

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – MARCH 6, 2006**

The Washington County Planning Commission held its regular meeting on Monday, March 6, 2006, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Acting Chairman R. Ben Clopper, Clint Wiley, Bernard Moser, George Anikis, Terry Reiber, and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planners Stephen T. Goodrich and Timothy A. Lung, Senior Planner Lisa Kelly Pietro, and Administrative Assistant Debra Eckard.

CALL TO ORDER

Vice Chairman R. Ben Clopper called the meeting to order at 7:00 p.m.

Mr. Thompson announced that a student from Frostburg State University was in attendance to observe and record the meeting. There was no objection from the Commission.

MINUTES

Mr. Moser made a motion to approve the minutes of the February 6, 2006 regular meeting as amended. Seconded by Mr. Reiber. Mr. Wiley abstained. Unanimously approved.

OLD BUSINESS

Richard McCleary – SP-05-047

During the February 6, 2006 Planning Commission meeting, Mr. Thompson presented a written request from Mr. McCleary to provide a brief explanation regarding the Forest Conservation Mitigation request for payment in lieu that was discussed during the January 9, 2006 meeting. Mr. McCleary's request was to make a payment in lieu of to meet the Forest Conservation requirement for forest that was accidentally cleared on the site of Parker Plastics located along Western Maryland Parkway. The Planning Commission denied the request for payment in lieu and directed Mr. McCleary to replant the trees on site in the area that was cut and recommended payment of the non-compliance penalty of \$.30 per square foot as permitted by the Forest Conservation Ordinance.

Discussion: Mr. McCleary stated that site work on this property took approximately one year to complete and the excavating company that was hired as a subcontractor accidentally removed the trees. Mr. McCleary requested that the Commission reconsider their decision for payment of the non-compliance penalty and offered payment in lieu or replanting of the trees without the penalty.

Mr. Reiber believes that a mistake was made clearing the trees and was not done intentionally by the developer. The Forest Conservation Ordinance allows for a non-compliance penalty and Mr. Moser believes the non-compliance penalty should not be waived. Mr. Clopper believes that the Commission has made the correct decision. Since the property is a commercial site, Mr. Kercheval believes that replanting should occur off-site.

Clarification: Mr. Thompson clarified the Commission's actions on January 9, 2006. Mr. McCleary is required to pay the \$.30 per square foot non-compliance penalty, to replant the on-site area, and, at his discretion, to plant an additional .99 acres off-site or make payment-in-lieu-of to the Forest Conservation fund.

The original action of the Planning Commission on January 9, 2006 stands.

NEW BUSINESS

- Variances

Glen Afton Farm (SV-06-009)

Mr. Lung began by stating that the request was initially submitted as a variance at the direction of the Staff. After additional review by the County Attorney, it has been determined that the cited section of the Subdivision Ordinance does not apply to this situation. Therefore, a variance is not needed; however, Staff is requesting the Commission's concurrence on this request. A subdivision plat has been received on a 140-acre parcel located primarily in Washington Township, Franklin County, Pennsylvania. Approximately 6-acres of this property is located in Washington County, Maryland. A deed is recorded and a property tax identification number and parcel number have been assigned in Washington County. There is no proposed buildable area in Maryland. The developer is not creating any separate lots of record in Maryland. The Mason-Dixon line bisects nine of the proposed lots. Staff is recommending that a subdivision plat for the nine lots should be recorded in Washington County with notes on the plat stating, "There shall be no development or disturbance on the land in Washington County" and "no new lots would be

created in Maryland". A stream runs through the Maryland portion of the property and would require a stream buffer. Washington Township has granted preliminary approval of the subdivision plat contingent upon all Washington County, Maryland requirements being addressed on the final subdivision plat. Mr. Ken Grove, attorney for the developer, stated that they have no objections to the Staff's request.

Mr. Moser made a motion for concurrence with the Staff and County Attorney's determinations. Seconded by Mr. Anikis. Unanimously approved.

- Subdivisions

Arnett Farm Lot 1 and Tract 3 (S-06-007)

Mr. Lung presented for review and approval the preliminary/final plat for the Arnett Farm, Lot 1 and Tract 3, located along the west side of Maryland Route 65, north of Rench Road, zoned HI-1 and HI-2. A preliminary consultation was held in 2005 for the proposed development including apartments, townhouses and commercial development on a total of 60 acres. The developer is proposing to create a 10.43-acre parcel that contains a house and outbuildings (called remaining lands). The plat also creates a strip of land that would serve as the future extension of Battle Creek Boulevard west of Maryland Route 65. The plat also addressed Forest Conservation requirements for the future development of this site. Planting areas on the remaining lands and around the proposed storm water management area would be established. The Planning Commission previously approved 3.61 acres of on-site planting and off-site planting at a 2:1 ratio (3 acres) in sensitive areas in the Sunset Meadows development near Clear Spring. This plat does not constitute approval of any new development on this property. Site plans and/or subdivision plats would be required prior to any development on this site. The plat has been revised to give the remaining lands a point of access onto a public road. The Washington County Department of Water Quality would provide sewer service to the site. A surety and two-year maintenance agreement would be required for the Forest Conservation planting area. Approvals are needed from the Washington County Health Department and the City of Hagerstown Water Department. A pre-annexation agreement by the developer is needed prior to City Water Department approval. All other agency approvals have been received.

Discussion: The developer's consultant stated that a traffic study is currently in progress by a traffic engineer hired by several developers proposing new development projects in the area. The State and County have approved the scope for the traffic study.

Mr. Anikis made a motion to grant preliminary/final plat approval for Lot 1 and Tract 3 contingent upon approval from the City of Hagerstown Water Department and the Washington County Health Department and the submittal and approval of the surety for the planting area and a two-year maintenance agreement. Seconded by Mr. Moser. Unanimously approved.

- Site Plans

Phoenix Color (SP-05-058)

Mr. Lung presented for review and approval the site plan for Phoenix Color located along the west side of Henson Boulevard. The developer is proposing to construct a 270' x 185' building to house 50,000-square feet of warehouse space and 500-square feet of office space. The property is zoned IG – Industrial General with an Airport Clear Zone overlay. The building would be located on a 3.74-acre parcel. A subdivision plat has been submitted to create the 3.74-acre parcel and a 6.36-acre parcel to the north of this site. The remaining 79 acres contains the existing Phoenix Color facility. Access to the site would be off Henson Boulevard. Parking required is 10 spaces and 12 spaces are provided including handicapped spaces. An access road would surround the building. A loading dock would be provided in the rear of the building with a maximum of 10 dock doors. Pole mounted lighting would be located around the access road and within the parking lot and building mounted lights would be provided above the loading docks. A sign would be located at the entrance near Henson Boulevard and conforms to the applicable sections of the Zoning Ordinance. The Airport Clear Zone establishes maximum building height requirements based on the distance of the site from the runway. The proposed building height of 27-feet meets the FAA's height requirement. Landscaping is proposed around the front of the building, parking lot and access road. The Forest Conservation Ordinance requirement would be met by retaining 8.56 acres of existing forest on site. The City of Hagerstown would provide water and sewer service to the site. The site is located in the Joint Service Area with the Washington County Department of Water Quality owning the sewer lines and the City of Hagerstown treating the sewage. Approvals are needed from the City of Hagerstown Sewer Department and the Washington County Health Department. All other agency approvals have been received.

Mr. Reiber made a motion to grant site plan approval contingent upon approval from the Washington County Health Department and the City of Hagerstown Sewer Department, to grant approval of the Forest Conservation Plan to retain existing forest on-site and to grant Staff the authority to approve the subdivision plat.

The Barbara Fulton Academic Building & Powell Hall Renovation at Saint James School (SP-06-001)

Ms. Pietro presented for review and approval the site plan for The Barbara Fulton Academic Building and Powell Hall Renovation at Saint James School located along the east side of College Road. The site is 31.48 acres and is zoned A – Agriculture. The applicant is proposing to renovate the existing Powell Hall, the existing Barbara Fulton Academic Building and to construct a 17,300-square foot addition with a courtyard and sidewalk. The Washington County Department of Water Quality would provide sewer service to the site. Water is provided by a privately owned and maintained water system. No additional parking would be required. The hours of operation are Monday through Friday, 8:00 a.m. to 3:00 p.m. An existing sign would be replaced by a 13" x 40" sign. Trash would be disposed in an existing dumpster. Pole-mounted lights, wall lanterns and building mounted wall tacks, would provide lighting. An area of less than 40,000-square feet would be disturbed during construction and, therefore, the site is exempt from Forest Conservation requirements. Landscaping would be provided and would include boxwood, azaleas, hydrangeas, holly, sugar maples and tulip poplars. All agency approvals have been received.

Mr. Moser made a motion to grant site plan approval. Seconded by Mr. Anikis. Unanimously approved.

- Preliminary Consultations

The Townes at Rockspring (PC-05-032)

Ms. Pietro presented for review the Preliminary Consultation for The Townes at Rockspring (formerly known as Crosspoint Residential – Caruso Homes) located along the east side of Hickory School Road and west side of Massey Boulevard, south and adjacent to Petco and Target. The property was recently granted an RM zoning designation by the Board of County Commissioners. During the January 11, 2006 consultation, the developer proposed 146 townhouse units on 17 acres (a density of approximately 8 units per acre) with no remaining lands. The Washington County Engineering Department would require a storm water management area and a comprehensive traffic impact study to include the proposed Williamsport Ventures and Allison Avenue developments. The State Highway Administration also requested a traffic impact study with special attention being given to U.S. Route 11, Hickory School Road, Bower Avenue and Massey Boulevard. The developer proposed several dead-end streets and on-street parking to meet the parking requirement of 1.8 spaces per unit that was determined unacceptable by the County Engineering Department and the Planning Staff. The tot-lots and pre-teen lots should be more centrally located within the development. Walkway areas must be paved and school bus waiting areas must be approved by the Washington County Board of Education and must be shown on the plan. All interior streets are proposed to be private. Street lighting was recommended. A revised concept plan has been submitted proposing 136 townhouse units (a density of 7.8 units per acre). The dead-end streets are proposed to connect. The parking required is 245 spaces. The developer is proposing 206 spaces in driveways, 52 off-street parking spaces including 3 RV spaces and 62 on-street parking spaces for a total of 319 spaces. A few of the private streets would be public streets. One of the proposed tot-lots would be a pre-teen lot, a school bus waiting area, street lighting and crosswalks have been added. A vegetative buffer and berm would be created along Beckley Avenue. The existing Leyland Cypress would be retained to buffer the development from the Target shopping center. The developer is proposing to meet the Forest Conservation Ordinance requirement by retaining 2.48 acres of existing forest and a partial payment-in-lieu in the amount of \$18,338.76.

Discussion: There was a brief discussion regarding a fence along the railroad track to ensure the safety of the children playing in the tot-lot located nearby. The developer stated he would install a fence. There was a brief discussion regarding the private roads within the development. Ms. Pietro stated that the roads are not built to County standards. A Homeowner's Association would be responsible for snow removal on the private streets. Commission members also expressed concern that there is not enough street lighting proposed.

Comment: Mr. Kercheval noted that during the rezoning process, traffic was a major concern for this area. The Board of County Commissioners granted approval of the rezoning request contingent upon a detailed traffic study being completed. He stated that the developer was not guaranteed any specific density and would depend upon the impact of traffic during the approval process. Mr. Kercheval expressed concern regarding the volume of traffic and if upgrades could be provided to address the problems. A representative from Caruso Homes stated that a traffic impact analysis for this development has been completed in accordance with State and County guidelines and presented to the Washington County Engineering Department for their review.

Mr. Anikis expressed his concern regarding fire safety issues due to the private streets and snow removal in the winter.

No action required.

Taylor's Run (PC-05-031)

Mr. Lung presented for review and comment the Preliminary Consultation for Taylor's Run located along the west side of Hopewell Road, north of Wright Road. A consultation was previously held in 2004 that proposed 202 single-family residential lots. The revised concept plan proposes 142 lots including 106 semi-detached dwelling unit lots and 35 single-family dwelling unit lots on 109 acres (the density is 1.3 dwelling units per acre). The property is zoned RR – Residential Rural and lies within the Urban Growth Area. The clustering concept is no longer proposed. Mr. Lung stated that the Staff's comments were essentially the same as the comments on the previous concept. The developer is proposing to meet the Forest Conservation requirement by on-site retention and on-site planting and off-site planting as previously approved by the Planning Commission. The collector road through the property would be an open section street and the interior local streets would be closed section streets with sidewalks. A future street connection to adjoining residential zoned land to the north is proposed. Buffering and fencing would be required along the railroad tracks. The strip of land located between relocated Wright Road and the railroad right-of-way would be owned and maintained by a Homeowner's Association. The Homeowner's Association would also maintain the Forest Conservation area on the site. This development is proposed to be age-restricted in accordance with HUD guidelines. A revised traffic study would be required.

Discussion: There was a brief discussion regarding street lighting for the development. Several members expressed concern that street lighting is not proposed and believe there is safety concerns especially since this is an age-restricted development. The developer, Mr. Sasson Shaool stated he would be willing to provide street lighting.

No action required.

9:00 p.m. – Mr. Clopper called for a five-minute recess.

9:05 p.m. – The meeting resumed.

Williamsport Ventures, LLC (PC-06-001)

Mr. Goodrich presented for review and comment the Preliminary Consultation for Williamsport Ventures located along the south side of Sterling Road, east side of Doub Road and north side of Kendle Road. Mr. Goodrich stated that this is the second preliminary consultation for this property to present revisions to the concept plan following a public hearing for rezoning the property in September 2005. The number of dwelling units was reduced from 1280 to 967 units and the density was reduced from 3.89 units per acre to 2.93 dwelling units per acre. The developer is proposing 97 senior-restricted units. The proposed school site has been moved into the development along Sterling Road and the developer is proposing a 25,500-square foot commercial site within the development.

Comments: Commission members expressed their concern regarding sewer capacity issues, traffic issues, school capacity issues, and road adequacy issues. The developer is proposing to meet the Forest Conservation requirement by on-site retention and planting. Mr. Anikis stated his opinion that the commercial area should be moved to the interior of the development and would be more convenient for residents of the development. He also stated that he believes the proposed number of homes is too large for a development at the edge of the Growth Area. Mr. Kercheval stated that if the development is approved and moves forward, there are several issues that would need to be addressed regarding traffic issues prior to the beginning of any construction.

Per Mr. Anikis' request, Mr. Goodrich presented brief comments regarding the historic structures located on the property. He stated that members of the Historic District Commission visited the site and modified their previous recommendations based on the site visit. The HDC recognized that the information contained in the Historic Sites Inventory was incorrect and that the building is a solid brick structure and not a log-cased brick structure and there is no significant architectural characteristics. They also acknowledged that the farm buildings are not worthy of retention and retracted their previous recommendation.

OTHER BUSINESS

Mayor and Council of Boonsboro – Annexation Request

Mr. Thompson presented for review and recommendation the proposed annexation of 32.49 acres, more or less, along South Main Street. The purpose of the annexation is to provide municipal water and sewer service to existing commercial properties. A portion of the property on both the north and south sides of South Main Street is existing commercial properties and are designated as Commercial on the 2002 adopted Comprehensive Plan. The proposed zoning GC – General Commercial is consistent with the adopted Comprehensive Plan and requires no further action by the Board of County Commissioners. Approximately 9 acres of the property is proposed for SR – Suburban Residential zoning and would be surrounded on three sides by commercially zoned property. This portion of the property is inconsistent with the adopted Comprehensive Plan; however, Staff would recommend that the Board of County Commissioner's

grant, "express approval" in order that the property could be developed without the five-year waiting period.

Mr. Reiber made a motion to recommend to the Board of County Commissioners "express approval" for the proposed annexation. Seconded by Mr. Anikis. Mr. Kercheval abstained. Unanimously approved.

Town of Smithsburg – "Frey Annexation"

Mr. Thompson presented for review and recommendation the proposed annexation of 3.04 acres located on the north side of Crystal Falls Drive. The property consists of two parcels and the larger parcel is proposed to be subdivided into two lots upon annexation. The property is designated as low density residential on the 2002 adopted Comprehensive Plan. The proposed zoning is SR – Suburban Residential and is consistent with the RR zoning and the LDR Comprehensive Plan. It is Staff's opinion that no further action is required by the Board of County Commissioners.

Mr. Anikis made a motion to recommend that the proposed annexation is consistent with the adopted Comprehensive Plan and that no further action is required by the Board of County Commissioners. Seconded by Mr. Moser. Unanimously approved.

Town of Smithsburg – "Fleming Annexation"

Mr. Thompson presented for review and recommendation the proposed annexation of 4.5 acres located on the north side of Cave Hill Road. The property is proposed to be subdivided into single-family residential lots upon annexation. The property is designated as low density of the 2002 adopted Comprehensive Plan. The proposed zoning is SR – Suburban Residential and is consistent with the RR zoning and the LDR Comprehensive Plan. It is Staff's opinion that no further action is required by the Board of County Commissioners.

Mr. Reiber made a motion to recommend that the proposed annexation is consistent with the adopted Comprehensive Plan and that no further action is required by the Board of County Commissioners. Seconded by Mr. Anikis. Unanimously approved.

Election of Officers

Mr. Thompson noted that in the Planning Commission's By-laws, Section 4, Article 5 it states, "Vacancies in offices shall be filled by the adopted election procedure at the first regular meeting of the Commission following notification of the vacancy." Due to the resignation of Mr. Ardingner on February 17, 2006, the Commission must elect a new Chairman.

Mr. Reiber made a motion to elect Vice Chairman Ben Clopper as the new Chairman. Seconded by Mr. Anikis. Unanimously approved.

Mr. Moser made a motion to elect Mr. Anikis as the new Vice Chairman. Seconded by Mr. Kercheval. Unanimously approved.

UPCOMING MEETINGS

1. Joint Rezoning Hearing, Monday, March 13, 2006, 7:00 p.m., Washington County Court House, Room #1, 95 West Washington Street
2. Joint Rezoning Hearing, Monday, March 20, 2006, 7:00 p.m., Washington County Court House, Room #1, 95 West Washington Street
3. Regular Planning Commission Meeting, Monday, April 3, 2006, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street

Mr. Thompson noted that the Court House has also been reserved for Monday, March 27, 2006 in the event that the rezoning cases cannot be completed on the two previous dates.

ADJOURNMENT

Mr. Moser made a motion to adjourn the meeting at 10:10 p.m. So ordered.

Respectfully submitted,

R. Ben Clopper, Acting Chairman

