

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING – October 6, 2008**

The Washington County Planning Commission held its regular meeting on Monday, October 6, 2008, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Terry Reiber, Clint Wiley and Drew Bowen. County Commissioner Terry Baker was present in the absence of Ex-Officio James Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planners Stephen Goodrich and Timothy A. 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. Reiber made a motion to approve the minutes of the September 8, 2008 regular Planning Commission meeting as presented. Seconded by Ms. Parrish. Unanimously approved.

Mr. Wiley made a motion to approve the minutes of the September 15, 2008 Planning Commission Public Meeting as presented. Seconded by Ms. Parrish. Unanimously approved.

**Note:** County Commissioner Terry Baker did not vote on any agenda item presented during this evening's meeting.

**NEW BUSINESS**

**- SUBDIVISIONS**

**Keuper Estates, Lots 3-7 (S-07-138)**

Ms. Kelly presented for review and approval the Preliminary/Final plat for Keuper Estates, Lots 3-7 located along the west side of Little Antietam Road south of Leitersburg and is zoned A(R) – Agricultural Rural. The developer is proposing five single-family lots with sizes ranging from 1.6 to 4.5-acres on a total of 17-acres. A new public street, Winchester Drive, will provide access to the lots and will connect to Little Antietam Road. All lots will be served with individual well and septic. All agency approvals have been received. Forest Conservation Ordinance requirements will be met by retention of 3.4-acres of existing forest on the remaining lands. The site is exempt from APFO school mitigation requirements since the development is proposed for five lots or less. The Planning Department is also reviewing a Simplified plat in conjunction with the Preliminary/Final plat.

**Discussion:** Mr. Bowen asked if the proposed future street connection would service the remaining lands. Ms. Kelly stated there will be 81-acres remaining that could be developed in the future and the proposed street would serve the remaining lands. Mr. Anikis made an inquiry with regard to the APFO school mitigation. Mr. Thompson noted that if the developer proposes additional lots in the future, all existing lots would be counted as part of the mitigation requirements. The development is located in the Old Forge Elementary, Smithsburg Middle and Smithsburg High school district. Mr. Anikis made an inquiry regarding the roof top disconnects and the non-roof top disconnect credits for Lots 3, 4, 5, 6 and 7. He questioned who would be responsible for enforcing the maintenance in perpetuity of these disconnects. Ms. Kelly stated that the County Engineering Department would be responsible for enforcement. Mr. Anikis expressed his concern regarding the homeowner's knowledge of their responsibilities for the disconnects and sand-mound septic systems.

**Motion and Vote:** Mr. Reiber made a motion to approve the Preliminary/Final and Simplified plats as presented and the retention of 3.4-acres of existing forest on the remaining lands to meet Forest Conservation Ordinance requirements. Seconded by Ms. Parrish. Unanimously approved.

**- SITE PLANS**

**Gerald N. Minnich Funeral Home (SP-08-035)**

Ms. Kelly presented for review and approval the Site Plan for the Gerald N. Minnich Funeral Home located along the south side of Robinwood Drive adjacent to the Elk's Club. The property is zoned A – Agriculture. In March 2008, the Planning Commission approved the subdivision for this property. The owner is proposing to construct an 11,500 square foot funeral home on 3.89-acres of property. The building will be 30-feet in height. A Special Exception was granted by the Board of Zoning Appeals in January 2008 that allows for the creation of a funeral home in the Agriculture zoning district. The subject site will be served by public water and an individual septic

system. A 40-foot access easement over the existing entrance of the Elk's Club will be used by the funeral home. The County's Engineering Department denied direct access from Robinwood Drive into the site due to the lack of spacing from the intersection. The hours of operation for the funeral home office will be 9:00 a.m. to 5:00 p.m. Monday through Friday and viewings for the funeral home will be by appointment. Deliveries will be made daily to the site. Two employees are proposed. Parking spaces required for this use are 20 spaces; however, 116 parking spaces will be provided. Solid waste will be provided by trash receptacles inside the building. Exterior lighting will include building and pole mounted lighting throughout the parking area. A 6-foot high, 24-foot sign will be placed at the shared entrance of the site. A 10-foot by 24-foot loading/unloading area will be located to the rear of the building. Storm water management requirements will be met by a bio-retention pond. Landscaping will be located throughout the proposed site, which will include landscaping around the proposed sign, throughout the parking lot and around the building. The side and rear property lines will be screened using 25-foot White Spruce trees. Other landscaping materials will include Birch, Dogwood, Ash, and Holly trees, fountain grass and Japanese Yews. All agency approvals have been received.

**Discussion:** Mr. Schreiber of Frederick, Seibert & Associates, consultant, gave a brief explanation regarding the slope and landscaping proposed to the rear of the building. The site will be approximately 10 to 15-feet below the level of the proposed slope and trees to shield the existing residents from vehicular lights and building-mounted lights. During special events, there is an agreement between the funeral home owner, Mr. Kenworthy, and the Elk's Club to use each others parking facilities.

**Motion and Vote:** Ms. Parrish made a motion to approve the Site Plan as presented. Seconded by Mr. Reiber. Unanimously approved.

**Note:** Ms. Kelly stated that Forest Conservation Ordinance requirements were previously approved by the Planning Commission through payment-in-lieu.

#### **Vista PCS, LLC Telecommunications Tower (SP-08-038)**

Ms. Kelly presented for review and approval the Site Plan for the Boyd Mountain Telecommunications Tower located between Big Pool Road and Gehr Road along the south side of Interstate 70. The property is zoned EC – Environmental Conservation. The communications company is proposing to lease a 100-foot by 100-foot area from the Gehr property, which encompasses a total of 104-acres. The developer is proposing to construct a 12-foot x 30-foot telecommunications equipment shelter, a meter stack inside a 50-foot by 50-foot gravel compound at the base of a 199-foot monopole. There will be 6 antennas plus 6 sites for future antennas. A 12-foot wide gravel access drive will be constructed from Gehr Road to the site. An 8-foot high chain link fence will be installed encompassing the 50 x 50-foot area around the base of the monopole. There will be no employees; therefore, water and sewer facilities will not be required at the site. The monopole will have an exterior finish of gray galvanized steel. An identification sign will be placed on the chain link fence. The Board of Zoning appeals granted a Special Exception in March 2008 allowing the construction of the proposed commercial cell tower. Forest Conservation Ordinance requirements will be met through the “express procedure” by payment-in-lieu in the amount of \$2,143.15. All agency approvals have been received.

**Discussion:** Mr. Anikis and Mr. Reiber made an inquiry regarding comments received from the Historic District Commission and other agencies. Mr. Thompson stated that the HDC was opposed to the location of the cell tower due to all of the historic structures, especially Fort Frederick, in the immediate area. Mr. Wiley asked if a balloon test was performed on the site. Ms. Hillorie Morrison of Vista, LLC stated that a balloon test was performed to address the concerns of the HDC. However, the Board of Appeals found that the site is approximately 1 mile from Ft. Frederick and the existing trees would provide adequate cover from the viewshed of Ft. Frederick.

**Motion and Vote:** Ms. Parrish made a motion to approve the Site Plan as presented. Seconded by Mr. Bowen. The motion passed with Ms. Parrish, Mr. Wiley and Mr. Bowen voting “Aye” and Mr. Reiber voting “Nay”.

#### **TDR Enterprises (SP-08-037)**

Ms. Kelly, on behalf of Ms. Wagner-Grillo, presented a Site Plan for a 10,000-square foot addition to an existing metal fabrication plant located on the northwest side of Maryland Route 64. The parcel is 6.9-acres in size and is zoned A – Agriculture. The site will be served by a private well and septic. Total parking spaces required is 38 spaces and 38 parking spaces will be provided. Solid waste will be stored inside the building. Forest Conservation Ordinance requirements will be met by the “express procedure” and payment-in-lieu in the amount of \$1,001.88. TDR Enterprises is a custom metal fabrication plant that has an existing 20,000-square foot building. No new signs are proposed. Two new wall mounted lights are proposed. There are currently 18 employees, 25 employees are proposed. The hours of operation are not proposed to increase. All agency approvals have been received.

**Discussion:** Ms. Kelly noted that the dumpster is currently located in the front of the site. Mr. Schreiber of Frederick, Seibert & Associates, consultant, stated that the dumpster cannot be seen from the road due to the elevation of the site and the trees between the road and the site.

**Motion and Vote:** Ms. Parrish made a motion to approve the Site Plan as presented. Seconded by Mr. Reiber. Unanimously approved.

#### **Dunkin Donuts (SP-08-025)**

Ms. Kelly, on behalf of Ms. Wagner-Grillo, presented a Site Plan for the conversion of a vacant bank building to a Dunkin Donuts restaurant with drive-thru located along Route 632 at the intersection of Oak Ridge Drive. The site is 1.2-acres and is zoned BL – Business Local. The site will be served by public water from the City of Hagerstown and private sewer. Parking spaces required is 44 and 44 spaces are proposed. Solid waste storage and disposal is a dumpster with a private hauler. The site is exempt from Forest Conservation Ordinance requirements due to a disturbed area of less than 40,000 square feet. Hours of operations will be 5:00 a.m. to 10:00 p.m., 7 days per week. Four employees are proposed for the morning shift and two employees for the afternoon shift. One delivery per day by box truck is expected. No additional lighting is proposed. A proposed sign will be located on the roof of the building. No freestanding signs are proposed. All agency approvals have been received.

**Comments:** Mr. Reiber expressed his opinion that this is a good use for rehabilitating an existing building.

**Motion and Vote:** Ms. Parrish made a motion to approve the Site Plan as presented. Seconded by Mr. Reiber. Unanimously approved.

#### **Fort Ritchie, Lot 1 – Highfield Subdivision**

Mr. Lung presented for review and approval a Preliminary Plat/Site Plan for a proposed power substation for the Fort Ritchie Redevelopment and COPT. The proposed site is located along the north side of Ritchie Road on approximately 3.64-acres zoned SED – Special Economic Development. Fort Ritchie LLC will convey the 3.64-acre site to Allegheny Power for the substation, which will replace the existing substation. The Board of Zoning Appeals granted a Special Exception for this use in the SED zoning district. A 75-foot buffer yard with screen planting is provided along the adjacent residential area on Ritchie Road. This will be an unmanned fenced facility containing all the normal equipment associated with a power substation along with a control building. The maximum height of any structure on the site will be 24-feet. The power lines coming into and going out of the substation will be underground. Forest Conservation Ordinance requirements will be addressed by retaining off-site 1-acre of existing forest on other lands of Fort Ritchie. Due to the topography of the site, the power substation will sit approximately 20-feet below Ritchie Road. The screen planting proposed consists of 63, 10-foot evergreen trees planted at 12-feet on center in staggered rows. Ash trees will be planted on the interior of the site. Access to the site will be internally on the private Fort Ritchie access road with an easement granted to Allegheny Power for ingress and egress. The subdivision to create the lot meets the County's standards to create a lot with public road frontage because there is frontage along Ritchie Road; however, there will be no direct access to Ritchie Road. Address Assignment, Department of Water Quality and Health Department approvals are pending. All other agency approvals have been received. Mr. Lung also requested that the Planning Commission grant the Staff the authority to approve the final subdivision plat.

**Discussion:** Mr. Reiber made an inquiry regarding the Planning Commission giving Staff the authority to approve site plans using the Master Plan for the Fort Ritchie Redevelopment. Mr. Lung stated that the County Engineering Department issued several comments during the Preliminary Consultation that must be addressed. Staff believes these issues should be resolved prior to the Planning Commission giving staff the authority the grant site plan approval. Outstanding issues include which streets will be owned publicly or privately, findings from the traffic study to determine APFO improvements that would be needed off-site and when they would be needed, and a strategy to address the runoff from the storm water management.

Mr. Reiber asked what would happen to the old power substation. Mr. Hoffman, COPT representative, stated that the old substation would remain in existence and active until new service lines can be connected between existing facilities and the new substation. Ultimately, the old substation will be demolished. The existing substation is owned jointly by COPT and Allegheny Power. Mr. Reiber expressed his opinion that the old substation should not remain on the site. Mr. Hoffman stated the old substation will be removed.

Mr. Anikis asked if there would be any "RF" interference to residents across the road from the new substation. An Allegheny Power representative stated there would be no interference.

**Motion and Vote:** Mr. Reiber made a motion to approve the Preliminary Plat/Site Plan contingent upon all agency approvals and to grant staff authority to approve the final subdivision plat. Seconded by Ms. Parrish. Unanimously approved.

## **OTHER BUSINESS**

### **- RZ-08-003 Ronald and Jean Dolan**

Mr. Goodrich presented for review and recommendation a map amendment for Ronald and Jean Dolan for property located at 10914 Dam #5 Road. The applicant is requesting the Historic Preservation overlay zone on a 1.44-acre parcel of land currently zoned EC – Environmental Conservation. A public meeting was held on September 15, 2008 at which time Staff presented their written Report and Analysis and Mr. Dolan presented his request. There was no public comment in favor of or in opposition to the request. No additional written comment was received during the ten (10) day comment period. Mr. Goodrich noted there is a Scenic Easement related to the C & O Canal on a portion of this property and the easement document describing the restrictions was included with the Agenda material. Staff recommends approval of the application based on a determination that it meets 7 of the 11 criteria that must be addressed in accordance with Zoning Ordinance regulations. Mr. Goodrich stated that a majority of the site subject to the rezoning is located in Zone A of a floodplain. He also noted that because this is a historic structure, it is exempt from some limitations on structures in the floodplain.

**Motion and Vote:** Ms. Parrish made a motion to recommend approval of the Historic Preservation overlay to the Board of County Commissioners. Seconded by Mr. Reiber. Unanimously approved.

### **City of Hagerstown Annexation – Kenneth Jordan (A08-07)**

Mr. Thompson presented for review and recommendation an annexation request from the City of Hagerstown for Kenneth L. Jordan. The applicant is requesting the annexation of an existing 10,000-square foot lot located on Lot 183, Prospect Place on Harwood Road adjacent to the southwestern boundary of the City of Hagerstown west of Virginia Avenue. The applicant is requesting R-1 (Residential) zoning, which is consistent with the existing RU (Residential Urban) County zoning designation and the Low Density Residential designation. It is Staff's opinion that "express approval" is not required.

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

### **Update on Route 40/Edgewood Drive Intersection**

Mr. Thompson noted that the Route 40/Edgewood Drive intersection project has been funded by the Maryland Department of Transportation in conjunction with Washington County and the City of Hagerstown. The procurement process has been delayed due to litigation issues; however, MDOT is working to resolve these issues.

### **Upcoming Workshop**

Copies of the UGA Advisory Committee's Final Report were distributed to Planning Commission members. Mr. Thompson noted that five of the six assigned tasks have been completed. This report has been given to the Board of County Commissioners and will be discussed during their meeting on Tuesday, October 28, 2008. Mr. Thompson stated this would be one item that will be discussed at the Planning Commission's Workshop on October 20<sup>th</sup>. Public hearings are anticipated sometime around the beginning of 2009. The UGA Committee is currently reviewing Staff's zoning proposal.

### **UPCOMING MEETINGS**

1. Planning Commission Workshop, Monday, October 20, 2008, 1:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown
2. Planning Commission Regular Meeting, Monday, November 3, 2008, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown

### **ADJOURNMENT**

Ms. Parrish made a motion to adjourn the meeting at 8:25 p.m. Seconded by Mr. Reiber. So ordered.

Respectfully submitted,

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George Anikis, Chairman