

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING – March 3, 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 Lisa A. Kelly, Planners Chris Cochrane and Sara Edelman, Administrative Assistant Debra Eckard, and Kirk Downey, County Attorney.

**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 February 4, 2008 Regular Planning Commission meeting as amended. Seconded by Mr. Reiber. Unanimously approved.

**NEW BUSINESS**

**- AGRICULTURAL LAND PRESERVATION DISTRICT APPLICATIONS**

Ms. Edelman presented for review and approval six applications for establishment of property in the 10-year Agricultural Land Preservation District. The applications were recently approved by the Washington County Agricultural Land Preservation Advisory Board. All properties being considered are located outside of the adopted Urban Growth Area for Washington County. Following is a list of the applicants:

- Myron and Janet Martin – Application #AD-07-002; Yarrowsburg Road; 108.49 acres; Zoned: EC – Environmental Conservation
- Windy Willow Farm, Inc. – Application #AD-07-005; 12263 Saint Paul Road, Clear Spring; 144.41-acres; Zoned: A(R) – Agricultural Rural
- Jay Richard Miller – Application #AD-07-006; 26606 Shaffer Road, Sharpsburg; 178.23 acres; Zoned: A(R) – Agricultural Rural
- Kenneth Thomas – Application #AD-07-007; 19765 Lappans Road, Boonsboro; 130.93-acres; Zoned: A(R) – Agricultural Rural
- Kenneth Thomas – Application #AD-07-008; 19523 Mill Point Road, Boonsboro; 80.01-acres; Zoned: A(R) – Agricultural Rural
- Jacob Horst – Application #AD-08-002; Lehman's Mill Road; 132.5-acres; Zoned: A(R) – Agricultural Rural

**Motion and Vote:** Mr. Reiber made a motion to approve the applications for the Agricultural Land Preservation District as presented based on consistency with the Comprehensive Plan. Seconded by Mr. Ecker. Unanimously approved.

**- SUBDIVISIONS**

**Bryan Kenworthy, Lot 1 (S-07-135)**

Ms. Kelly presented for review and approval the Preliminary/Final plat for Bryan Kenworthy, Lot 1. The property is located along the eastern side of Robinwood Drive adjacent to the Hagerstown Elks Lodge and is zoned A – Agriculture. The lot is 3.89-acres in size and was originally part of the Elks Lodge tract. There are 14-acres of land remaining on the Elks property. The developer is proposing a commercial lot for the establishment of a funeral home. On January 16, 2008, a special exception was granted by the Board of Zoning Appeals to allow a funeral home in an Agricultural district. Access to the site will be from a 40-foot shared access easement that includes the existing entrance to the Elks Lodge. Direct access from Robinwood Drive to the site was denied by the County Engineering Department due to the lack of access spacing from the existing intersection with Medical Campus Road. Public water and a private septic system will serve the site. Fifty (50) foot setbacks will be held along the entire property line per requirements of the Zoning Ordinance. A site plan must be submitted to the Planning Department for review and will be presented to the Planning Commission prior to final approval for the commercial use. The plat meets the requirements of the “express procedure” as outlined in the Forest Conservation Ordinance. The payment-in-lieu fee of \$3,397.68 will be paid by the developer. All agency approvals have been received.

**Discussion and Comments:** Mr. Kercheval made an inquiry regarding the existing forest that acts as a buffer to the adjacent residential properties. Mr. Schreiber of Frederick, Seibert & Associates, consultant, stated the existing forest would remain. Mr. Kercheval also made an inquiry regarding storm water management issues. Mr. Schreiber stated that the developer is proposing to convey the water to an existing storm water management facility owned by the Board of Education. Additional impervious areas will not increase the storage amount necessary. The developer may need to direct the water to the far side of Robinwood Drive closer to Mt. Aetna Road before it crosses the road. There was a brief discussion regarding parking. These issues will be addressed during the site plan phase. Ms. Parrish

and Mr. Wiley expressed their concern with regard to screening between the commercial site and residential properties. Mr. Anikis also expressed concern with regard to screening. Mr. Schreiber stated that the site is approximately 10-feet lower than the existing grade. Therefore, only a portion of the roof should be seen from the residential properties. Mr. Anikis stated he is concerned with the glare from vehicular lights and lighting on and around the building. Mr. Reiber asked if there is space to plant additional trees rather than making a 100% payment-in-lieu. Mr. Schreiber stated that the existing trees do not qualify as forest. Mr. Anikis clarified that according to the Forest Conservation Ordinance, if the site qualifies for the "express procedure", approval is not needed from the Planning Commission. Ms. Kelly stated that buffering issues would be addressed during the site plan phase. Mr. Wiley expressed his opinion that the proposed funeral home will have less impact on the neighborhood than many other commercial type development.

**Motion and Vote:** Mr. Reiber made a motion to approve the Preliminary/Final plat as presented. Seconded by Mr. Kercheval. Unanimously approved.

## **- SITE PLANS**

### **Bobcat of Hagerstown (SP-08-001)**

Ms. Kelly presented for review and approval the site plan for Bobcat of Hagerstown located along the southwest side of Salem Avenue near the intersection of I-81 and is zoned HI-1 – Highway Interchange 1. The site was formerly known as the Hagerstown Tennis Club. The developer currently has his sales/service center for farm and construction equipment on the subject 17.48-acres. There is currently an existing commercial building, several sheds and outbuildings, a single-family dwelling, and tennis courts on the site. Office floor space is approximately 4,700-square feet. Bobcat currently displays equipment on the front area of the parcel. The Board of Zoning Appeals granted a variance in November 2007 to reduce the required 75-foot buffer yard along the front property line to 10-feet. Neighbors present at the hearing had no opposition to the request and requested that no shrubbery or fencing should be placed along the east property line. There is an existing sign referencing Bobcat at the entrance to Salem Avenue and no additional signs are proposed. Lighting consists of existing pole mounted and building mounted lights and no additional lighting is proposed. Solid waste disposal will be handled by the existing dumpster located on the site. The hours of operation are 7:30 a.m. to 5:00 p.m. Monday through Saturday. There are 6 employees. Parking spaces required is 16 spaces and 17 spaces are provided. The site is exempt from the Forest Conservation Ordinance requirements since the area of disturbance is less than 40,000-square feet. All agency approvals have been received. The Zoning Ordinance indicates that the Planning Commission shall determine the type of screening in the buffer yard on HI-1 zoning properties if the site is adjacent to residential development. Ms. Kelly noted that the adjacent property owner testified during the Board of Zoning Appeals hearing that she does not want any trees in the 75-foot buffer yard.

**Discussion and Comments:** Members expressed their concern with regard to screening in the 75-foot buffer yard between the commercial and residential properties. The current property owner may not want the screening; however, a new property owner may want screening. Mr. Schreiber of Frederick, Seibert & Associates, consultant, noted that this area is predominantly zoned HI-1 and this property may be converted to a commercial site in the future. Even if it remains a residence, the new property owners would have the knowledge that the Bobcat facility exists.

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

### **Emmanuel Baptist Temple School (SP-07-025)**

Ms. Kelly presented for review and approval the site plan for the Emmanuel Baptist Temple School located along the south side of National Pike near Huyetts Crossroads. The property is zoned A – Agriculture. A site plan was approved in 2002 for the expansion of the church sanctuary and a new gymnasium. The owner is proposing to use the existing gymnasium as a school for grades K-12 with 99 students and 3 to 5 employees. There are 348 parking spaces proposed. Classes will be held Monday through Friday from 7:30 a.m. to 3:30 p.m. Lighting will consist of building and pole-mounted lights throughout the parking area. There are two existing signs at the entrance. The Board of Zoning Appeals granted a variance in December 2007 to allow a reduction from 22.5-acres to 16.9-acres to establish a day care center and private school. Forest Conservation Ordinance requirements were approved for the site in 2002, which consisted of .46 acres of retention area, 1.12 acres of new plantings and 1.98 acres were mitigated by payment-in-lieu. All agency approvals have been received with the exception of the City of Hagerstown Water Department.

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

**Clarification before the vote:** Mr. Reiber asked if the County has any influence with regard to State Highway Administration road and traffic issues. He believes if issues are not addressed as the church expands, their could be major traffic problems in the future. Mr. Kercheval stated that staff should express their concerns to the SHA.

**Vote:** Mr. Kercheval's motion passed unanimously.

## **Emmanuel Baptist Temple (SP-08-002)**

Ms. Kelly presented for review and approval the site plan for Emmanuel Baptist Temple located along the south side of National Pike west of Huyetts Crossroads. The owner is proposing a new 26,452-square foot sanctuary. The existing sanctuary will be retained and seating will be reduced from a 400 person seating area to a 250 person seating area to be used for weddings and funerals. The proposed sanctuary will seat 1,187 people, which will include a 100 person choir. Hours for the church will be Sunday mornings and Sunday and Wednesday evenings. The church has approximately 8 employees. The church is also proposing a school and day care facility. The school will be located in the basement of the new sanctuary. The school will accommodate 99 students in grades K-12 and there will be 3-5 employees. Hours of operation for the school will be Monday through Friday from 7:30 a.m. to 3:30 p.m. The day care facility will operate from 7:00 a.m. to 6:00 p.m. with 3 to 5 employees and will accommodate 70 children. Public water and an individual septic currently serve the site. Parking spaces required for the sanctuary is 378 spaces and 347 spaces will be provided. The church provides bus transportation for approximately 200 members using six, 60-passenger buses and 2 vans. Therefore, parking requirements are reduced by 44 spaces. The school and day care facility require 159 parking spaces which will be provided by the church parking areas. Landscaping will be provided throughout the parking areas and around the proposed sanctuary, which will include Bradford pear, Holly, boxwoods, spirea and summer sweet. Pole and building mounted lights are proposed. There are two existing signs at the church entrance and no additional signs are proposed. The Board of Zoning Appeals recently granted approval for the school and day care facility on the 16-acre site. Forest Conservation Ordinance requirements were approved in 2002. The 2002 site plan proposed the sanctuary, which was not built. Approvals are needed from the City of Hagerstown Water Department, the Health Department, and the State Highway Administration. The SHA is requesting a traffic analysis to determine if a left-turn lane and accel lane is warranted.

**Discussion and Comments:** Mr. Ed Schreiber of Frederick, Seibert & Associates, consultant, stated that the State Highway Administration recently requested a traffic study, which has been provided to them. The SHA expressed concern with regard to the length of accel/decel lanes and if a left-turn lane going into the site coming from the east will be necessary. He noted that the traffic engineer has already looked at the site and has determined that no changes will be necessary. Mr. Schreiber stated that the church has installed a 12-inch water main from Huyetts to the site and a water vault. He stated that the City of Hagerstown Water Department is reviewing the fire suppression system for the site to make sure everything is sized properly.

Mr. Reiber expressed his opinion that a turn-lane would be appropriate with the bus traffic and the number of seats available in the sanctuary. He believes traffic could be a concern. Mr. Ecker asked why the church did not install a sewer line when the water line was installed. Mr. Kercheval stated that sewer is not available in this area. Mr. Wiley asked that if the existing gym is converted into a school prior to the construction of the new sanctuary, would it be converted back into a gymnasium after the school is moved. A church representative stated they intend to convert the gymnasium back once the school is moved. Mr. Anikis expressed his concern with regard to parking issues and traffic. There was a brief discussion regarding parking for the buses. Mr. Anikis made an inquiry with regard to the height of the proposed 70-foot steeple and if it meets with height requirements in the Zoning Ordinance. Mr. Schreiber stated that steeples are exempt from height requirements. Ms. Kelly asked for clarification on the number of students proposed for the school and day care facility. Mr. Tony Taylor of Frederick, Seibert & Associates, consultant, stated that the Board of Zoning Appeals granted a waiver for up to 200 students at the school. The day care facility is calculated separately. Mr. Anikis asked if the septic system would accommodate the maximum number of students. Mr. Taylor stated that the Health Department has approved the septic system for the maximum number of school students (200) and the day care facility. Mr. Kercheval expressed his opinion that the secondary access should remain in place. A representative from the church stated they are trying to keep traffic away from the parsonage area where the secondary access is located. The secondary access was inadvertently not shown on the plan; however, it will remain but used only in an emergency. Mr. Kercheval expressed his concern with regard to the amount of parking spaces. Mr. Lung stated that the Zoning Ordinance requires 1 parking space for every 5 seats in the sanctuary. Ms. Parrish asked how many services are currently being conducted and how many services are proposed each Sunday morning. A church representative stated they currently conduct two services each Sunday morning; however, they are hoping to conduct only one service each Sunday morning after the new sanctuary is completed. Mr. Reiber expressed his concern with regard to parking for special services. A church representative stated that during a special service in December, there were many empty parking spaces in the church's lot.

**Comment before the vote:** Mr. Reiber expressed his concern with regard to ingress and egress on National Pike, traffic issues, and parking issues due to the size of auditorium and the schools. He encourages the State Highway Administration to review and address all traffic issues. Mr. Anikis requested that the State Highway Administration should be informed in writing about the Planning Commission's concerns with regard to traffic issues.

Mr. Kercheval requested that a clearly defined emergency route from the secondary access needs to be shown on the plans. He also clarified that he supports the church's site plans as long as they meet the parking requirements set forth by the County; however, the church should not allow overflow parking along National Pike.

**Motion and Vote:** Ms. Parrish made a motion to approve the site plan contingent upon all agency approvals and the emergency access being shown on the site plan. Seconded by Mr. Ecker. Unanimously approved.

## **OTHER BUSINESS**

### **Rezoning Procedures**

Mr. Thompson began a discussion regarding the new procedures for rezoning cases. The Planning Commission will begin holding Administrative public meetings prior to the formal public hearing that will be held by the Board of County Commissioners. Witnesses will not be sworn in, the public comment period will begin once a rezoning application has been received by the Planning Department and will remain open until the end of the public hearing before the BOCC. Mr. Thompson noted that all information pertaining to the rezoning request would be submitted with the application and presented to the Planning Commission prior to the public meeting. The BOCC has adopted a semi-annual schedule. Submission dates will be in January and July. Mr. Thompson introduced Mr. Kirk Downey of the County Attorney's office. Mr. Downey noted that the most significant change to the rezoning procedures is the public meeting that will be held by the Planning Commission prior to the formal quasi-judicial proceeding of the BOCC, which is required by law.

Prior to the meeting, a draft of the rezoning procedures was sent to the Planning Commission. Several items of concern were discussed. One item discussed was the amount of time that the Planning Commission should have following their public meeting to make their recommendation to the BOCC. Another concern is information that is received following the public meeting that the Planning Commission has not reviewed, but will be presented to the BOCC. Mr. Downey stated that when applying for a rezoning request, a comprehensive application and information packet would be submitted. If the application does not contain all required information, the Planning Director may reject the application. By requiring more information upon submittal, it should streamline the testimony and exhibits presented during the public meeting. Mr. Downey explained that the County is striving to establish a process that will adhere to established State law.

There was a brief discussion with regard to amount of time the record of the Planning Commission's meeting will be left open to receive further comments and information prior to their recommendation. Ms. Parrish stated she would still like to continue to receive copies of the minutes from the Planning Commission's public meeting and Staff Reports following those meetings. She also noted that the draft procedures do not indicate if the meetings will be recorded. Mr. Thompson stated that Staff records all Planning Commission meetings.

Mr. Kercheval requested clarification why citizens and the applicant are not being sworn in during the Planning Commission's hearing. He expressed concern that the County could be challenged if a case would go to court. Mr. Downey stated that a quasi-judicial proceeding (such as the BOCC's public hearing) is governed by law; however, the Planning Commission is making a recommendation as part of the process. He noted that the judicial system recognizes the distinction between administrative proceedings and a quasi-judicial proceeding. Mr. Thompson stated that under Article 66.B of the State of Maryland, the Planning Commission is not required to take any testimony or public input before making their recommendation.

There was a discussion with regard to Staff providing staff reports before and after the Planning Commission's public meeting. Staff explained that it is their intention to provide a comprehensive staff report prior to the Planning Commission's public meeting. A second staff report would not be prepared after the meeting; however, any written comments from the public received within the specified time after the public meeting would be forwarded to the Planning Commission members. Staff could address certain questions asked by the Planning Commission during the public meeting. Mr. Thompson stated this procedure is used in other jurisdictions. The original Staff Report would be forwarded with the Planning Commission's recommendation to the County Commissioners prior to their formal public hearing.

Mr. Anikis began a discussion to clarify several issues in the draft procedures. By consensus, the Planning Commission members agreed that there will be a ten (10) day period following the Planning Commission's public meeting for additional information to be submitted as part of the record.

Mr. Anikis requested clarification with regard to posting of the subject property. Mr. Thompson stated that staff will furnish the applicant with the appropriate signs to be posted on the rezoning site. A photo will be taken of the posted property and will be retained in the file. Mr. Anikis asked if the owner would notify the adjacent and adjoining property owners prior to their hearing. Mr. Thompson stated that currently Staff would send notification prior to the BOCC's public hearing. Mr. Anikis noted that Staff should consider sending notification prior to the Planning Commission's meeting also. He stated his opinion that it is very important to keep the public informed.

Mr. Anikis noted that the time for the applicant to present their application has been changed from 30 minutes to 15 minutes. He requested clarification for this change. Mr. Thompson stated that the change was made since most of the information should be provided prior to the public meeting. Mr. Anikis believes that the applicant should have 30 minutes to present their case. Individuals will be allowed 3 minutes to testify and a spokesman or legal counsel for a group of individuals will be allowed 10 minutes.

### **Demolition Permit #2008-00325 – 19931 Toms Road**

Mr. Goodrich presented for review and recommendation Demolition Permit #2008-00325 for property located at 19931 Toms Road. The Historic District Commission reviewed the permit during their February 6, 2008 meeting. The HDC was opposed to the demolition of the property and recommended retention, reuse and renovation of the subject property. The owner, Ms. Barbara Hubert hired a contractor to perform an analysis of the dwelling. The contractor, Mr. Tytus Martin, believes the building is not salvageable and should be demolished.

**Discussion and Comments:** Mr. Ecker asked the owner why she is choosing to demolish the dwelling. Ms. Hubert stated that the house is not salvageable, there is no functioning septic, well or heating system currently in the dwelling. She stated there are contractors that have agreed to take the salvageable materials and if possible, she plans to retain the stone foundation and construct the new house on it. She also plans to retain the bank barn and restore it. Mr. Anikis asked if she was made aware of available tax credits for restoring historic properties. Ms. Hubert stated she was made aware of the tax credits and will take advantage of those when restoring the barn.

**Motion and Vote:** Mr. Ecker made a motion to recommend approval of Demolition Permit #2008-00325. Seconded by Mr. Reiber. Unanimously approved.

### **Comprehensive Plan Update: The Six-Year Review**

Mr. Cochrane began a discussion with regard to recommendations in the Comprehensive Plan. Staff is requesting the Planning Commission to recommend any changes they believe are necessary to the existing recommendations found in the Comp Plan.

**Discussion and Comments:** Mr. Anikis made an inquiry with regard to a time schedule for accomplishing the recommendations in the Comp Plan. He suggested a priority ranking system. Mr. Goodrich stated that a ranking system was established with the previous Comprehensive Plan. During the last update, Staff began working immediately on the Rural Rezoning as directed by the County Commissioners and establishing a ranking system was not completed. The goals set by the County Commissioners for the County and the opportunity to accomplish any goal are determining factors in completing the recommendations specified in the Comprehensive Plan.

### **Brumbaugh-Kendle-Grove Farmstead, Hagerstown Regional Airport**

Mr. Goodrich stated that a letter was received from the Federal Aviation Administration with regard to the potential removal of buildings known as the Brumbaugh-Kendle-Grove Farmstead located at the Hagerstown Regional Airport. The Historic District Commission reviewed the project at their February 6, 2008 meeting. The HDC is opposed to the removal of the buildings on the subject site. They believe that if security is the issue for the potential removal of the building, rehabilitation and occupation of the building should be the preferred course of action.

**Discussion and Comment:** Mr. Anikis stated that he recently attended a meeting with Carolyn Motz, the Airport Manager, along with the Chairman of the Historic Advisory Committee (Ralph Young) and members of the Historic District Commission (Sandy Izer, Rob Bowman and Chip Stewart). He noted that the FAA has not mandated the demolition of the dwelling. Ms. Motz expressed her concern of security issues and the limited acreage available for expansion of Airport facilities. The group discussed funding for a fence and security cameras to help with security issues. Ms. Motz expressed her desire not to have the building restored to a residential use. The group suggested restoring the exterior of the building and using the interior to house a business. The group has scheduled a meeting with Brian Poffenberger of the Maryland Historic Trust to pursue funding for a fence. They are also looking for a developer to restore the outside of the building and making office space inside. The property could then be leased for office/commercial use.

**Consensus:** By consensus, the Planning Commission agreed to respond to the FAA referencing the recent meetings between the Airport Manager and individuals and groups interested in historic preservation and requesting a brief time period (until June 30, 2008) for the group to explore the rehabilitation of the exterior of the building and the possibility of using the interior for a commercial use.

### **UPCOMING MEETINGS**

1. Regular Planning Commission Meeting, Monday, April 7, 2008, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown
2. Planning Commission Administrative Rezoning Meeting, Monday, April 21, 2008, 7:00 p.m., Washington County Court House, Room #1, 95 West Washington Street, Hagerstown

### **ADJOURNMENT**

Chairman Anikis adjourned the meeting at 9:35 p.m.

Respectfully submitted,

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George Anikis, Chairman

