

**WASHINGTON COUNTY PLANNING COMMISSION
REZONING PUBLIC MEETING AND
REGULAR MEETING – March 1, 2010**

The Washington County Planning Commission held a public rezoning meeting and its regular meeting on Monday, February 1, 2010, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Drew Bowen, Sam Ecker, Clint Wiley and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planners Stephen T. Goodrich and Timothy A. Lung, and Administrative Assistant Debra Eckard.

CALL TO ORDER

Chairman George Anikis called the rezoning public meeting to order at 7:00 p.m.

REZONING PUBLIC MEETING

RZ-10-001 – Map Amendment

Mr. Goodrich presented for review and recommendation a map amendment for property owned by Christopher Horst located at 718 and 728 Antietam Drive. Mr. Goodrich entered the Staff Report and all related attachments for the record. The applicant is requesting the HP (Historic Preservation) overlay zone on two parcels of land that total .99-acres in size and are currently zoned RS (Residential Suburban). Mr. Goodrich explained that the overlay zone does not change the underlying zoning that controls the land use. He further explained that the HP overlay zone adds additional controls that govern the changes to the outside of historic buildings on the property. The HP zone is designed to retain the historic features or historic character of the buildings and insures that the changes, either restoration or new construction, are compatible with existing conditions. Property owners may be eligible to apply for property tax credits based on the amount spent for rehabilitation of the buildings within the HP zone. Mr. Goodrich stated that applying an overlay zone does not require proof of a change in the character of the neighborhood or a mistake in the original zoning of the property. Because the "change or mistake rule" does not apply to the HP overlay zone, there are qualitative criteria provided in the County's Zoning Ordinance by which the application should be judged. Mr. Goodrich noted that the 11 criteria elements are outlined in the Staff Report and the application must meet at least one of the criteria. He stated that Staff believes the application meets 5 of the 11 criteria listed including: 1) the property is listed in the Maryland Historical Trust's Inventory of Historic Places and the National Register of Historic Places; 2) the buildings retain significant character and value as part of the developmental history of Washington County; 3) the property is a good example of the cultural and economic heritage of the County; 4) the structures are a good and intact example of the signature stone construction in Washington County; 5) they are established visual features in the community due to their physical characteristics.

Comments: Mr. Anikis commended the property owners for preserving a valuable Washington County site, which he believes is one of only two structures left in the County that can be proven to have been in existence in the 1700's.

Mr. Horst, the applicant, spoke briefly to the Commission, and noted that as the property owner he fully understands the additional controls that govern the HP overlay zone and believes that preservation of historic structures is worth the additional controls.

Motion and Vote: Ms. Parrish made a motion to recommend approval of the HP overlay zone to the Board of County Commissioners. Seconded by Mr. Wiley. Unanimously approved. Mr. Kercheval abstained. The public rezoning meeting was closed at 7:12 p.m.

MINUTES

Mr. Bowen made a motion to approve the minutes of the February 1, 2010 regular meeting as presented. Seconded by Ms. Parrish. Unanimously approved.

Ms. Parrish made a motion to approve the minutes of the February 15, 2010 workshop meeting as presented. Seconded by Mr. Wiley. Unanimously approved.

OTHER BUSINESS

Westfields, Section 4 (PP-05-001)

Mr. Lung presented, on behalf of Ms. Kelly, a request for a sidewalk modification for Section 4, Westfields. The applicant is requesting the deletion of a proposed sidewalk that encompasses an open space area surrounded by Misty Field Lane, Wissett Way and Westernberger Drive. There are no improvements proposed for this open space area and would provide green space only. The proposed sidewalk is approximately 766-feet in length. It is the developer's opinion that the sidewalk is redundant and has no direct benefit on pedestrian mobility through the subdivision. Bicycle or stroller access to the open space is not compromised since the concrete curbing within this section of the subdivision is of mountable design. The applicant is making this request to limit maintenance responsibilities of the HOA for sidewalk that is of little or no benefit to pedestrians in addition to reducing unnecessary impervious surface area. Mr. Lung

stated that the modification request was forwarded to the County's Land Development Engineering Department as part of the review process. A memo from the Engineering Department was distributed prior to the start of this evening's meeting to each Commission member. The memo states, "having sidewalks in this location provides a safe means of access to the Open Space for pedestrians. However, the decision to eliminate the sidewalk rests with the Planning Department and we will support their decision regarding this matter." Mr. Lung stated that the Planning Department staff supports the Engineering Department's comment.

Comments: Mr. Cvijanovich, representative of the consultant Davis, Renn & Associates, pointed out that residents would need to cross a roadway to access the specified location. He noted there are no crosswalks designated; however, the mountable curb would allow for access.

Mr. Jeremy Holder of Ausherman Development Corporation, owner, stated that the HOA will be responsible for the maintenance of the sidewalk. Obligations such as these ultimately affect the affordability of the annual assessment for the residents. He believes that there are other amenities that could provide more benefit for the community as a whole.

Motion and Vote: Mr. Wiley made a motion to approve the modification request as presented. Seconded by Ms. Parrish. Unanimously approved.

Yogi Bear's Jellystone Camp Resort (SP-05-042)

Mr. Thompson presented for review and approval a request from Yogi Bear's Jellystone Camp Resort to allow access to non-profit groups and schools to the water park facility when capacity allows. Since opening the water park in August 2007, the Camp has had numerous requests from various community organizations to have access for day use of the water park. As a condition of the original approval for the expansion project in 2005, only registered guests of Yogi Bear's Camp Resort would have access to the water park.

Comments: Mr. Kercheval expressed his opinion that group transportation should be provided since there is not a lot of parking for outside guests. Mr. Thompson noted that the storm water management area has reduced the capacity for campers.

Motion and Vote: Mr. Kercheval made the following motion "Yogi Bear is permitted to allow non-profit organizations to have use of the water park provided that the organizations use group transportation and do not create traffic issues accessing the property or operating within the campgrounds. The Planning Commission reserves the right to rescind this modification should complaints be made to the County". Seconded by Mr. Bowen. Unanimously approved.

UPCOMING MEETINGS

1. Planning Commission Regular Meeting, Monday, April 5, 2010, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown

ADJOURNMENT

Mr. Wiley made a motion to adjourn the meeting at 7:35 p.m. Seconded by Mr. Ecker. So ordered.

Respectfully submitted,

George Anikis, Chairman