



**FREDERICK COUNTY PLANNING COMMISSION**  
**December 9, 2015**

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**TITLE:** **Glamourview Farms Solar Array**

**FILE NUMBER:** **SP-15-06, AP 15676, APFO 15677, FRO 15519**

**REQUEST:** **Site Development Plan Approval**

The Applicant is requesting site development plan approval for a 29' x 160' 'nongovernmental utility' solar Array, on a 146.2-acre site

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 9847 Woodsboro Pike (MD 194), located along Woodsboro Pike, north of Daysville Road

**TAX MAP/PARCEL:** Tax Map 49, Parcel 12  
**COMP. PLAN:** Agriculture/Natural Resource  
**ZONING:** Agricultural/Resource Conservation  
**PLANNING REGION:** Walkersville  
**WATER/SEWER:** NPS

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Paula Biser  
**OWNER:** Glamourview Farms LLC  
**ENGINEER:** B&R Design Group  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**

Exhibit #1-Site Plan Rendering  
Exhibit #2: Glamourview Farms Alternative Landscaping Plan Modification

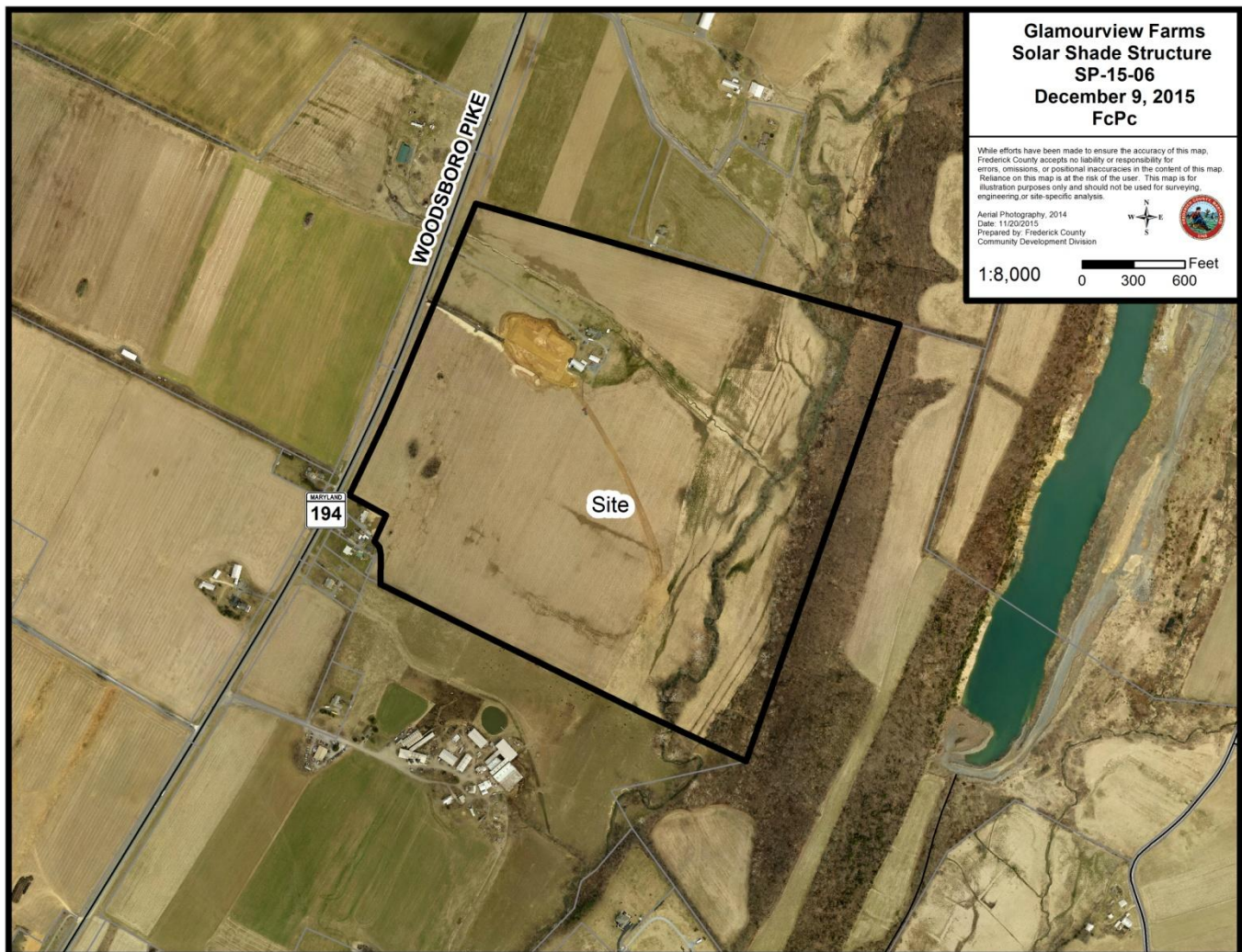
# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting for a 29' x 160' solar array, on a 146.2-acre site (see Graphic #1). The proposed use is being reviewed as an 'Nongovernmental Utility' land use under the heading of Governmental and Nongovernmental Utilities per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use as a special exception with site development plan approval in the Agricultural (A) Zoning District.

Graphic #1: Site Aerial



## BACKGROUND

### Development History

#### Board of Appeals

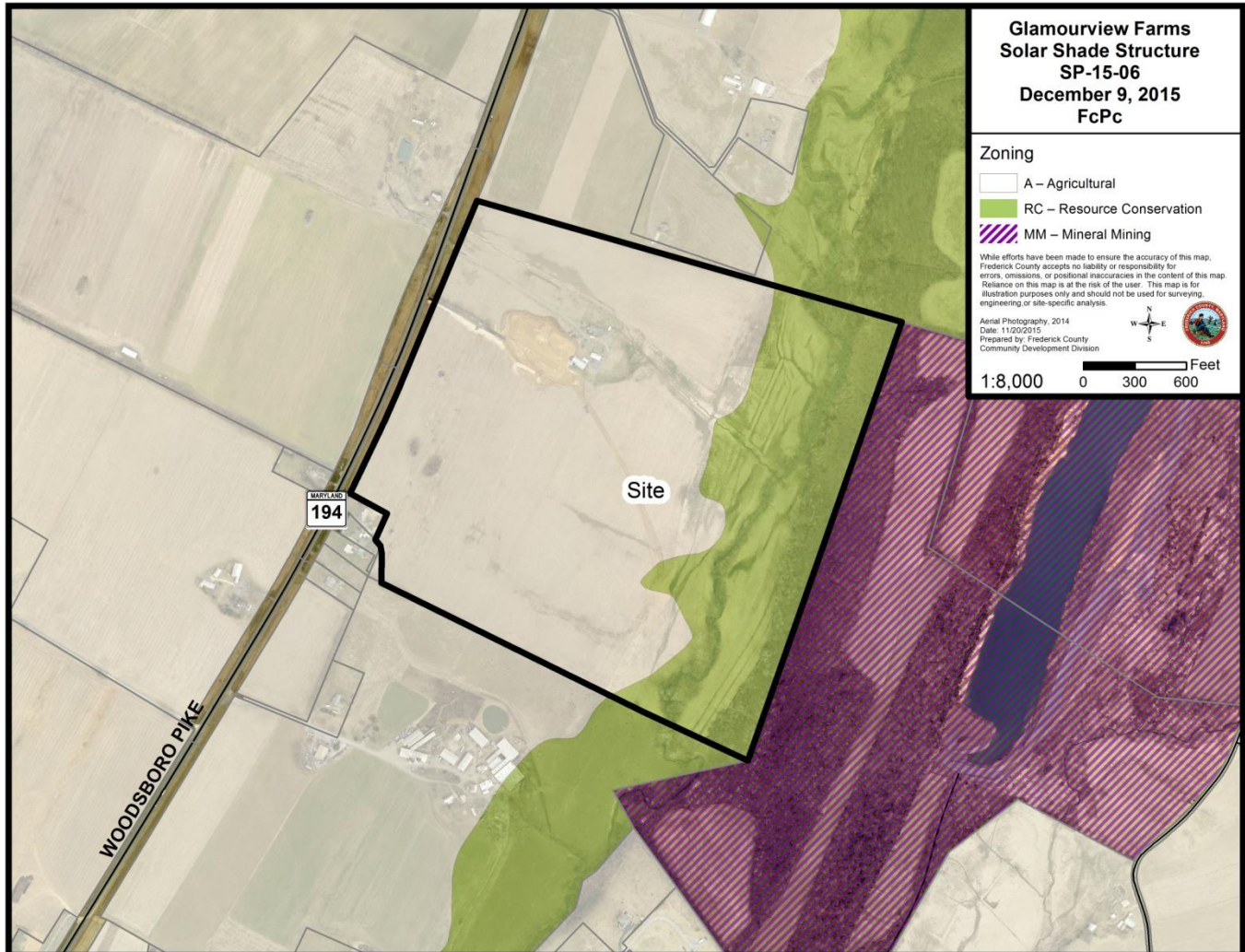
On April 24, 2015, the Board of Zoning Appeals (BOA) adopted their findings and decision of approval for a non-governmental utility on approximately 146 acres of the subject site within the Agricultural Zoning District in accordance with ZO §1-19-8.339. The BOA findings and decision letter is shown on Sheet 2 of 3 of the site plan. The subject site plan conforms to the BOA findings and decisions Case B-15-07.



## Existing Site Characteristics

The site is currently zoned split zoned Agricultural and Resource Conservation, and is developed with a working farm operation (see Graphic #2). The properties to the north, south and west of the site are vacant agricultural properties. The adjacent property to the east is developed with the S.W. Barrick Quarry.

Graphic #2: Site Zoning



## ANALYSIS

### Summary of Development Standards Findings and Conclusions

The primary issues associated with this development project were working with the Applicant to meet the intent of the zoning ordinance in a rural agricultural setting. As part of that process Staff reviewed the non-governmental utility separately from the existing farming operation.

### Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

### **Findings/Conclusions**

- 1. Dimensional Requirements/Bulk Standards for a Non-Governmental Utility in the RC and AG Zoning Districts §1-19-8.339:** Special Exception criteria in section 1-19-8.339 of the Zoning Ordinance stipulates minimum setback from all property lines for non-governmental utilities operations including structures, fencing and parking shall be 50' from property lines. The proposed plan meets the Bulk/Dimensional requirements of the Zoning Ordinance.
- 2. Signage §1-19-6.300:** No signage proposed as part of this site plan.
- 3. Landscaping §1-19-6.400:** Per §1-19-6.400.A.2 The Applicant is requesting a landscaping modification for approval of an alternative landscape plan to acknowledge existing mature woods on-site as meeting the requirement to plant street trees. The Zoning Ordinance specifically acknowledges the opportunity to approve an alternative landscape plan in agricultural areas due to the rural nature of these areas and the lack of continuity with the linear nature and intent of planting street trees. The 146 acre site contains a large area of mature woodlands that provide the steep slopes, Israel Creek, and sensitive environmental features cover, and fulfill the intent of the street tree requirement.
- 4. Screening §1-19-6.400:** The proposed natural resource land use is not required to provide landscaping screening between similar agricultural uses.
- 5. Lighting §1-19-6.500:** The Applicant is not proposing any lighting as part of this application.

**Modifications:** Per Z.O. §1-19-6.400.I: The Applicant is seeking a Landscape Plan Modification for approval of an alternative landscape plan to allow existing mature woods on-site to meet the street tree requirement.

***Transportation and Parking §1-19-3.300.4 (B):*** The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

### **Findings/Conclusions**

- 1. Access/Circulation:** Site access will be via an existing 20' wide access onto MD 194 (Woodsboro Pike) which is designated as an existing minor arterial on the Frederick County Comprehensive Land Use Plan.
- 2. Connectivity §1-19-6.220 (F):** Due to the rural nature of the site and existing surrounding development uses/patterns there is no connection to adjacent parcels existing or proposed as part of this site plan.
- 3. Public Transit:** This site is not served by Transit.

4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The Applicant is not required to provide parking or loading for the subject use.
5. **Bicycle Parking §1-19-6.220 (H):** Bicycle parking is not required as part of this land development application.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The site contains a farming operation; significant pedestrian movement throughout the site is not expected.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by private well water and septic and is classified NPS.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Topography:** The site slopes down to the east from Woodsboro Pike and is relatively flat and then slopes up at the far eastern property line where the existing woodlands and the majority of sensitive environmental features are located.
2. **Vegetation:** The site contains a large stand of existing mature woodlands along the eastern property boundary; the remaining areas are actively farmed.
3. **Sensitive Resources:** The site contains wetlands, floodplain, flooding and wet soils; the features are identified on the site plan. The sensitive environmental features are not located in the area of the proposed array and will not be impacted by the placement of the proposed structure.
4. **Natural Hazards:** There are no natural hazards located in the immediate vicinity of the subject non-governmental utility.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. **Proposed Common Area:** The site is a place of business used for farming. There are no common areas proposed.

## Other Applicable Regulations

**Moderately Priced Dwelling Units – Chapter §1-6A:** The proposed use is non-residential; therefore, MPDU's are not required.

**Stormwater Management – Chapter §1-15.2:** This application is exempt from the 2007 Maryland Stormwater Guidelines because land disturbance is under 5,000 square feet.

### **APFO – Chapter §1-20:**

- 1. Schools.** Schools are not impacted because the development of the property is a non-residential use.
- 2. Water/Sewer.** The Property has a water and sewer classification of NPS in the County's *Master Water and Sewer Plan*. The Project will be served by well and septic.
- 3. Roads.** This application is exempt from Roads testing due to the development resulting in less than 6 vehicle trips during the AM/PM peak hours.

**Forest Resource – Chapter §1-21:** The Applicant submitted a Combined preliminary/Final Forest Conservation Plan at the time of Special Exception review (AP# 15519), which was approved by Staff. The site of the solar structure contains no forest or specimen trees. The 0.02 acre afforestation requirement has been satisfied via payment of FRO fee-in-lieu in the amount of \$470.45.

**Historic Preservation – Chapter §1-23:** There are no historic resources on this property.

## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Approved
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion.
<b>State Highway Administration (SHA):</b>	Approved
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	N/A
<b>Health Dept.</b>	Approved
<b>Office of Life Safety</b>	Approved
<b>DPDR Traffic Engineering</b>	Approved
<b>Historic Preservation</b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the site plan for a 29' x 160' nongovernmental utility solar array, on a 146.2-acre site. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and is therefore valid until December 9, 2018.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Comply with the Board of Appeals findings and conditions as provided in Case No. B-15-07.
3. Planning Commission approval of the alternate landscape plan to allow existing mature woods on-site to meet the street tree requirement

## **PLANNING COMMISSION ACTION** MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Development Plan SP-15-06 (AP# 15676) **with conditions and modifications** as listed in the staff report for a 29' x 160' nongovernmental utility solar array, on a 146.2-acre site. Conditional approval is based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.







CIVIL ENGINEERS → PLANNERS → SURVEYORS

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November 20, 2015

Frederick County Development Review  
30 N. Market St.  
Frederick, MD 21701

Attn: Mr. Tolson DeSa  
Principal Planner

Subject: Glamourview Farm, Paradise Energy – Site Plan  
SP 15-06, Hansen Project #15676

Dear Mr. DeSa:

On behalf of Paradise Energy Solutions, LLC, we are requesting a Landscape Modification from Section 1-19-6.400 - Street Trees.

The applicant requests approval of a modification for the placement of street trees along Woodsboro Pike (MD Rt 194) for the subject project. We request approval of alternate on-site locations for trees in accordance with the following justification.

The site is a 146 acre farm that is actively cultivated as are the adjacent properties in the area. The predominant rural nature of the area is atypical of areas where the benefits of street trees are maximized. Additionally, placement of street trees could potentially impact the crop growth and cultivation.

There are mature woods along the slopes of the eastern boundary of the farm site as well as in environmentally sensitive areas along a stream that flows along the eastern boundary of the property. We believe that trees in these areas provide a greater benefit to the environment and maintain the rural nature of the community.

Thank you in advance for your consideration of our request for modification. If you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads 'Rick Curry'.

Rick Curry  
**B & R** Design Group