

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – June 4, 2007**

The Washington County Planning Commission held its regular meeting on Monday, June 4, 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 Planners Stephen Goodrich and Timothy Lung, Senior Planner Lisa Kelly, and Administrative Assistant Debra Eckard.

CALL TO ORDER

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

MINUTES

Ms. Parrish made a motion to approve the minutes of the May 7, 2007 Regular Planning Commission meeting as amended. Seconded by Mr. Wiley. Unanimously approved.

NEW BUSINESS

- VARIANCES

Lynn Kendle (SV-07-013)

Ms. Kelly presented for review and approval a variance for Lynn B. Kendle for property located along the northwest side of Ruble Road. The applicant is requesting a variance from Subdivision Ordinance Section 405.11.G.5 to create a panhandle length of 780-feet. The majority of Mr. Kendle's property is in an Ag Preservation District and he has received permission from the Ag Preservation Board to exclude some acreage for an immediate family member lot for his son. Access to the lot from Ruble Road would require a panhandle of 780-feet in length. The Engineering Department stated that prior to approval they would need to look at the sight distance and road width requirements.

Discussion: There was a brief discussion regarding the existing Forest Conservation Area in relation to this lot. A portion of the existing Forest Conservation Area is located on the proposed lot and would be relocated to a qualifying area.

Motion and Vote: Mr. Wiley made a motion to approve the variance as presented contingent upon approval from the Washington County Engineering Department. Seconded by Ms. Parrish. Unanimously approved.

Brian E. Rowe (SV-07-014)

Ms. Kelly presented for review and approval a variance for Brian E. Rowe for property located along the east side of Macafee Hill Road in Cascade. The applicant is requesting a variance from Subdivision Ordinance Section 405.2.A to allow access spacing of less than 300-feet. Macafee Hill Road is considered a major collector and requires access spacing of 300-feet or more. Mr. Rowe is proposing to subdivide two lots with the remainder. The proposed driveway for Lot 2 to the existing driveway for Lot 1 is approximately 160-feet and the existing driveway for Lot 1 to the proposed driveway for the remaining lands proposed driveway is approximately 70-feet. The State Highway Administration has no objection to the request. The Washington County Engineering Department stated that trees would obstruct sight distance; however, the SHA maintains Macafee Hill Road.

Discussion: Mr. Kercheval made an inquiry regarding the comment on the Staff Report concerning a common driveway. Mr. Holsinger of R. Lee Royer and Associates, consultant for the applicant, stated that the applicant prefers separate access points for each lot; however, a common driveway with an access easement would be acceptable. He stated that the State Highway Administration has no objection to the request. The applicant would remove existing trees, if necessary, to provide adequate sight distance for the driveways.

Motion: Mr. Moser made a motion to approve the variance as presented. Seconded by Mr. Reiber.

Discussion before the vote: Mr. Kercheval made an inquiry regarding right-of-way issues for the future widening of Macafee Hill Road. Mr. Lung stated that the standard dedication for a collector highway would be required.

Vote: Mr. Moser's motion was unanimously approved.

Eddie's Properties LLC (SV-07-017)

Ms. Kelly presented for review and approval a variance for Eddie's Properties LLC for property located along the Greencastle Pike at the end of Rock Hill Road. The applicant is requesting a

variance from Subdivision Ordinance Section 405.11.B to allow a reduction in public road frontage from 25-feet to 15.6-feet. In 1984, the lot was created as a stand-alone simplified parcel. When Lot 2 was approved in 2006, research indicated that the property has frontage on a State Highway Administration right-of-way. Mr. Lung interjected and stated that he previously worked on this project and that Rock Hill Road is maintained by the County; however, it ends in an area where the SHA owns the right-of-way. The subject lot was created when stand-alone simplified parcels “not for development” were allowed. The owner now wants to develop the property and must meet current regulations for development. A right-of-way is “called out” in the deed for this property and would most likely be used for ingress and egress to this parcel. Staff’s concern is the current HI-2 – Highway Interchange 2 zoning designation on this parcel allows for many different types of uses including apartment complexes. A higher intensity development other than a single-family dwelling would most likely create access issues; therefore, the applicant has agreed to put a stipulation on the plat that would only allow a single-family dwelling on this lot. Any other proposed development on the property would be required to seek Planning Commission approval.

Comment: Mr. Fred Frederick, the applicant’s consultant, stated that the right-of-way is well established and is owned by a relative in fee simple.

Discussion: There was a brief discussion regarding the restriction on the plat for a single-family dwelling only. A request could be made in the future for other types of development; however, right-of-way issues would be reviewed again at that time. Mr. Kercheval expressed his concern regarding the wording of the note on the plat that says, “further evaluation will be required under the APFO”. Mr. Kercheval noted that the APFO addresses certain road requirements and asked if this would include the 25-foot right-of-way requirement. Mr. Lung stated that if the single-family dwelling were converted to something different, such as a multi-family dwelling, that would require a higher standard in terms of the APFO from a road adequacy standpoint. Mr. Frederick noted that the APFO requirements would make it very difficult for other types of development unless the owner would spend a lot of money to make the necessary road improvements. Mr. Kercheval recommended that the County Attorney’s office should review and approve the wording for Note 13 on the plat.

Motion and Vote: Mr. Kercheval made a motion to approve the variance contingent upon the County Attorney’s review and approval of Note 13 on the plat. Seconded by Mr. Reiber. Unanimously approved.

- SUBDIVISIONS

Blooming Meadows (PP-06-009)

Ms. Kelly presented for review and approval the Preliminary Plat for Blooming Meadows located along the west side of Old National Pike north of its intersection with Cool Hollow Road. The property is approximately 88-acres and is zoned A – Agriculture. The developer is proposing to create 21 single-family lots ranging in size from 1 to 9-acres with 22nd lot being the remaining lands. Individual well and septic would serve the lots. Two new public streets are proposed and would serve all lots including Lot 1 which would access the interior street. Lot 21 contains 5.7-acres with an existing farmhouse known as “Rocky Knolls” that is listed on the County’s Historic Inventory Sites Survey that would be retained on the site. Flood plains are located on the lots adjacent to the Antietam Creek. The developer is proposing to meet Forest Conservation Ordinance requirements by retaining 16-acres of existing forest and planting 2.6-acres of trees in the high priority areas located along the Antietam Creek. An easement would be set-aside on Lot 2 for access to the existing cemetery and would be noted on the plat. No further subdivision would be allowed on the site because the site would not meet the new A(R) – Agricultural Rural zoning requirements. All agency approvals have been received.

Discussion: Mr. Moser noted that when the Preliminary Consultation for this development (previously known as an extension of “The Pines” subdivision) was brought before the Planning Commission, the access was proposed through Jeswood Drive and the Planning Commission recommended a second entrance into the development. Mr. Brad Fulton, owner, and Mr. Mike Hicks from Frederick, Seibert & Associates, the owner’s consultant, were present at the meeting. Mr. Hicks stated that the proposed development is on a separate parcel of land. Mr. Fulton explained that a second entrance into The Pines was required by the Engineering Department because the subdivision was proposed to be larger than 25 lots. Upon further review of the topography of the site, the steep ravine would have made it very difficult to construct a road through the entire development proposed for two separate parcels of land; therefore, the owner created 10 single-family lots in the development known as The Pines and is proposing a new development on the second parcel. The owner has obtained an entrance permit from the State Highway Administration for a separate entrance for the proposed development known as Blooming Meadows. Mr. Moser and Ms. Parrish expressed their opinion that the proposed development is an extension of The Pines. Mr. Fred Frederick of Frederick, Seibert and Associates, stated that there is an “environmental feature” that separates the two parcels and the developments should be considered as two separate projects, both meeting all State and County regulations. Mr. Reiber stated his opinion that the “intent” of the project may be in two different phases and may have two different names, but it is an extension of “The Pines”. Mr. Kercheval made an inquiry regarding the width of the panhandles. Ms. Kelly noted the panhandles are 100-foot wide. There was a brief discussion regarding the extension of the cul-de-sac in order to

minimize the length of the panhandles. Mr. Anikis asked who would be responsible for maintenance of the proposed easement to the cemetery. Mr. Hicks stated that the homeowners would own the easement and would be responsible for its maintenance. Mr. Anikis recommended installing a fence around the cemetery.

Motion: Mr. Moser made a motion to deny the Preliminary Plat due to the lack of a second access into the development. Seconded by Ms. Parrish.

Clarification before the vote: Mr. Reiber asked Mr. Hicks if it is possible to extend Jeswood Drive through both parcels. Mr. Hicks stated that it is possible; however, there is a floodplain issue, sensitive soils and stream buffers established by the Soil Conservation District located in the area in question. Mr. Frederick stated that land would need to be purchased from existing homeowners to provide adequate right-of-way.

Vote: Mr. Moser's motion ended in a tie vote with Mr. Moser, Ms. Parrish and Mr. Reiber voting "Aye" and Mr. Wiley, Mr. Ecker and Mr. Kercheval voting "Nay".

Comments: Mr. Anikis recommended that the developer revise the plans to extend the cul-de-sac to minimize the length of the panhandles. There was a brief discussion to determine the length of the cul-de-sac. Mr. Kercheval and Mr. Wiley recommended extending the cul-de-sac on Whitethorn Court just past the Forest Conservation Easement area for better access to Lots 6, 7, 8 and 9 and give Staff the authority to approve the revision as discussed.

Motion and Vote: Mr. Kercheval made a motion to approve the Preliminary Plat contingent upon Staff's approval of the revised cul-de-sac length on Whitethorn Court and to approve the Forest Conservation Plan as presented on the current plat. Seconded by Mr. Ecker. The motion passed with Mr. Kercheval, Mr. Ecker, Mr. Wiley and Mr. Anikis voting "Aye" and Mr. Moser, Mr. Reiber and Ms. Parrish voting "Nay".

Lyles/Grove Tract (PP-06-007)

Mr. Lung presented for review and approval the Preliminary Plat for the Lyles/Grove Tract, recently named Cobble Hill Estates, located along the south side of College Road just west of Maryland Route 65. The developer is proposing to create 66 lots for semi-detached dwellings on 66-acres located within the Urban Growth Area and zoned RR – Residential Rural. A semi-detached dwelling is a two-family dwelling with a party wall in it, each half being on its own lot. The Planning Commission approved the use of the clustering provision of the Zoning Ordinance during the Preliminary Consultation review process. The clustering provision allows the reduction of lot sizes as long as the density is not increased. The lot sizes are based on RS – Residential Suburban zoning standards that permit a minimum lot size of 6,250-square feet for a semi-detached dwelling. The proposed lots range in size from 6,285-square feet to 15,933-square feet. The Board of Zoning Appeals granted a variance from the rear yard setback requirement from 40-feet to 30-feet. The developer is proposing to provide a buffer between the rear of Lots 1 through 29 and the adjoining St. James development using Leyland Cypress

Comments: Mr. Kercheval recommended that Staff should make sure that adequate screening is provided between the two developments. Mr. Lung stated he would request the developer to show the proposed screening on the plats. Mr. Thompson noted that the rear yard setback variance was requested due to comments made by the Planning Commission, during the Preliminary Consultation review process, regarding off-street parking.

The approved cluster plan shows 4.35-acres of open space provided in addition to the 1.56-acre storm water management area. Sidewalks and a walking path in the large open space area are proposed. Staff recommends that the sidewalk along Wisteria Lane where it ends at Morning Glory Lane should be extended to College Road (approximately 150 to 175-feet). Currently there is no sidewalk along College Road; however, Staff believes that as the County upgrades its roads, access would be required and the extension would provide better connectivity and access for possible public transportation in the future. The open space areas would be owned and maintained by a Homeowners Association. The development is being designed as an age-restricted development per HUD guidelines and finalization and approval of the HOA and age-restriction documents would be required prior to final plat approval. All lots would front and access an internal road network with two access points on College Road. Streets would be a closed section design utilizing a rolled or mountable curb section. The Washington County Engineering Department has approved a reduced street width that would reduce the pavement area and runoff and allows for a wider separation between sidewalks and the actual travel lanes.

Discussion: There was a discussion regarding on-street parking, the width of the roadways, and access for emergency services with narrower streets.

Mr. Lung stated that each unit would have a one-car garage and driveways large enough to accommodate two vehicles. Each dwelling unit would have a post-mounted light at the street. Public water provided by the City of Hagerstown and public sewer provided by the Washington County Department of Water Quality would serve the site. The proposed usage is 13,200 gallons or 66 EDU's per day. LP gas service would be provided to this development as part of the St. James North system. Each unit would have LP gas capabilities; however, homeowners would

not be required to be connected to the system. Forest Conservation requirements would be met by retaining 0.78-acres of existing forest and the planting of 2.68-acres of forest. An additional .77-acres is needed to meet all Forest Conservation requirements and the developer is requesting the use of payment-in-lieu. All agencies have reviewed the plan and have issued comments or conditional approvals. Unconditional approvals by the agencies would be issued upon completion of their review of the requested revisions. Staff needs to complete their review of the Forest Conservation Plan. If the developer meets all HUD guidelines for an age-restricted development, a final plat may be submitted.

Discussion: Mr. Kercheval asked why the remaining .77-acre of forest conservation was not included on site in the area marked open space #3. Mr. Tony Taylor of Frederick, Seibert & Associates, consultant, stated that this open space area is reserved for a spilling basin for a large watershed located in St. James Village. There was a brief discussion regarding the proposed LP gas system. Mr. Anikis made an inquiry regarding traffic issues at the intersections of Maryland Route 65 and College Road and Maryland Route 65 and Lyles Road. Mr. Lung stated that the State Highway Administration requested traffic numbers for a signal warrant analysis. The requested figures submitted along with the traffic generation proposed from this development did not warrant a signal at these locations. Mr. Taylor stated that left and right turning lanes from College Road onto Maryland Route 65 are being striped. There was a discussion regarding the fencing around the Forest Conservation easement area and concern for pedestrians crossing homeowner's yards. The fencing for the easement area is not intended to be permanent and would be removed after two years. There was a discussion regarding the additional .77-acre Forest Conservation requirement and the payment-in-lieu. Mr. Lung stated that the developer owns property on other side of College Road where work in a stream buffer for the Soil Conservation District is proposed. He suggested that additional planting may be done in this area as off-site planting for the proposed development. By consensus, the Planning Commission members agreed that payment-in-lieu for residential development is unacceptable; however, off-site planting in an area in close proximity to the development would be acceptable.

Motion and Vote: Mr. Kercheval made a motion to approve the Preliminary Plat contingent upon the extension of the sidewalk from Morning Glory Lane to College Road, adequate buffering between Lots 1 through 29 and the adjoining lots of St. James Village, conditional approvals from outstanding agencies, and Staff's approval of the Forest Conservation Plan with the additional .77-acre of off-site planting in close proximity to the development in the vicinity of Maryland Route 65 at College Road to St. James School. Seconded by Mr. Moser. Unanimously approved.

Cinetic Landis Grinding Corporation (PSP-07-002) (S-07-058)

Mr. Lung presented for review and approval the designated "Fast-Track" preliminary plat/site plan and final subdivision plat for Cinetic Landis Grinding Corporation located in the Hunter's Green/Newgate/Hopewell Valley Industrial Park west of Hopewell Road and north of Halfway Boulevard Extended. The developer is proposing to create a new 27.85-acre lot from several parcels owned by the Hagerstown-Washington County Industrial Foundation and the Antietam Investment Group. The property is primarily zoned IG – Industrial General with a small portion along the west side of the property zoned HI-1 – Highway Interchange 1. The owner is proposing to construct a building that would contain an 84,700-square foot manufacturing area, 12,000-square foot office area, and a 1,254-square foot utility room and provisions for a 21,000-square foot expansion. The proposed use is light manufacturing and assembly of precision grinding equipment. A total of 150 employees are proposed and hours of operation would be 7:00 a.m. to 4:00 p.m., Monday through Friday. The building has a maximum height of 35-feet. Parking spaces required is 160 spaces and 210 spaces are provided. Total impervious site area is 23-percent. Truck loading docks and truck parking areas are located to the rear of the building. No outside storage of materials is proposed. Dumpsters would be provided at the rear of the building for wood and metal waste and trash. Cinetic Landis has a corporate recycling program for all of these materials. Pole and building mounted lights are proposed on the site; however, details from the lighting consultant regarding the light fixtures and a photometric plan to show no glare or spill over onto adjacent properties or streets is pending. A variety of landscaping is proposed across the front of the building and in the island areas in the parking lot. A staggered row of 37 8-foot Austrian pines planted 10-foot on center is proposed to screen the adjacent residential lot. The lot located to the east of the site contains a structure listed on the Historic Sites Survey. Public water provided by the City of Hagerstown and sewer provided by the Washington County Department of Water Quality serves the site. Projected flow is 2,400-gallons per day. The site must comply with the Washington County Forest Conservation Ordinance. The Forest Stand Delineation prepared for the site shows approximately 1.66-acres of forest to be cleared on the new lot and a Forest Conservation requirement of 3.27-acres. The FSD shows forest on the remaining lands including forest within a 100-year floodplain. The developer is proposing to meet Forest Conservation requirements by retaining the forest located within the 100-year floodplain and payment-in-lieu for additional mitigation. The County's Comprehensive Plan proposes a "greenway" through the Hopewell Valley Economic Development area and the developer has agreed to dedicate an easement through the 100-year floodplain. Approvals have been received from the Washington County Engineering Department, Department of Water Quality and Soil Conservation District. Approvals are pending from the Washington County Health Department and the City of Hagerstown Water Department. The pre-annexation agreement with the City of Hagerstown has been reviewed and revisions requested. The Historic District Commission will review the plat on June 6, 2007 and issue their comments on the proposed development.

Motion and Vote: Mr. Reiber made a motion to approve the Site Plan and Subdivision Plat contingent upon approval of a detailed lighting plan showing no glare or spill over on adjacent properties, all outstanding agency approvals, addressing any comments received from the Historic District Commission, and recalculation of the Forest Conservation worksheet to account for the retention of forest in the floodplain area. Seconded by Mr. Ecker. Unanimously approved.

- Forest Conservation

E.B. Limited Partnership

Ms. Kelly presented for review and approval a request to mitigate .99-acres using payment-in-lieu. The request is being made for property located along Western Maryland Parkway at the site of Parker Plastics. When the site plan for this property was originally approved, the developer set aside a Forest Retention area to meet Forest Conservation Ordinance requirements. In December 2005, the developer was found to be in violation of the Forest Conservation Ordinance because the Forest Retention area on this site had been removed. In March 2006, the Planning Commission required the developer, Mr. Richard McCleary, to replant the .99-acres of Forest Retention area, to pay the non-compliance fee of \$.30 per square foot for the forest that had been removed, and, at the discretion of the developer, plant an additional .99-acres of forest off-site or make the payment-in-lieu. The developer has paid the non-compliance fee and the payment-in-lieu for the off-site planting. The developer is now requesting approval from the Planning Commission to make the payment-in-lieu for the .99-acres of on-site planting. A letter from Frederick, Seibert & Associates, the developer's consultant, noted that the area at the northeastern corner of the property is being requested by one of the tenants to be converted into additional parking and the area at the northwest corner could remain as a proposed planting area; however, the area was all reconstructed as part of constructing the stormwater management pond and since it is not virgin soil, it may be difficult to get trees to grow in that area.

Discussion: Mr. Fred Frederick of Frederick, Seibert & Associates, consultant for the developer, stated that the developer would like to make a change to the request. Mr. McCleary purchased an additional 20-acres of land adjoining this site that contains existing forest. An FSD was prepared and approved for the additional acreage and meets all criteria for Forest Conservation requirements. Therefore, Mr. McCleary is requesting retention of forest on the additional acreage to meet his obligation for the site in question.

Motion and Vote: Mr. Moser made a motion to approve the on-site retention to meet Forest Conservation requirements. Seconded by Mr. Ecker. Mr. Reiber abstained. Unanimously approved.

At 9:00 p.m., the Chairman called for a recess. The meeting resumed at 9:05 p.m.

OTHER BUSINESS

RZ-07-001 and CP-07-001 – Kent Oliver

Mr. Goodrich summarized the Staff Report and Recommendation for an amendment to the Comprehensive Plan Land Use Map to include 120 +/- acres in the Urban Growth Area and a Zoning Map Amendment for approximately 60-acres of the same parcel located adjacent to I-70 north of Beaver Creek Road. Mr. Goodrich noted that one change is needed in the Staff Report on Page 19, first paragraph, first sentence as follows, "Expansion of the growth area by 60 acres", should be changed to "120 acres". The Comprehensive Plan Amendment is a proposal to include within the Growth Area boundary the 120 acres of the Oliver parcel and to assign the western half a commercial land use designation in the Land Use Plan and the eastern half a Community Facilities land use designation. The applicant is also requesting rezoning of the western half of the property to Highway Interchange. The eastern half is proposed to keep its Agricultural (Rural) zoning designation. The third component of the application is an offer to dedicate the eastern half of the parcel as a school site; however, the Staff Report does not analyze the acceptance or rejection of the offer. There is some analysis of the possibility of a school being situated on the property; however, it is Staff's opinion that the offer for the school site is an inappropriate part of the application. Mr. Goodrich stated that the applicant's attorney, Mr. Jason Divelbiss, presented a well thought-out plan to remedy many of the limitations of the site for development. However, Mr. Goodrich believes that the problems are not really solved because there are many factors, either unknown or at the discretion of others, that need to be addressed in order to implement the plan. Staff also believes that the change in the Growth Area would not benefit the community as a whole. The effects of changing the Growth Area boundary could result in significant development on the property. The effects of the development would reach far beyond the 120-acres proposed for inclusion. A benefit to including the property in the Growth Area would be the extension of public services to the area at the developer's expense; however, Staff cannot recommend inclusion in the Growth Area for this benefit alone. The applicant proposed that the rezoning should be approved because the assignment of the Agricultural (Rural) designation was based on the mistaken assumptions that there were no viable options for providing water and sewer service and there was no permanent access to the property. Mr. Goodrich stated that these two items were facts at the time the Agricultural zoning was applied to the property and the Urban Growth Area boundary was set. They were not debatable or open to judgment at the time. He noted that individual property analyses are not

performed to determine if problems or limitations can be solved to develop a property when assigning zoning designations or growth area boundaries.

Discussion and Comments: Mr. Reiber made several inquiries regarding verification of adjacent parcels located within the Urban Growth Area and the original recommendation to keep this parcel outside the UGA. Mr. Goodrich stated that Mr. Oliver owns a parcel of land adjacent to the subject property that is located within the Urban Growth Area and he previously made a request to have the subject property included in the UGA that was denied. Mr. Goodrich stated that several issues contributed to the decision to keep the subject parcel in the rural area, such as: the lack of public utilities to the site, the lack of public road frontage, the size of the parcel, there was agricultural activity on the property at the time, there was significant forest cover on the property and there is an historic structure located on the property.

Mr. Moser expressed his reservations for expanding the growth area until issues are addressed regarding the lack of sewer capacity. He noted that the zoning densities in the existing Growth Area far exceed the available capacity. Mr. Moser commended Mr. Divelbiss for his presentation on the extension of sewer service, although he does not believe that the proposal for extending service from Funkstown is a viable option. Mr. Moser expressed concern regarding traffic issues, the road network, and the impact on the community as a whole. He believes a regional shopping center would have a negative impact on efforts to revitalize the Hagerstown downtown area. He believes there would be a significant negative impact on surrounding properties such as Fieldstone Acres and the property that is currently placed in Ag Preservation as well as properties along Beaver Creek and White Hall Roads. Mr. Moser expressed his opinion that putting a high school site in a rural area goes against good planning practices. Even though a new school is needed, he believes a school site within the current Urban Growth Area would better serve the needs of Washington County.

Mr. Kercheval stated that he does not vote on rezoning applications until they come before the Board of County Commissioners; however, he did make the following statements. "Regarding the Funkstown issue, I think that had to do with the Funkstown plant. They have a certain amount of loading and if you pay to upgrade their plant to lower the quality or the capacity of the plant to get to a cleaner level you could take that balance loading and bubble it into a different plant to get the base and the developer pays for the upgrade to take that plant to a more efficient level. That is what it had to do with not with capacity, not necessarily the gallons per day. The comment made by Mr. Goodrich about the Commissioner's disapproving this, as one of the Commissioners who denied this at the time, I didn't think reflected what we talked about. We talked about the sewer issues and stuff, but one of the things I said, and I know was brought up by some of the others, was we're right in the middle of a water and sewer study, there is a lot of questions out there, we didn't have any kind of site plans or anything to look at and it was probably premature to be enlarging the Growth Area at this point in time with those things outstanding. It kind of read Mr. Goodrich's comments to say that we took things and said this doesn't belong because it didn't have sewer, and I didn't think that was reflective of the group who denied it."

Mr. Wiley expressed his opinion that commercial development is going to occur outside the downtown revitalization area and he does not believe that is a viable reason to deny the applicant's request. He also believes that planning for additional schools should have been addressed many years ago and he does not like the "helter-skelter" approach that the school board is taking at this time. However, the proposed site could well serve the Smithsburg, Boonsboro, South Hagerstown and North Hagerstown area students. Mr. Wiley believes that considering the applicant's request prior to the Comprehensive Urban Growth Area Rezoning is a mistake and would be better addressed at that time.

Mr. Parrish expressed her opinion that Mr. Divelbiss made some good arguments in terms of how to make this property work within the Urban Growth Area and even though the property is adjacent to the Growth Area, she believes this property is not structured for development at this time. Ms. Parrish does not believe that the argument for a mistake in the original zoning was made. The property is surrounded by farmland, it is located in a rural area, it does not have the necessary access, and there is no sewer service in this area. She stated her opinion that school sites should be located within the Urban Growth Area because this area has already been defined for the County's growth.

Mr. Ecker stated he concurs with Ms. Parrish's comments that a mistake was not made in the original zoning of the property; but, he also agrees with comments made by Mr. Divelbiss during the public hearing. He believes that there will be residential and Highway Interchange properties next to each other and he would like to "see something worked out". Mr. Ecker believes that buffers could be used to separate the Highway Interchange and residential properties and that there is potential for a school site in this area.

Mr. Anikis stated his opinion that the county residents are not being deprived of shopping options in this county with the Valley Mall, Prime Outlets and the Center of Hagerstown all easily accessible within several exits west of the Route 40 and I-70 interchange. Additionally there are three small shopping centers and strip malls within minutes of this interchange. In 2004 this County had over 3.55 million square feet of usable retail space. According to the Convention and Visitor's Bureau in a public press release in early 2005 based on 2004 data, "The Hagerstown-Washington County region ranks 17th of 300 regions nationwide in retail space per capita in the

country.” Mr. Anikis believes it would be more difficult to attract business to the downtown area, Longmeadow area and the old Ames shopping center if we continue to enlarge the opportunities for retail development on the periphery of the City. Currently, the southeastern sector of the Route 40 and I-70 interchange has roughly 98 acres of undeveloped land in the Highway Interchange zoning. If that number is accurate, that computes to 4.3-million square feet of land; and, if only 25% of the area were developed for retail use that would be 1 million square feet of retail space in that quadrant which would be a 33% increase over the 3.5 million square feet of retail area we currently have in the County. Mr. Anikis does not believe a mistake was made when the 2005 rezoning request was denied. He believes a recommendation to approve this request would pose a serious threat to the quality of life and impact to the Beaver Creek Rural area. Mr. Anikis concurred with Mr. Wiley’s comments that addressing these issues during the update of the Urban Area Rezoning would better serve the County. Regarding the school site, Mr. Anikis expressed a great concern for road improvements that would be necessary on Beaver Creek and White Hall Roads and the cost of these improvements to the County. He suggested that during the Urban Area Rezoning, the Engineering Department and the School Board should be involved to address these issues, the costs that would be involved for the County and its residents and the impact on the County as a whole. Mr. Anikis noted that the State of Maryland has no requirements regarding the acreage required for a school site or any other type of guidelines for school sites. He questions the requirement in our County’s Zoning Ordinance that requires 60 acres as a minimum for a high school site. Mr. Anikis quoted the following comments from an article called *Johnny Can’t Walk to School*, “Even before Maryland enacted smart growth legislation in 1997, the State’s public school construction program was already promoting smart growth principles. Consider for example Maryland’s criteria for evaluating local applications for State financial assistance: projects should not encourage sprawl development, projects should not be located in Ag Preservation areas unless other options are not viable, and the project’s development would have no negative effect on future growth and development in the area. Projects should be served by existing or planned water, sewer and other public infrastructure.” He does not believe that a school site in this area passes any of those tests. A school site would have athletic fields, games on weekends with a lot of bright lights and noise, and a significant amount of traffic on inadequate roads that can’t handle it. Mr. Anikis noted that Montgomery County’s guidelines require 30 usable acres for a high school site. He stated that the School Board currently owns land adjacent to the Eastern Elementary School where there is approximately 29 usable acres, even though there is a 100-year floodplain on the property, and existing infrastructure to the site. In summary, Mr. Anikis does not believe that rezoning this property or expanding the Urban Growth Area would be a benefit to the majority of the residents of Washington County.

Mr. Wiley noted, that according to a chart distributed by the Planning Department, Clear Spring, North Hagerstown and South Hagerstown High Schools are the only schools in the County with more than 60 acres of land and Smithsburg and Boonsboro High Schools have 40 acres of land.

Mr. Reiber expressed his opinion that school issues have been neglected for many years and today the County is faced with trying to address the issues that are not going to go away. With regard to retail space, Mr. Reiber believes there is a lot of space utilized by retail development; however, the County benefits economically from retail services through tax revenue and employment opportunities. Retail development requires larger parcels and older center cities such as downtown Hagerstown, Smithsburg and Boonsboro do not have the structures and the floor space that major retailers need. Mr. Reiber stated that the County and its growth areas are changing and consideration needs to be given to these changes.

Mr. Wiley concurred with Mr. Reiber’s comments that the County and its growth areas are changing. He reiterated his belief that this is the wrong time to be considering a request that could have a significant impact on the upcoming urban rezoning that the County is beginning very soon.

Motion and Vote: Mr. Moser made a motion to recommend denial of CP-07-001 to the Board of County Commissioners based on insufficient proof that a mistake was made in the BOCC’s 2005 decision, the negative impact on adjacent rural properties, lack of adequate roads, apparent lack of infrastructure and the lack of sewer capacity. Seconded by Ms. Parrish. The motion passed with Mr. Moser, Mr. Wiley, Mr. Ecker, and Ms. Parrish voting “Aye” and Mr. Reiber voting “Nay”. Mr. Kercheval abstained.

Motion and Vote: Mr. Moser made a motion to recommend denial of RZ-07-001 to the Board of County Commissioners based on insufficient proof that a mistake was made in the original zoning of the property, the request is not consistent with the County’s Comprehensive Plan, and the lack of infrastructure to serve the property. Seconded by Ms. Parrish. The motion passed with Mr. Moser, Mr. Wiley, Mr. Ecker and Ms. Parrish voting “Aye” and Mr. Reiber voting “Nay”. Mr. Kercheval abstained.

UPCOMING MEETINGS

1. Joint Rezoning Hearing, Monday, June 11, 2007, 7:00 p.m., Washington County Court House, Room 1, 95 West Washington Street
2. Regular Planning Commission Meeting, Monday, July 9, 2007, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1

ADJOURNMENT

Mr. Moser made a motion to adjourn the meeting at 10:05 p.m. Seconded by Ms. Parrish. So ordered.

Respectfully submitted,

George Anikis, Chairman