

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – JANUARY 8, 2007**

The Washington County Planning Commission held its regular meeting on Monday, January 8, 2007, 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 Jill Baker, and Administrative Assistant Debra Eckard.

CALL TO ORDER

Chairman George Anikis called the meeting to order at 5:00 p.m.

MINUTES

Mr. Moser made a motion to approve the minutes of the Regular Planning Commission meeting of December 4, 2006 as presented. Seconded by Mr. Reiber. Unanimously approved.

NEW BUSINESS

Olive Garden (SP-06-070)

Ms. Pietro presented for review and approval the site plan for Olive Garden located at the intersection of Massey and Halfway Boulevards. The site is zoned PB – Planned Business. The developer is proposing to construct an Olive Garden restaurant with a building area of 7,400 square feet and 24-feet high that will be situated on a total area of 2.03 acres of leased area currently owned by the Valley Mall. Access to the site would be from Valley Mall Road, which is a private right-of-way, and also access from the rear of the building would exist at the Susquehanna Bank. Public water and sewer would serve the site. Hours of operation are Monday through Sunday 10 a.m. to 10 p.m. The developer is proposing 30 full-time and part-time employees. Parking spaces required is 87 spaces and 128 spaces are provided. The projected daily use is 400 per day. Freight and delivery is one time per week. Solid waste will be provided by a screened dumpster located to the rear of the restaurant. Proposed lighting and signage will be pole mounted and building mounted. Landscaping will include cherry trees, arborvitae, magnolia, yew, boxwood, wisteria, and hydrangea. Forest Conservation requirements for the entire mall were satisfied in 1998. The Board of Zoning Appeals granted a variance from the 20-foot setback requirement from the right-of-way to the off-street parking area to an unspecified setback.

Discussion: Several members expressed their concern regarding potential traffic congestion problems and safety issues. Mr. Steve Cvijanovich, a representative from Davis, Renn & Associates, consultant, stated that they have worked closely with the Washington County Engineering Department regarding traffic patterns in this area. Members also expressed concern that patrons of the restaurant may park in the mall parking lot and walk across Valley Mall Road to the restaurant. It was suggested that striped crosswalks should be installed and signs erected for pedestrian crossings. Commission members recommended discussing this issue with Mr. Terry McGee in the Washington County Engineering Department.

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

Comment: A representative from Olive Garden stated that the hours of operation are 11:00 a.m. to 11:00 p.m. daily, not 10:00 a.m. to 10:00 p.m. as previously stated.

Westfields Elementary School (SP-06-071)

Ms. Pietro presented for review and approval the site plan for the Westfields Elementary School located along the west side of Sharpsburg Pike within the Westfields Subdivision. The Washington County School Board is proposing to construct an 83,000-square foot, two-story elementary school on 13.6 acres with a 745-student design capacity. The maximum building height will be 48-feet. Two access points are proposed from Cambeltown Drive and Alloway Drive. A baseball field, basketball court and play area with an alternate play area on the east side of the building for kindergarten children are proposed. These areas will be fenced and screened. Public water and sewer will serve the site. The number of estimated employees is 70. The hours of operation are 7:00 a.m. to 4:30 p.m. with possible evening hours for special events. Parking spaces provided are 115 spaces. Proposed freight and delivery is two per day. Solid waste disposal will be provided by a screened dumpster. Storm water management will be provided by an off-site regional structure that will serve the entire subdivision. Sidewalks will be installed along all sides of the building and the entryway connecting with the street. Lighting will be building and pole mounted throughout the parking area. A school sign with 16-inch letters will be located on a brick fence of the kindergarten play area. Landscaping will be located throughout the site. The Board of Zoning Appeals granted a variance in March 2005 to change the minimum 150-foot front yard setback to a 50-foot front yard setback. Forest Conservation Ordinance requirements will be addressed in Section 5 of the Preliminary/Final plat for the Westfields residential development.

Discussion: A multi-purpose area is proposed on the site. The sports fields may also be used as community recreation areas. Mr. Thompson stated that the Washington County Parks and Recreation Board is working on agreements to determine how these areas can be used after hours. Mr. Anikis made an inquiry regarding the lighting and its effects on neighboring residential properties. The developer's representative stated that all lights would have full cut-off and shoe box shields. Mr. Moser made an inquiry regarding the pick-up and drop-off of students within the development. A representative from the Board of Education will check on this inquiry and give a report to the Planning Department.

Mr. Ecker made a motion to approve the site plan as presented. Seconded by Mr. Moser. Unanimously approved.

Blair Valley Tower (SP-06-039)

Ms. Pietro presented for review and approval a site plan for the Blair Valley Cell Tower located on the west side of Pole Cat Hollow Road, west of Clear Spring. The property is zoned EC – Environmental Conservation. The developer is proposing to construct a 190-foot lattice tower with a panel antenna and equipment panel on a 1.5 acre leased area currently owned by the Washington County Sportsman's Club. The owner of the tower will be the Shenandoah Mobile Company. The tower will be centered within a 70 x 70-foot, 8-foot fenced area. The setbacks are 190-feet all around. The proposed tower will be used for communications 24-hours per day, 7 days per week. An existing gravel road that connects with Pole Cat Hollow Road will provide access. There are no existing transmission lines. A sign will be placed on the tower and the fence surrounding the tower. Lighting will be on the equipment pad. No parking is required on the site. Disturbance on the site is less than 40,000-square feet; therefore, no Forest Conservation is required on this site. All agency approvals have been received.

Mr. Moser made a motion to approve the site plan as presented. Seconded by Mr. Ecker. Unanimously approved.

Antietam Industrial Park, Lot 8 (SP-06-062)

Ms. Baker presented for review and approval the site plan for Antietam Industrial Park, Lot 8 located near the terminus of Oak Ridge Place, south of Oak Ridge Drive. The developer is proposing to construct a 7,750-square foot office building and a 13,340 square foot inventory/stockroom for a kitchen and bath business on 2.11 acres. The site is zoned IT – Industrial Transitional. On-site septic and a private well will serve the site. Hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday. The projected number of employees is nine. Parking required and provided will be 11 spaces. Storm water management will be handled through an on-site pond along with a water quality area. Two building mounted signs are proposed. Landscaping will be provided around the building and throughout the parking area. Forest Conservation requirements will be met by the express procedure using the payment-in-lieu option in the amount of \$2,962.08. Approval from the Health Department is outstanding. All other agency approvals have been received.

Discussion: Ms. Parrish made an inquiry regarding the County Historic Inventory Site # I-377 that was referenced on the Staff Report. A representative from Hamilton Construction, developer, stated there is no building currently on the site. Mr. Anikis requested that staff check into this issue and provide the Commission with an update.

Mr. Reiber made a motion to approve the site plan contingent upon approval by the Health Department. Seconded by Mr. Moser. Unanimously approved.

OTHER BUSINESS

Rosewood PUD, Phase III (PSP-04-002)

Mr. Lung presented for review and approval a request for age-restricted housing designation for Phase III, Rosewood PUD. The PUD zoning on this property was approved in 1995 and the Final Development Plan was approved by the Planning Commission in 1999. Phase I of the development is complete with a total of 61 non age-restricted residential units and 42 elderly living units. Phase II was approved in February 2006 by the Planning Commission for 287 age-restricted units. Phase III was approved by the Planning Commission in June 2005. The developer is requesting approval for 116 age-restricted units in Phase III that would include townhouses and handicapped accessible condominium units. When Phase II was approved for age-restricted housing, modifications were made for appropriate amenities associated with this phase. The original plans for Phase III included one tot lot. Mr. Lung recommended that this tot lot remain. He also recommended including the following note on the plans for Phase III that states, "Residential development shown on this site plan shall be age-restricted according to Federal regulations restricting occupancy in these dwelling units to elderly persons. Such restrictions are predicated by a declaration of covenants for elderly housing recorded in the land records of Washington County (referencing the Liber/Folio). These restrictions allow for applicable exemptions from Article 5 *Schools of the Washington County Adequate Public Facilities Ordinance* and the *Building Excise Tax Ordinance for Washington County*. The elimination of this restriction from any units shall require review and approval of a revised site plan by the Planning Commission." This note has been reviewed by the County Attorney and was used on the previously approved plans for Phase II. There are deed covenants that are associated with the age-restriction that must be recorded. Mr. Lung recommends that the County Attorney's office should review the deed covenants and approval of the request should be contingent upon approval of the covenants by the County Attorney's office.

Comments: Mr. Moser expressed his concern that the County does not have a way to monitor the age-restriction units. Mr. Kurtyka, attorney for the developer, stated that the developer has voluntarily offered the results from the required Federal surveys to the County Attorney's office to assure compliance of the age-restricted units. Mr. Kercheval and Mr. Thompson stated that the number of children in each development throughout the County is tracked by the Board of Education. Mr. Reiber stated that deed restrictions or other criteria in a recorded deed couldn't be monitored; therefore, enforcement becomes an issue that needs to be addressed.

Mr. Wiley made a motion to approve the age-restricted designation request for Phase III contingent upon the deed covenant approval by the County Attorney and subject to the recommended note as stated above to be placed on the recorded plat. Seconded by Ms. Parrish. The motion passed with Mr. Wiley, Ms. Parrish and Mr. Kercheval voting "Aye" and Mr. Moser and Mr. Ecker voting "Nay". Mr. Reiber abstained.

UPCOMING MEETINGS

1. Joint Rezoning Hearing, Monday, January 22, 2007, 7:00 p.m., Washington County Courthouse, Room #1, 95 West Washington Street
2. Regular Planning Commission meeting, Monday, February 5, 2007, 7:00 p.m., Washington County Administration Annex, 80 West Baltimore Street

ADJOURNMENT

Mr. Moser made a motion to adjourn the meeting at 6:20 p.m. Seconded by Mr. Ecker. So ordered.

Respectfully Submitted,

George Anikis, Chairman