

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – May 5, 2008**

The Washington County Planning Commission held its regular meeting on Monday, May 5, 2008, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

Members present were: Chairman George Anikis, Linda Parrish, Terry Reiber, Clint Wiley, and Sam Ecker. Ex-Officio James F. Kercheval was absent; however, Commissioner Terry Baker was present in Commissioner Kercheval's absence. Staff members present were: Planning Director Michael C. Thompson, Chief Planners Steve Goodrich and Tim 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

Mr. Ecker made a motion to approve the minutes of the April 7, 2008 Regular Planning Commission meeting as presented. Seconded by Mr. Wiley. Unanimously approved.

NEW BUSINESS

- PRELIMINARY CONSULTATIONS

Community Bank (PC-08-001)

Ms. Kelly presented for review and comment the Preliminary Consultation for Community Bank located along the east side of Sharpsburg Pike. The proposed bank will be located on approximately 1.03-acres of land with 2.23-acres of remaining land. The property is zoned HI-1 – Highway Interchange 1. Several agencies attended the consultation which was held on March 18, 2008. Mr. Ray Burns of the State Highway Administration stated that the plan was good from an access management standpoint because there is no direct access to Maryland Route 65. Parking will be in front and along the sides of the proposed building with an access to the rear of the property. The proposed bank will share an access with the existing McDonald's. The SHA recommended that the shared access with McDonald's be widened to 40-feet so it can be striped with a 16-foot wide inbound lane and two 12-foot wide outbound lane. Mr. John Wolford of the State Highway Administration stated there would be no traffic study required due to the small size of the site. The Washington County Engineering Department issued comments with regard to storm water management issues. Mr. Ed Norman of the City of Hagerstown Water and Sewer Department stated that the City is revising their Comprehensive Plan, which will be discouraging or limiting access to water facilities south of the interstate. Ms. Kelly contacted Mr. Norman prior to this evening's meeting and Mr. Norman stated that the developer has applied for an Annexation Agreement, which was approved. Ms. Kelly stated that a preliminary consultation was not needed for this site since the proposed use is allowed in the HI-1 zoning district. A site plan will be required and must comply with all zoning and subdivision regulations as outlined in the Ordinances. Forest Conservation requirements must be addressed. Ms. Kelly noted that the aesthetics of the site with regard to landscaping and signage must be considered. The site plan must be reviewed and approved by the Planning Commission

Discussion and Comments: Mr. Ecker asked if all the parcels in the immediate area owned by Mr. Bowman will use the same access. Mr. Bowman stated he believes there will be access to the traffic light across from the entrance road to Cracker Barrel. Ms. Parrish asked how the dirt bike track behind this site is accessed. Mr. Bowman stated he did not know there was a dirt bike track. Mr. Anikis asked for clarification of the City's position with regard to their 20-year growth plan, which states that no property will be annexed south of the Maryland 65/I-70 interchange. Mr. Thompson stated the latest Annexation proposal that was adopted following the adoption of the City's Comprehensive Plan made a provision for any property that had an agreement approved and recorded prior to the adoption of the City's Plan would be annexed into the City's growth area. Ms. Kelly noted that Mr. Norman indicated that several parcels owned by Mr. Bowman were included in the Annexation Agreement. Mr. Anikis expressed his opinion that the intersection at Maryland Route 65 and I-70 is one of the poorest in the County due to cross-traffic trying to go north and south. He made an inquiry with regard to the County and State requiring a back entrance along the north side of Sharpsburg Pike north of Henry K. Douglas Drive and along the other side of the road. Mr. Thompson stated that the Planning Commission could require a back entrance to be built piece-by-piece as development occurs along the north side of Sharpsburg Pike. However, property would need to be purchased along the other side of the road for a back entrance. Mr. Thompson also stated the Planning Department can forward the Planning Commission's concerns to the State Highway Administration. Mr. Reiber concurred with Mr. Anikis's comments and also commended the State Highway Administration for recommending that the access road between McDonald's and the proposed bank should be widened. Mr. Anikis recommended that the developer plan for egress from the rear of the additional parcels in the future. Mr. Bowman stated that is part of the overall plan.

- SUBDIVISIONS AND SITE PLANS

Williamsport Storage Bins (S-07-070) and Ivy Building (SP-07-048)

Ms. Kelly presented for review and approval the Preliminary/Final Plat for Williamsport Storage Bins and the Site Plan for the Ivy Building located along the south side of Robinwood Drive. The property is zoned

BT – Business Transitional. This site was the subject of a rezoning request several years ago and was previously zoned R – Residential. The developer is proposing to construct a 3-story office building on 4.1-acres. The preliminary/final plat currently shows a 2.3-acre site that will be added to a 1.7-acre site, which will enlarge the property to 4.1-acres. The proposed building will be 60,000-square feet gross and 49-feet high. Access to the site will be from Robinwood Drive with an existing 8-foot driveway that services the existing storage building. Public water and sewer will serve the site. Parking required is 200 spaces and a total of 226 spaces will be provided, including 10 handicapped spaces. A proposed 25-foot high dual sided sign, which is 10-feet by 15-feet, will be placed at the entrance. Lighting will be pole-mounted and building-mounted. Lighting was a concern due to the close proximity of residences; however, a photometric plan showed a very low spillover due to the type of lights being proposed and their position throughout the parking areas. The hours of operation will be Monday through Friday 7:00 a.m. to 8:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m. Deliveries will consist of two trucks per day. Solid waste will be stored in an enclosed dumpster located at the rear of the site. Landscaping is located throughout the site with White Ash, Spruce, Juniper, shrubs, and ground cover of ivy and ornamental grasses. Forest Conservation Ordinance requirements will be met by using the payment-in-lieu in the amount of \$4,443.12. Health Department approval is outstanding. All other agency approvals have been received.

Discussion and Comments: Mr. Reiber made an inquiry with regard to traffic patterns on Robinwood Drive. Mr. Thompson stated that preliminary plans to reconstruct Robinwood Drive would limit access of full movements across Robinwood Drive. Mr. Wiley expressed his concern regarding sufficient buffering from noise and light pollution between this site and the residences in close proximity. Mr. Mike Hicks of Frederick, Seibert & Associates, consultant, stated there is a difference in elevation between the site and residences and landscaping is proposed to shield the residences from vehicular lights. Mr. Anikis expressed his concern with regard to property values and the privacy of the residents in the Brightwood Acres subdivision. He would like the consultant to provide Staff with a calculation of the percentage of the building that will be seen from the residences so appropriate screening is provided. Mr. Snook, developer, stated that a solid vinyl fence is being considered to prevent pedestrian traffic between the residences and the office building.

Motion and Vote: Mr. Ecker made a motion to approve the Preliminary/Final plat and Site Plan contingent upon approval by the Health Department. Seconded by Ms. Parrish.

Discussion before the vote: Mr. Reiber asked how the Planning Commission can be assured that the screening has been accomplished. Mr. Thompson recommended that the Planning Commission make those contingencies part of their approval. Mr. Reiber recommended that Staff work with the developer to insure that appropriate buffering is provided.

Motion and Vote: Mr. Ecker made a motion to amend his previous motion to grant Staff the authority to approve appropriate screening on the site. Seconded by Ms. Parrish. Unanimously approved.

Motion and Vote: Mr. Ecker made a motion to approve the payment-in-lieu in the amount of \$4,443.12 to meet Forest Conservation Ordinance requirements. Seconded by Mr. Wiley. Unanimously approved.

Sleep Inn & Suites (PSP-08-001)

Mr. Lung (on behalf of Misty Wagner-Grillo) presented for review and approval the Site Plan/Subdivision plat for Sleep Inn & Suites located south of Clear Spring on the east side of Houck Avenue. The developer is proposing a three-story hotel (49,000-square feet) with 79 rooms on 3.23-acres. The property is currently zoned HI-1 – Highway Interchange 1. The property is currently described in numerous parcels including 3 parcels that contain existing dwellings. The subdivision plat combines several of the parcels on the proposed hotel site to make it all one property. Some adjustment of property lines in the vicinity of the existing dwellings is required to accommodate a widened or relocated right-of-way for Houck Avenue. Houck Avenue is a public street owned and maintained by the County. Significant improvements will be made to Houck Avenue as part of this development. A property swap was also necessary between the County Commissioners and the developer to adjust the road alignment near the intersection. The corporate boundary for the town of Clear Spring runs through the north side of this property. The Town is not opposed to the development. The Town of Clear Spring provides public water and sewer to the site. Storm water management will be handled through an on-site retention pond on the south side of property. The Board of Zoning Appeals granted a variance to increase the size and height of the proposed sign. The Zoning Ordinance allows a 300-square foot maximum area for signs and height restriction of 35-feet. The variance will allow the sign to be increased to 632-square feet at a height of 150-feet. Parking required is 79 spaces and 119 spaces are provided. Exterior lighting will be provided by pole-mounted and building-mounted lights. A photometric plan was submitted and shows zero light trespass on adjoining properties. The Zoning Ordinance requires additional buffering between residential properties and commercial/retail properties. A Twenty-five foot buffer with vegetative screening is required in the HI-1 zoning district. This requirement has been met on the rear of the property. Located on the south side of the property is the storm water management pond, which is approximately 125-feet from the actual edge of the parking lot to the property line, which exceeds the minimum requirement for the buffer yard. However, there is no screening proposed in this area. Mr. Lung recommended that the developer should install a 4-foot to 6-foot fence (more appealing than a chain link fence) in this area. Mr. Lung noted that when there are residences across the street from a commercial use, a 25-foot buffer is required; however, the Planning Commission may waive the required buffer. The developer is proposing to plant Holly along the west side of the property. Staff has no objection to the Planning Commission granting a waiver on this property due to the following reasons: the

adjacent properties are owned by the developer and are currently zoned HI-1 (Staff does not believe these properties will be used as residences much longer); in the interim, the Holly trees will be adequate to provide screening from vehicular glare. Additional landscaping is proposed throughout the site. An enclosed dumpster located at the rear of the parking lot will provide solid waste disposal. The site is eligible to use the "express procedure" to meet Forest Conservation requirements since there will be less than 40,000-square feet of disturbed area. Therefore, the developer will meet Forest Conservation requirements using the payment-in-lieu. All agency approvals have been received. The State Highway Administration has granted a conditional approval. State representatives stated, "the SHA concurs with the proposed site plan and has no objection to the inclusion of the proposed Sleep Inn & Suites on the Planning Commission's agenda provided that the applicant receives the required access from the State Highway Administration prior to Washington County's issuance of required building permits". Mr. Lung noted that the SHA is in the process of formulating comments with regard to comments they received from the developer's consultant regarding the sight distance plan and profile and traffic information. The County Engineering Department will approve the plan after the SHA's approval is received.

Discussion and Comments: Mr. Reiber made an inquiry with regard to the major concerns of the State Highway Administration. Mr. Thompson stated the SHA has concerns with hydraulics, drainage, adequate sight distance with respect to the ramp for I-70, etc. Several issues have been resolved and another point-by-point response has been submitted by the developer to the SHA. Ms. Parrish expressed concern with regard to emergency vehicles maneuvering around the site. Mr. Lung stated that no objections or concerns have been received from emergency services. Mr. Hicks of Frederick, Seibert & Associates noted that the roundabout would be a mountable median of stamped concrete. Ms. Parrish asked if there is access to the rear of the building. Mr. Hicks stated there was no way to get access to the rear of the building. There was a brief discussion with regard to the extent of fire equipment available in Clear Spring. A representative from the Town of Clear Spring, Juanita Grimm, stated that the Clear Spring fire and rescue departments have reviewed the plans and expressed no concerns or objections to the site.

Motion and Vote: Mr. Reiber made a motion to approve the subdivision plat and site plan as presented contingent upon approval by the State highway Administration and to grant a waiver of the buffer requirement on the west side of the property and the installation of a fence to provide screening along the south side around the storm water management area. Seconded by Ms. Parrish. Unanimously approved.

OTHER BUSINESS

Bowman Cavetown LLC (RZ-08-001)

Mr. Goodrich (on behalf of Jill Baker) presented for review and recommendation the proposed rezoning of .76-acres of property located at 11840 Mapleville Road, southwest corner of Maryland Route 66 and Maryland Route 64. The applicant is requesting a change in zoning from RR – Residential Rural to BL – Business Local. The request was heard by the Planning Commission at a public meeting held on April 21, 2008. The applicant proposed that the zoning should be changed due to a change in the character of the neighborhood. A total of 11 people spoke at the public meeting (2 in favor of the request and 9 opposed to the request). Those people speaking in favor of the request expressed their views that there is sufficient water and sewer available to serve the site and that the neighborhood could benefit from a convenience store being located at this site. Those people opposed to the request expressed their views with regard to traffic issues, the dangerous intersection, water and sewer issues, storm water management issues, the negative effect on property values, noise, lighting, negative environmental impact, and the general belief there is enough fast food/convenience stores/gas stations in the immediate vicinity. Staff presented its report and recommended denial of the application due to the lack of information initially submitted with the request. Following the public meeting, the record remained open for a period of 10 days. During the 10 day comment period, one letter in opposition to the request was received by Staff and a significant amount of additional information was received from the applicant including a traffic study, information presented at the public meeting and answers to questions that were asked during the meeting.

Mr. Goodrich reminded the Planning Commission members that most of the discussion during the public meeting was based on the proposed use of the site for a Sheetz convenient store and gas station. However, the BL zoning district allows numerous other uses. He noted there was a letter included in the Planning Commission's information packet from Sheetz that offers additional conditions if the property is rezoned. Additional landscaping is proposed along the west side of the property. The developer would limit the driveway on Paden Avenue to a right-turn only when exiting the site. The outside appearance of the building would be red brick. Cut-off lighting is proposed to eliminate spillover onto adjacent properties. The volume of the speakers on the gas islands can be adjusted. A mobile generator could be transported to the site in case of an emergency. Mr. Goodrich briefly summarized the traffic study that was included. Maryland Route 64 and Maryland Route 66 currently operate at level of service "A", which is the best level. The SHA's traffic data indicates that Maryland Route 64 has experienced a decrease in traffic volume over the last 10 years and Maryland Route 66 has experienced a 2% increase over the last 10 years. Projected traffic from the development site added into the current levels in the neighborhood would still produce a level of service "A" or "B". All traffic studies are predicated on there being no west bound access to Route 64 from the development site.

Mr. Thompson noted that the record is still open for public comment. Additional information has been posted to the County's website. Traffic issues will be addressed during the site plan review process.

Discussion and Comments: Ms. Parrish expressed her opinion that the property is located at a major intersection where commercial development should be placed. The Town of Smithsburg has designated

this area for commercial type zoning, which is contradictory to the County's zoning designation. She noted that the property adjoining this site is zoned for commercial use; therefore, the rezoning of this property would just be an extension of the adjoining property's zoning. Ms. Parrish expressed her opinion that the request is incongruous with the intent for this intersection. She stated there are concerns with regard to traffic issues, water pressure, sewer capacity issues, and traffic on Paden Avenue that the County Commissioners need to address when making their decision whether to grant or deny the rezoning request. Ms. Parrish understands the concerns of citizens not wanting a convenience store in their front yard and she believes there is a reasonable expectation from those residents not to have the traffic on Paden Avenue.

Mr. Wiley expressed his opinion that the neighborhood has changed enough to warrant approval of the rezoning request. He expressed concerns for the traffic issues on Paden Avenue.

Mr. Reiber was not present at the public meeting and will abstain from voting on this case. However, he has reviewed the application and subsequent information and offers the following comments. Mr. Reiber believes the application warrants consideration. He expressed his opinion that the proposed use will create a better tax base and create tax revenue for future sites. He believes the convenience store would create jobs. Mr. Reiber expressed concern for the residents on Paden Avenue and believes the developer should address their issues.

Mr. Anikis expressed his concern for small communities threatened by commercial pressures. He expressed his concerns with regard to noise, additional traffic, dust, fumes, vibrations, etc.

Motion and Vote: Mr. Ecker made a motion to recommend approval of the rezoning request to the Board of County Commissioners based on a change in the character of the neighborhood. Seconded by Ms. Parrish. The motion passed with Mr. Ecker, Mr. Wiley and Ms. Parrish voting "Aye". Mr. Reiber abstained.

Priority Preservation Areas Text Amendment (CP-08-001)

Mr. Goodrich (on behalf of Jill Baker) presented for review and recommendation the proposed text amendment to Chapters 7 and 8 of the County's Comprehensive Plan to incorporate language and maps to create Priority Preservation Areas to meet the requirements of House Bill 1141 and House Bill 2 adopted by the Maryland legislature in 2006. House Bill 1141 was a requirement to add a Water Resources element in the Comprehensive Plan. House Bill 2, "The Agricultural Stewardship Act", requires that the County establish Priority Preservation areas which are used to target ag preservation funding. The PPA's must be established within the Comp Plan if the County wants to gain or keep the certified status of its Preservation program to keep additional funding. The text amendment was presented at a public meeting held on April 21, 2008 by the Planning Commission. Chapter 7 (Sensitive Areas) has been amended to state, "the requirement to address agricultural and forest lands will be discussed in Chapter 8. Chapter 8 describes the County's goals and process to designate the Priority Preservation Areas. The amendment proposal included a map and description of the procedures used to identify the preservation areas (generally outside the growth areas and priority funding areas, parcels of 20 acres or more with agricultural assessments, proximity to existing easements or 10-year districts and the soil categories. The Maryland Department of Planning met with Staff to review the text amendment and discuss ways to better clarify the intent and the effect of the amendment. Mr. Goodrich stated that there are additional guidelines and statutes that Staff has just become aware of which also need to be addressed in the amendment. Mr. Thompson stated that the comments previously received from the Washington County Economic Development Commission and the town of Smithsburg are being reviewed and will be addressed in the amendment.

Motion and Vote: Ms. Parrish made a motion to recommend approval to the Board of County Commissioners of the Priority Preservation Area Text Amendment as amended. Seconded by Mr. Wiley. The motion passed with Ms. Parrish, Mr. Wiley, and Mr. Ecker voting "Aye". Mr. Reiber abstained.

MINUTES

Ms. Parrish made a motion to approve the minutes of the April 21, 2008 Planning Commission Public Hearing as presented. Seconded by Mr. Ecker. Unanimously approved.

Proposed Six Year Capital Improvements Program

Mr. Thompson presented for review and recommendation the proposed six-year Capital Improvement Program (2009-2014). He noted that approximately \$874 million of projects have been submitted for the next six years. Spending is estimated to be \$527 million during that time period. The Board of Education will receive approximately \$223 million to fund major projects such as the new Eastern Primary School, Antietam Academy, East County High School, replacement for Bester Elementary and improvements to Fountain Rock Elementary. Some of the major road projects included in the CIP would be the Edgewood/Route 40 and Massey/Halfway intersections work, improvements to Maugans Avenue, Longmeadow Road/Marsh Pike intersection, and improvements to Robinwood Drive. Major changes to the CIP include the widening of Eastern Boulevard from Jefferson Boulevard to the YMCA, which has been moved up and split into phases. Other projects to be completed include bridges, drainage, water, sewer, solid waste, libraries and Hagerstown Community College. The Board of County Commissioners is trying to keep borrowing as low as possible and anticipate borrowing \$12 million. Other issues being

considered are public safety, including improvements needed at the detention center and emergency housing units.

Discussion and Comments: Mr. Reiber made an inquiry with regard to the anticipated \$12 million to be borrowed and the amount of anticipated revenue. Mr. Thompson stated that the \$12 million is only for the 2009 fiscal year. He noted that the revenue sources portion of the CIP was not included in the packets and he will forward those to the members of the Planning Commission. Members discussed the amount of debt currently owed by the County, where the reserve funds come from, and issues regarding the construction of new schools. Members expressed their discomfort of approving the budget without further information and clarification on several issues, including revenue. They suggested that the Director of Budget and Finance attend the next Planning Commission meeting in order to answer their questions and concerns. Mr. Thompson will contact the Director and make arrangements for her attendance at the June meeting. Mr. Anikis would like a prioritized project list from the various departments, such as Public Works and Board of Education, etc.

Update on the Brumbaugh-Kendle-Grove Farmstead

Mr. Anikis stated that the FAA has clarified that the existing farmstead could be rehabilitated and used for Airport (commercial) use. Citizens working to preserve the farmstead have applied for grant money (\$50,000) from the Maryland Historical Trust and a commitment from Preservation Maryland in the amount of \$5,000 has been secured. The Maryland Historical Trust places a conditional easement on the property where grant money is used, which stipulates that the exterior of the structure must be maintained. Mr. Anikis stated that a restoration contractor has provided an estimate of \$35,000 to stabilize the structure, which includes a new roof. He noted that there are no flow pipes off of the downspouts to allow the water to run away from the structure and the windows have not been properly secured. Mr. Anikis made a recommendation to Commissioner Baker to have approximately \$25,000 to \$30,000 of additional funds in the upcoming fiscal budget to help stabilize the structure. He expressed his opinion that the County has let the property deteriorate by neglect and he believes there are many commercial uses that could utilize the structure.

New Board/Commission Appointments Procedures

Mr. Thompson stated that the Board of County Commissioners on April 23, 2008 adopted new procedures for appointments and re-appointments for Board and Commission members. He gave a brief summary of the new procedures.

UPCOMING MEETINGS

1. Regular Planning Commission meeting, Monday, June 2, 2008, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Conference room 1, Hagerstown

ADJOURNMENT

Mr. Reiber made a motion to adjourn the meeting at 9:30 p.m. Seconded by Mr. Ecker. So ordered.

Respectfully submitted,

George Anikis, Chairman