PROPERTY OWNER</b>	<b>SITE ADDRESS</b>	
03-06-03-000-001-000-006 03-06-10-000-001-102-006 03-06-10-000-000-100-006 03-06-11-000-000-800-006	DONALD L & DEBRAH J SCHROER	7261 E 900 N COLUMBUS, IN 47203	
<b>JURISDICTION</b>	<b>ZONING</b>	<b>CURRENT LAND USE</b>	<b>ACRES</b>
COLUMBUS, IN	AGRICULTURAL	AGRICULTURAL	± 225.25 AC ± 10.2 AC ± 81.96 AC ± 38.5 AC
<b>PROPOSED USE</b>	<b>PRELIMINARY DISTURBED AREA</b>	<b>SOLAR AREA</b>	
SOLAR ENERGY SYSTEM	± 155.47 AC	± 140.43 AC	
***PRELIMINARY ARE SUBJECT TO CHANGE***			

PARCEL LINE SETBACKS		REQUIRED
MIN. FRONT YARD	50 FT	
MIN. SIDE YARD	30 FT	
MIN. REAR YARD	30 FT	

- GENERAL NOTES**
- THE PURPOSE OF THIS PLAN IS FOR ZONING APPROVAL FOR REVIEW AND APPROVAL BY COLUMBUS, IN TO CONSTRUCT A SOLAR ENERGY SYSTEM.
  - THIS PLAN WAS PRODUCED UTILIZING GIS RESOURCES AND INFORMATION FROM MULTIPLE SOURCES, INCLUDING BARTHOLOMEW COUNTY GIS, GOOGLE EARTH, AND BING IMAGERY.
  - A PORTION OF THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (COMMUNITY PANEL 18005C0055E, DATED 04-11-16) PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
  - THE LOCATIONS OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, FENCING, SOLAR ARRAY RACKING, INVERTER/TRANSFORMER PADS, OVERHEAD POLES AND LINES, ETC., SHOWN ARE APPROXIMATE AND ARE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS, EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS.
  - PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS TO THE BEST EXTENT POSSIBLE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH GRAVEL. SOIL CONDITIONS AND EQUIPMENT LOADS WILL DETERMINE FINAL DESIGN.
  - ALL DIMENSIONS SHOWN ARE AT 90 DEGREE UNLESS OTHERWISE NOTED.
  - CONTRACTOR SHALL CALL AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. ADDITIONALLY, CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES.
  - CONTRACTOR SHALL MAINTAIN ACCESS AND UTILITY SERVICES TO ANY REMAINING BUILDING(S) OR ADJACENT BUILDING(S) THROUGHOUT THE DEMOLITION AND CONSTRUCTION PHASES. EXISTING IMPROVEMENTS DAMAGED DURING CONSTRUCTION SHALL BE REPLACED/RESTORED TO THE SATISFACTION OF THE OWNER BY THE CONTRACTOR RESPONSIBLE FOR THE DAMAGE.
  - THE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO PROVIDE SIGNS, BARRICADES, WARNING LIGHTS, GUARD RAILS, AND EMPLOY FLAGGERS AS NECESSARY WHEN CONSTRUCTION ENDANGERS EITHER VEHICULAR OR PEDESTRIAN TRAFFIC. THESE DEVICES SHALL REMAIN IN PLACE UNTIL THE TRAFFIC MAY PROCEED NORMALLY AGAIN.

LEGEND	
EXISTING CONDITIONS	PROPOSED CONDITIONS
BUILDING SETBACK	PROJECT AREA
OVERHEAD ELECTRICAL	SECURITY FENCE
PROPERTY LINES	SITE ACCESS



**CYPRESS CREEK RENEWABLES**  
3250 OCTAVIA PARK BLVD. SUITE 355 SANTA MONICA, CA 90405  
601 A WEST MAIN ST. CARBORO, NC 27510

**PERMIT DRAWING - NOT RELEASED FOR CONSTRUCTION**

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NO.	DATE	BY	DESCRIPTION

NO.	DATE	BY	DESCRIPTION

**VOGEL SOLAR, LLC**  
7261 E 900 N  
COLUMBUS, IN 47203

DATE: 04-14-16  
DRAWN BY: JLS  
CHECKED BY: XXX

ZONING SITE PLAN  
**Z 1.0**