

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – June 2, 2008**

The Washington County Planning Commission held its regular meeting on Monday, June 2, 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 Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Tim Lung, Senior Planners Misty Wagner-Grillo and 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 5, 2008 Regular Planning Commission meeting as amended. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained due to his absence at the May 5, 2008 meeting.

OLD BUSINESS

Proposed Six-Year Capital Improvement Plan (2008-2014)

Mr. Thompson began the discussion noting that the proposed Six-Year Capital Improvement Plan (CIP) was brought before the Commission at the May 5, 2008 meeting. As part of the approval process to adopt the CIP, a recommendation from the Planning Commission to the Board of County Commissioners that the proposed CIP is consistent with the County's adopted Comprehensive Plan is required. At the May 5, 2008 meeting, several members of the Commission had questions with regard to the proposed CIP. Mr. Thompson then introduced Ms. Debra Murray, Director of the Budget & Finance Department. Mr. Anikis stated that the Commission members did not believe they had enough knowledge or background to approve the CIP. He expressed his concern that the Planning Commission has not been involved in the priority process for new roads and he would like to know how the BOCC establishes their priorities. Mr. Reiber expressed his concern regarding the funding and the reality of how the \$500 million budget will be met and how it will be influenced by various development sites throughout the county. Ms. Murray stated that all departments submit their projects, which are then prioritized, using a ranking system, by the CIP Committee and the BOCC. Projects are coordinated, as much as possible, with the municipalities' projects. Mr. Kercheval stated that the County Commissioners spend many hours prioritizing projects. Mr. Kercheval briefly explained the process used by the BOCC to prioritize projects and establish the budget. The Planning Commission, in their review of the CIP, should take into consideration if the County is investing in projects inside the Urban Growth Area, which the Comprehensive Plan recommends. Planning Commission members expressed their desire to receive a more detailed report or executive summary showing major changes in years or priorities. Ms. Murray briefly explained the processes to compute the debt capacity, Excise Tax revenue, the permit growth, etc. for the next 6 years. Mr. Thompson stated that the CIP Committee reviews the Comp Plan to see what road projects, school projects, etc. are included on the Master Plan. Mr. Kercheval recommended scheduling a workshop late in the budget season and the summary sheets for the current fiscal year and the next year. Ms. Parrish suggested a summary of new projects or changes and why they are significant.

Motion and Vote: Mr. Reiber made a motion to recommend approval of the proposed Six-Year Capital Improvements Program to the Board of County Commissioners based on consistency with the County's adopted Comprehensive Plan. Seconded by Ms. Parrish. Unanimously approved. Mr. Kercheval abstained.

NEW BUSINESS

- FOREST CONSERVATION

Joseph and Robert Edelen (S-08-045)

Ms. Wagner-Grillo presented a Replat and revised Forest Conservation Plan for Lots 1 and 2 for property located on Kaetzel Road in Knoxville. The property is zoned P - Preservation. The applicant is requesting payment-in-lieu of planting for 0.56-acres. The original plat was approved for Lots 1 and 2 in July 2006. The Forest Conservation Plan submitted with the plat proposed forest retention of 3.41-acres on site to meet Forest Conservation requirements. Due to construction activity and the adjustment of the septic reserve area for Lot 2, the applicant's consultant has submitted a Replat for the revised Forest Conservation Plan. According to the replat, the applicant is proposing to retain 3.86-acres at the back of Lot 2 and make a payment-in-lieu (PIL) for 0.56-acres in the amount of \$2,439.36. The 0.56-acres was cleared during construction activity of the road. The approved plan from 2006 listed procedures which were to be followed prior to beginning any construction activity, such as posting signs and calling the Planning Department for an inspection. The procedures were not followed, thus a portion of the forest was cleared. Since the procedures were not followed and a portion of the retention area was cleared, the subject of non-compliance (referenced in the Forest Conservation Ordinance) must be addressed. The non-compliance fee is \$.30 per square foot. The consultant has calculated 16,757-square feet of area in

non-compliance which would amount to \$5,027.00 for the non-compliance fee. In a letter from the applicant's consultant, it is noted there is no additional area adequate for replanting.

Discussion: Mr. Anikis asked if inspections are performed to make sure that retention areas are marked properly. Ms. Wagner-Grillo stated that the County relies on the land owners to make sure retention areas are properly marked. Mr. Anikis noted that the Forest Conservation Ordinance states that if a person/business is found in non-compliance, they "shall be assessed" by the County, a non-compliance fee in the amount of \$.30 per square foot. Ms. Parrish asked the applicant why the road was not constructed as designed and shown on the plans. Mr. Edelman, applicant, stated that his contractor advised him that road could not be constructed as shown due to "the lay of the land". Mr. Edelman also told Commission members that the contractor dug the foundation for the house in the septic reserve area. Prior to Mr. Edelman purchasing the property, he noted that the previous owner had timber harvested the site and there were several gaping areas prior to construction. Mr. Edelman also noted there are numerous areas of trees on the property; however, they are not large enough to qualify as forest. Mr. Bush, the consultant's representative, believes if the existing trees would qualify as forest, Mr. Edelman would not be required to pay the PIL. Mr. Anikis made an inquiry with regard to emergency vehicles being able to access the site. Mr. Edelman stated he has been working closely with the Boonsboro Fire and Rescue regarding their specific requirements.

Members discussed the language in the Ordinance with regard to the non-compliance fee. Mr. Reiber expressed his concern with regard to legal ramifications in the future if the regulations are not followed the same for each case. Mr. Wiley believes that each case should be reviewed on its own merits. Mr. Kercheval expressed his opinion that the County uses the policy to discourage developers from going against the policy for personal gain. He expressed his opinion that the developer did not personally gain from the clearing and this should be reflected in a lesser fine. In addition, the design of the road is better than the original plan from the perspective of emergency vehicle access.

Motion and Vote: Mr. Reiber made a motion to approve the payment-in-lieu in the amount of \$2,439.36 and a \$2,000.00 non-compliance fee to be paid for the forest that was cleared. Seconded by Linda Parrish. The motion passed with Mr. Reiber, Ms. Parrish, and Mr. Wiley voting "Aye" and Mr. Kercheval voting "Nay".

- SUBDIVISIONS

McC, B, LLC – Parcel A (S-08-038)

Ms. Kelly presented for review and approval the Preliminary/Final subdivision plat for property located along the east side of Western Maryland Parkway (currently the Parker Plastics site) and is zoned IG – Industrial General. In 2005, a simplified plat was approved by the Planning Department that showed the enlargement of a 10.5-acre parcel with an additional 20-acres shown as Parcel A. The total acreage of the site is 30.5-acres. In 2007, a .99-acre forest retention area was cleared on the Parker Plastics' site. The Planning Commission took action and requested that the .99-acres of trees be retained on the 20-acre parcel. This retention area is shown on the preliminary/final plat now being reviewed. There is a 30-foot easement for ingress and egress for Lot 2 from Western Maryland Parkway shown on this plat. All approvals have been received.

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

- SITE PLANS

Dick McCleary (SP-08-012)

Ms. Kelly presented for review and approval the Site Plan for Parker Plastics located along the east side of Western Maryland Parkway. The property is zoned IG – Industrial General. The developer is proposing to construct a warehouse in two phases. The first phase is to be the construction of 50,000-square feet and Phase II would be 32,000-square feet. The construction would occur on Parcel A (as previously discussed above). The site is served by public water and public sewer. The hours of operation proposed are 11:00 p.m. Sunday through Friday, 24 hours per day. Deliveries would include two tractor trailers daily. There are currently 38 employees on the site, no additional employees are anticipated. Lighting will be building mounted. No new signs are proposed. Trash will be collected inside and taken away by a private hauler. Existing parking provided is 28 spaces and required parking after Phase I is completed is 25 parking spaces. After Phase II is completed, 43 parking spaces will be required and 71 total parking spaces are proposed. A gravel dock area will be constructed on the west side of the building and fenced gravel areas of 3-acres and 1.5-acres are proposed. Forest Conservation requirements will be met by a total easement area of 6.93-acres on the remaining lands. All approvals have been received.

Motion and Vote: Mr. Kercheval made a motion to approve the site plan as presented and the forest easement of existing 6.93-acres of forest. Seconded by Mr. Reiber. Unanimously approved.

Golden Corral Buffet & Grill (SP-08-017)

Ms. Kelly presented for review and approval a site plan for the Golden Corral Buffet & Grill located on an out-parcel at the Valley Mall along the west side of Cole Road. In September 2007, a site plan was submitted for Golden Corral Buffet & Grill; however, it was not given final approval by the Planning Department. The developer has changed the orientation of the building and has submitted a new site

plan. The parcel is 2.26-acres in size and will be leased from the Valley Mall. The new proposal indicates the restaurant facing east toward Firestone rather than north toward the Bon-Ton store. The proposed building will be 11,661-square feet in size. Public water and sewer will serve the site. Two access points are proposed and both will connect into travel lanes of the Valley Mall. There will be no direct access onto Cole Road. Required parking is calculated using 1 space for every 50-square feet of customer floor space. This equates to 109 parking spaces required and 149 spaces will be provided. Lighting will be provided by pole mounted and building mounted lights. Lights will be designed not to shine any light onto the adjacent lots and street. A photometric plan has been submitted with the site plan and shows no spillover onto surrounding developed areas. Two building mounted and one free-standing 29-foot high sign is proposed. The hours of operation will be 11:00 a.m. to 10:00 p.m. Monday through Friday and 7:30 a.m. to 11:00 p.m. Saturday and Sunday. Freight and delivery will be one tractor-trailer three times per week. The projected usage is 1,000 customers per day. A screened dumpster will provide solid waste disposal.

Ms. Kelly noted that in May 1999, the Board of Zoning Appeals (BZA) granted a variance from the 20-foot setback from public street right-of-way requirements to off-street parking for PB (Planned Business) zoning. In 1998, the BZA granted a variance from all Valley Mall parking spaces from a depth of 20-feet down to 18-feet and for travel lane widths from 25-feet to 24-feet. The Planning Commission previously approved payment-in-lieu for all Valley Mall properties to meet Forest Conservation Ordinance requirements. Landscaping will include River Birch, Sycamore, Barberry, Holly, Spirea and ornamental grasses. During the previous review in 2007, Staff and the Planning Commission expressed concern with the proposed screening between the parking lot and Cole Road. Staff recommended plantings of 3 to 4 feet in height in order to block headlights from the parking area. The current site plan proposes the use of Inkberry grass and Holly in this location. Ms. Kelly noted that ornamental grass tends to die off in the winter and questions the use of ornamental grass in this area. Approval from the Health Department is pending. All other agency approvals have been received.

Discussion: Mr. Kercheval asked if the parking spaces associated with this site plan are all new spaces specifically for the restaurant. Mr. Kerns of All Land Services, consultant, stated the proposed parking is all new parking. Mr. Kercheval made an inquiry regarding the enclosed dumpster to verify there would be no other trash receptacles outside the screened area. Mr. Kerns stated there would not be any other trash receptacles. Mr. Kercheval concurred with Ms. Kelly's comments regarding the screening along Cole Road. Ms. Kelly suggested that the ornamental grass be eliminated from this area and holly planted in its place. Mr. Anikis recommended that Staff work with the consultant and the developer to address this issue. Mr. Kerns noted that the parking configuration is common to the Valley Mall area. He also noted that other businesses do not have plantings between their parking lots and the roadways.

Motion and Vote: Mr. Reiber made a motion to approve the site plan contingent upon approval from the Health Department. Seconded by Ms. Parrish. Unanimously approved.

Coca-Cola Parking Expansion (SP-07-060)

Ms. Kelly presented for review and approval the Site Plan for the Coca Cola parking expansion. The property is located along the south side of Western Maryland Parkway and is zoned IG – Industrial General. The developer is proposing to construct a 20,000-square foot warehouse to the rear of the property and two parking lots. Total acreage of the site is 10.8-acres. Parking required for the warehouse is 1 space per main shift employee, which equates to 110 parking spaces. Proposed truck parking is 46 spaces. Public water and sewer will serve the site. No additional signs or lighting are proposed. Hours of operation will be Monday through Friday 24 hours per day and Saturday 8:00 a.m. to 3:00 p.m. Freight and delivery will be 69 tractor-trailers per week from 2:00 a.m. to 10:00 p.m. and 89 small vendor trucks from 5:00 a.m. to 6:00 p.m. Landscaping will be located throughout the parking lot and around the perimeter. The developer is proposing to retain existing forest (1.19-acres) on-site and payment-in-lieu for the additional 2.01-acres of forest in the amount of \$8,755.56 to meet Forest Conservation requirements. All approvals have been received.

Motion and Vote: Ms. Parrish made a motion to approve the site plan as presented. Seconded by Mr. Kercheval. Unanimously approved.

Motion and Vote: Ms. Parrish made a motion to approve the payment-in-lieu of planting in the amount of \$8,755.56. Seconded by Mr. Reiber. Unanimously approved.

Professional Office – Leitersburg Pike (SP-07-059)

Ms. Kelly presented for review and approval the Site Plan for professional offices located on the north side of Leitersburg Pike. The developer is proposing to construct a two-story 13,700-square foot office building with a total office space of 26,900-square feet on 3.12 acres. The property is zoned BL – Business Local. Public water and sewer will serve the site. One access point is proposed onto Leitersburg Pike. Parking spaces required is 90 spaces and 103 parking spaces will be provided. Sidewalks will be located along the front and rear of the building. The projected number of employees is 50. The projected hours of operation will be Monday through Friday 8:00 a.m. to 5:00 p.m. Building mounted and pole mounted lights are proposed. One 16-foot by 18-foot sign is proposed for the front of the property and adjacent to the parking area. Trash will be placed in a screened dumpster to be located in the north corner of the rear parking area. Landscaping is proposed all around the building, throughout the parking area, and along the side property lines. Landscaping plantings will include boxwoods, Leyland cypress, dogwood, holly, juniper, ash, white spruce and various types of ground cover. Forest

Conservation requirements were addressed by payment into the Forest Conservation Fund in 2001 with approval of the Preliminary/Final Plat. The total amount paid was \$2,570.04. The Department of Water Quality and State Highway Administration approvals are pending. All other approvals have been received. Ms. Kelly noted that several comments were received from the State Highway Administration and the consultant, Frederick, Seibert & Associates, has been working closely with SHA representatives to address all outstanding issues.

Discussion: Mr. Zoretich of Frederick, Seibert & Associates, stated that all revisions have been submitted to the State Highway Administration. The SHA's main concern was a grading easement with the church, located on the adjacent property, to the west. The easement between the church and Mr. Lyles, the developer, has been executed.

Mr. Kercheval made an inquiry with regard to the sight distance issue. Mr. Zoretich stated while sitting at the stop line, drivers must be able to see the required distance for the speed of the cars. Therefore, the developer will be cutting back the bank. Ms. Parrish expressed concern with individual requests for access onto Leitersburg Pike and additional traffic entering the roadway. Mr. Kercheval made an inquiry with regard to traffic entering and exiting the subdivision across the road. Mr. Zoretich stated that SHA was concerned with cars being able to get around traffic waiting to make a turn. He stated, "we are holding that curb line along the subdivision and we're building a little extra pavement on our side so there is enough room for a car stopped there turning left and another car to go around it on the right-hand side." Mr. Anikis made an inquiry with regard to the stockpile area and how long it will be along Leitersburg Pike. Mr. Zoretich stated it will be there during construction and until the site is stabilized, an estimated 4 months.

Motion and Vote: Mr. Reiber made a motion to approve the site plan contingent upon Department of Water Quality approval and State Highway Administration approval. Seconded by Ms. Parrish. Unanimously approved.

Mr. Anikis called for a break at 8:30 p.m. The meeting reconvened at 8:40 p.m.

- PRELIMINARY CONSULTATIONS

Hagerstown Gateway (PC-08-002)

Mr. Lung began his presentation stating that a preliminary consultation was held on April 23, 2008 in the offices of the Washington County Planning Department. He noted that a preliminary consultation is not required for this type of development. It was the developer's request to hold the consultation to receive information from agencies regarding the proposed development. No formal action is required by the Planning Commission at the preliminary consultation stage. The Planning Commission may make comments to the developer regarding the proposed development so they may be incorporated into the official plans. A site plan must be submitted, reviewed and approved by all applicable agencies as well as the Planning Commission prior to the issuance of any building permits and any construction begins.

Mr. Lung presented for review and comment the Preliminary Consultation for Hagerstown Gateway located in the southeast quadrant of the I-70 and US Route 40 interchange. The site contains approximately 146-acres and is made up of nine separate parcels. The property is located in the adopted Urban Growth Area established in the 1980's and further refined in 2002 as part of the County's Comprehensive Plan Update. According to the recently adopted Comprehensive Plan for the City of Hagerstown, this property is located within the medium-range growth area for the City. The property is zoned HI-1 – Highway Interchange 1, which is a commercial zoning district designed for areas around interstate highway interchanges inside the growth area. In 1973 when zoning was adopted, approximately 2/3 of this site was zoned Highway Interchange and the other 1/3 was zoned agricultural. The original Highway Interchange zoning allowed both commercial and high density residential development. The "HI" text called for further study and refinement of the "HI" district in the future. This occurred in the early 1990's when the County embarked on a Comprehensive Rezoning of the Highway Interchange areas and a re-write of the text of the Highway Interchange zoning district. This resulted in the HI-1 and HI-2 zoning designations. The HI-1 zoning district allows commercial uses and the HI-2 zoning district allow for residential and light office uses. Several public hearings were held to discuss the changes including the property in the I-70 and US Route 40 interchange area. The first hearing was held in July 1993. After an analysis of the area, Staff recommended the southeast quadrant to be zoned HI-1 and they recommended that a 40-acre tract to the east, that was zoned Agricultural and in the Urban Growth Area, also be zoned HI-1. Also at the hearing in July 1993, Mr. Kent Oliver requested that a 20-acre parcel that he owned be included in the HI-1 zoning because of its location. In August 1993, the Planning Commission recommended to the Board of County Commissioners that another public hearing be held to take testimony on Mr. Oliver's request to have the additional 20-acres added to the HI-1 area. The second public hearing was held in December 1993. The new HI-1 zoning was approved and adopted by the BOCC in March 1994 and included the additional areas mentioned. In 2002, the County's updated Comprehensive Plan refined the growth area boundary to be contiguous, whenever possible, to property lines. The 2002 Comprehensive Plan also recommended that the HI-1 and HI-2 zoning designations be eliminated and replaced with more definitive designations. The Land Use Plan adopted with the 2002 Comp Plan identifies the subject area as commercial. The Planning Department's long-range planning staff is currently working on a draft zoning ordinance text and map amendment to implement the recommendations of the 2002 Comprehensive Plan. At this time, no changes are anticipated for this area that would affect the proposed uses on this property. The property adjoining this site is owned by Mr. Oliver and was recently subject to a rezoning request; however, it is not part of this

project. Mr. Oliver's request is currently on-hold, at the applicant's request, and no action has been taken by the Board of County Commissioners. The proposed development under review will not be affected by the pending rezoning case.

Mr. Lung gave a brief description of the setting of the subject site. There is commercial development to the north of the site known as the I-70 Auto Mall, which is made up of several car dealerships. Beaver Creek Road is south of the site, which is comprised of scattered commercial and residential development. The subject site is bounded on the southeast side by the Urban Growth Area boundary. On the other side of the boundary, the area is zoned AR – Agricultural Rural, which includes an 85-acre agricultural preservation district. Further to the southeast and north of Beaver Creek Road, there is residential development with a zoning classification of AR. The subject site is primarily undeveloped with a FEMA 100 year floodplain approximately 500-feet wide associated with two water sources running north/south through the west side of the property. The Forest Stand Delineation (FSD) approved on this property indicates there is approximately 38-acres of trees on the site that qualifies as forest. The remainder of the site is currently being used for agricultural purposes. There are several parcels to the south of Beaver Creek Road that are part of this project that were not referenced in the approved FSD. These properties contain some existing development including one residence and farm buildings listed on the County's Historic Site Survey. Existing development on the south side of I-70 is served by individual wells and septic systems; however, because this property is located in the Urban Growth Area, the County's water and sewage plan identifies this site as a "planned service" area for water and sewer (W-5 and S-5).

Mr. Lung stated that the concept plan submitted for the preliminary consultation shows a complex of commercial development including a commercial strip center anchored by a department store, a second commercial strip anchored by a grocery store, a stand-alone wholesale club, a stand-alone home improvement center with a garden center, six stand-alone retail sites scattered throughout the site, a cinema, six restaurant sites, and two hotel sites. All previously mentioned uses are considered principally permitted uses in the Highway Interchange zoning. The concept plan proposes the reconfiguration of the existing intersection with US Route 40 and Auto Place and Beaver Creek Road. The developer is proposing to extend Auto Place around the perimeter of the site and a new road (Merchant Drive) would intersect with another new road (Plaza Drive), which will connect with Auto Place. Existing Beaver Creek Road between Auto Place and Merchant Drive would be abandoned. Beaver Creek Road coming from Beaver Creek would "stub-in" to Merchant Drive at the south end. Sidewalks are proposed along all streets. Parking fields are proposed in front of the retail strips and around the stand-alone sites. Landscaped green areas are proposed within the parking areas. Pylon signs are proposed along the I-70 frontage and along the US Route 40 frontage. Public water and sewer is proposed to serve the site via a line extension from the City of Hagerstown in the vicinity of Day Road. The site is not currently contiguous to the City boundary; however, based on the City's policy, public water and sewer would be available upon approval of a pre-annexation agreement. There is a large storm water management water quality area located in the northwest corner of the site. A landscape buffer yard water quality treatment area is proposed along the southeast property line. Greenway/forest conservation plantings with stream improvements are proposed in the vicinity of the floodplain to improve water quality. Bridges are proposed to cross the floodplain both at Auto Place and Plaza Drive. One of the proposed restaurant sites appears to be half inundated by the 100-year floodplain. The applicant did not request a Sensitive Area Review to be performed by the Washington County Soil Conservation District in regard to stream buffers; therefore, no comments will be provided at this time with regard to the impact of this development on sensitive areas. The developer's consultant stated at the consultation that 31.42-acres out of 38-acres of existing forest is proposed for removal. The developer is proposing to mitigate for Forest Conservation requirements by on-site planting in the floodplain and stream buffer areas and by using the payment-in-lieu of planting. A Forest Conservation Worksheet was submitted to Staff just prior to this evening's meeting; however, Staff has not completed its review of the Worksheet. Mr. Lung stated that he is not in a position to make a recommendation regarding Forest Conservation; however, he noted that the retention of existing forest is highest priority on the Forest Conservation Ordinance list and payment-in-lieu is the lowest priority. The Planning Commission must approve the payment-in-lieu of planting. It is the applicant's responsibility to prove to the Planning Commission why forest conservation cannot be achieved on-site.

Mr. Lung began summarizing agency comments. The Washington County Engineering Department indicated that the design of the concept plan appears to meet the City of Hagerstown's street standards and must be designed to meet Washington County street standards. A Traffic Impact Study is required and has been submitted to the Engineering Department and the State Highway Administration. At the time of the preliminary consultation, the Engineering Department and the SHA had not completed their review of the Study. Discussions were held during the preliminary consultation with regard to the length of turning lanes on the existing and proposed roads (within the development). Storm water management water quality must be addressed close to each source according to the Maryland Design Manual. The large storm water management area should be designed as an environmental amenity. A detailed floodplain study will be required for the FEMA floodplain. The abandonment of Beaver Creek Road must be approved by the BOCC. A road adequacy evaluation for APFO (Adequate Public Facilities Ordinance) compliance will be completed following the Traffic Study findings. The Engineering Department submitted additional information to the consultant regarding the off-site roads that needed to be evaluated from an APFO standpoint to determine improvements that might be required.

The State Highway Administration acknowledged receipt of the initial Traffic Study; however, their review was not complete. Therefore, the SHA would not make any recommendations until the review is complete. The SHA expressed concern with regard to spacing issues between traffic lights on US Route 40, weaving patterns along US Route 40 at the ramps coming off of I-70 and also at the point where the

four-lane road converges into a two-lane road before crossing Landis Spring Bridge. The Historic District Commission noted that the Landis Spring Bridge is listed on the Maryland Historic Sites Survey and is considered National Register eligible. Therefore, consideration must be given by the SHA regarding any road improvements that might be needed. The Plaza Drive entrance was also a concern of the SHA with regard to the Plaza Drive entrance relative to the design and sizing at Merchant Drive.

The County's Address Assignment personnel stated that Plaza Drive is not an acceptable road name and must be changed.

City of Hagerstown Water and Sewer Department representatives were present at the consultation. They stated they had no concern at this time with regard to allocation. The development has been working directly with the Water and Sewer Department regarding water and sewer needs. The Washington County Department of Water Quality stated they would not be responsible for the construction of the required sewage pumping station.

The Washington County Health Department pointed out problems with existing wells and septic systems in the area and recommended that those systems be connected to the public facility when it is made available to this area. Fire and Emergency Services made many technical comments with regard to the design of the buildings to comply with the appropriate fire codes, spacing of fire hydrants, etc.

The Historic District Commission (HDC) commented there are several sites located on the Washington County Historic Sites Survey in the vicinity of the proposed development, including one on the property itself. The Landis Spring Bridge is on the Maryland Historic Sites Survey and National Register eligible. The HDC is opposed to the demolition of the existing historic site and recommended re-use and adaptation similar to that of Stone House Square (another project created by Faison). They also recommended that roadway improvements be altered to eliminate the need to make changes to the bridge over Landis Spring.

Mr. Lung began summarizing his comments made during the Preliminary Consultation. The Forest Stand Delineation approved for the concept plan did not include all property involved in this development. Mr. Lung asked questions regarding the subdivision of outparcels and the abandonment of the existing parcel lines. A subdivision plat will be required to combine all properties associated with this development. Additional subdivision plats may be required if the developer subdivides any of the outparcels for the stand-alone uses. Depending on how the subdivisions are done, Mr. Lung noted there may need to be variances approved for internal setbacks, etc. All variances must be submitted to the Board of Zoning Appeals and a public hearing held prior to the approval of such variances and submission of any site plans. Mr. Lung gave a brief summation of the Planning Commission's role in reviewing projects in the Highway Interchange 1 zoning district. He noted there are two areas within the Zoning Ordinance text for Highway Interchange 1. The first relates to interchange access and states, "First priority shall be given to ensuring safe and uncongested access to the interstate highways from all connecting roads. The Commission shall consider future as well as present traffic volumes. In the site plan review, the Planning Commission shall consider the location and spacing of egress and ingress and shall not permit them where they may interfere with traffic movement onto the approach ramp." The second, regarding architectural and landscaping design states that, "The Planning Commission shall give special attention to the visual appearance of the interchange area as seen by the motorists on the interstate highway and on the approach road. Site plan review shall consider the design and arrangement of buildings and accessory structures, the signs, and the landscaping of the interchange." In the HI-1 zoning district, the Zoning Ordinance requires a 25-foot buffer yard when adjoining property zoned Residential or occupied by a residence. A 25-foot buffer will also be required along Beaver Creek Road since there is a residence in this area. Mr. Lung made an inquiry with regard to the grade difference from this site. The consultant has provided a cross-section plan showing the grade difference looking from the Kendle farm across the back of the proposed department store. The Kendle farm is higher than the proposed height of the proposed department store. With a mature tree planting along the top of the slope, the top of the building would not be seen. Mr. Lung noted that it would take some time for a tree to reach its mature height to cover the proposed building since most trees are 6 to 8-feet tall when planted. Mr. Lung stated that the County does not have specific lighting standards; however, there is language in the Zoning Ordinance indicating that lighting shall not present glare or off-site spillover. Staff will request a photometric plan to be provided and all lighting for the site should be designed for full cut-off and down directed. Pedestrian and vehicular traffic interference around the fronts of the buildings was discussed during the Preliminary Consultation. Mr. Lung noted that he questioned the location of the hotels next to the interstate. He believes this location would be noisy for customers. Concern was expressed by Staff with regard to work proposed in the floodplain and sensitive areas, mass grading, and removal of the existing forest cover. Staff recommends that the site be designed to fit in with the existing land forms and avoid disturbance of existing forest and environmentally sensitive areas.

Mr. Lung summarized comments from the Permit and Inspections Department. He noted that technical requirements from the Zoning Ordinance were discussed. The site must comply with the County's parking requirements, which are based on the use and size of the buildings. Parking space dimensions, handicapped parking requirements, and variances that may be required were discussed.

Discussion and Comments:

- **Road and Traffic Issues**

Mr. Reiber expressed his hope that the County and State Highway Administration will work together closely to insure that all concerns and issues regarding traffic and road improvements are addressed.

Mr. Kercheval made inquiries with regard to the traffic study that was performed. Mr. Chris Turnbull from Wells & Associates, the traffic consultant, stated that approximately 12 intersections to the site, including all intersections requested by the SHA, were part of the study. Approximately 75% of the traffic going towards the interchange area comes from the north and west and 25% of the traffic comes from the south and east. The developer is focusing on constructing two lanes into the development from Plaza Drive to Merchant Drive to bring traffic to that side of the development as well as utilizing the back side of Auto Plaza. Mr. Anikis believes that traffic coming from I-70 will take the first entrance into the shopping center and questioned why the first entrance is being constructed with two lanes and the southern entrance is being constructed with four lanes. Mr. Turnbull stated that the "spine road" is being designed as a local collector type of roadway where you are dealing with turning movements into the entrances. He stated that normally when you have a double-sided development (similar to this one) you might have a four-lane undivided roadway where the center lane is used for turning left and the outside lane is used for turning right or turning onto the roadway. He believes, in this case, an upgrade in the roadway will create a boulevard type affect to create a greenway in the middle. Capacity, in terms of the road network, has been added to create a low speed environment. Mr. Anikis asked if there would be only one left-turn lane coming south into the first entrance. Mr. Turnbull stated there would be one lane. Mr. Anikis believes that more than 75% of the traffic will be coming from I-70 and asked about a traffic light timing signal to keep traffic from backing up. Mr. Turnbull stated that the first entrance will be upgraded to add a second left-turn lane. He believes that by creating the second left-turn lane it will help to promote the use of this entrance so that 70% to 80% of the traffic will enter at the first entrance. The remaining 20% to 30% of traffic will be accommodated at the second entrance (Merchant Drive). Signals will be set up to accommodate the turns. Mr. Anikis asked if the dual turn lane would turn onto a single lane. Mr. Turnbull stated there will be two accepting lanes that go all the way to Merchant Drive. Mr. Kercheval asked if the developer's work on US Route 40 would be contingent upon SHA's comments from review of the traffic study. Mr. Turnbull stated that the developer will work closely with SHA. Mr. Kercheval questioned the County Engineering Department's request for a smaller street section than what is proposed. He expressed his opinion that the more stringent of the City's and County's standards should be used when designing this development as it will be eventually annexed into the City. Mr. Divelbiss stated that Mr. Hebb of the County Engineering Department was concerned with review procedures for roads, etc. that are not designed to the County's standards. Mr. Kercheval stated that he assumes White Hall Road and Beaver Creek Road were included in the traffic study and asked if any "feedback" has been received regarding those two roads. Mr. Divelbiss stated that APFO analysis and review would be the next step after the approval of the traffic study once trip distribution and generation rates have been agreed upon. Mr. Kercheval asked what future large development was taken into consideration in the traffic study. Mr. Turnbull stated that the County asked the developer to take into account a development north of the interchange, which has not been approved. The trip generation and distribution was confirmed with the County prior to finalizing the "scope" for the traffic study. He also noted that a percentage of growth per year was estimated in the calculations. Mr. Kercheval asked for clarification of the work proposed for the Landis Spring Bridge. Mr. Divelbiss stated that due to the anticipated volume of traffic entering the development at the first entrance, the existing width of the bridge will not need to be widened; therefore, there are currently no plans to alter the bridge. Ms. Parrish asked if the road would be widened past the bridge. Mr. Turnbull stated the developer anticipates widening the left turn lane onto Merchant Drive. There may also be accel/decel lanes required by the State Highway Administration. Ms. Parrish expressed her concern with regard to people test driving cars from the car dealerships located on Auto Place and drivers from out of town who do not know the roads. She suggested some type of traffic calming measures in this area. Mr. Divelbiss stated that written comments from residents on Beaver Creek Road have expressed the same concern. Ms. Parrish expressed her concern with regard to only one outbound lane leaving the development. Mr. Turnbull stated the developer will be making improvements to facilitate the outbound movement. He noted there will be dual right turns when leaving the development. There will be a total of five lanes at the main entrance because there will be a lane turning left onto US Route 40. Ms. Parrish made an inquiry with regard to changes on Beaver Creek Road. Mr. Turnbull stated that a connection will be provided. Ms. Parrish asked about traffic calming measures on Beaver Creek Road. Mr. Divelbiss stated that currently there is nothing proposed and would be within the scope of the APFO review analysis to determine the width, the horizontal/vertical, etc. Ms. Parrish expressed her concern because the road is narrow and winding. Mr. Divelbiss stated that White Hall Road and Beaver Creek Road will be reviewed during the APFO process. Mr. Thompson asked about the option of closing off Beaver Creek Road in that area so Beaver Creek Road would not be used to connect into Merchant Drive. Mr. Divelbiss stated they did not consider that option. He noted that the developer's preference would be to "minimize, if not eliminate" traffic on Beaver Creek Road. It is their intent to get as much traffic on the adequate roadway (Route 40) and off of the rural network. Ms. Parrish asked if sidewalks are proposed along the road leading to and from the hotels to facilitate pedestrian traffic. Mr. Divelbiss stated there would be sidewalks provided on both sides of all interior roads. Mr. Kercheval expressed concern with regard to making a left-hand turn onto US Route 40 and crossing traffic. Mr. Turnbull stated that the intersection was analyzed using the standard analysis tools, which showed the intersection operating at an acceptable level of service. He noted there will be a traffic signal at the intersection of Route 40 and Merchant Drive which will provide gaps in traffic to make left-hand turns. Mr. Zoretich stated there would also be a traffic signal at the interior intersection of Merchant Drive and Plaza Drive that would also help provide a gap in traffic. Mr. Anikis asked when the Planning Commission would receive a copy of the traffic study. He also asked who is paying for the two proposed traffic signals. Mr. Divelbiss stated the developer would be paying for the traffic signals. Mr. Anikis expressed his opinion that traffic lights are not usually functional prior to the opening of a development. He believes the traffic lights should be operational prior to opening of the development and should be a requirement for opening. Mr. Anikis asked if a public hearing would be required prior to the closing of Beaver Creek Road. Mr. Thompson stated a public hearing would be required. Mr. Anikis asked hypothetically what would happen to the developer's plans if the BOCC does not approve the closure of

Beaver Creek Road. He suggested that the developer have a back-up plan. Mr. Anikis expressed his opinion that any improvements to White Hall Road and Beaver Creek Road should be completed prior to opening the development. Mr. Anikis expressed his concern with regard to pedestrian access to the stores and crossing traffic. He made an inquiry with regard to the location of the hotels in relationship to the restaurants. He expressed his opinion that the plan is not "pedestrian-friendly". Mr. Kercheval commented that the traffic study should be provided to the Planning Commission prior to the site plan submittal because traffic issues need to be addressed on the site plan. Mr. Zoretich noted that the traffic study for this project is ahead of a typical site plan due to the complexity of the development. Mr. Divelbiss noted that the County Engineering Department and State Highway Administration have the traffic study. Upon their approval, the traffic study will be available for the Planning Commission.

- **Environmental and Forest Delineation Issues**

Ms. Parrish asked why a sensitive area review was not requested by the developer. Mr. Wright of Faison stated he has contacted Mr. Elmer Weibley of the Washington County Soil Conservation District to review the sensitive areas. Mr. Zoretich stated that the review was not completed prior to the preliminary consultation; however, the major sensitive areas are the stream and the floodplain, which will be enhanced. Mr. Wiley made an inquiry with regard to the restaurant that appears to be located partially in the floodplain. Mr. Wright stated that their engineers felt that was such a "short throat" between the interstate bridge and the other bridge that it could be piped and handle the water". If this process is not feasible, the restaurant would be eliminated from that area. Mr. Divelbiss stated that the floodplain area is a big component in this development and many other issues need to be addressed in regard to the floodplain (MDE C.O.E. permitting for the bridge crossings, the bridge crossings cannot be engineered until the road elevations are set and determined, and the road elevations will not be known until the plan has been set). Therefore, the developer started with the concept plan and is working backward. The developer felt it was premature to look at the floodplain issues until all factors are in place. Ms. Parrish expressed her concern with road flooding in this area. Mr. Wiley made an inquiry with regard to clearing part of the site and the enhancement of water quality. Mr. Divelbiss anticipates that the Forest Conservation Plan will have a significant element of reforestation in the sensitive area/priority area (the floodplain). Approximately 31-acres of forest will be cleared and a large majority will be replanted in the priority area. Mr. Zoretich stated that all forest on the ridgeline will be saved and additional forest will be added. The developer is proposing to plant trees within the priority area of the floodplain and making stream improvements that will help the water quality. Within the parking bays, wide grass areas will be created and "sheet-flow" water to those areas. The County Engineering Department will give the developer water quality credits because at the point source area of the parking area water will be taken off of the pavement and put into areas where it can recharge the ground water. Any higher water will go into an inlet and then to the pond. Mr. Wiley stated that neighboring property owners have expressed their concern with regard to water quality in the area. Mr. Kercheval stated, "the overall effect in the aquifer and how it recharges from this site with current storm water regulations, the impact is meant to be a neutral impact based on current regulations." He also noted that the quantity of water that runs off of the site remains the same, which is part of the storm water regulations. The amount of water that runs into the stream remains the same based on storm water management practices that are required. Mr. Zoretich commented that the storm water management pond will hold back the water, which will be released more slowly over a longer period of time. Mr. Kercheval made an inquiry with regard to staff's recommendation to make the large storm water management pond an amenity on the site. Mr. Zoretich noted that the developer is considering a fountain and plantings to make the area more attractive since this is the main entrance to the site. Mr. Kercheval made asked what type of plantings will be used for the buffering along the back of the site. Mr. Zoretich stated it will be an evergreen tree probably 6 to 8 feet in height when planted. Mr. Divelbiss stated there is a significant grade change in this area so trees that are planted will automatically act as a buffer. Mr. Kercheval made an inquiry with regard to the easement as noted in comments from Allegheny Power. Mr. Tristle of Frederick, Seibert & Associates stated that the easement goes through the floodplain. Mr. Reiber expressed his desire for the developer to encourage a natural environment, such as fisheries, wildlife, etc., on the 31-acres of forested area.

- **Water and Septic System Issues**

Ms. Parrish made an inquiry with regard to the Health Department's comments concerning several small private water systems (wells) and marginal septic systems in the area. Mr. Lung noted that it would depend where the lines would be located and how far they are from the existing residences. He stated that the Health Department has specific requirements with regard to the distance from a public sewer line to a residence. Mr. Lung stated that certificates are placed on subdivision plats that must be signed by the owners stating that the lot was approved with a septic area; however, when public sewer is available, the owner must connect their home to it. Mr. Lung stated that the developer and individual property owners would be responsible for an agreement or arrangement to provide service. Mr. Wiley asked if water becomes available, would the developer be responsible to connect the neighboring residences to the water line. Mr. Divelbiss stated that there is a planned water and sewer line in Auto Place. The Health Department expressed their concern for the auto dealerships in this area (Sharrett, Honda and Kia). He noted that contact has been initiated with these businesses and they are looking at the extension of water service "positively". There is a question how the service gets extended from the City and how this will fit in with the City's annexation policy. Mr. Divelbiss stated that the other neighboring properties are outside the Urban Growth Area boundary and, therefore, outside the planned service area. The City recently made amendments to their annexation policy regarding the extension of water service outside the medium-range growth boundary (which this property is inside), which the City will review on a case-by-case basis. Mr. Divelbiss expressed his opinion that the responsibility to extend the service lines should end at their property. Mr. Anikis expressed concern with regard to water quality or water quantity

problems in the Fieldstone development and how the issue would be addressed. Mr. Divelbiss noted that the developer will not be “tapping into any underground aquifers”, but on the positive side the developer will be extending water and sewer service to an area that is a great distance away. Mr. Anikis asked if the developer is familiar with the new total daily maximum load requirements that the State will be adopting. Mr. Thompson noted that the new requirement will be considered on these plans. Mr. Divelbiss stated that the sewer capacity needed for this development will not be in excessive of capacity management planning levels. He noted there is a new MDE policy for nutrient trading that will be used. This development will “decommission the use of an existing sewage treatment plant and transferring its nutrient level capacity from the private plant to the City’s Antietam plant. Essentially, we will be bringing our own sewer capacity.”

At 10:15 p.m., Mr. Anikis recommended continuation of discussions for this development at a Special Meeting on Monday, June 9, 2008 at 7:00 p.m.

Mr. Divelbiss announced that it is the developer’s intent to hold a community meeting in a location convenient to the residents of the Beaver Creek area. Notices will be mailed to inform residents of the date, time and location of the meeting. Citizens will be given the opportunity to voice their comments and concerns.

OTHER BUSINESS

City of Hagerstown Annexation – Stamper/Dual Highway Property (A08-03)

Mr. Thompson presented for review and recommendation an annexation proposal for property located at 1914-1920 Dual Highway. The site is approximately .92-acres and is currently zoned HI-1 (Highway Interchange 1) by the County. The applicant is requesting a zoning classification of C2 (Commercial General) upon annexation into the City. The C2 district allows for commercial businesses, retail, and offices, but not regional shopping centers (i.e. “big box”) development.

Motion and Vote: Mr. Reiber made a motion to recommend approval of the annexation to the Board of County Commissioners. Seconded by Mr. Wiley. Unanimously approved. Mr. Kercheval abstained.

City of Hagerstown Annexation – PER CCC, LLC (A08-04)

Mr. Thompson presented for review and recommendation an annexation proposal for property located at Lot 182, Prospect Place, Harwood Road. The site is approximately 10,000 square feet in size and is currently zoned RU (Residential Urban) by the County. The applicant is requesting a zoning classification of R1 (Residential) upon annexation into the City. The applicant is proposing to construct a single-family home on the lot.

Motion and Vote: Ms. Parrish made a motion to recommend approval of the annexation to the Board of County Commissioners. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained.

Election of Officers

Mr. Thompson stated that in accordance with the Planning Commission’s By-laws, officers shall be elected in June of each year and will take office at the July Planning Commission meeting.

Motion and Vote: Ms. Parrish made a motion to nominate Mr. Anikis as the Chairman and Mr. Reiber as the Vice Chairman. Seconded by Mr. Wiley. Unanimously approved.

ADJOURNMENT

Ms. Parrish made a motion to adjourn the meeting at 10:35 p.m. Seconded by Mr. Wiley. So ordered.

Respectfully submitted,

George Anikis, Chairman