

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING – February 4, 2008**

The Washington County Planning Commission held its regular meeting on Monday, February 4, 2008, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Terry Reiber, Clint Wiley, Sam Ecker, and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planners Stephen T. Goodrich and Timothy A. Lung, Senior Planners Jill Baker, Misty Wagner-Grillo and Lisa A. Kelly, Planner Chris Cochrane, 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 January 7, 2008 Regular Planning Commission meeting as amended. Seconded by Mr. Ecker. Unanimously approved.

**OLD BUSINESS**

**Update of South Pointe PUD**

Ms. Kelly presented a brief history with regard to the South Pointe PUD. In November 2007, the Planning Commission reviewed a request from Mr. Paul Crampton, developer, to modify the South Pointe PUD. The developer is proposing to construct 4, 3-story condominium buildings with a total of 120 units. Underground parking with 152 parking spaces and an additional 88 parking spaces above-ground will be provided. The proposed condominiums will be age-restricted units. During the November 2007 meeting, the Planning Commission expressed concern with regard to amenities, especially the swimming pool, that were being eliminated from the new plan. The Planning Commission requested that Mr. Crampton meet with the Executive Board of Directors and Homeowner's Association to discuss these issues. A meeting with the Board of Directors was held in November 2007 and a meeting of the HOA was held on January 10, 2008. Homeowners voted against a swimming pool.

**Discussion:** Mr. Anikis stated that he attended these meetings and it was very clear that the residents do not want a swimming pool. Ms. Parrish clarified that her concern was not only the elimination of the swimming pool but also the change in the design layout and other amenities that were being eliminated. She asked if all of the changes were discussed. Mr. Anikis stated that all changes and the history of the changes since 1990 were discussed. He stated that the residents expressed their concern with regard to traffic issues. Mr. Anikis stated that the proposed plan would decrease the density; therefore, the amount of traffic generated would not be as significant as originally proposed. Ms. Parrish stated that several people have approached her with concerns that these changes are being made since the time that the public hearing was held and citizens have not been able to make any comments regarding these changes. Mr. Wiley stated that he has no objection to the changes as long as the current residents have no objections. He also believes there will be less traffic than there would have been with the original plan. Mr. Kercheval expressed his opinion that the new plan proposed less density than the original plan and therefore will be less intensive. Also, if the homeowners are not opposed to fewer amenities, he has no objections. Mr. Reiber expressed his concern with regard to traffic issues. Ms. Kelly stated that the Engineering Department would re-evaluate traffic issues at the time a site plan is submitted. Mr. Crampton, the developer, stated that during the last traffic study that was completed, a traffic light was not warranted at the intersection with Oak Ridge Drive. He noted that the County's Engineering Department would not require a traffic light until the intersection is failing. Mr. Crampton also noted that the Homeowner's Association has sent several petitions to the County requesting a new traffic count. Mr. Kercheval stated that the Engineering Department is aware of the traffic issues in this area and they perform regular traffic counts on the intersection. There are standards that must be used to determine the placement of the stop light.

**Motion and Vote:** Ms. Parrish made a motion to approve the modifications as presented at the November 5, 2007 meeting. Seconded by Mr. Ecker. Unanimously approved.

**NEW BUSINESS**

**- VARIANCES**

**Randy J. Cool, Lots 1-3 (SP-07-055)**

Mr. Lung presented for review and approval two variance requests from the Subdivision Ordinance for property located along the east side of Pennsylvania Avenue, north of Industry Drive. The first request is for a variance from Section 405.11.G (panhandle length) and the second request is for a variance from Section 405.2.A (access separation). The property contains 7.16 acres and is zoned A – Agriculture and is located within the Urban Growth Area. The property is located in the Airport Overlay zone; however, it is not in the Airport clear zone. The Airport overlay zone restricts multi-family residential development. Mr. Cool, owner, is proposing to subdivide the property into 3 lots with a remainder around the existing dwelling. Previously, Staff administratively denied a request to create 3 lots without public road frontage.

The applicant appealed the Planning Staff's decision and the Board of Zoning Appeals overturned the Staff's denial. The BZA approved the request with Lot 1 having no public road frontage, Lots 2 and 3 would utilize 25-foot panhandles. The BZA also added the following condition to their approval that states, "All 3 lots shall be restricted to conveyance to immediate family members only for a period of 10 years and there shall be no further subdivision of any of these lots". A plat was submitted to the Planning Department based on the actions by the Board of Zoning Appeals. Lot 1 contains 1.63 acres, Lot 2 contains 3.9 acres, Lot 3 contains 1.63-acres and the remaining lands contain .64-acres. There is an easement across Lots 2 and 3 for public road access for Lot 1. Lots 2 and 3 utilize panhandles with a shared driveway with access onto Route 11. Following review of the submitted plat, Staff discovered that the proposed shared access does not meet the Highway Plan criteria for an arterial highway that requires 500-feet of access separation between access points. The proposed entrance is approximately 150-feet away from the existing driveway to the house located on the remaining lands and approximately 90-feet away from an existing driveway on an existing lot to the south. The applicant's explanation of hardship is due to limited frontage along Route 11 as well as many existing driveway access points on US Route 11 which makes compliance virtually impossible. The State Highway Administration has reviewed the applicant's request and has no objection. Mr. Lung noted that in his comments to the Planning Commission, he recommended that a right-of-way for a future street should be provided so if the lots are further subdivided, they could be provided public road frontage. With the agricultural zoning on this property and because there is public water and sewer in this area, there is the potential for approximately 10 additional lots. However, the Board of Zoning Appeals put the condition on their approval that there would be no further subdivision of these lots. If after 10 years the lots are sold outside of the immediate family and the new owner would try to further subdivide his/her property, a request to the Board of Zoning Appeals to remove the condition would be required. Additional variances for lots without public road frontage would also be required. Mr. Lung suggested that if the Planning Commission approves the variance, a condition should be placed on the approval to provide a revertible easement to be used to construct a future street, if at some time a future property owner would be allowed to subdivide the property for additional lots.

Mr. Lung then began his presentation with regard to the length of the proposed panhandles in excess of 400-feet. The panhandle for proposed Lot 2 would be 441-feet. The applicant's statement of hardship for the panhandle variance states, "Based on the Board of Zoning Appeals request, the applicant created two lots with 25-foot panhandle frontage. One lot, #2, ended up with a panhandle of 441 feet. Although the subdivision is not yet approved, the corners have been put in place as shown with a 441-foot panhandle." Staff does not have an objection to the request; however, the hardship statement is questionable because a survey pin has already been located on the property. Staff believes the pin could easily be relocated if necessary. The fire department and emergency services had no comments.

**Discussion:** Mr. Reiber made an inquiry with regard to the width of the access road in case of emergencies. Mr. Lung stated that the County does not have minimum standards for private lanes. Mr. Reiber made an inquiry if the conditions from Staff and the BZA would be noted on the plat. Mr. Lung stated they would be noted on the plat.

Ms. Parrish asked if the property were later sold, would the lane be wide enough to split into three private lanes. Mr. Lung stated that 25-feet is the minimum amount of road frontage. Lots 2 and 3 each have 25-feet of road frontage; however, Lot 1 goes across Lots 2 and 3 for their access.

Mr. Kercheval asked if there is a shared access maintenance agreement between the property owners for the private lane. Mr. Schreiber of Frederick, Seibert & Associates, consultant, stated that a shared maintenance agreement could be provided. Mr. Cool's intention is to keep one lot for himself and give the other two lots to his sons.

There was a brief discussion with regard to the 10-year restriction and when that time period begins. Mr. Anikis asked if the 10-year restriction would be noted on the plat. Mr. Lung stated that it would be noted on the plat.

**Motion and Vote:** Mr. Kercheval made a motion to approve the variance requests contingent upon a shared driveway maintenance agreement being prepared and submitted to the Planning Department and contingent upon meeting Staff's recommendation to provide a revertible easement for a future street as discussed. Seconded by Mr. Ecker.

**Discussion and Clarification:** Mr. Schreiber, consultant, asked for clarification with regard to the provision for a revertible easement from US Route 11 to Lot 1 for the construction of a possible future public street. Mr. Lung stated that it was shown that way on the original concept plan submitted to the Planning Department. Mr. Schreiber stated that was to be a right-of-way and not a public street. He noted that a public street would not be possible because the County Engineering Department only allows 800-feet of public street before you have intersecting public streets. Topographic and alignment issues would not allow the construction of a public street. Mr. Kercheval asked if the right-of-way issues could be addressed if a plan would be submitted later for additional subdivision of the properties. Mr. Lung stated that the right-of-way could be reserved a certain distance for a possible cul-de-sac; however, that would only allow the subdivision of Lot 3. If the right-of-way were extended, both Lots 2 and 3 would have access for a possible future street. Lot 1 could not be subdivided. Mr. Schreiber noted that any variation of the configuration would require approval by the Board of Zoning Appeals and other variances would need to be approved by the Planning Commission.

**Amended Motion and Vote:** Mr. Kercheval amended his motion to approve the variance requests contingent upon a shared driveway maintenance agreement being prepared and submitted to the Planning Department. Seconded by Mr. Ecker. Unanimously approved.

#### **- SITE PLANS**

##### **Candice Grove (SP-07-055)**

Ms. Wagner-Grillo presented for review and approval the site plan for Candice Grove for property located along the south side of Old Georgetown Road. The property is zoned BL – Business Local. The applicant is proposing to convert the existing residence into a hair and nail salon on .42-acre. The existing building is 1,725-square feet and a 1,475-square foot addition is proposed. The retail floor space will be 1,800-square feet. Building mounted lighting and two building mounted signs are proposed. The signs will be 18-square feet and 18-feet in total height (including the building). Eight parking spaces are proposed. The hours of operation are Tuesday through Thursday 9:00 a.m. to 8:00 p.m., Friday 9:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 2:00 p.m. Daily deliveries are expected. The City of Hagerstown will provide public water and Washington County Department of Water Quality will provide public sewer. There is a residential property located to the east of the proposed business and a commercial property located to the west. Both adjacent properties are zoned BL – Business Local. No additional landscaping is proposed. The project is exempt from Forest Conservation and storm water management requirements. All agency approvals have been received.

**Motion and Vote:** Mr. Ecker made a motion to approve the site plan as presented. Seconded by Mr. Wiley. Unanimously approved. Mr. Reiber abstained.

##### **OSI (SP-07-058)**

Ms. Wagner-Grillo presented for review and approval a site plan for OSI for property located along the east side of Crayton Boulevard. The property is zoned HI-1 – Highway Interchange 1. This site plan has been designated as a “fast-track” project by the Washington County EDC. The developer is proposing a two-story office with 5,666-square feet of space on the first floor and 3,738-square feet of space on the second floor and an 18,421-square foot warehouse on 4.63-acres. The building height is 24-feet. The office will be open Monday through Friday 8:00 a.m. to 5:00 p.m. and the warehouse will be open Monday through Friday from 7:00 a.m. to 5:00 p.m. There are 40 employees proposed for the office and 6 employees for the warehouse. Two accesses from Crayton Boulevard are proposed. Signs will be building mounted only and lighting will be pole mounted. Frederick, Seibert & Associates, consultant, is preparing a photometric plan to ensure there is zero light trespass on the surrounding residential properties. Parking required is 64 spaces. The City of Hagerstown will provide public water and the Washington County Department of Water Quality will provide public sewer. A 10-foot wood privacy fence is proposed along the north and east sides of the property to screen the existing residential properties. Upon request by adjoining property owners, the developer has agreed to extend the privacy fence to connect to the existing fence on the south border of Mr. Peter Dante’s residence. Landscaping will be provided along the fence and around the building. Forest Conservation requirements were met for this site through a payment-in-lieu in 2001. Storm water management requirements will be met by using a water quality pond. The Department of Water Quality has approved the site plan. The consultant has revised the storm water management plan to address comments from the County Engineering Department. A pan filter is proposed for the rear of the property and a bio-retention filter is proposed for the front of the property. The City Water Department has granted annexation approval. The Washington County Soil Conservation Service and the County Permits Department have requested minor revisions.

**Discussion:** There was a brief discussion with regard to using a wooden privacy fence rather than a vinyl fence. Mr. Tony Taylor of Frederick, Seibert & Associates, consultant, stated that there are trying to match the existing fence on the property. Mr. Kercheval made an inquiry with regard to several sheds that were being removed from the property. Mr. Thompson stated that the sheds were encroaching on the property from neighboring properties. Mr. Kercheval made an inquiry with regard to the proposed trees along the fence being placed on the owner’s property and not behind the fence. Mr. Lung stated that several years ago when the original fence was constructed, the neighbors wanted as little disturbance as possible in that area. Therefore, the fence was set back and OSI agreed not to disturb the vegetation that was already in place. He noted there is also a lot of rock in that area and trees could not be planted.

**Motion and Vote:** Mr. Reiber made a motion to approve the site plan contingent upon all agency approvals. Seconded by Mr. Ecker. Unanimously approved.

##### **Fed Ex Freight (SP-07-061)**

Ms. Wagner-Grillo presented for review and approval a site plan for Fed Ex Freight for property located along the east side of Route 63 (Greencastle Pike). The property is zoned HI-1 – Highway Interchange 1. This site plan has been designated as a “fast-track” project by the Washington County EDC. The developer is proposing a 142,160-square foot dock with 280 revenue doors, 2 ramps and 2 trash compactors, an 8,000-square foot office and a 14,160-square foot garage with 7 bays and fuel station on 137.1-acres. The building height is 24-feet. The facility is expecting 206 trucks per day. There will be approximately 167 employees per shift. The hours of operation are 24 hours per day, 7 days per week. Parking required is 194 spaces and 281 regular and 892 truck spaces will be provided. The City of Hagerstown will provide public water and the Washington County Department of Water Quality will provide public sewer. Storm water management requirements will be met using an on-site storm water

management pond. One 11' x 5' entrance sign, one building sign and several directional signs are proposed. Lighting will be building and pole mounted. Forest Conservation requirements will be met by on-site retention and planting. Landscaping will be provided around the parking area. The State Highway Administration offered the following comment: "The problem is a potentially serious sink hole situation along I-70 in the vicinity of the proposed storm water management facility. SHA is requesting that the proposed storm water management facility be shifted away from I-70. Accordingly, we are not ready to issue an unconditional approval of the site plan." Ms. Wagner-Grillo stated that the consultant has revised the site plan and SHA has approved the revised plan. The County Engineering Department has not received the revision prior to this meeting; therefore, their approval is pending. The State Highway Administration recently received a traffic analysis for this area and they are requesting accel/decel lanes. Other issues to be addressed include: queuing problems when exiting the ramp at I-70 and weaving issues associated with vehicles exiting the ramp and the impact on vehicles on Route 63. The County Engineering Department stated that they will not give their approval until the traffic study is complete and approval of the study has been given by the State Highway Administration. The City Water Department is requiring annexation review before final approval will be given. Other minor revisions are needed per County departments.

**Discussion:** Mr. Kercheval noted there are stream buffers shown on the site plan. Mr. Mike Hicks of Frederick, Seibert & Associates, consultant, stated there are several stream buffers on the property located outside the 100-year floodplain, mainly to the northwest near the storm water management pond. Mr. Anikis expressed his concern with regard to traffic issues in that area especially with another proposed warehouse. He requested that Staff verify that the State Highway Administration is aware of the additional proposed warehouse.

**Motion and Vote:** Mr. Wiley made a motion to approve the site plan contingent upon all agency approvals. Seconded by Mr. Reiber. Unanimously approved.

## **OTHER BUSINESS**

### **Comprehensive Plan Update – The Six Year Review**

Mr. Thompson began the discussion stating this is a major project currently being worked on by the Planning Department. The Comprehensive Plan identifies goals, objectives, principles, guidelines, policies, standards, and a growth plan for the orderly development of the community. In 1997, 13 public meetings were held to create the vision of the County, which became the basis of the 2002 Comprehensive Plan. The 2008 Update is not a totally new plan but an extension of the 2002 Plan. The Growth Act requires all jurisdictions, at intervals of no more than six years, to review and, if necessary, update the Comprehensive Plan. The 2002 Comprehensive Plan is a long-term plan expected to last 20 years, the six-year update allows continual reflection of the Plan's actual results and determines if the results are satisfactory to the community. The County is actively implementing the recommendations of the 2002 Plan and will continue to do so over the next 20 years. The six-year review is intended to keep the 2002 Plan on track. Staff is asking the Planning Commission members for their input for broad concepts that will help accomplish our goals for the County. Staff has discussed the following ideas: goal inventory and evaluation, update the general background data, integrate the new Park and Recreation Plan and the Water and Sewer Plan, update the Airport information to reflect current use and activities, update Town growth areas, update the Hospital Facilities Plan, the Fort Ritchie development plan, update the housing market data, reference the TDR report, update the historic inventory, House Bill 2 (Priority Preservation Area), and House Bill 1141 (Water Resources Element).

**Discussion:** There was a brief discussion with regard to a Transportation Plan for the County that would be referenced in the Comprehensive Plan and updated periodically. A Transportation Plan would be a valuable tool when new developments are being discussed. No action is necessary at this time. The update of the 2002 Comprehensive Plan will be discussed further during an upcoming workshop.

### **Comprehensive Plan Amendment – Priority Preservation Areas**

Ms. Baker began a discussion with regard to House Bill 2, recently passed by the Maryland General Assembly, and has been named "The Agricultural Stewardship Act of 2006". Ms. Baker distributed a packet of information to each Commission member that included the guidelines from the State of Maryland, text that has been drafted by the Staff, and a map. The County sets priorities to effectively spend preservation funds. The ultimate goal is to preserve and protect our agricultural and forested lands in Washington County. Staff used the priority ranking system that currently exists within the Agricultural Preservation Program in Washington County as a basis for delineating potential Priority Preservation Areas. There are several criteria listed in the ranking system such as: the types of soil, how close they are to existing easements, sensitive areas, etc. Staff has evaluated the areas they believe would be the best places to focus the funding. There are currently three large areas being built by the priority ranking system: one is northeast of Clear Spring, one toward Smithsburg, and one to the southeast of the County starting around the Downsville area and extending around the Antietam Battlefield. Using all the criteria required by the guidelines and building on the areas previously listed, Staff has established areas they believe would be good target areas for priority preservation areas. The State does not require the County to participate in the program; however, if the County does not participate additional certified funds will not be available to the County. Currently, the County receives 33% of all the ag property taxes for ag preservation. There is an additional 42% of funds available that the County can apply for if the County is "certified". In an average year, 42% is approximately \$400,000. In an exceptional year, such as 2006, 42% is approximately \$1 million. This issue will be discussed further during the Planning Commission's Workshop meeting on February 18, 2008. A public hearing will be held in April with regard to this issue.

**UPCOMING MEETINGS**

1. Planning Commission Workshop, Monday, February 18, 2008, 1:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown
2. Regular Planning Commission Meeting, Monday, March 3, 2008, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown

**ADJOURNMENT**

Mr. Ecker made a motion to adjourn at 8:55 p.m. Seconded by Ms. Parrish. So ordered.

Respectfully submitted,

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George Anikis, Chairman