

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – November 3, 2008**

The Washington County Planning Commission held its regular meeting on Monday, November 3, 2008, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Terry Reiber, Clint Wiley, Sam Ecker, Drew Bowen, and Ex-Officio James Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Timothy A. Lung, Senior Planner Lisa Kelly, Planner Cody Shaw, 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 October 6, 2008 regular Planning Commission meeting as presented. Seconded by Mr. Wiley. Unanimously approved.

INTRODUCTION

Mr. Lung introduced Mr. Cody Shaw who joined the Planning Department staff on September 8, 2008.

NEW BUSINESS

- VARIANCES

Rosemary T. Bowes (SV-08-014)

Mr. Lung presented for review and approval a variance from Section 405.11.B of the Subdivision Ordinance, which requires all lots to have access and public road frontage. The property is located along the south side of Porterstown Road near Sharpsburg and is zoned P – Preservation. In 1991, the applicant subdivided a 10-acre lot (Lot 1) from an original 50-acre tract of land. The remaining 40-acres of land had two panhandles to Porterstown Road; however, at the time of the subdivision access to the remaining lands was gained from an easement across an existing private lane on land owned by others. The private lane serves 6 additional dwellings. In 2000, the remaining lands (40-acres) including the two panhandles were placed into a permanent Rural Legacy easement. There is an existing dwelling on the property that was placed in the Rural Legacy Program. The applicant is proposing to eliminate the two panhandles, which contain approximately 4-acres of land. The 4-acres might be conveyed to the owner of Lot 1 and in turn the owner of Lot 1 would convey an equal amount of land to the Boweses. Another option might be to convey one of the panhandles to an adjoining land owner who is pursuing placement in the Rural Legacy Program. The Rural Legacy Program will not consider any land swaps until it is verified by the Planning Commission that the panhandles may be eliminated. The elimination of the two panhandles would landlock the remaining 40-acre parcel. The Rural Legacy Program prohibits any subdivision of new lots for additional development of the land; therefore, according to the applicant, the panhandles are no longer needed.

Discussion: Mr. Reiber asked where the remaining 40-acres would have access. Mr. Lung stated they would continue to use the existing lane on the property to the west, which is a deeded right-of-way. Mr. Bowen expressed his concern with regard to the Planning Commission's liability in the future if a dispute should arise between the owner of the existing lane and the owners of the landlocked parcel. The applicant, Mr. David Bowes, stated that he understands the risks if such a dispute would occur. Mr. Lung noted that the lane and access was established prior to the subdivision of the property and the creation of the two panhandles. Mr. Anikis asked if fire and emergency services have any objections to the length of the lane and its maintenance during inclement weather. Mr. Bowes stated they do not have any objections since the lane is cleared and maintained during inclement weather.

Motion and Vote: Ms. Parrish made a motion to approve the variance from Section 405.11.B of the Subdivision Ordinance contingent upon the Rural Legacy Program approving the exchange of land between property owners. Seconded by Mr. Reiber. Unanimously approved.

- SITE PLANS

Bennett Development Group, LLC (SP-08-042)

Ms. Kelly presented for review and approval a Site Plan for Bennett Development Group, LLC. The property is located along the south side of Industrial Lane and the east side of Partnership Court in the Governor Lane Industrial Park and is zoned PI – Planned Industrial. The owner is proposing to add a 10,400-square foot addition to an existing 10,450-square foot building. The site is currently occupied by ASB Construction and is used for office space and the storage of materials. The total parcel area is 2.04-acres. There is a proposed entrance onto Partnership Court. The site is served by public water and public sewer. There is an existing building-mounted sign with no new signage proposed. The existing lighting is building mounted and proposed lighting will also be building mounted. There is currently a dumpster in the front of the building, which is used for solid waste disposal. The hours of operation are

Monday through Friday, 7:00 a.m. to 5:00 p.m. There are currently six employees and 4 additional employees are anticipated with the new addition. Parking required is 14 spaces and a total of 41 spaces will be provided. Forest Conservation Ordinance requirements were met in 1999 when the Planning Commission granted approval for the developer to use the payment in lieu process. There is existing landscaping on the site and additional landscaping is proposed which will include Leyland Cypress, burning bush and Red Maple trees. Health Department approval is pending. All other agency approvals have been received.

Discussion: Ms. Parrish made an inquiry regarding storm water management. Mr. Tony Taylor of Frederick, Seibert & Associates, consultant, stated that a surface sand filter will be installed in the front of the site for water quality management. Water quantity management is handled through a regional storm water management pond located on the west side of Partnership Court.

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

Emerald Pointe PUD, Phase 2A (PSP-08-002)

Ms. Kelly presented for review and approval the preliminary plat/site plan for Emerald Pointe PUD, Phase 2A. The property is located along the east side of Marsh Pike and north of the intersection of Leitersburg Pike and is zoned A(PUD) – Agriculture Planned Unit Development. The developer is proposing to create 28 townhouse lots on a total of 5.90-acres. The projected build-out for this section is two to three years. Lots will be served by public water and public sewer. All lots will front on the newly constructed public streets, Sapphire Drive and Ruby Drive. Parking spaces required is 1.8 spaces per unit for a total of approximately 51 spaces. A total of 85 parking spaces will be provided, 15 of which are in the overflow parking area. A mailbox cluster will be provided at the existing parking lot. The setbacks for the townhouses are 20-foot front yard, 8-foot side yard, and 10-foot rear yard. Landscaping will be provided by the developer on each lot and will include ornamental grasses, Spruce, Holly, Weeping Cherry, and Boxwood. Street lights and sidewalks will be provided. A large portion of the Forest Conservation requirements have been addressed in previously approved sections of the development. Approximately 14-acres of forest have been approved. A total of .42-acres of forest conservation is required and will be addressed in the development of future sections. City of Hagerstown Sewer Department and Washington County Health Department approvals are pending. All other agency approvals have been received.

Discussion: Ms. Parrish asked about school capacity for schools that would serve this development. Ms. Kelly noted that this is an age-restricted development and is so noted on the plats for this section and all previously approved sections. Mr. Anikis made an inquiry about the enforcement of the age restriction element. Mr. Crampton stated he has not had any problems with this issue.

Motion and Vote: Mr. Reiber made a motion to approve the preliminary plat/site plan for Phase 2A of Emerald Pointe PUD contingent upon City of Hagerstown Sewer Department and Washington County Health Department approvals. Seconded by Mr. Ecker. Unanimously approved.

OTHER BUSINESS

City of Hagerstown Annexation – S & H Partnership/Summit Ridge LLC (A08-06)

Mr. Thompson presented for review and approval a request from the City of Hagerstown to annex an existing parcel of land consisting of approximately 7.73-acres. The site is located on the south side of Maryland 144 (West Washington Street) on the east side of Hump Road. No new development plans are proposed; however, a trucking facility is currently operating on a portion of the site, which is permitted under the existing IG (Industrial General) zoning classification. Upon annexation, the applicant is requesting an IR (Industrial Restricted) zoning district under the City's regulations. The proposed zoning classification is more restrictive than the current zoning classification; therefore, Mr. Thompson believes that "express approval" is necessary for this request.

Motion and Vote: Mr. Bowen made a motion to recommend to the Board of County Commissioners that "express approval" be granted for the annexation request. Seconded by Mr. Wiley. Unanimously approved. Mr. Kercheval abstained.

City of Hagerstown Annexation – Valley Car Wash (A08-09)

Mr. Thompson presented for review and approval a request from the City of Hagerstown to annex an existing parcel of land consisting of approximately 1.19-acres. The site is located on the east side of the City at the intersection of Eastern Boulevard and Diamond Drive. The property is the location of an existing car wash operation, which is a permitted use under the County's BG (Business General) zoning designation. No new development is being proposed. The applicant is requesting a C2 (Commercial General) zoning designation upon annexation. The proposed zoning is consistent with the County's BG zoning classification and the County's 2002 adopted Comprehensive Plan. No "express approval" is necessary in this case.

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. Mr. Kercheval abstained.

Certification Report for Ag Land Preservation

Mr. Thompson presented for approval the Certification Report for Agricultural Land Preservation Program. This item was discussed during the Planning Commission's workshop on October 20th. Mr. Thompson informed the Commission that requested changes have been made to the map and on page 7 of the Report. Staff will be making their presentation to the Board of County Commissioners on November 4th at to the Ag Advisory Board later in November. Staff is requesting approval of the Certification Report by the Planning Commission this evening.

Motion and Vote: Mr. Reiber made a motion to accept the Certification Report. Seconded by Ms. Parrish. Unanimously approved. Mr. Kercheval abstained.

Planning Commission Policy #8

Mr. Thompson began this discussion regarding Policy #8, adopted in the 1990's, which states, "The Director shall have the authority to recertify all non-recorded one or two single-family residential lot subdivision plats with the understanding that each plat would be reviewed to assure that the original site conditions are unchanged and also that said plat be recorded within a 30-day period." Mr. Thompson stated that the Planning Department recently experienced an incident in which a plat from the 1980's was not recorded and has been submitted for recertification. He has contacted the County Attorney's office for clarification and a possible change to the policy.

Announcements

Mr. Thompson noted that the Maryland Planning Association Directors will be meeting in Annapolis on Friday, November 7th. Topics of interest include the new storm water management regulations, new ag preservation regulations, and review of the final recommendations of the State Growth Task Force that have been submitted to the Governor.

Mr. Thompson reminded Commission members of the joint meeting with the City of Hagerstown's Planning Commission on Wednesday, November 12th at 5:00 p.m. There are two items on the agenda for that meeting: a presentation of the City's proposed Comprehensive Plan amendments dealing with the Water Resources and Growth elements and a review of the inventory of all shopping centers around the City of Hagerstown and their vacancy rates. Mr. Thompson distributed packets of information for the Commission members to review prior to the joint meeting.

UPCOMING MEETINGS

1. Planning Commission meeting with the City Planning Commission, Wednesday, November 12, 2008, 5:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown
2. Planning Commission regular meeting, Monday, December 1, 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 8:00 p.m. Seconded by Mr. Ecker. So ordered.

Respectfully submitted,

George Anikis, Chairman