

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – MAY 1, 2006**

The Washington County Planning Commission held its regular meeting on Monday, May 1, 2006, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Vice Chairman George Anikis, Linda Parrish, Bernard Moser, 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 Planner Misty Wagner-Grillo, Land Preservation Planner Eric Seifarth, Assistant Land Preservation Planner Holly Thibault, and Administrative Assistant Debra Eckard.

CALL TO ORDER

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

MINUTES

Mr. Moser made a motion to approve the minutes of the April 3, 2006 Regular Planning Commission meeting as amended. Seconded by Mr. Reiber. Unanimously approved.

OLD BUSINESS

Westview – David Myers (SV-06-015)

Ms. Wagner-Grillo presented for review and approval a variance from Subdivision Ordinance Section 405.11.G.3 for Westview – David Myers, Harms & Associates. The property is located at 14418 Water Company Road, Cascade. The applicant is requesting a variance to allow three panhandle lots on 7.25 acres zoned RV – Rural Village. The Ordinance states, “Not more than two (2) panhandle lots may have adjoining driveway entrances to a public right-of-way”. The applicant is also requesting a variance for the panhandle on Lot 3 that exceeds the maximum length for a panhandle of 400-feet. The proposed panhandle is 460-feet.

Discussion: There was a brief discussion regarding the amount of frontage to allow for the width of the panhandles with the steep topography in the area. The applicant stated that he is proposing to improve and use the existing 12-foot gravel driveway as a common access to serve all the lots. There was also a brief discussion regarding the adequacy of the road for fire and emergency service access. The applicant assured the Commission that the road would be adequate to handle large equipment and fire apparatus.

Mr. Reiber made a motion to approve the variance for three panhandle lots and to allow the panhandle on Lot 3 to exceed the maximum 400-foot length. Seconded by Ms. Parrish. 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. A decision to approve or deny the revised plan was tabled during the April 3, 2006 meeting pending Staff obtaining additional information for the Commission’s review. The original site plan was not followed in regard to the width of the buffer yard, underground propane tanks were installed that were not shown on the plan, and the building mounted lighting was not as specified on the plan. Mr. Lung has obtained additional information regarding possible root damage to existing trees, the feasibility of placing the proposed plants in the area shown on the revised site plan, and the feasibility of installing a fence in the buffer yard. Mr. Lung made a site visit with Ms. Lori Young of the Ag Extension Office along with church representatives on April 17, 2006. After reviewing the site, Ms. Young determined that there was no apparent damage to the existing trees and did not believe there is a need for any root pruning. She did recommend some pruning of dead and dangerous limbs on some of the trees. She indicated that additional screening can be accomplished within the reduced buffer area but did not recommend using all Leyland Cypress as indicated on the plan. Ms. Young provided a list of plant material that should work in the buffer area and indicated where the planting should be located. On April 19, 2006, Mr. Lung met with church representatives and the Ms. Bramson, adjacent property owner. Ms. Bramson indicated that she would prefer an 8-foot privacy fence in place of the plantings. The church is in agreement with the installation of a privacy fence. Landscaping is proposed to the west of the fence and would include arborvitae, Leyland Cypress, holly, and junipers to be interspersed throughout the existing trees.

Mr. Moser made a motion to approve the 8-foot privacy fence as agreed upon by the Church and Ms. Bramson, additional landscaping west of the fence, and to change the building mounted lighting as specified on the original site plan. Seconded by Mr. Reiber. Unanimously approved.

NEW BUSINESS

- Agricultural Land Preservation District Applications

Prior to his presentation, Mr. Seifarth introduced Ms. Holly Thibault, Assistant Ag Planner.

Mr. Seifarth presented for review and approval six agricultural land preservation districts. It is the Commission’s responsibility to determine if the establishment of the proposed ag districts are consistent with the Comprehensive Plan. The following requirements are used by the Ag Advisory Board to

determine if the properties meet the ag criteria: the properties must be at least 50% Class I, II and III soils; property must be at least 50 acres in size; and other determinations as approved by the Ag Board. The Planning Commission must determine if the properties are outside the Growth Area and there must be no planned water or sewer service. The following properties were proposed for agricultural land preservation districts:

- Kriner Farm LLC, Application #AD-06-004, 11065 Dam No. 5 Road, Clear Spring, 171.0 acres
- Steven Palmer, Application #AD-02-001, 16290 Spielman Road, Williamsport, 145.87 acres
- Carolyn Ann Barkdoll, Application #AD-06-003, St. Paul Road, Clear Spring, 70 acres
- Betty Jane Oller, Application #AD-06-002, Watery Lane, southeast of Ringgold Road, 98.912 acres
- Franklin E. Barnhart, Application #AD-01-002, Southeast corner of the intersections of Broadfording and Sprinkler Roads, 5 miles east of Clear Spring, 178.9 acres
- Constance E. Thomas, Application #AD-05-001, 7301 Solomons Valley Lane, Boonsboro, 201.8 acre

Mr. Seifarth stated that the County currently has seven implemented easement programs and the County Commissioners have approved funding to develop a TDR (Transferable Development Rights) program. There are approximately 20,000 acres under permanent easement and an additional 21,000 acres in the ten-year ag districts. The County Commissioners goal is to have 50,000 acres in permanent easement or approximately 1/6 of the County's area.

Mr. Moser made a motion to approve the proposed agricultural districts because they are consistent with the Comprehensive Plan. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained.

- Preliminary Consultations

Mt. Aetna Subdivision, Lots 32-34 and 35-39 (PC-06-004 and PC-06-005)

Ms. Wagner-Grillo presented for review and comment the preliminary consultation for Mt. Aetna Subdivision located along the south side of Mt. Aetna Road. The property is zoned EC – Environmental Conservation. The developer is proposing eight single-family residential lots on approximately 24 acres. Proposed lots 32 – 34 would be subdivided from existing lot 4 and lots 35 – 39 would be subdivided from the remainder of the property. The developer is proposing a cul-de-sac greater than 800-feet. The cul-de-sac would be 1,490-feet and would replace the panhandles on existing Lots 4 and 24 to serve the proposed eight lots.

Discussion: Mr. Moser stated that when the original subdivision was approved, the Planning Commission recommended that there should be no further subdivision of these lands. Mr. Lung concurred that the recommendation was a condition of the Planning Commission's original decision. Mr. Moser expressed his opinion that the subdivision was not well planned and a loop road could have been constructed with two entrances on Mt. Aetna Road. He recommends redesigning the subdivision and constructing the loop road at this time. Mr. Reiber believes the length of the cul-de-sac is excessive. He expressed concern with fire and emergency services being able to serve the residents at the end of the cul-de-sac quickly and efficiently. Mr. Reiber stated that a "piece-meal" approach to subdivision does not conform to policy. Mr. Anikis made an inquiry regarding a note shown on the plat that states, "The number of proposed lots is four. The number of lots and their configuration may change during development." The developer's consultant stated that the configuration could change based on any problem that arises due to County policies and the number of lots could only decrease.

Mr. Easterday stated that he intends to further subdivide the property and would connect the two roads in a "U" shape. However, he believes that current school capacity issues would prevent him from getting additional lots at this time. Mr. Easterday stated that County policies have restricted the design and development of the property and an 800-foot cul-de-sac would further encumber the design of the proposed lots.

Commission members recommended that a new concept plan be developed and submitted to the Planning Staff that shows all proposed future development of the property. The design should also include plans to eliminate the proposed cul-de-sac by connecting the two roads and should include a plan to construct the road at the same time development begins on the new lots.

- DEVELOPMENT PLANS

Black Rock P.U.D. (DP-05-001)

Mr. Lung presented for review and approval the final development plan for the Black Rock P.U.D. located along the north side of Mt. Aetna Road, east of the existing Black Rock subdivision. The total site area is 220.77 acres. The PUD zoning was approved by the Board of County Commissioners in November 2002 and established the density for the PUD of 2.7 dwelling units per acre. A preliminary development plan was submitted, reviewed and approved by the Planning Commission in August 2004. The final development plan was submitted to the Planning Commission for review last fall; however, an appeal of the Planning Commission's approval of the preliminary development plan was filed with the Board of Zoning Appeals and delayed further review and action of the Planning Commission pending action by the Board of Zoning Appeals. In March 2006, the Board of Zoning Appeals heard the case and denied the appeal of the Planning Commission's approval for the preliminary development plan; therefore, upholding the Planning Commission's approval. An appeal was filed on March 9, 2006 in the Court of Special

Appeals challenging the judgment of the Circuit Court for Washington County that had affirmed the decision of the Board of County Commissioners regarding the PUD zoning of the property was upheld. The owner is proposing to develop 595 units in three phases. Phase 1 would consist of 170 units including traditional single-family lots, zero lot line single-family lots, and semi-detached dwelling unit lots and the active recreation area that includes a swimming pool, clubhouse, tennis court, basketball court and a totlot. Phase 2 would consist of 210 units including traditional single-family lots, townhouses and condominium units. Phase 3 would consist of 215 units including traditional single-family lots, zero lot line single-family lots and condominium units. There would be a total of 186 traditional single-family lots, 79 zero lot line single-family lots, 50 semi-detached dwelling units lots, 100 townhouse lots and 180 condominium units. The traditional single-family lots range from 1/3 to over 1/2 acre in size, the zero lot line single-family lots are 3,800 square feet in size, the semi-detached lots are 7,500 square feet in size, the townhouse lots are 2,400 square feet in size, and the condominiums are two 42-unit buildings and eight 12-unit buildings. The condominiums and townhouses are three story units. Mr. Lung briefly explained the requirement of the Zoning Ordinance that states, "no phase of the PUD shall exceed the overall density approved for the PUD." Phasing allows for the orderly development of the site based on the approved plan. A phasing plan is a required element of the development plan and must be adhered to like any other part of the plan. To determine consistency with the approved density, the cumulative density of the development is assessed. At no point during the development of any phase of this development would the density exceed 2.7 dwelling units per acre. A total of 61 acres of open space is proposed and includes approximately 40 acres of Forest Conservation area that would consist of new plantings and retention of existing forest. Sidewalks and/or pedestrian paths are proposed in the denser portion of the development and would tie-in with the recreation area. Other areas of the development would have a path system that goes behind the lots and through the open space areas. Walking on the shoulder of the open section streets in the lower density areas would be required. When the preliminary development plan was approved by the Planning Commission, additional paths in the area of the zero lot line units was requested and has been provided on the final development plan. Associated with the pedestrian access is the provision of school bus waiting areas. Pre-designated school bus waiting areas in lower density single-family developments is problematic for the Board of Education due to the change in dynamics as the development grows. Based on comments and recommendations from the Transportation Director of the Board of Education to address this issue, a note has been added to the plan that states, "The owner/developer shall be responsible for construction of bus waiting areas in accordance with the applicable requirements of the Washington County Zoning Ordinance upon determination of location by the Board of Education's Transportation Department". The Planning Commission previously approved the use of private streets to serve the townhouse lots and condominiums. The interior circulation around the units has been redesigned to address fire and rescue issues. These revisions have been reviewed and approved by the Director of Fire and Rescue. The development would be served by public water and sewer and is located in the City of Hagerstown's Service Area. As with any PUD there is no firm commitment at the development plan review stage from a service provider guaranteeing that any particular number of taps would be available at a certain time. The development would be subject to the City's Sewer Capacity Allocation Program and a note to that effect has been added to the plan. The plan includes an out-lot for a proposed water tank as per the City of Hagerstown Water Department's comments. All of the active recreation facilities would be completed during Phase 1. Mr. Lung recommended adding a note to the plan that states, "Subsequent phases shall not be approved until the recreation facilities have been constructed". All agency approvals have been received. The Home Owner's Association documents have been reviewed. There will be different Home Owners documents for the different phases of the development and as those different phases are submitted to the Planning Commission, the documents must be reviewed and approved by the Engineering Department, County Attorney's office and the Planning Department. The final development plan includes a note that has been approved by the County Attorney regarding APFO requirements. As part of each phase of the PUD approval process there is an evaluation of schools and road adequacy issues. Currently, the Greenbriar Elementary and Boonsboro Middle schools are over capacity and the Boonsboro High school is close to capacity. The school adequacy test would occur at the final plat or site plan stage for each phase. An initial traffic study was done with the rezoning request; however, it was very limited in scope and at the discretion of the County Engineer those numbers were incorporated into a plan that the County did for what was known as the Robinwood corridor. When the study was completed, the Board of County Commissioners adopted a policy to assess a fee based on the number of trips for a development located in that corridor to address specific needs. When the excise tax was adopted, the fee was eliminated. The County Engineer has issued final approval of this development plan with the understanding that each individual phase would be reviewed for road adequacy based on requirements of the current APFO. Deficiencies have been identified and off-site improvements will be required. The traffic generation numbers from this development were worked in with the traffic study that went along with the Hospital. The road improvements in the Robinwood corridor/US Route 40 area that would need to be made along with the Hospital construction will take into consideration this development. Excise tax that would be generated from this development would go toward the cost of those improvements in the US Route 40/Robinwood corridor. The County Engineer also noted that each individual phase might require additional off-site improvements to the east of the development in the area of Mt. Aetna Road and White Hall Road. Those requirements would be based on traffic studies that would have to be submitted concurrent with the different phases. Sewer limitations based on a consent judgment that limits development to 25 units per year by an individual developer might require sub-phases for this development.

Comments: The developer and his attorney clarified issues regarding the Home Owner's Association documents. There would be one Home Owner's Association; however, there would be different documents for each type of dwelling unit and areas within the development. The basic amenities would be available with equal opportunities for all residents, i.e. swimming pool, tennis courts, clubhouse, etc.

Services, i.e. trash collection, snow removal, etc., would be tailored depending on the needs of the different types of housing units and different areas within the development.

Discussion: Mr. Anikis inquired when the water tower would be constructed to help alleviate water pressure issues in the area. The developer stated that the City of Hagerstown would be responsible for the construction of the water tower. The land has been donated to the City and has been available for construction since 1999. He also stated that the water pressure issues in the area are not directly related to this development. Mr. Anikis also inquired which fire company would serve the development and how equipment would get into the gated community. Mr. Lung stated that it would be served by the Funkstown Fire Department and that they did not submit any comments regarding this development. The developer stated that the fire company would have a keyed access; however, if that would fail, the gates are designed to break away upon impact. Mr. Moser inquired about the sewer and water allocations from the City of Hagerstown. Mr. Kercheval stated that the development is within the County and allocations would come out of the County's allotment given to them by the City of Hagerstown. Mr. Moser asked if there is any elderly housing proposed for this development. The developer stated that no elderly housing is proposed at this time.

Mr. Moser made a motion to approve the final development plan contingent upon a note being added to the plat that states, "Subsequent phases of development will not be approved until the site amenities called for in Phase I are constructed". Seconded by Mr. Wiley. Unanimously approved.

- SITE PLANS

Leitersburg Pike One LLC

Ms. Wagner-Grillo presented for review and approval the site plan for Leitersburg Pike One LLC located on the south side of Maryland Route 60. The property is 2.55 acres in size and is zoned BL – Business Local. The developer is proposing 508 mini-warehouse units in an existing building that is 22,000 square feet. The developer is proposing an addition that would make the building 28,500 square feet. One employee is proposed. Four parking spaces with one handicapped space is required and provided. A 5-foot by 8-foot building mounted sign is proposed and they also propose to use the existing sign pole. Lighting would be building mounted. Solid waste would be stored in a dumpster and removed by a private hauler. Private water and sewer serve the site. Proposed deliveries are one per week. Landscaping is proposed using English oak trees and retaining existing trees already on the site. The Forest Conservation requirement would be met using the "express procedure". All agency approvals have been received except from the State Highway Administration.

Mr. Reiber made a motion to grant site plan approval contingent upon approval by the State Highway Administration. Seconded by Mr. Moser. Unanimously approved.

OTHER BUSINESS

Town of Boonsboro Annexation Request

Mr. Thompson presented for review and recommendation the proposed annexation of 197.57 acres in order to provide public water service in an area that has been determined to contaminate ground water wells. This would involve the extension of a new water main along Alternate Route 40 to Mill Point Road. The application proposes to zone the properties SR – Suburban Residential, TR – Town Residential and GC – General Commercial upon annexation. Staff finds this request consistent with the 2002 adopted County Comprehensive Plan, which designated the properties as either low-density residential or commercial.

Mr. Moser made a motion to recommend approval of the proposed annexation to the Board of County Commissioners and concurs with the Staff's findings that the request is consistent with the Comprehensive Plan. Seconded by Mr. Reiber. Mr. Kercheval abstained. Unanimously approved.

Capital Improvement Program

Mr. Thompson presented the Capital Improvement Program for the Planning Commission's review and recommendation. The Planning Commission's responsibility is to forward a recommendation to the Board of County Commissioners that the proposed projects within the CIP are consistent with the Comprehensive Plan of Washington County. Mr. Thompson stated that the Capital Improvement Program is a six-year plan with the first year of the Plan designated as the CIP budget for the upcoming fiscal year. Mr. Thompson presented the major issues addressed in the proposed CIP as follows: 1) the FY 2007 CIP is approximately \$80 million dollars more than the FY 2006 CIP over the six-year time frame; 2) the CIP budget for FY 2007 is approximately \$33 million above the budget in FY 2006; 3) the Plan includes the construction of at least four new schools and additional upgrades to existing schools as requested by the Board of Education; 4) the funding is based on 1,000 dwelling units a year being constructed, except in FY 2007 where the number of units was increased to approximately 1,200 units; 5) the excise tax adopted that became effective on July 1, 2005 is one of the primary funding sources for the BOE requests; 6) the Board of County Commissioners has indicated that bonding of up to \$12 million will be used to help fund the projects.

Mr. Moser made a motion to recommend to the Board of County Commissioners that the proposed Capital Improvement Program is consistent with the Washington County Comprehensive Plan. Seconded by Mr. Wiley.

Discussion: There was a brief discussion regarding Mr. Reiber's concern that the County is adding excessive debt compared to past history. Mr. Kercheval stated that there is an extensive debt affordability study done every year for the County to follow in preparing the CIP and that the County is several million below our annual affordability limit. He also explained that the County received an "AA" bond rating upgrade this year and that the County pays off about \$11 million in debt principle each year.

Mr. Moser's motion passed unanimously. Mr. Kercheval abstained.

Airport Approval

Mr. Thompson stated that a hanger expansion project has been approved for David Rider at the Airport. The expansion is consistent with the previously approved Overall Airport Layout Plan.

Comment: Mr. Reiber expressed interest in a report from Airport officials regarding what is being done with the structures at the Airport, how many jobs, if any, are being added and what type of businesses are moving into the County. Mr. Thompson stated that there are some very highly sophisticated, classified users that are currently housed at the Airport and are looking for additional space in which to expand.

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." Because Mr. Clopper's term expired on April 24, 2006, the Commission must elect a new Chairman.

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

Ms. Parrish made a motion to elect Mr. Reiber as the new Vice Chairman. Seconded by Mr. Wiley. Unanimously approved.

UPCOMING MEETINGS

1. Planning Commission Workshop meeting, Monday, May 22, 2006 at 1:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.
2. Regular Planning Commission meeting, Monday, June 5, 2006 at 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

ADJOURNMENT

Mr. Moser made a motion to adjourn the meeting at 9:15 p.m. Seconded by Mr. Reiber. So ordered.

George Anikis, Vice Chairman