

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – JULY 10, 2006**

The Washington County Planning Commission held its regular meeting on Monday, July 10, 2006, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Bernard Moser, Sam Ecker, 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, Associate Planner Sara Henke, and Administrative Assistant Debra Eckard.

CALL TO ORDER

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

MINUTES

Mr. Ecker made a motion to approve the minutes of the June 5, 2006 Regular Planning Commission meeting as amended. Seconded by Mr. Wiley. Unanimously approved.

NEW BUSINESS

- Variances

Glendon L. and Laura L. Eby (SV-06-023)

Mr. Lung presented for review and recommendation a variance from Subdivision Ordinance Section 405.11.B to create a new lot without public road frontage. The property is located along the east side of Maryland Route 60, Leitersburg Pike at the Pennsylvania state line. The site is approximately 94.57 acres in size and is zoned A – Agriculture. In 1998, the Joseph M. Weisenbaugh Farm was subdivided to settle an estate that created a 37.96-acre parcel 10 and a 94.88-acre parcel 64. Both parcels are encumbered by a permanent agricultural land preservation easement which stipulates that no development can ever take place on this property. Parcel 10 was sold to the Touhey's who were not farmers and Parcel 64 was sold to the Eby's who are farmers. Parcel 10 was subsequently purchased by the current owners the Schindel's who are farmers. The Schindel's wish to purchase the Eby parcel and consolidate the farm back to its original configuration. At the present time, the Schindel's only have resources to purchase 45 acres of the Eby parcel leaving 50 acres on the south side of Rocky Forge Road with sole access via Rocky Forge Road which is a private road. Access to the remaining 50 acres would remain unchanged. Approval of the variance would permit all of the farm buildings to be situated on one parcel under one ownership due to the fact that the previous subdivision separated the loafing sheds from the house, barn and outbuildings. The State has submitted a letter stating that they have no objections to this subdivision.

Mr. Moser made a motion to grant approval of the variance. Seconded by Mr. Reiber. Unanimously approved.

Washington County Department of Water Quality (SV-06-028)

Ms. Pietro presented for review and approval a variance from Subdivision Ordinance 405.11.B to create a new lot without public road frontage. The site is located approximately 1500-feet east of the Greencastle Pike and is situated on a 119-acre tract owned by Bowman LLC. The property is currently zoned HI-1. The Department of Water Quality is proposing to create a 7,500-square foot lot for the Cedar Springs Pump Station. The proposed building would be 560-square feet. The pump station would connect to the public sanitary sewer system behind Federal Express. The Board of Zoning Appeals granted a special exception along with a waiver for the buffer yard requirements within the past 30 days.

Discussion: Mr. Mark Bradshaw, Department of Water Quality, stated that the property would be accessed by Halfway Boulevard through the property owned by Bowman LLC. Access easements would be reconfigured as Bowman develops the land. Documents dealing with the access easement for the actual sewer line and the permanent access easement have been prepared by the County Attorney's office and have been forwarded to Bowman.

Mr. Reiber made a motion to grant approval of the variance. Seconded by Mr. Wiley. Unanimously approved. Mr. Kercheval abstained.

- Subdivisions

Emerald Pointe PUD, Phase I (PP-05-009)

Ms. Pietro presented for review and approval the Preliminary Plat and Preliminary Forest Conservation Plan for Emerald Pointe PUD, Phase I. The property is located along the east side of Marsh Pike and is zoned A/PUD – Agricultural/Planned Unit Development. The Planning Commission approved the final development plan in April 2004. The developer is proposing 40

semi-detached lots and 14 single-family lots on approximately 15.4 acres. The minimum lot size for the single-family lots is .21 acres and the semi-detached lots would be a minimum of 5,800-square feet. The open space comprises 1.02 acres. New public streets will be constructed to Emerald Pointe Drive and will connect with Marsh Pike. All lots would be served by public water provided by the City of Hagerstown and public sewer provided by Washington County; however, the City of Hagerstown's treatment plant would service the refuse. The Homeowner's Association would maintain all open space areas. Sidewalks would be constructed along the interior streets and along Marsh Pike. The proposed build-out of Phase I is two to three years. Storm water management would be provided by a storm water management pond. Forest Conservation Ordinance requirements would be met by the on-site planting of trees. Approval from the Washington County Soil Conservation District is pending. All other agency approvals have been received.

Comment: Ms. Pietro noted that the Forest Conservation plantings would be completed in stages as required by each phase of the development.

Discussion: There was a brief discussion regarding water and sewer allocations from the City and County. Sewer allocation would be determined during the final plat approval process. An annexation agreement is not required because the property is located in the Joint Service Area. There was a brief discussion regarding the amenities proposed for this development and the phasing schedule for completion of these amenities. The phasing schedule should be submitted as part of the final plat process for Phase I. Mr. Crampton, developer, stated that the amenities would be completed near the end of Phase I.

Commission members made an inquiry regarding the number of senior housing units proposed for the development. Mr. Crampton stated that Phase I would be age restricted housing. Proposed housing in subsequent phases would be determined depending upon school capacity issues.

Ms. Parrish made an inquiry regarding entrances to the development. One entrance will be constructed off of Marsh Park and a second entrance will be constructed off of Long Meadow Road during Phase 3 of the development.

Mr. Reiber made a motion to approve the Preliminary Forest Conservation Plan as presented. Seconded by Mr. Wiley. Unanimously approved.

Mr. Moser made a motion to approve the Preliminary Plat as presented. Seconded by Mr. Reiber. Unanimously approved.

OTHER BUSINESS

RZ-06-008 – Joel A. Knight

Ms. Wagner-Grillo presented for review and recommendation the rezoning request for Joel A. Knight. The property is located along the east side of Sharpsburg Pike. The site is approximately 1.18 acres and is currently zoned A – Agriculture. The applicant is requesting a change in zoning to BG – Business General.

Comments: Mr. Anikis stated that he did not believe Mr. Knight presented a case relative to a change in the neighborhood or a mistake in the original zoning of the property. Mr. Anikis noted that the surrounding area is primarily residential and farmland with only a small area that is commercial at the entrance of St. James North. The properties east of the subject parcel are residential and adjacent properties are zoned Agriculture.

Mr. Moser concurred with Mr. Anikis's comments. The commercial area was developed to serve the St. James PUD. Mr. Moser expressed concern for the intersection of St. James and College Road and the problems that would be created by the BG zoning of this property.

Mr. Moser made a motion to recommend denial of the rezoning request to the Board of County Commissioners based on the applicant's failure to prove a change in the neighborhood and the request is not consistent with the County's Comprehensive Plan. Seconded by Mr. Wiley. Unanimously approved. Mr. Reiber and Mr. Kercheval abstained.

RZ-06-009 – Pennsylvania Avenue 2003, LLC

Ms. Henke presented for review and recommendation the rezoning request for Pennsylvania Avenue 2003, LLC. The property is located approximately 1,000-feet east of the intersection of US Route 11 and North Pointe Drive. The site is approximately 0.47 acre and is currently zoned RS – Residential Suburban. The applicant is requesting a change in the zoning to BG – Business General based on a mistake in the original zoning of the property. Staff believes the applicant should have presented a case for a change in the character of the neighborhood rather than a mistake.

Comments: There was a brief discussion regarding the requested zoning and the opinion of several members of the Planning Commission that a case can be made based on a change in the character of the neighborhood.

There was also a brief discussion regarding storm water management issues that need to be addressed in the immediate area surrounding the subject property. The Engineering Department has been contacted regarding these issues.

Mr. Reiber made a motion to recommend approval of the rezoning request to the Board of County Commissioners based on a change in the character of the neighborhood. Seconded by Ms. Parrish. Unanimously approved. Mr. Kercheval abstained.

Comment: Mr. Kercheval made a request to have the Engineering Department determine the need of any future right-of-ways associated with this area.

RZ-06-010 – Text Amendment

Mr. Thompson presented for review and recommendation the Text Amendment to Sections 6.1(f), 6.2(j), 6.5, 7.2(c), 7.5 and 21.A.1(c) of the Zoning Ordinance. The Text Amendment proposes to delete the references to “Class A” and “Class B” hospitals.

Discussion: There was a brief discussion regarding the definition of “hospital”. In the future the definition may need to be revised and updated; however, a public hearing would be required prior to such changes.

Mr. Reiber made a motion to recommend approval of the text amendment as presented to the Board of County Commissioners. Seconded by Mr. Ecker. Unanimously approved. Mr. Kercheval abstained.

City of Hagerstown – Shaool Annexation (A06-03)

Mr. Thompson presented for review and recommendation the City of Hagerstown Shaool Annexation. The property is located along the east side of Eastern Boulevard across from Hillside Manor. The property is approximately 5.948 acres in size. The developer is proposing 26 semi-detached dwelling units. The applicant is requesting an R-1 (residential) zoning upon annexation into the City and Staff has determined that the request is consistent with the County's Comprehensive Plan.

Comments: Mr. Thompson suggested as part of the Planning Commission's recommendation to the Board of County Commissioners that appropriate right-of-way dedications, if necessary, or potential participation by the developer in the upgrade of Eastern Boulevard in that particular area should be required. Also, the Planning Commission's comments and concerns regarding access to Eastern Boulevard, as part of the Preliminary Consultation review, should be forwarded to the City of Hagerstown.

Discussion: There was a brief discussion regarding the access onto Eastern Boulevard. Planning Commission members are concerned that there is only one access to the development; however, they do not believe there should be a second access onto Eastern Boulevard. They believe the developer should consider a way to provide a second access from Antietam Drive and would prefer that there is no access from Eastern Boulevard. Members also expressed concern regarding safety issues for school-aged students and a bus stop along Eastern Boulevard for this development.

Mr. Moser made a motion to recommend that the proposed zoning designation is consistent with the adopted Comprehensive Plan for Washington County; however, the Planning Commission does have safety concerns regarding the access onto Eastern Boulevard and a bus stop for school-aged students along Eastern Boulevard. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained.

Edgewood Drive/Route 40 Improvements Update

Mr. Thompson presented an updated production schedule for the Edgewood Drive/Route 40 intersection improvements as provided by Mr. Gary Rohrer, Director of the Department of Public Works. The tentative schedule is as follows: Semi-Final Review (65% for US 40/Edgewood and 30% for section up to Mt. Aetna Drive) to be completed by January 2007; Final Review (90%) to be completed by May 2007; Advertisement (Production) to be completed by August 2007; and Notice to Proceed for Construction to be completed by November 2007. There was a brief discussion regarding funding for this project.

Subdivision Development Review Process

Mr. Thompson began a brief discussion regarding a policy to determine how developments would be approved to move forward in the future once school capacity issues are resolved. One concern expressed by Commission members is developments that have received final approval based on age-restricted units.

FUTURE MEETINGS

1. Regular Planning Commission meeting, Monday, August 7, 2006, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street

ADJOURNMENT

Mr. Moser made a motion to adjourn the meeting at 8:45 p.m. Seconded by Mr. Reiber. So ordered.

Respectfully submitted,

George Anikis
Chairman