



CENTREVILLE PLANNING COMMISSION

November 16, 2016

Liberty Building - 2nd Floor

107 North Liberty Street

7:00 p.m.

A G E N D A

- I. **CALL TO ORDER** – Robert Elliott – Chair
- II. **Chair’s Announcements**
- III. **Review of Minutes from Previous Meeting**
 - a. October 19, 2016 meeting minutes
 - b. November 2, 2016 work session minutes
- IV. **Citizen Comment** (Citizens are requested to keep their comments to three minutes)
- V. **Appearances**
 - a. Assisted/Independent Living Community – Laser Drive, Centreville Business Park; Jack Upchurch, Jr. – Applicant; Tom Davis - DMS & Associates, LLC – For review and comment
- VI. **New Business**
 - a. Administrative Plat – Ashley property (105 N. Liberty Street)
- VII. **Unfinished Business**
 - a. Update members on sign discussion/course of action
- VIII. **Zoning Issues – Discussion**
- IX. **Miscellaneous Business / Correspondence**
 - a. Board of Appeals decision – SE-1-16 – SolarCity
- X. **Citizen Comment** (Citizens are requested to keep their comments to three minutes)
- XI. **Council Member Report**
- XII. **Adjournment**

RECEIVED
OCT 26 2016

DMS

Davis, Moore, Shearon & Associates, LLC

October 26, 2016

Mr. John Fury
Zoning Administrator/
Watershed Manager
Town of Centreville
101 Lawyers Row
Centreville, MD 21617

RE: INFORMATIONAL SUBMITTAL FOR PROPOSED ASSISTED LIVING/MEMORY CARE/INDEPENDENT LIVING COMMUNITY ON PART OF THE CENTREVILLE BUSINESS PARK LOCATED LAZER DRIVE, TOWN OF CENTREVILLE, DMS & ASSOCIATES JOB #2016044

Dear John:

Attached please find thirteen copies of three layouts for an assisted living/memory care/independent living community with site improvements and description of the project provided by the developer.

Our clients have entered into discussions with the owners of the business park to purchase land to develop the facility as shown on the schematic concept plans.

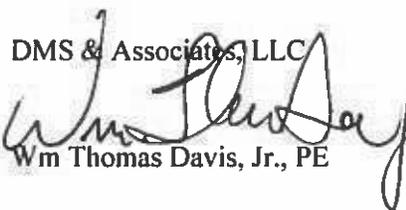
As indicated in the narrative prepared by Jack Upchurch, Jr. a description of the project is provided and he is asking for guidance on the intent of the parking restrictions on the 60' setback from Lazer Drive and for parking being located between the front of the building and the street, and the intent of the 60' setback along the rear of the site which would restrict this use, an institutional residential use, from being developed in this area of the proposed lot boundary in either of the conceptual plans.

We ask that this informational presentation be scheduled for the November 16, 2016 Planning Commission meeting for our client to present their ideas for the project and discuss issues presented in the narrative.

If you should have any questions or need addition information please call me at (443) 262-9130.

Sincerely,

DMS & Associates, LLC


Wm Thomas Davis, Jr., PE

/ljd

Enclosures

pc: Jack Upchurch, Jr.
Chris Drummond, Esquire

Town of Centreville Planning Commission Informal Concept Plan Review

10/23/2016

Applicant: Jack Upchurch Jr.
Address: 22031 Beaven Dr
Denton, MD 21629

Cell Phone: 410-310-2007
Email: jack@upchurchs.net

Our existing Assisted Living / Independent Living Website: <http://www.edenton-retirement.com/>

Proposed: Assisted Living / Memory Care / Independent Living Community

Location: A parcel to be subdivided from the remaining land in the Centreville Business Park on Laser Drive. An overlay on a satellite image is provided to locate the site which shows Rt 213 and Laser Drive and includes the commercial buildings (Ace Hardware), the portion of the Business Park we are looking at, as well as the houses in the adjoining Residential Zone area.

Background: The Town of Centreville has published an Economic Development Plan dated September 2015 which recommended a focus on the Centreville Business Park and it stated, "Specific focus should be directed to attracting and retaining businesses in the manufacturing, health care (including aging-in-place care) and logistics (at the 301/304 interchange area) sectors." The Town Council adopted Ordinance No 01-2016 (effective March 2016) which allows Nursing Home and Assisted Living as permitted uses in the PBD and modified the parking requirements to be 1 per 6 beds, plus 1 per employee on the largest work shift, plus 1 per staff member and visiting doctor.

We will be seeking a zoning text amendment to allow the Independent Senior Living as a Permitted Use in the Planned Business Development District and have been encouraged by Town Officials to do so.

Brief Description: The project will consist of one and two story frame buildings to accommodate 60 Assisted Living Rooms with some fraction of those Providing Memory Care services. A central building will provide exercise, therapy and meeting areas, dining room, commercial kitchen, activity areas and house administrative offices, medical and therapy offices and support areas. A second building, possibly in a second phase will serve up to 60 Independent Living Adults in apartments with services such as transportation, meals, cleaning and medication reminders provided by in house staff. Additional services to support Queen Anne County seniors such as meeting space, Home Health, Educational programs and Transportation could also be conducted from this location.

The Question we are seeking guidance from the Planning Commission on: The permitted location of parking to serve residents, visitors and staff. It is our understanding that currently we are subject to the following requirements on this site:

1. A 60 foot setback along front property lines.
2. A prohibition from locating parking in front of any building where it would be located between the building and any main road.

3. A 60 foot setback (buffer) along the rear property line. This comes into play because the PBD is adjacent to a residential zone property and no building or off street parking is allowed in this area.
4. We also understand that the Planning Commission has adopted a policy that allows for some flexibility with regard to parking such as ours.

Key to drawings: Orange is services and office space; Green is Assisted Living space; Purple is Assisted Living/Memory Care space; Blue is Independent Living space.

Attached for your review are three concept drawings which represent our best guess worst case footprint to accommodate our future residents. The drawings support 60 Independent Living Apartments and 60 Assisted Living Units with associated support services and required parking. Likely making some of the building two stories will free up some footprint area, but the parking location issue remains. The site has approximately 82 acres which the developer is willing to subdivide to suit our needs. We have been focusing on two sites, the corner of Laser Drive and a site adjacent to the SWM pond area (basically the land under the dirt pile).

Drawing LS 01 was our original vision.

The 3 constraints above make the corner site inefficient for our resident use unless we put much of the parking in front of the buildings. The blue building is Independent Living. Those residents are usually more mobile but generally have some degree of impairment with mobility. Some will have cars; most will use walkers, wheelchairs or canes to get around. We need parking near each front door. Our plan has parking where it needs to be for their access while providing wooded views from the rear windows and outside recreation areas away from the commercial areas. Likewise, our main building (the orange color) will need handicap parking near the front door and some visitor parking. Staff and overflow parking can be placed around the sides and other doors can be used from those parking spaces.

Drawings PS 01 and PS 02 represent an alternate site

The rectangular site gives us more useable land because the whole site is deeper than the corner lot. With our primary design concern being to support the resident population we will be serving, we have to place our services as close as possible to the residential units, provide outside recreation areas near the residential units, and parking near the independent living apartment doors. PS 01 provides enough parking but not where we need it. The blue Independent living building has no convenient parking. PS 02 is our best guess at satisfying the 3 parking restrictions, but it comes at a price of adding 1.7 acres to the site, which might make the project not work financially.

We believe that the rear 60 foot buffer can possibly be reduced in the zoning text amendment since our use will be Residential in nature and not so much in need of a buffer from other Residential uses on this site. The primary issue is the front restriction on parking between the road and the building as well as being prohibited from having offsite parking located in either the front or rear 60 foot setback area.

We would ask for your thoughts as to how much flexibility is the Commission willing to apply to this project on this site.

AND & CO



LS 01
PARTIAL SITE PLAN

1"=100'-0"
10 OCTOBER 2016



AND & CO

PS 01
PARTIAL SITE PLAN

1"=100'-0"
10 OCTOBER 2016



AND & CO

PS 02
PARTIAL SITE PLAN
1"=100'-0"
18 OCTOBER 2016



PS 02b
OVERLAY SITE PLAN

1"=150'-0"
18 OCTOBER 2016



IN THE MATTER OF * BOARD OF ZONING APPEALS
THE APPLICATION OF * FOR THE
SOLARCITY * TOWN OF CENTREVILLE
* Case No.: SE-1-16

FINDINGS AND DECISION

This matter came before the Board of Zoning Appeals (the “Board”) for hearing on Monday, October 17, 2016, at 7:00 p.m., at the first-floor meeting room of the Centreville Wharf Building, 101 Water Way, Centreville, Maryland 21617, to hear and decide the application of SolarCity (the “Application” and the “Applicant”) for a special exception to install and operate a ground-mounted solar array (the “Solar Array”) on the property of the Board of Education of Queen Anne’s County located at Queen Anne’s County High School (125 Ruthsburg Road, Centreville, Maryland) and Centreville Middle School (231 Ruthsburg Road, Centreville, Maryland). The Board was comprised of Donald Dawkins, Chair, and Norman Pinder, Member.

All legal requirements pertaining to the notice of public hearing were substantiated, with the Board’s Exhibits 1-3 admitted into evidence, and no objections were made to the jurisdiction of this Board. All witnesses were identified and sworn, and the procedural process for the hearing was announced.

Pursuant to §170-20C(11) of the Code of the Town of Centreville, solar arrays are special exception uses in the Residential (R-2) zoning district. Section 170-20C(11) includes specific requirements for the application and site plan, maintenance of the solar array, and removal of abandoned solar-generating equipment. Special exceptions are governed by the standards and procedures set forth in §170.57.B. of the Code of the Town of Centreville.

The property which is the subject of this Application (the “Subject Property”) comprises

141 acres of land housing both Queen Anne's County High School and Centreville Middle School, 8.7 acres of which will comprise the footprint of the Applicant's Solar Array. The Subject Property is located in an R-2 district. The Applicant, SolarCity, is a solar energy provider that has entered into a Power Purchase Agreement (the "Agreement") with the Board of Education of Queen Anne's County to provide energy produced by the Solar Array to Queen Anne's County High School and Centreville Middle School at a lower cost than traditional utility providers.

By letter dated October 5, 2016, the recommendation of the Centreville Planning Commission was communicated to the Board. The Planning Commission's letter indicates that the Application "was found to be consistent with the 2009 Community Plan." The letter was admitted into evidence as the Board's Exhibit 4.

Matt Gitt, project manager for SolarCity, testified on behalf of SolarCity in favor of the Application. Mr. Gitt testified that the proposed solar array comprises two separate systems, with the appearance of one unified system. Admitted into evidence as Applicant's Exhibits 1 and 2 are property plans depicting the northern section of the solar array, which will connect to Queen Anne's County High School, and the southern section of the array, which will connect to Centreville Middle School, respectively. Mr. Gitt introduced an aerial photo showing the forested areas that buffer the proposed solar array on three sides, which was admitted as Applicant's Exhibit 3. Mr. Gitt testified and demonstrated via Exhibit 3 that the solar array will be constructed on what is currently unused space.

Admitted into evidence as Applicant's Exhibit 4 was a letter dated October 17, 2016, to Town Manager Steve Walls, from Sidney Pinder, Jr., Director of Operations for Queen Anne's County Public Schools. Mr. Pinder's letter communicated the unanimous decision by the Board

of Education of Queen Anne's County to approve the Applicant's Solar Array, noting that the same system was installed successfully at Grasonville Elementary School nearly two years ago. A letter dated October 13, 2016, from Mr. Gitt to John R. Fury, Zoning Administrator for the Town of Centreville, was admitted into evidence as Applicant's Exhibit 5. Mr. Gitt's letter addresses the specific requirements of §170-20C(11) and how the Applicant's proposed Solar Array meets each requirement. Exhibit 5 also responds to various "common questions" from Planning Commission meetings held on April 20, 2016 and October 5, 2016.

Mr. Gitt testified that he has participated in dozens of solar array installations at schools, including "much more difficult" roof installations.

CITIZEN COMMENT

Ronald Haymaker of Centreville, although not opposed to SolarCity's Application, asked Mr. Gitt if any research has been done regarding the long-term effects of a solar array on the soil underneath the array. Mr. Gitt stated that, although he is not an expert in this area, in his experience, he has not encountered a single solar array without substantial vegetation underneath the solar panels.

OPPOSITION

There was no testimony in opposition to the Application.

BOARD'S DECISION

The Board of Zoning Appeals for the Town of Centreville has given consideration to the limitations, guidelines and standards set forth in the Code for the Town of Centreville and makes the following specific findings:

1. Pursuant to §170-57.B(1)(f), the Board finds that it is empowered under the section of this chapter described in the Application to grant the special exception and that the

granting of the special exception will not adversely affect the public health, safety, security, morals or general welfare, nor will it result in dangerous traffic conditions, nor will it jeopardize the lives or property of people living in the surrounding area. Section 170-20C(11) authorizes solar arrays as a special exception use in the R-2 zoning district. Section 170-68 defines a solar array as “[a] ground mounted or ballast mounted solar collection system consisting of a linked series of photovoltaic modules associated with a net-metering or aggregate net metering arrangement excluding roof-top net-metering residential applications.”

2. The Board makes the following findings of fact pursuant to §170-20C(11)(a):

(i) A property proposing to have a solar array shall be at least two (2) acres in size.

The Board finds, based on the Application, Applicant’s Exhibits 1 and 2 and Mr. Gitt’s testimony that the property at issue in this matter meets the above requirement.

(ii) The solar array shall be setback a minimum of fifty (50) feet from properties with residential uses.

The Board finds, based on the Application, Applicant’s Exhibits 1 and 2 and Mr. Gitt’s testimony that the Solar Array is more than 300 feet from the nearest residence.

(iii) Solar arrays shall not exceed twelve (12) feet in height at measured from the ground.

The Board finds, based on Mr. Gitt’s testimony that the completed Solar Array will be between 6 and 7 feet in height as measured from the ground.

(iv) Site Plans shall demonstrate the following:

1) Show all equipment and/or storage buildings, shelters, landscaping, access and environmental features on the site.

2) Demonstrate that stormwater is managed in accordance with all county and state requirements and that there is no discharge that causes degradation of town, county or state waters.

3. Show that all wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

4. Show that the gross usable area will exclude any wetland areas that are regulated by the Maryland Department of the Environment or the U.S. Department of the Interior (administered by the U.S. Army Corps of Engineers). All forested areas removed during construction or operation shall be mitigated in accordance with this chapter's Forest Conservation Act.

5. Demonstrate that any required utility right-of-way is allocated.

6. Provide a detailed landscape plan demonstrating that noninvasive native plant species are used to surround the solar arrays site providing a vegetated buffer around the perimeter of the site area of the solar arrays. Additional buffer area may be required by the Board of Appeals to provide screening from adjacent residential uses and/or public or private roads and/or rights-of-way. It shall be demonstrated in the landscape plan as part of the site plan that plantings will be of a type that will adequately screen the solar arrays from view of adjoining properties and private and public roadways and a landscape berm appropriate to accept plantings, up to four feet high, may be used to assist in screening solar arrays.

7. Provide documentation that noise generated by the facility shall be limited to 60 DBA as measured at the property line except when a backup generator is needed for maintenance. Construction on the site is exempt from this standard.

8. Provide that lighting shall be in accordance with design standards and this chapter.

9. Demonstrate that the solar arrays, including the electrical and mechanical components, shall conform to relevant and applicable local, state and national codes.

The Board finds, based on the Application, the Applicant's Exhibits and Mr. Gitt's testimony that the Applicant meets the site plan requirements of this subsection. Regarding the requirements of §170-20C(11)(a)(iv)2, the Board will require that the County approve a stormwater management plan prior to the installation of the Solar Array. Regarding the requirements of §170-20C(11)(a)(iv)6, the Board finds that a vegetated buffer is not required for the north, south and east sides of the Solar Array site, which are already buffered by trees. The Board will require that a landscaping plan be provided to the Planning Commission demonstrating a buffer on the west side of the Solar Array facing the athletic field and Ruthsburg Road, and that such a landscaping plan provide a maintenance agreement which provides assurance for replacement plantings and viability of the landscape buffer. Regarding the requirements of §170-20C.11(a)(iv)7, the Board finds, based on Mr. Gitt's testimony, that the facility will produce less than 65 DBA at the immediate site of the power inverters. Factoring

vegetation, trees, and the fact that the nearest residential property is well over 300 feet from the Solar Array site, the Board finds that no measurable noise will be present at the property line. Regarding the requirements of §170-20C(11)(a)(iv)8, the Board finds that no lighting is required for the Solar Array.

2. The Board makes the following findings of fact pursuant to §170-20C(11)(b):

(i) If solvents are required for cleaning of solar modules, they must be biodegradable.

The Board finds, based on Mr. Gitt's testimony, that no solvents are used in cleaning the solar modules.

(ii) All broken or waste solar modules shall be removed from the site within 60 days of being taken out of service.

The Board finds, based on Mr. Gitt's testimony, that, pursuant to the Agreement, it is in the economic interest of SolarCity to maintain the Solar Array in accordance with this provision.

(iii) A maintenance agreement for the landscape plan is provided with assurance of replacement for plantings and viability of the landscape buffer.

The Board will require that a landscaping plan be provided to the Planning Commission demonstrating a buffer on the west side of the Solar Array facing the athletic field and Ruthsburg Road, and that such a landscaping plan provide a maintenance agreement which provides assurance for replacement plantings and viability of the landscape buffer.

2. The Board makes the following findings of fact pursuant to §170-20C(11)(c):

(i) A bond, or other acceptable security, whose amount shall be determined by the Board of Appeals, shall be required to assure removal of any unused or unmaintained solar arrays.

The Board finds that the default provisions of the Agreement between SolarCity and the Board of Education of Queen Anne's County, read into the record by Mr. Gitt, provide adequate

assurance of the removal of any unused or unmaintained solar arrays, and that a bond or other security is not required.

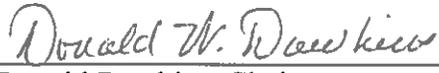
(ii) Any solar energy power generating system that has not operated for a continuous period of 12 months shall be considered unused and abandoned unless the Board of Appeals grants an extension. The owner of an unused system shall remove the entire system within six months of receipt of notice from Town of Centreville notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire. All materials must be legally removed from the site. The site shall be restored to its original condition after removal is complete.

The Board finds, based on the Application, Applicant's Exhibits, Mr. Gitt's testimony and the portions of the Agreement read into the record that §170-20C(11)(c)(ii) is satisfied.

Accordingly, the Application for a special exception is GRANTED subject to the following conditions:

1. That the Applicant shall obtain approval from the Planning Commission of a landscaping plan demonstrating a buffer on the side of the Solar Array facing the athletic field, and providing a maintenance agreement which assures replacement plantings and viability of the landscape buffer; and
2. That Applicant shall obtain approval of a stormwater management plan before the installation of the Solar Array; and
3. That the special exception shall be initiated within one year of the date of this decision or the special exception shall expire.

BOARD OF ZONING APPEALS FOR
THE TOWN OF CENTREVILLE



Donald Dawkins, Chair



Norman Pinder, Member

Dated: November 8, 2016