

AGENDA

Regular Meeting

February 7, 2019

Government Office Building
Route 50 & N. Division Street
Council Chambers, Room 301, Third Floor

6:00 P.M. - Call to Order – Gil Allen

Board Members: Gil Allen, Jordan Gilmore, Alex Paciga, Brian Soper and Shawn Jester.

MINUTES – January 3, 2019

PUBLIC HEARINGS:

#SA-19-001 Coastal Compliance Solutions, LLC on behalf of WBOC, Inc. -
Special Exception to install a solar field located at Map 103,
Parcel 2367, on Pine Way in the R-8 Residential District.

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MINUTES

The Salisbury Board of Zoning Appeals met in regular session on January 3, 2019, in Room 301, Government Office Building at 6:00 p.m. with attendance as follows:

BOARD MEMBERS:

Albert G. Allen, III, Chairman
Jordan Gilmore
Shawn Jester
Brian Soper
Alex Paciga

CITY STAFF:

Henry Eure, Project Manager
Beverly Tull, Recording Secretary

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Mr. Allen, Chairman, called the meeting to order at 6:00 p.m.

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MINUTES:

Upon a motion by Mr. Jester, seconded by Mr. Gilmore, and duly carried, the Board **APPROVED** the minutes of the December 6, 2018 meeting as submitted.

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Mr. Eure requested that anyone wishing to testify in the case before the Salisbury Board of Zoning Appeals stand and be sworn in. Mr. Eure administered the oath. Mr. Allen explained the procedure for the public hearing.

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#SA-18-1011 CREI – Salisbury, LLC – Special Exception for increased density to 17.28 units per acre for an apartment complex located at 202 Onley Road in the R-8A Residential District.

Mr. Christian Elliott and Mr. Keith Fisher came forward. Mr. Henry Eure presented and entered the Staff Report and all accompanying documentation into the record. He summarized the report explaining that the applicant proposes to reconfigure an existing 148 unit apartment complex to a 254 unit complex. A Special Exception is requested to increase the density above the inherently permitted 10 units per acre.

Mr. Elliott explained that CREI is a student housing investment company that saw an opportunity to change four (4) bedroom/four (4) bathroom units to one (1) and two (2) bedroom/bathroom units. This change reduces the number of beds in the community while providing a different type of unit that doesn't exist now. In other jurisdictions where this has been done it has attracted people who want more privacy.

Mr. Allen questioned how long they had owned the property. Mr. Elliott responded that they had settled on the property on December 18, 2018.

Mr. Allen questioned if they would be utilizing the existing spaces allotted for parking. Mr. Fisher responded that the parking would be left as is but there would be reinvestment into the landscaping. There is a plan for the basketball court and pool to enhance the project with more outdoor spaces that can be utilized year round. Mr. Elliott explained that the pool is an expensive endeavor that is only utilized for a few months out of the year and requires a paid lifeguard to be on staff. Final plans for that area aren't finished but there has been discussion of an outdoor kitchen and lounge area where shuffleboard and other games can be played. He added that there are no plans to change any of the parking at this time. There are over 500 spaces available. Mr. Eure explained that the City had recently relaxed the parking standards so there are currently more spaces than required by Code.

Mr. Jester questioned how you convert four (4) bedroom units to one (1) and two (2) bedroom units. Mr. Elliott explained that they would move tenants out of the buildings into other vacant units and renovate a building at a time. Moving expenses will be covered by the property owner and approximately two (2) weeks' notice will be given to the tenants that are being relocated. The timeline has construction beginning in a month or so with a total renovation time of one to one and a half years.

Mr. Allen questioned if the tenants were year round tenants. Mr. Elliott responded that the tenants have six (6), ten (10), and twelve (12) month leases with

the former owner. Those leases will be honored until they are due for renewal and then they will become twelve (12) month leases.

Mr. Elliott explained that they would pay to have the tenants moved to vacant units in the complex so they could begin construction. He added that all units are fully furnished.

Mr. Allen questioned the notice that would be given to the tenants. Mr. Elliott responded that the residents have not been told about the project yet. Most of the tenants have not returned for the next semester which begins at the end of January. Once the tenants have returned for the semester they will be notified and movers will be provided as long as their possessions are packed up.

Mr. Allen questioned Mrs. Tull about notifications of the meeting other than the ad in the newspaper. Mrs. Tull responded that the property was posted, the ad ran in the paper, and all properties within a 200 ft. buffer were mailed a notice.

Mr. Elliott discussed the layout of the complex, adding that they would leave a few units as four (4) bedroom/bathroom units.

Mr. Jester questioned the timeline for the renovations. Mr. Elliott explained that there are enough vacancies that there won't be any tenants that get displaced. Mr. Jester questioned if the leases were written to allow them to be moved. Mr. Elliott responded that there is a clause in the lease agreement allowing them to be moved to another unit.

Mr. Soper questioned if they were aware that if they chose to do more units later that they would need to return to the Board for another increase in density. Mr. Elliott responded in the affirmative. Mr. Soper questioned if the one (1) and two (2) bedroom units would be more expensive. Mr. Elliott responded in the affirmative.

Upon a motion by Mr. Soper, seconded by Mr. Jester, and duly carried, the Board **APPROVED** the requested Special Exception for increased density to 17.28 units per acre, based on Section V(c) of the Staff Report and the testimony presented at the meeting.

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REORGANIZATION:

Mrs. Tull advised the Board that with all Board Member's terms now being current that a reorganization was needed. She further explained that the Board could choose to elect a new Chair and Vice Chair or make a motion to leave the existing

members in those positions. Upon a motion by Mr. Soper, seconded by Mr. Paciga, and duly carried, the Board opted to leave Mr. Allen as the Chair and Mr. Gilmore as the Vice Chair. This reorganization will go the length of the terms or if one of those member's steps down.

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ADJOURNMENT

With no further business, the meeting was adjourned at 6:28 p.m.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning and Community Development.

Albert G. Allen, III, Chairman

Amanda Pollack, Secretary to the Board

Beverly R. Tull, Recording Secretary



STAFF REPORT

MEETING OF FEBRUARY 7, 2019

Case No. 201900059
Applicant: Coastal Compliance Solutions, LLC
Property Owner: WBOC INC.
Location: Pine Way
Tax Map: #103
Grid #18, Parcel #2367
Zoning: R-8A Residential
Request: Special Exception – Solar Farm

I. SUMMARY OF REQUEST:

The applicant proposes to install a .96 megawatt solar farm to serve WBOC. A Special Exception is requested to operate the solar farm.

II. ACCESS TO THE SITE AREA:

The site has frontage and access on the south side of Pine Way.

III. DESCRIPTION OF PROPERTY:

The site consists of an irregular shaped parcel totaling 16.98 acres in area, and is unimproved. The property is a mixture of wooded area and open field/meadow.
(Attachment 1)

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

Nearby properties to the north are located in the county's R-8 Residential zoning. To the west, properties are located in the General Commercial Zoning District, while to the south and east, properties are also located in the city's R-8A Residential district.
(Attachment 2)

V. EVALUATION:

- (a) **Discussion:** The applicants propose to install 2,088 solar panels (approximately 3 ft. x 6 ft. each) in the northwest corner of the property. The solar field will be triangular in shape with eight (8) rows of panels. The total

area of disturbance will cover 3.327 acres. The panels will have a maximum height of 11 ft. A 35 ft. wide landscaped buffer is proposed along the north and west property lines in order to reduce visibility of the solar field to adjoining properties. Landscaping/screening will consist of two (2) rows of either White Pine or Arborvitae spaced at a distance of 10 ft. on center. An intermediate row of either Red Maple or Red Oak will be placed between the two (2) rows. **(Attachments 3 & 4)**

- (b) **Impact:** Staff believes the proposed solar field will have minimal impact on adjacent properties, as the field will be heavily screened. Additionally, the panels are stationary, fixed-tilt panels and not rotating/tracking panels. This will reduce the opportunity for glare on neighboring properties.
- (c) **Relationship to Criteria:** In addition to the criteria discussed above, Section 17.232.020B. of the Salisbury Municipal Code contains the criteria the Board should consider when approving special exceptions. Staff finds that this request complies with the Special Exception criteria as follows:

- [1] **The proposal will be consistent with the Metro Core Plan, the objectives of the Zoning Ordinance and any other applicable policy or plan adopted by the Planning Commission or City Council for development of the area affected.**

When the most recent edition of the city's Zoning Code was adopted in 1983, the city did not anticipate the development of solar technology. In January of 2017, the City Council adopted new legislation permitting solar farms in residential districts.

- [2] **The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.**

The solar field will be provided with screening, and the panels are stationary, reducing the chance for glare and noise when tracking the sun's movements.



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- [3] The design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.**

Less than ¼ of the property will be impacted by the solar farm. The rest is intended to stay as wooded area and meadow. Currently, there are no plans for expansion.

- [4] The proposal will not be detrimental to or endanger the public health, security, general welfare or morals.**

Staff does not find that the proposed solar farm will have a negative effect on any of these items.

- [5] The proposal will not impair an adequate supply of light or air to adjacent property or overcrowd the land or create any undue concentration of population or substantially increase the congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

Impacts on surrounding properties will be negligible. Staff finds that none of the above criteria will be impacted.

- [6] The proposal will not adversely affect transportation or unduly burden water, sewer, school, park, stormwater management or other public facilities.**

The proposed solar farm will have no effect on transportation, water, sewer, stormwater management or other public facilities.

- [7] The proposal will preserve or protect environmental or historical assets of particular interest to the community.**

The installation of the solar field will not have a negative impact on the environment. There are no significant historical features in the neighborhood that will be affected.

- [8] The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property value for speculative purposes.**

The solar field is proposed in order to reduce electric consumption from local utilities.



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VI. STAFF COMMENTS:

The applicants are minimizing the impacts of the proposed solar farm on surrounding properties by providing a 35 ft. wide landscaping buffer, and restricting the height of the panels to 11 ft. above grade. Consideration of the residents of neighboring properties has been demonstrated. Staff does not anticipate negative impacts on surrounding properties from the construction and installation of this solar farm.

VII. RECOMMENDATION:

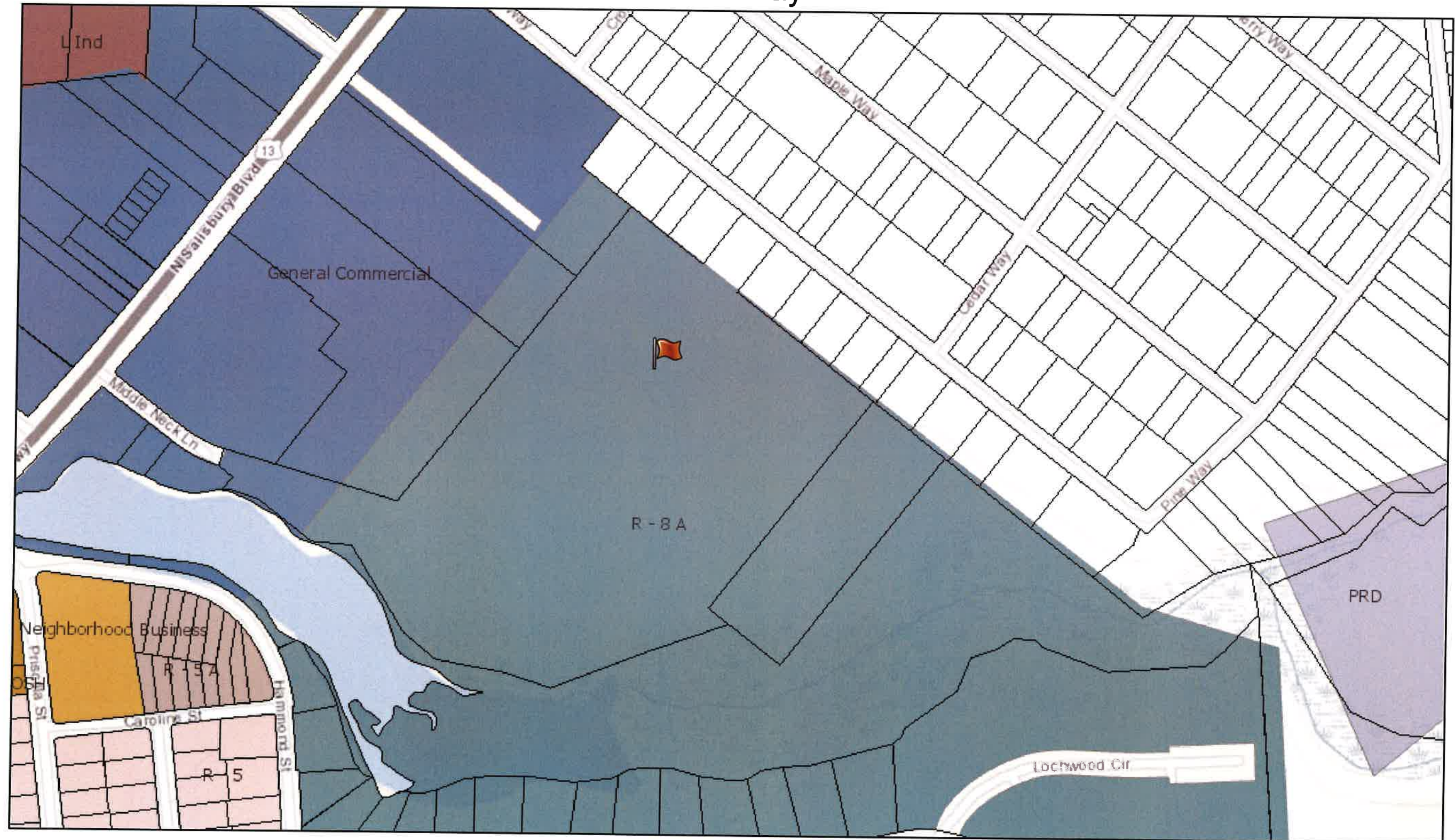
Based on the criteria for approval as discussed above in this staff report, Section V (c), the staff recommends **Approval** of the Special Exception request to install a solar farm on the referenced property.

COORDINATOR: Henry Eure, Project Manager
DATE: January 31, 2019

Pine Way

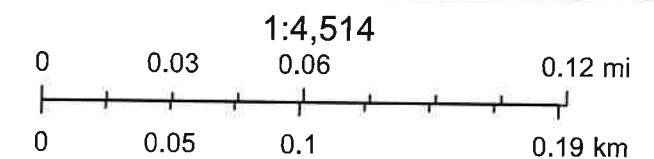


Pine Way

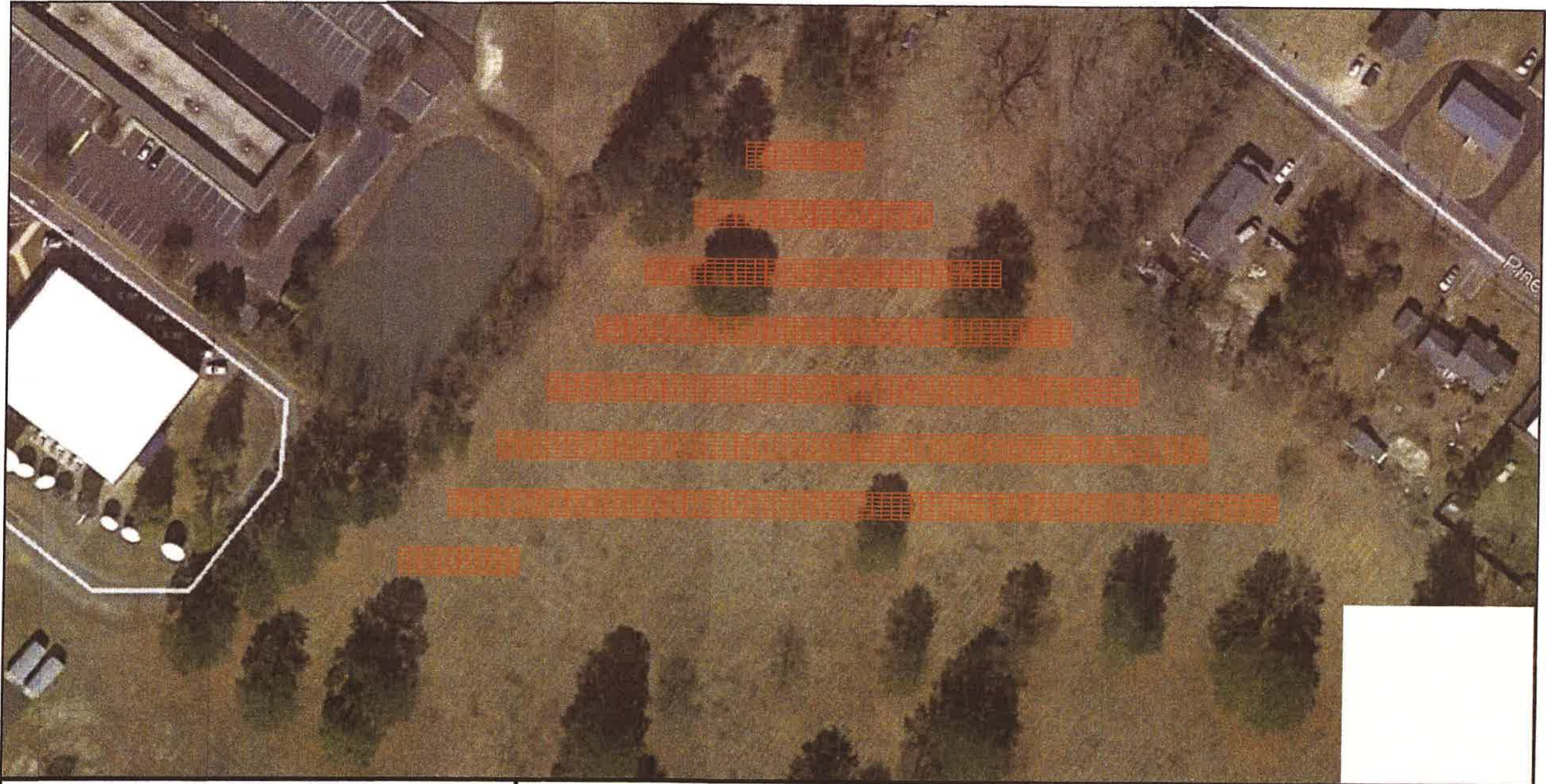


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| Parcels | CU |
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



Site Layout - (29) 6Lx12C, 23 deg Tilt (2,088 Panels)			
Date	Revision	Drawn By:	Review By:
08/08/2018	Original		MZ
10/04/2018	Rev 1 - Reduced tilt to 23 degrees and panel/qty change		MZ
11/28/2018	Rev 2 - Modified array locations		MZ

Ultra Solar

Project:
WBOC
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Salisbury, MD 21801

Solar Foundations USA

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