

**WASHINGTON COUNTY PLANNING COMMISSION
REZONING PUBLIC MEETING AND REGULAR MEETING
May 3, 2010**

The Washington County Planning Commission held a public rezoning meeting and its regular meeting on Monday, May 3, 2010, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Drew Bowen, Terry Reiber, Clint Wiley and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Timothy A. Lung, Planner Cody Shaw, and Administrative Assistant Debra Eckard.

CALL TO ORDER

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

RZ-10-002 (Text Amendment) – Board of County Commissioners

Mr. Thompson presented for review and recommendation a proposed text amendment to amend Sections 11.1 Business Local and 12.1 Business General zoning districts to add libraries as a permitted use. The proposed text amendment would also affect the PUD (Planned Unit Development), PB (Planned Business) and HI-1 (Highway Interchange 1) zones because these districts reference the uses permitted in the BL and BG districts. Presently, libraries are permitted only by right in the C (Conservation), A (Agriculture), RR (Residential Rural), RS (Residential Suburban), RU (Residential Urban) and RM (Residential Multi-family) districts and by special exception in the BT (Business Transition) district. Section 22.12 of the Zoning Ordinance requires libraries to have one off-street parking space for every 400 square feet of gross floor area. This number is less than the one space for 200 square feet normally required for commercial retail space, which would facilitate the placement of a library in any new or existing buildings in the BL or BG district as well as other commercial zones. Staff recommends approval of the proposed text amendment.

Public Comment: Ms. Mary Baykan, Director of the Washington County Free Library, was present at the meeting and offered the following comments. She noted that the current library downtown will be renovated and expanded, which facilitates the need for a temporary library space for the next two years. Various locations have been considered; however a particular site has been chosen that would accommodate the needs of the library and its patrons. Ms. Baykan noted that storefront libraries in retail areas are becoming very popular.

Mr. Thompson requested that the Planning Commission make its recommendation at this evening's meeting. No public comment was received prior to the meeting; however, if opposition to the proposed amendment is received prior to the BOCC public hearing, copies would be forwarded to members of the Planning Commission.

Comments: Mr. Anikis expressed concern regarding parking spaces in the shopping center where the temporary library would be located. Mr. Thompson stated there is currently vacant space in the shopping center and required parking for shopping centers is greater than the required parking for libraries. Mr. Reiber asked if changing the zoning districts would cause a problem in other areas in the County where libraries could be located. Mr. Thompson stated that there could be a potential problem in other areas; however, he believes the parking requirements could be met. Mr. Kercheval expressed his opinion that all the proposed zoning designations where libraries could be located are designed to meet higher volumes of commercial uses that generate a lot of foot traffic. These zoning districts also allow educational facilities and book stores.

Motion and Vote: Mr. Bowen made a motion to recommend approval of the text amendment to allow libraries in the BL and BG zoning districts, with the understanding that if any opposition is received during the comment period, the Planning Commission will be informed and may take further action. Seconded by Mr. Wiley. The vote was unanimous with Mr. Kercheval abstaining from the vote.

Mr. Anikis closed the public rezoning meeting at 7:15 p.m.

Mr. Anikis called the regular meeting of the Planning Commission to order at 7:15 p.m.

MINUTES

Mr. Reiber made a motion to approve the minutes of the April 5, 2010 regular Planning Commission meeting as presented. Seconded by Mr. Kercheval. Unanimously approved.

NEW BUSINESS

- MODIFICATIONS

Douglas Divelbiss (SV-10-007)

Mr. Shaw presented for review and approval a modification request for Douglas Divelbiss for property located on the west side of Ashton Road [Tax Map 46, Grid 4, Parcel 374]. The proposed lot is 9.12-acres in size and is zoned A(R) – Agricultural Rural. The applicant is requesting a modification from Sections 405.11.G.1 and .5, which states that each lot must have at least 25-feet of road frontage and the length of a

panhandle shall not exceed 400-feet. The applicant is proposing to create a building lot and remaining lands with 19.86-feet of road frontage for each. The remaining lands will have a panhandle length of 430-feet. Justification for the request is the existing irregular shape of the 16.37-acre that only has 39.72-feet of existing road frontage. The property is to be conveyed to the owner's son. In addition, the applicant through his consultant Frederick, Seibert & Associates, is requesting a reduction in the required 50-foot agricultural land use side yard setback to a minimum of 15-feet.

Discussion and Comments: Mr. Schreiber of Frederick, Seibert & Associates, stated that there is an existing septic area and well on the property. He explained there was previously a trailer on the property that was removed approximately 7 years ago. Mr. Schreiber stated that the reduction in the width of the panhandles is requested due to a physical hardship of less than 25-feet of road frontage. There was a previous subdivision of the property in the early 1980's at which time the Health Department required each lot to be 150-feet wide at the building setback line. Mr. Schreiber stated that granting the modification would not create a condition which allows more lots or development. He stated that the applicant would keep the existing driveway in order to address storm water management issues as cited by the Washington County Engineering Department.

Mr. Bowen asked if the Divelbisses owned the property when it was previously subdivided. Mr. Divelbiss stated that his father owned the property at that time.

Mr. Reiber asked if the neighbors had a problem with the driveway width reduction. Mr. Divelbiss stated there is no problem with any of the neighbors. Mr. Kercheval expressed his opinion that there should be a shared driveway with a maintenance agreement between the property owners. Mr. Reiber asked if the well and septic area would be checked since it has not been used for 7 years. Mr. Schreiber expressed his opinion that the Health Department would require an inspection prior to issuance of a building permit.

Mr. Anikis asked if the applicant has plans for the remaining lands. Mr. Divelbiss stated the land would be used for farming. Mr. Thompson stated that no further subdivision of the remaining lands would be allowed.

Motion and Vote: Mr. Kercheval made a motion to approve the modification request for a 430-foot panhandle, to reduce the 25-foot minimum requirement for public road access with a shared driveway for the two parcels [from Ashton Road to the eastern lot line of Lot 5] and a maintenance agreement signed by both property owners and to reduce the 50-foot minimum agricultural land use setback requirement to 15-feet on both sides. Seconded by Mr. Wiley. The motion passed with Mr. Kercheval, Mr. Wiley and Mr. Reiber voting "aye" and Mr. Bowen voting "no".

- OTHER BUSINESS

Capital Improvements Plan FY 2011-2016

Mr. Thompson presented for review and recommendation the FY 2011-2016 Capital Improvements Plan for consistency with the adopted 2002 Washington County Comprehensive Plan. Mr. Thompson noted that the CIP is approximately \$55 million less than FY 2010. Both the overall 6-year CIP and the annual budget for 2011 have been reduced. He announced that a public hearing to present the CIP will be held by the Board of County Commissioners on Tuesday, May 4th at the Kepler Theater at 7:00 p.m. Mr. Thompson gave a brief summary of the CIP and highlighted a few details including funding for the Board of Education, road projects, etc. He reviewed the 12 visions for planning as set forth by the State of Maryland.

Mr. Kercheval briefly explained the process used by the County to determine the amount of funding for road projects in the CIP. There was a brief discussion regarding areas in the County where roads are inadequate to handle future development. Mr. Kercheval expressed his opinion that the funding for road maintenance, which is currently \$3.5 million, is not adequate. Mr. Thompson explained that the CIP committee reviews road safety issues to determine if there are road projects that need to be moved ahead in the priority rankings. Mr. Reiber expressed his concern regarding the senior center on the campus of the Hagerstown Community College with regard to the volume of additional traffic accessing the campus and additional traffic on Robinwood Drive. Mr. Anikis also expressed his concern regarding traffic issues on the entire Robinwood corridor and future development. Members discussed road improvements and the responsibility of developers to help fund roads and other infrastructure.

Mr. Kercheval distributed a spreadsheet showing school enrollment in the County and briefly explained how seat capacity is being addressed. Mr. Kercheval noted there are a few new elementary schools coming on-line, there is an expansion planned for the E. Russell Hicks Middle School, and currently there are available seats in the high schools. There was a brief discussion regarding the effects of new development on the school capacity and how redistricting would affect various schools in the County.

Mr. Bowen suggested that the Planning Commission recommend to the BOCC that a project should be included in the CIP to address the overall transportation plans for Robinwood Drive / Hagerstown Community College. He cited several development projects that the Planning Commission has approved over the last several months along the Robinwood Corridor, such as the Hospital, a funeral home, the new primary school, etc. Mr. Bowen stated this area is seeing a lot of new development and he does not believe that transportation issues are adequately being addressed. Mr. Reiber expressed his opinion that if a private developer were involved in projects, such as the senior center, they would need to make the necessary road improvements to address the traffic issues being created.

Motion and Vote: Mr. Bowen made a motion to recommend approval of the Capital Improvements Plan to the Board of County Commissioners because it is consistent with the County's adopted Comprehensive Plan. The Planning Commission requested that Staff inform the BOCC regarding its concerns that the CIP does not adequately address the transportation needs of the Robinwood corridor particularly the area around the Hagerstown Community College campus. The Planning Commission has reviewed multiple site plans for the area, including the Eastern Primary School, the Senior Center, a funeral home, two new buildings on the campus of HCC; however, corresponding funds are not shown in the current CIP to address the transportation needs associated with the new development. Seconded by Mr. Wiley. Unanimously approved. Mr. Kercheval abstained.

There was a brief discussion regarding future school sites. Mr. Thompson noted there is a committee that is reviewing land acquisition for schools and possible future sites.

Announcements

Mr. Thompson reminded Commission members to visit the Maryland Department of Planning website to take the required course for Planning Commission members before July 1st.

Mr. Thompson announced that the State of Maryland has made changes to the Forest Conservation Ordinance that will require changes to the County's FCO. One major change is the proposed fees outside the Priority Funding areas, which has been increased to \$.36 per square foot. The language relative to spending the funds within a two year period has been removed.

ADJOURNMENT

Mr. Bowen made a motion to adjourn the regular meeting of the Planning Commission at 8:35 p.m. Seconded by Mr. Reiber. So ordered.

Respectfully submitted,

George Anikis, Chairman