

WASHINGTON COUNTY PLANNING COMMISSION
October 3, 2011

The Washington County Planning Commission held its regular meeting on Monday, October 3, 2011 at 7:00 p.m. in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

Members present were: Chairman Terry Reiber, Clint Wiley, Dennis Reeder, Drew Bowen, Sam Ecker, Sasson Shaool, and Ex-Officio William McKinley. Staff members present were: Planning Director Stephen Goodrich, Director of Plan Review & Permitting Jennifer Smith, Deputy Director of Plan Review & Permitting Tim Lung, Senior Planners Lisa Kelly and Jill Baker.

CALL TO ORDER

Chairman Reiber called the meeting to order at 7:00 p.m.

MINUTES

Mr. Bowen made a motion to approve the minutes of the September regular meeting held on August 29, 2011 as presented. Second by Mr. Ecker. Unanimously approved with Mr. Wiley abstaining from the vote.

NEW BUSINESS

- MODIFICATIONS

Review and Herald Publishing (SV-11-008)

Mr. Lung presented a request from the Review and Herald Publishing Company for the use of the simplified subdivision plat process to create a separate 47.53 acre stand-alone parcel "not for development". The property is located along the south side of Oak Ridge Drive and is currently zoned HI-2. The property is currently being used for agricultural purposes and it is the intent of the applicant that the agricultural use will continue. In Section 3.18 (a – c) of the Subdivision Ordinance, a list of allowable uses of the simplified plat procedure is provided. Mr. Lung stated that Staff is not opposed to this request; however, County Engineering Review personnel have listed several conditions that must be met prior to approval of this request. First, the consultant must provide a standard sight distance worksheet for the existing pump station access if this is proposed to be the primary access to the property parcel. An additional 50-foot right-of-way from the centerline of West Oak Ridge must be dedicated for future widening.

Discussion and Comments: Mr. Reeder asked if the 4-acres of land located on the other side of I-70 would be used for agriculture. Mr. Lung believes that it is not the intent of the applicant to include those 4-acres of land in the 47.53-acre parcel for agricultural purposes. Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant for the applicant, stated that the 4-acres is a separate parcel created by the public taking of I-70. He briefly explained the applicant's justification for this request. Mr. Ken Grove, the attorney for the applicant, gave a brief history of litigation involving the Review and Herald Publishing Company with regard to property tax assessments on the subject parcel.

Motion and Vote: Mr. Ecker made a motion to approve the request to create a separate stand-alone parcel "not for development" of 47.53-acres contingent upon the applicant providing the required standard sight distance worksheet for the existing pump station access and the dedication of the additional 50-foot right-of-way from the centerline of West Oak Ridge Drive for future widening. Second by Mr. Wiley. Unanimously approved.

June Leasure (SV-11-006)

Ms. Kelly presented for review and approval a modification request to create a 4.35-acre single-family lot around an existing dwelling served by well and septic, which will leave a remaining 14-acre parcel. The Health Department requires a 10,000 square foot septic reserve area and it cannot be located on the subdivided lot. The applicant is requesting approval to locate the reserve area on the remaining lands. The property is located along the north side of Lappans Road east of the intersection with College Road and is currently zoned A(R) – Agricultural Rural and RV – Rural Village. The applicant would like to utilize the 10,000 square foot area on the remaining lands in the form of an easement instead of ownership. The Health Department has no objection to the request.

Discussion and Comments: Mr. Shaool asked why the applicant does not include the 14-acre parcel with the existing dwelling in order to have the septic reserve area on the same lot as the dwelling. Ms. Leasure, the applicant, explained that the subdivision is part of a family estate settlement and that there is a natural boundary [a stream] between these two parcels. She stated that the family has worked diligently to preserve this land in its native state. Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, further explained the justification for this request.

There was a brief discussion with regard to other similar requests brought before the Planning Commission with Mr. Lung citing specific examples.

Motion and Vote: Mr. Reeder made a motion to approve the request contingent upon restrictions being recorded with the deed. Second by Mr. Ecker. Unanimously approved.

- SITE PLANS

Peco NNN Holdings, Inc. (SP-11-008)

Ms. Kelly presented for review and approval a site plan for a proposed Walgreens to be located along the south side of Virginia Avenue and east of Halfway Boulevard. The property is currently zoned BL – Business Local. A preliminary consultation was held in January 2011 and the Planning Commission reviewed the proposed plans and offered comments in April 2011. The developer is proposing to construct a 2-story, 10,873 square foot building on 1.18 acres. The first level of the building will house a pharmacy/convenience store and the second level will be used for storage only [and will not be available to the public]. The maximum height of the building will be 30-feet. A drive-thru with canopy is proposed along the north side of the building. Access to the site will be from Glenside Avenue, which will have both an entrance and an exit and a right-in and right-out is proposed from Halfway Boulevard. There will be no access from Virginia Avenue. Public water and sewer will serve the site. Hours of operation will be 7 days/week, 24 hours per day. There will be a total of 40 employees working various shifts. Deliveries are expected several times per week. Parking spaces required is 38 spaces and 38 spaces will be provided. Lighting will be building and pole mounted and a photometric plan has been requested by Staff prior to final approval. A screened dumpster will be located to the rear of the building next to the parking area. Screening will be provided by a wood fence and landscaping. Two 25-foot high signs totaling 165-square feet each will be located on site. The Board of Zoning Appeals granted 3 variance requests: 1) a reduction in the front yard setback from 40-feet to 25-feet; 2) a reduction in the minimum 25-foot street right-of-way to 2-feet from a free-standing sign support structure; and 3) a reduction from 5-feet to 1-foot from the street right-of-way for the sign face and the buffer area from 10-feet to 2-feet from the right-of-way line for parking. Storm water management facilities will be provided underground due to constraints of the site area. Landscaping will be interspersed throughout the site using a variety of landscaping materials. Directional pavement markings and free standing signs will be used to direct traffic on the site. A privacy fence 8-foot in height made of opaque cedar sealed with a clear sealant will be used as screening adjacent to Mr. McAllister's property. The McAllister's have expressed concern with regard to the lighting, screening and proposed hours of operation. State Highway Administration approval is pending. Forest Conservation requirements will be met by payment in lieu in the amount of \$784.08.

Discussion and Comments: Mr. Reiber noted that for the past several years the Planning Commission has been requiring vinyl fencing. There was a brief discussion regarding access to the site from Glenside Avenue and Halfway Boulevard. There was a brief discussion regarding the variances for setbacks granted by the Board of Zoning Appeals and concern was expressed for the neighboring properties relative to light and noise.

Mr. McAllister, who owns the adjoining property, was present at the meeting and presented Commission members with a petition from residents along Glenside Avenue. Residents are concerned about the amount of traffic that will be generated on Glenside Avenue. Mr. McAllister expressed his opinion that the 8-foot fence will not provide adequate protection on his property from the lights on the proposed Walgreens property.

Mr. Shaool asked if it is possible to provide additional screening to Mr. McAllister's property. Mr. Schreiber of Frederick, Seibert & Associates, the consultant, suggested that the applicant could install the vinyl fencing as previously recommended. He explained that Mr. McAllister's property is situated lower than the proposed Walgreen's and would make it difficult to provide any additional screening on the proposed site. Mr. Shaool expressed his opinion that a taller fence (greater than 8-feet) should be considered. Mr. Schreiber noted that the 8-foot fence would be sitting on top of a 3 to 4 foot retaining wall and he does not believe that the Zoning Ordinance would permit anything taller. Ms. Kelly suggested that the two property owners could agree to additional screening on Mr. McAllister's property.

Mr. Wiley asked when the photometric plan would be submitted for review. It was noted that the photometric plan has been completed and was designed to have downward facing lights so there would be no spillover beyond the applicant's property line. It was also noted that there will not be any lighting on the second story of the building [all building mounted lighting will be limited to the first story of the building]. There was a brief discussion regarding the issue of lighting and screening. Commissioner McKinley expressed his concern that the number of parking spaces being proposed may be inadequate.

Motion and Vote: Mr. Shaool made a motion to approve the site plan contingent upon screening being provided using an evergreen tree [8-foot minimum], which would grow large enough to block any spillover of lighting on the adjoining properties.

Discussion: Mr. Ecker expressed his opinion that there is not enough room on the site to plant trees due to the variances granted by the Board of Zoning Appeals. Mr. Schreiber stated that the developer was fearful that planting trees in this area would affect the existing retaining wall.

Mr. Bowen seconded Mr. Shaool's motion.

Discussion: Ms. Kelly stated there is not enough space for both the fence and the trees. She does not believe that trees would survive in that small space. A suggestion was made that trees be planted by the developer on the adjoining property owner's land, if both the developer and the property owner agree. Mr. Shaool withdrew his motion.

Motion and Vote: Mr. Ecker made a motion to approve the site plan contingent upon Staff's approval of the photometric plan, all agency approvals and the use of vinyl fencing around the dumpster and along the property on the retaining wall. It is recommended that the developer and adjoining property owner meet to discuss the planting of trees on the property owner's land to provide additional screening. Second by Mr. Bowen. The motion passed with Mr. Wiley, Mr. Ecker, Mr. Bowen, Mr. Reeder and Commissioner McKinley voting "yes" and Mr. Shaool voting "no".

OLD BUSINESS

- RZ-11-003 Solar Energy Generating Systems

Mr. Goodrich stated that the Board of County Commissioners will hold a public hearing on RZ-11-003 on Tuesday, October 4th at 2:00 p.m. Following the Planning Commission's recommendation and requested changes, Staff realized that Article 18 (h) of the Zoning Ordinance prohibits the special exception uses in the IR and IG zoning districts. Therefore, Staff prepared additional text to allow the Solar Energy Generating Systems in the PI zoning district.

OTHER BUSINESS

- Revised PlanMaryland

Mr. Goodrich presented the draft of the revised PlanMaryland document. He reminded Commission members that the first draft document was reviewed and comments presented by Staff during the July 11th Planning Commission meeting. At that time, the Commission recommended that a letter should be sent to the Board of County Commissioners stating its concerns with regard to the loss of local zoning authority, the "one size fits all philosophy" of the Plan, etc. The BOCC adopted the Planning Commission's concerns and forwarded a letter to the Maryland Department of Planning regarding these concerns as well as other concerns including examples of how the Plan, as written, could be detrimental to local government. As a result of comments received by the State of Maryland from local jurisdictions and citizens around the State, revisions were made to the Plan.

Mr. Goodrich stated that he has reviewed the revised Plan and noted that significant changes have been made. He briefly highlighted a few of the changes made in the Plan. The Plan includes a comparison of current trends versus a smart growth scenario and a chart of expected fiscal and environmental implications from current policies and smart growth scenarios. Mr. Goodrich pointed out there are 3 major goals and 12 visions included in the Plan. Although the revised Plan presents a more collaborative approach and recognizes unique local conditions, it is still a plan that the State intends to use to help make funding and policy decisions and could impact local governments.

Discussion and Comments: There was a brief discussion regarding the Maryland Delegation and its position on the goals and objectives of PlanMaryland. Commissioner McKinley briefly discussed the idea of a lobbyist for several of the western counties in Maryland. He noted that each county has indigenous qualities that PlanMaryland does not take into account and is not in the best interest of that county. Mr. Reiber expressed his opinion that the County Commissioners should work with the Delegates to represent Washington County in expressing its concerns and communicating what is in the best interest of our County.

Motion and Vote: Mr. Bowen made a motion to recommend that the Board of County Commissioners work with the Maryland Delegates to communicate its concerns regarding PlanMaryland and to represent the best interest and to protect the future planning of Washington County. Second by Mr. Ecker. Unanimously approved. Commissioner McKinley said he would convey the Planning Commission's recommendation to the County Commissioners.

UPCOMING MEETINGS

1. Tuesday, October 18, 2011, 6:00 p.m., Joint Public Hearing, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland
2. Monday, November 7, 2011, 7:00 p.m., Regular Planning Commission meeting, Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland

ADJOURNMENT

Mr. Bowen made a motion to adjourn the meeting at 9:00 p.m. Second by Mr. Ecker. So ordered.

Respectfully submitted,

Terry Reiber, Chairman