

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING – APRIL 3, 2006**

The Washington County Planning Commission held its regular meeting on Monday, April 3, 2006, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

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

**CALL TO ORDER**

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

Mr. Thompson stated that the Update for the Hunter Hills Preliminary Consultation has been removed from the Agenda.

Mr. Thompson introduced two new Planning staff members, Sara Henke and Traci Enciso, to the members of the Planning Commission.

**MINUTES**

Mr. Moser made a motion to approve the minutes of the January 18, 2006 Workshop meeting as presented. Seconded by Mr. Anikis. Unanimously approved.

Mr. Anikis made a motion to approve the minutes of the March 6, 2006 regular meeting as presented. Seconded by Mr. Reiber. Unanimously approved.

**OLD BUSINESS**

**The Townes at Rockspring (PC-05-032)**

Ms. Pietro presented for review and approval the revised concept plan for The Townes at Rockspring located along the east side of Hickory School Road and west side of Massey Boulevard, south and adjacent to Petco and Target. The property is zoned RM. The developer is proposing 136 town homes on 17 acres (a density of approximately 7.8 units/acre). During the March 6, 2006 meeting, Planning Commission members expressed their concerns regarding the placement of a fence along the railroad tracks to address safety issues, the proposed private roads within the development, the location of tot lots within the development, the lack of sufficient street lighting, the impact of traffic in the area, and the proposed method to meet the Forest Conservation requirements. As stated in a letter from the developer's consultant, the developer has agreed to reconfigure the street lighting as proposed to provide a safe and aesthetically pleasing neighborhood. They have also agreed to add a privacy fence along the railroad right-of-way adjacent to the proposed conservation easement and a landscaped berm to buffer adjoining residential properties. Adequate off-street parking has been proposed so parked cars will not block the private streets. A completed traffic study has been reviewed by the County Engineering Department to address traffic concerns in the area. Mr. McGee of the Engineering Department stated in a memorandum to the Planning Department that Hickory School Road is more than adequate to handle the additional traffic from this development. However, there could be an issue with the traffic signal at the intersection of Bower Avenue and Mr. McGee was waiting for comments from the State Highway Administration.

**Comment:** Mr. Kercheval stated that he spoke with Mr. McGee prior to the meeting. Mr. McGee noted that he had just received correspondence from a representative of the State Highway Administration stating that the signal warrants have been met. Mr. McGee commented that the State Highway Administration might require a traffic signal to be installed by the developer.

Ms. Pietro also presented a proposal regarding the Forest Conservation requirement that requires 6.7 acres of aforestation. The developer is proposing to meet the requirement by retaining 2.5 acres of forest on-site and to double the partial payment in lieu.

**Discussion:** Mr. Anikis expressed concern that the proposed tot lots are located too close to the streets and present safety issues. He recommended relocating the central park area to the area located between proposed units 7 and 8 on the east side of Marble Avenue. A representative from Caruso Homes, owner/developer, stated they could switch the proposed tot lot along Granite Avenue with the proposed pre-teen lot located along Slate Street and relocate the central park area as recommended by Mr. Anikis. Mr. Anikis made an inquiry regarding the excavating business located on Beckley Avenue that stores explosives on their property. Ms. Pietro has spoken to a representative from the State of Maryland Mines Office and the State Fire Marshall and has been informed that the owner of the excavating business would be required to meet all setback requirements and provide sufficient storage for the explosives.

Mr. Moser stated his opinion that the proposed street lighting being placed at both ends of each row of town homes and spaced approximately 125-feet to 150-feet apart would be adequate.

Mr. Clopper recommended that vinyl fencing should be used in the area along the railroad tracks because it is more durable and requires less maintenance in the future.

Mr. Moser expressed his concern regarding maintenance issues for the private streets that would be maintained by a Homeowners Association. Ms. Pietro stated that all documents regarding the Homeowners Association would be reviewed by the County Attorney's office.

Mr. Reiber commended the developer for their efforts regarding the Forest Conservation requirement.

Mr. Anikis made a motion to accept the developer's proposal to retain 2.5 acres of forest on-site and to double the partial payment-in-lieu to meet the Forest Conservation requirement. Seconded by Mr. Moser. Unanimously approved.

Mr. Moser made a motion to grant approval of the private streets (Sandstone Drive, Slate Street, Marble Avenue and Quartz Road) contingent upon appropriate Homeowner Association documents being adopted, approval of a vinyl fence being installed along the railroad track, approval of the relocation of the tot lot and the pre-teen lot as discussed, and approval of the street lighting as proposed on the revised concept plan. Seconded by Mr. Reiber. Unanimously approved.

## **NEW BUSINESS**

### **- Variances**

#### **Pollin Development LLC, Alan Pollin (SV-06-016)**

Ms. Pietro presented for review and approval a variance for Pollin Development LLC located along the east side of Sharpsburg Pike south of its intersection with Manor Church Road in Tilghmanton. The property is zoned Rural Village with a Historic District overlay. The developer is proposing to create a four or five lot development on 10.5 acres. All lots would connect to a proposed new street that would connect with Sharpsburg Pike. An existing house and several outbuildings are located on the site close to Sharpsburg Pike. The driveway for the existing house would connect to the proposed new street. The applicant is requesting a variance from Section 405.1 of the County's Subdivision Ordinance that requires all new access points to be 500-feet from adjacent access points on a minor arterial roadway (Sharpsburg Pike). The property has minimal frontage and the separations cannot be obtained. The proposed street would be located 80-feet south and 117-feet north of two existing driveways. Mr. John Wolford, a representative of the State Highway Administration has reviewed the plat and made a field check of the property. He states that the site does meet their required sight distance of 700-feet. Since the property is located within a Rural Village and has a Historic District overlay, houses built on these lots must be reviewed by the Historic District Commission to insure that the size and appearance of the house is compatible with the existing historic homes in the area.

**Discussions:** Mr. Moser inquired about the number of proposed lots in the subdivision. Mr. Dennis Ellis, prospective buyer, stated that due to the rocky topography of the site it might not be possible to get more than four perc tests approved on the site.

Mr. Clopper inquired if the cul-de-sac would be built to County road standards. Mr. Townsley, consultant, stated there would be a 50-foot right-of-way and accel/decel lanes would be added as required by the State Highway Administration. The proposed street would be a public street and would be dedicated to the County.

Mr. Thompson inquired if the accel/decel lanes could be eliminated to prevent an adverse appearance within the rural village. Mr. Ellis stated that the accel/decel lanes would be located directly in front of the property and they have not contacted the State Highway Administration regarding this issue. Mr. Thompson suggested creating a series of panhandles with a common drive to access the lots. Mr. Ellis stated he would be agreeable to that suggestion; however, that would create the stacking of lots and would also require a variance. Mr. Moser expressed his opinion that the proposed new street and subdivision would distract from the character of the historic area in Tilghmanton.

Mr. Anikis stated that infill development within a Rural Village is intended for vacant property. He believes that the 10-acre farmette, located on the way to Antietam Battlefield, does not qualify as vacant property since there are existing structures located on the property that were built around the 1850's. There are several large parcels adjoining and adjacent to the site and many of the homes in the area were built in the 1870's and 1880's. He believes this parcel is consistent with the north end of the Rural Village of Tilghmanton. Mr. Anikis expressed his opinion that development within the rural villages would be detrimental to the preservation of Washington County's history.

Mr. Reiber noted that several of the parcels in close proximity of the site are not the same style and size of the subject parcel.

Ms. Parrish noted that if the property were developed, the Historic District Commission would review the homes so they would be compatible with the existing homes in the area.

Mr. Moser made a motion to deny the variance. Seconded by Mr. Anikis.

**Discussion:** Mr. Reiber asked Mr. Moser if the request is in violation of the Subdivision Ordinance. Mr. Moser answered that he believes the request is in violation of the Ordinance because it is “an inappropriately scaled development that would detract from the existing rural history and character of this village”.

Mr. Kercheval expressed his opinion that the Commission should vote only on the variance request and should work out what would be allowed on the property in the future. Ms. Pietro noted that if the variance request is approved and the developer proposes four lots on the property, the Planning Commission would not review the plat because it would be an administrative approval. She also stated that the request is not in compliance with the County’s Highway Plan.

Mr. Moser’s motion to deny the variance passed with Mr. Moser, Mr. Anikis, Ms. Parrish and Mr. Clopper voting “Aye” and Mr. Kercheval, Mr. Reiber, and Mr. Wiley voting “Nay”.

**Robert E. Cody, Jr. (SV-06-014)**

Mr. Lung presented for review and approval a variance request for Robert E. Cody, Jr. located along the north side of Maryland Route 68 just west of Pinesburg Road. The applicant owns approximately 53 acres. The portion of the property that fronts on Clear Spring Road has a zoning designation of RV – Rural Village and the remainder of the property is zoned EC – Environmental Conservation. The property was previously zoned A – Agricultural. Lot 1, Parcel 282 was approved in 1980 and Lot 2, Parcel 300 was approved in 1984. In August 2005, the Planning Commission denied a variance from Section 405.11.B.2 that requires all new building lots to have frontage and direct access to a public road. Since that time, Dr. Cody has been working with the State Highway Administration to obtain two access points on Maryland Route 68 that meet the SHA’s sight distance requirements. Proposed Lots 3 and 4 are located on the west side of the property and would utilize a shared access and meet all of the current Subdivision Ordinance requirements. Proposed Lots 5, 6 and 7 are located on the east side of the property and would share a single access point thereby creating a three tier stacking of lots that is not permitted under Section 405.11.G.4 of the Subdivision Ordinance. Lots 6 and 7 are panhandle lots and are within the 400-foot panhandle limit of the Subdivision Ordinance. According to the application, the reason for the variance is due to adverse topographic conditions. It is more desirable to locate proposed Lot 7 directly north of proposed Lot 5 due to severe sloping conditions and would be more conducive to perc test locations and a septic system. The subdivision has been designed to allow adequate frontage available at the access point to allow construction of a public street should additional lots be proposed in the future. The plat would contain an easement to convey the portion of the panhandle for the construction of a street if additional lots are proposed on the remaining lands in the future. The potential for additional development on the remaining lands is limited due to the EC – Environmental Conservation zoning designation.

Mr. Moser made a motion to grant approval of the variance contingent upon a public road to be constructed if there is any future subdivision of the remaining lands. Seconded by Mr. Reiber. Unanimously approved.

**Westview – David Myers (SV-06-015)**

Ms. Wagner-Grillo presented for review and approval a variance request for Westview, David Myers, located along Water Company Road in Cascade. The property is 7.52 acres and is zoned RV – Rural Village. The owner is proposing to subdivide five lots on the property with four panhandles and is requesting a variance from Section 405.11.G.3 of the Subdivision Ordinance that states there should be no more than two panhandles lots that have adjoining driveway entrances to a public right-of-way. Proposed Lot 2 would have a panhandle of 519-feet, proposed Lot 3 would have a panhandle of 485-feet and proposed Lot 4 would have a panhandle of 451-feet. The Ordinance limits the length of a panhandle to 400-feet. Due to the existing width of Water Company Road (16-feet), a maximum of four lots would be permitted. Therefore, prior to the meeting, the applicant amended the request proposing four lots with three panhandles. The lot and panhandle that would be eliminated has not been determined.

**Discussion:** Several of the members believed there was not sufficient information due to the developer’s desire to amend the variance request and expressed their desire to have a new plan with the changes the developer is proposing.

At the request of the owner, Mr. Myers, the variance request was tabled.

No action required.

**- SUBDIVISIONS**

**Powers Estates (PP-05-007)**

Ms. Wagner-Grillo presented for review and approval the preliminary plat for Powers Estates located along the west side of Maryland Route 63 (Greencastle Pike), north of Route 40. The 82-acre site is located in the Urban Growth Area and is zoned A – Agriculture. The developer is proposing 118 lots utilizing approximately one-half of the property with the remaining lands set aside as open space that would be maintained by a Homeowner’s Association. The cluster development concept was approved by the Planning Commission on May 9, 2005 contingent upon the developer including sidewalks and closed section streets that have been added to the plans. The proposed development design would be based on

the Residential Suburban designation requirements that would require a minimum 10,000-square foot lot size, a 70-foot lot width, a 25-foot front yard setback, an 8-foot wide side yard setback a 40-foot rear yard setback. The developer is proposing a pavilion, a multi-purpose field with parking, and walking trails for the open space area. Public water and sewer would serve the site. Two accesses on Maryland Route 63 are proposed. The Forest Conservation requirement would be met by on-site retention of 18.61 acres of forest. A buffer is proposed along Maryland Route 63 for Lots 1 – 5 that would include white pine and redbud. A note would be required on the plat to make buyers aware of the existing landfill in close proximity to the property. The Department of Emergency Services requested Planning Commission approval for the development to be contingent upon the developer setting aside a 3 to 5 acre parcel of land for a new fire emergency station. However, the developer has not agreed to this request. The proposed subdivision is located in the Conococheague Elementary, Clear Spring Middle and Clear Spring High school districts. The Conococheague Elementary School is currently over capacity. The Homeowner's Association documents are currently being reviewed by the County Engineering Department and County Attorney.

**Discussion:** There was a brief discussion regarding wetlands on the property. Ms. Wagner-Grillo stated that a note was required by the County Engineering Department for Lots 53-59 and 63-72 that no basements would be allowed on these lots due to the wetlands.

There was a brief discussion regarding the fire emergency station requested by the Department of Emergency Services. There are several fire stations located in close proximity to the development site such as Williamsport, Maugansville, Clear Spring and Hagerstown. Mr. Kercheval does not believe the Commission has the authority to grant approval contingent upon the developer meeting this request. Other members of the Commission concurred with Mr. Kercheval.

**Comment:** Mr. Kercheval stated that a mitigation agreement has been forwarded to the Board of Education regarding school capacity issues.

Mr. Reiber made a motion to grant preliminary plat approval contingent upon approval from the Washington County Engineering Department and Washington County Attorney regarding the Homeowner's Association documents. Seconded by Mr. Anikis. Unanimously approved.

## **- SITE PLANS**

### **AC&T Truck Maintenance Facility (SP-05-058)**

Mr. Lung presented for review and approval a site plan for the AC&T Truck Maintenance facility located west of the Halfway Boulevard and Hopewell Road intersection. The property is 37 acres and is zoned HI-1 – Highway Interchange 1. In 1997, the applicant received a Special Exception to establish a traveler's plaza on this site. The applicant is proposing to construct a 200' x 100' building for a truck maintenance facility in the area west of the existing travel center. Access to the facility would be from the existing entrance on Hopewell Road. The hours of operation would be Monday through Friday, 8:00 a.m. to 5:00 p.m. There would be ten employees. Parking required is 11 spaces and 11 spaces are provided including a handicapped space. A small office area would be associated with the maintenance facility. Grass islands are proposed in front of the parking lot. Staff has requested additional landscaping along the property fronting on Hopewell Road and has been provided by the developer. Building mounted and pole mounted lights are proposed. Three 4'x 8' signs are proposed for a total of 96 square feet and meets the requirements of the Zoning Ordinance. Storm water management would be provided by an existing pond to the rear of the building and has been approved by the County Engineering Department. They currently have 99 EDU's of sewer capacity allocated for this site and currently use 86 EDU's. Therefore, additional sewer allocation is not needed for the site. The Department of Water Quality provides sewer service to the site and has issued their approval for the project. The City of Hagerstown Water Department provides water service to the site and has issued their approval for the project. There would not be any outside storage of materials. The Forest Conservation requirement for the entire site was approved in 1998 by payment in lieu. Staff has requested that the existing gravel parking area be paved in accordance with requirements set forth in the Zoning Ordinance. However, this issue must be reviewed and addressed by the Zoning Coordinator to establish if the area is exempt since a site plan was previously approved showing the gravel parking area and if the expansion would require the parking area to be paved.

Mr. Anikis made a motion to grant site plan approval contingent upon a resolution and agreement between the County and the owner regarding the gravel parking area. Seconded by Mr. Reiber. Unanimously approved.

### **Bethel United Methodist Church Revision (SP-05-067)**

Mr. Lung presented for review and approval the revised site plan for the Bethel United Methodist Church located on the north side of Twin Springs Drive in the rural village of Chewsville. The applicant is requesting approval to reduce the area set aside for buffering to the adjoining residential property and to allow development of the site. In June 2003, the Planning Commission approved a site plan for the construction of 80' x 100' building addition to the rear of the existing church and an additional parking area located to the rear of the building addition. The site plan provided for a buffer yard between the proposed parking lot and an adjacent residential property to the rear of the site. At that time, Staff expressed their concern regarding the sufficiency of the proposed landscaping and buffer yard to provide adequate screening to the adjacent property. Staff also expressed concern regarding the proposed

building mounted lighting due to glare and light trespass onto adjoining properties. The Commission's approval was contingent upon additional plantings along the rear property line and the appropriate lighting being specified. Following the meeting, the additional screen planting was provided and a detail of a full cut-off down directed light fixture was provided on the site plan and was approved by the Staff on August 6, 2003. In September 2005, the Church was notified by the Permits and Inspections Department that the site was in violation of the approved site plan for not developing the site in accordance with the plan. The Zoning Inspector found the parking area to the rear of the addition was extended beyond what was shown on the site plan, a retaining wall was constructed without a permit, and underground propane tanks were installed that were not shown on the plan. At that time, the Church was instructed to correct the violations by removing the pavement, retaining wall and propane tanks and install landscaping as required on the site plan. The Church was given the option to submit a revised site plan to the Planning Commission for review and approval; however, the Staff recommended that the site be developed as originally approved. A revised site plan was submitted on December 14, 2005 that shows the buffer yard along the rear property line was reduced by approximately 5-feet. Plantings of 4 to 5-foot Leyland Cypress interspaced with 18" to 24" globe arborvitae were provided within the buffer yard. The original site plan shows a total of 21 Leyland Cypress planted 6-feet on center; the revised plan shows 19 Leyland Cypress planted 10-feet on center. The spacing was increased as recommended by the Permits Department due to the reduced area available for planting. Two ornamental Dogwood trees shown on the original site plan were also removed from the revised site plan. The approved site plan called for full cut-off building mounted lights to be installed on the rear of the building. The fixtures installed are wall pack style fixtures that create more glare and light trespass. During the review of the revised site plan, the Department of Permits and Inspections discovered numerous items that were not addressed on the original site plan. One item was the need for landscaped islands within the parking lot as required by the Zoning Ordinance. The applicant has provided the landscaped islands. Mr. Lung presented several photographs of the site as it has been constructed.

**Discussion:** Mr. Reiber inquired how the errors were made and why the approved site plan was not followed. Mr. Robert Stouffer of Cushwa and Stouffer, architect, noted that the light fixtures on the exterior of the building were designed by Antietam Design. The installed wall pack was not as specified, but could be shielded by a piece of metal or could be removed and replaced by the appropriate fixture. Mr. Stouffer assured Commission members that the lighting issue would be corrected. He stated that the Church hired a subcontractor to install the propane tanks and permits to install the tanks were obtained by the subcontractor. Mr. Lung stated that propane tanks were not proposed on the original site plan. Mr. Wiley inquired if the Permits and Inspections Department would have reviewed the site plan, prior to issuing a permit for the propane tanks. Mr. Lung stated that he could not speak on behalf of the Permit & Inspections Department, but he believes that the Permits Department should check the approved site plan prior to issuance of a permit. Mr. Moser and Mr. Anikis do not believe that placing a shield on the existing light fixture is adequate and that the light should be replaced according to the specifications on the approved site plan. Mr. Clopper inquired about the setbacks required for the retaining wall. Mr. Lung stated that setbacks are not an issue; however, the retaining wall was not proposed on the approved site plan. The retaining wall is necessary to handle the slope created by the additional grading of the site. Mr. Anikis inquired how the pavement could be extended five feet if the contractor had an approved site plan to follow. Mr. Belella, a representative of the Church, noted that there was insufficient area to provide parking spaces to the rear of the building, and the contractor decided to extend the parking area without the Church's consent. He also stated that due to the grading of the area, the Trustees of the Church decided to construct the retaining wall to address problems that could arise from runoff in the future. The Church intended to submit a revised site plan to address these issues. Mr. Belella stated that the Church would like to complete their project and they are willing to compromise and be flexible with the neighboring property owners.

**Comments:** Mr. Wiley believes that many of the issues go beyond a reasonable, common sense factor. Mr. Reiber believes that the contractor blatantly created the issues. He stated that the Commission approved a plan that should have been followed or revisions submitted prior to proceeding with the work. Mr. Moser noted that prior to approval of the site plan, the Commission expressed concern regarding the buffering between the proposed addition and the adjacent property. Mr. Clopper stated his opinion that when the Commission approves a site plan, they are approving a contract between Washington County, a builder, an owner, a developer and a contractor. Mr. Kercheval believes that the buffering is adequate since only two trees were not planted as required by the approved site plan. He recommended planting additional trees in the vertical tree line toward the back of the parking area that would provide more of a buffer to protect the adjacent property and would provide a better viewshed. Mr. Kercheval does not believe the Church intentionally created the problems, but the contractor might have acted negligently in following the approved plans. He believes that the retaining wall could provide a better noise buffer for the adjacent property and does not see the benefit in tearing up the parking lot to gain the additional buffer footage and planting two additional trees. Mr. Wiley concurred with Mr. Kercheval's comments regarding the buffering issues and believes that a compromise could be achieved to satisfy all parties involved. He does feel that the existing lighting should be removed and replaced with the fixture specified on the approved site plan. Ms. Bramson, neighboring property owner, believes the Church should remove the parking spaces and the retaining wall and widen the buffer area to 10-feet as shown on the approved site plan. She stated the 10-foot buffer was previously agreed upon and would provide her with a better buffer from the noise of the Church's activities. Ms. Parrish believes if the revised site plan had been submitted prior to the work being done, the Commission most likely would have approved the plan. She also does not believe that the five-foot buffer and two additional trees would have a great impact on the noise buffer. She believes there could be a better solution that could provide a better screen than in the original approved site plan.

**Discussion:** There was a brief discussion regarding options for more buffering such as a privacy fence or more trees. Commission members discussed having a professional look at the exposed tree roots and the buffering area to find the best solution for saving the existing vegetation and make a recommendation for the best way to provide screening. Mr. Lung suggested contacting a horticulturist from the County's Extension Service or the Department of Natural Resources to determine the extent of any damage to the existing trees. They may also be able to determine any negative impact there might be to the tree roots if holes are bored to install a fence.

Mr. Moser made a motion to table the revised site plan until a recommendation regarding the buffering and the negative impact of the existing trees can be determined. Seconded by Mr. Wiley. Unanimously approved.

#### **- PRELIMINARY CONSULTATIONS**

##### **Overdale Estates (PC-06-003)**

Ms. Wagner-Grillo presented for review and comment the Preliminary Consultation for Overdale Estates located along Maryland Route 64. The developer is proposing a minor subdivision consisting of five lots with a public street. Individual wells and septic would serve the site.

**Discussion:** Mr. Kercheval inquired if this one section is only part of a larger development. Ms. Wagner-Grillo stated that she asked the developer to remove "Section A" from the plat title because this implies that there would be future sections and it is not the intent of the minor subdivision exemption (APFO schools) to allow major subdivisions to be submitted as a series of minor subdivisions. The developer could get four additional lots on this property. Members of the Commission expressed their concern that the developer might be trying to by-pass the APFO school capacity issues with a series of minor subdivisions.

There was a discussion regarding public sewer and water services in this area. Mr. Moser expressed his concern regarding the availability of funds to upgrade and extend the sewer service areas within the County in the future.

#### **- OTHER BUSINESS**

##### **CP-06-001 – Heart of the Civil War Heritage Area Management Plan**

Mr. Thompson presented for review and recommendation the Staff Report and Analysis Following the Public Hearing for the Amendment to the Comprehensive Plan to incorporate reference to the Heart of the Civil War Area Management Plan.

Mr. Anikis made a motion to recommend approval of the Amendment to the Comprehensive Plan to the Board of County Commissioners. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval and Mr. Moser abstained.

##### **SO-06-001 – Text Amendment to Article 319 of the Subdivision Ordinance**

Mr. Thompson presented for review and recommendation the Staff Report and Analysis Following the Public Hearing for the Text Amendment to Article 319 of the Subdivision Ordinance. The purpose of the amendment is to delete references to specific fees within the Subdivision Ordinance and would provide general language that would permit fees to be established by resolution by the Board of County Commissioners in conjunction with the Ordinance.

Mr. Anikis made a motion to recommend approval of the Text Amendment to Article 319 of the Subdivision Ordinance to the Board of County Commissioners. Seconded by Ms. Parrish. Unanimously approved. Mr. Kercheval and Mr. Moser abstained.

##### **FCO-06-001 – Text Amendment to Article 19 of the Forest Conservation Ordinance**

Mr. Thompson presented for review and recommendation the Staff Report and Analysis Following the Public Hearing for the Text Amendment to Article 19 of the Forest Conservation Ordinance. The purpose of the amendment is to delete references to specific fees within the Forest Conservation Ordinance and would provide general language that would permit fees to be established by resolution by the Board of County Commissioners in conjunction with the Ordinance.

Mr. Reiber made a motion to recommend approval of the Text Amendment to Article 19 of the Forest Conservation Ordinance to the Board of County Commissioners. Seconded by Mr. Anikis. Unanimously approved. Mr. Kercheval and Mr. Moser abstained.

##### **RZ-06-001 – Text Amendment to Section 24.3 of the Zoning Ordinance**

Mr. Thompson presented for review and recommendation the Staff Report and Analysis Following the Public Hearing for the Text Amendment to Article 24.3 of the Zoning Ordinance. The purpose of the amendment is to allow the Board of County Commissioners to establish fees by resolution for specific services rendered under the Zoning Ordinance.

Mr. Anikis made a motion to recommend approval of the Text Amendment to Section 24.3 of the Zoning Ordinance to the Board of County Commissioners. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval and Mr. Moser abstained.

**City of Hagerstown – Hamilton Property Annexation**

Mr. Thompson presented for review and recommendation the City of Hagerstown A-06-01 Hamilton Annexation request. The 2.54-acre tract of land is located along the west side of U.S. Route 40 and is designated as commercial on the 2002 adopted Comprehensive Plan. The applicant is proposing a C-2 – Commercial General zoning designation that is consistent with the existing HI-1 County zoning designation.

Mr. Anikis made a motion to recommend that the proposed zoning designation is consistent with the adopted Comprehensive Plan for Washington County. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained.

There was a brief discussion regarding a date for the Commission's next Workshop meeting and joint meeting with the City Planning Commission. A date of Monday, May 22, 2006 was chosen. Mr. Thompson will coordinate this date with the City Planning Commission.

Mr. Thompson advised Commission members that he would be presenting a proposed fee schedule to the Board of County Commissioners on Tuesday, April 4, 2006. The proposed fee schedule would include changes to the fees charged by the Planning Department for submittal and review of development plans. A public hearing would be held on Tuesday, April 25, 2006.

**- UPCOMING MEETINGS**

1. Joint Rezoning Hearing, Monday, April 10, 2006, 7:00 p.m., Washington County Court House, Court Room #1, 95 West Washington Street
2. Regular Planning Commission meeting, Monday, May 1, 2006, 7:00 p.m., Washington County Administrative Annex, 80 W. Baltimore Street

**- ADJOURNMENT**

Mr. Moser made a motion to adjourn the meeting at 10:25. So ordered.

Respectfully submitted,

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R. Ben Clopper, Chairman