

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – FEBRUARY 2, 2009**

The Washington County Planning Commission held its regular meeting on Monday, February 2, 2009, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Andrew Bowen, Sam Ecker, Terry Reiber, Clint Wiley and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Timothy A. Lung, Senior Planner Lisa Kelly, Administrative Assistant Debra Eckard, and Greg Larsen of the Hagerstown Regional Airport.

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 January 5, 2009 regular Planning Commission meeting as amended. Seconded by Mr. Kercheval. Unanimously approved.

NEW BUSINESS

- PRELIMINARY CONSULTATIONS

Showalter Business Park (PC-08-008)

Mr. Lung presented for review and comment the Preliminary Consultation for Showalter Business Park located along the south side of Showalter Road, west of US Route 11, east of I-81 and north of Maugans Avenue. The property is currently zoned HI-1 (Highway Interchange 1). A rezoning application was approved for a portion of this property in 2004 from residential to the current HI-1 zoning. The developer is proposing a mixed use commercial and light industrial development including one large refrigerated warehouse, several smaller warehouses, flex offices, retail office space, light manufacturing, a membership warehouse store, restaurants, a convenience store, a hotel, and gas stations on approximately 163-acres, which is currently made up of numerous parcels. All of these uses are principally permitted uses in the HI-1 zoning district. Lots will be subdivided for each purchaser or tenant as needed. The development includes the extension of Crayton Boulevard through the property to Showalter Road. A secondary access will be provided from Showalter Road and will end in a cul-de-sac on the property. The County's Engineering Department will require stubs to be provided to allow right-of-way for street connection to the adjoining property to the west.

Discussion: Mr. Kercheval stated that during discussions earlier in the day with Mr. Joe Kroboth, Director of the Division of Public Works, the two property owners will need to work together to determine the best location for the right-of-way connections. Mr. Kercheval does not believe that the County would support two entrances from Showalter Road to two individual property owners due to the close proximity to the I-81 interchange. Mr. Kroboth discussed three points of access to the property along the interstate (the Bowman property) with one major entrance from Perini Avenue, which is located across the intersection from the "out" road to the Airport. This intersection must be signalized in the future. Mr. Kroboth also stressed the importance of the connection of Perini Avenue to US Route 11. He believes that multiple points would alleviate future impact on the Maugans Avenue intersection. Mr. Reiber expressed his concern regarding the growth of the Airport with increased truck access on Showalter Road.

Mr. Lung stated that the statutory authority allowing the Planning Commission to require interconnectivity between properties is found in the County's Subdivision Ordinance. Mr. Lung noted that the connection to US Route 11 has been discussed during previous preliminary consultations on this property. The main issue relative to this connection is the alignment of existing entrances on the other side of US Route 11. Showalter Road is a minor arterial highway with specific access separation requirements. The current design of the proposed development does not meet the access separation requirements; therefore, variances would be required. The storm water management pond must accommodate FAA requirements surrounding the Airport with regard to wildlife hazards. Compliance with the clear zone easement owned by the Airport in the vicinity of Lot 19 with regard to height and other restrictions must be addressed. The building placement and uses in relation to the runway (such as gas stations and hotels) and height requirements must be addressed. The proposed development is located in the City of Hagerstown's Joint Services Area and the Medium Range Growth Area. Water would be provided by the City of Hagerstown and sewer would be provided by the County's Department of Water Quality. Discussions were held regarding the upgrading of pump stations and water connections. Following the consultation, Mr. Lung noted that the developer has met with the Department of Water Quality and the Economic Development Commission regarding ways to "lock up" sewer allocation in order to effectively market the property.

Mr. Lung stated that during the preliminary consultation, Staff discussed the placement of buildings specifically the large warehouse located next to the residential development on the east side of the property. He suggested moving some of the lower impact uses next to the residential development. Mr. Lung noted that during the 2004 rezoning, the County Commissioners granted approval of the rezoning

with specific conditions for buffering on the property. The conditions require a minimum buffer of 75-feet from any residential property along with adequate screening as determined appropriate by the Planning Commission as part of the site plan or subdivision approval process. Mr. Lung stated that the concept plan appears to show the required 75-foot buffer; however, it is difficult to make any further recommendations at this time until profiles and a description of the building and its use are provided. He noted that a six foot fence was proposed; however, he does not believe this would provide adequate screening. The developer has responded in writing to comments made during the preliminary consultation regarding this issue. The developer has indicated that depending on how the site is graded, part of the building may be lower than the residential use next to it. Mr. Lung noted that other factors such as noise from and other equipment on top of the refrigerated warehouse, as well as noise and fumes from trucks loading and unloading at the back of the warehouse. These issues must be taken into consideration when determining adequate screening.

Mr. Lung stated that a Forest Stand Delineation was submitted to the County Planning Department. There is some existing forest identified on the site; however, most (if not all) of the forest will be removed during construction and mitigation will be required. Due to the close proximity to the Airport, compatibility becomes an issue with wildlife habitat and conflicts with airplanes. Therefore, Mr. Lung believes that the developer may request that Forest Conservation Ordinance requirements be met by making a payment-in-lieu.

Comments: Mr. Reiber expressed his concern regarding larger vehicles between the warehouses and on Showalter Road. Mr. Bowen made an inquiry regarding sewer capacity and upgrades to infrastructure. Mr. Kercheval stated that the Department of Water Quality handles capacity and infrastructure issues. Mr. Wiley expressed his concern regarding the buffering of the site. He recommended that the developer meet with Director of Public Works to discuss the configuration of traffic through the site and the interconnectivity to the adjoining Bowman property. Mr. Wiley expressed his support for the payment in lieu to meet Forest Conservation Ordinance requirements for this development. He expressed support for this type of development in this area.

Mr. Kercheval reiterated his support for limited access to Showalter Road. He expressed his concern for the adequate amount of right-of-way needed on Showalter Road and the design of the road. Sidewalks and pedestrian access will be required on both sides of Perini Avenue and Crayton Boulevard based on County road standards. Mr. Kercheval asked for clarification of the rules relating to easements purchased by the FAA. Mr. Greg Larsen, representing the Hagerstown Regional Airport, stated that the easement in question was purchased through Federal funding and the FAA will be the Airport's guide throughout the development process. According to past records, the FAA has been consulted on two occasions for proposed development of this site. Mr. Larsen noted that in 1999, Mr. Tom Priscilla of the FAA took a firm stand that no construction would take place in the easement area. He stated that the County assumes obligations when taking Federal funds. In 2002, Mr. Priscilla stated that the FAA would oppose a proposed road through the easement area. Mr. Kercheval stated that if there are certain layouts of the road that benefit the Airport and Top Flight Park, there may be a way to work with FAA. Mr. Larsen noted that the consultant, CMX, in their letter (previously mentioned by Mr. Lung) addressed communication between the developer and the FAA. There is a standard submission process and submittal Form 7460-1 that will be required.

Mr. Kercheval stated that in discussions with Mr. Kroboth, it should be noted that closed-section streets do not always mean a closed drainage system. He further explained comments regarding concerns relative to the storm water management pond. Mr. Kercheval stated that a regional pond can take care of water quantity issues required under regulations; however, water quality issues must be treated at the source. Multiple ponds may be necessary to address water quality issues. Mr. Kercheval expressed his support for the payment-in-lieu to address Forest Conservation Ordinance requirements based on safety concerns for the Airport.

Mr. Kercheval briefly discussed the Comprehensive Plan and Urban rezoning issues. He explained that the County is currently in the process of updating the urban growth area zoning to coordinate with the County's adopted Comprehensive Plan. He recommended that if the developer has any concerns regarding zoning issues and uses allowed on the property, he should contact the Planning Department during the public hearing process.

Mr. Anikis questioned the compatibility of the four story hotel with the Airport. Mr. Larsen stated that the FAA will review and analyze the 7460-1 application to determine if there will be any interference with airspace. Mr. Anikis expressed his opinion that three gas stations within the development seems to be "overkill". He questioned if the gas stations would be a safety concern for the Airport and the FAA. Mr. Larsen expressed his opinion that the FAA will probably be opposed to the gas station at the southeastern corner of the property. This area is a designated safety area in case aircraft have any mechanical issues on take off or landing. Mr. Anikis expressed his concern regarding traffic studies and their accuracy because the uses within the development have not been specifically designated. Mr. Lung stated that it is his understanding that developers use assumptions based on the proposed use of the site when developing traffic studies. If those assumptions change, then the traffic study must be updated. Mr. Anikis stated there is a dense tree line along the southern property line that acts as a buffer for residential development. He asked if the Airport would like to have this tree line removed due to safety concerns. Mr. Lung stated that the tree line in question is part of an existing Forest Conservation easement and is not associated with this development.

Mr. Anikis recommended that the developer, the FAA and representatives from the Airport should meet to discuss any issues that need to be addressed relative to safety issues and construction in the easement area in question. Mr. Kercheval suggested that Mr. Kroboth be included in any meetings to discuss storm water management and road issues. Mr. Anikis suggested that Mr. Perini, the developer, should carefully consider where the stubs should be placed for the adjacent property to the west for access right-of-way. Mr. Anikis asked for brief comments or questions from the developer, Mr. Perini.

Mr. Kirk Halpin, attorney for the developer, briefly addressed the Commission members. He expressed the developer's concern regarding ingress and egress on the eastern portion of the property due to safety and security issues as well as tractor trailers travelling through the residential neighborhood in that area. Mr. Halpin also expressed the developer's concern regarding the dramatic grade change on the eastern side of the proposed development as it relates to a connection with US Route 11. There was a brief discussion regarding the grade change and accessibility issues. Mr. Jascewsky, representative of the consultant CMX, noted that the developer has a potential buyer interested in the large warehouse. He expressed concern that the access point to the adjacent property could reduce the size of the proposed warehouse, which could deter the buyer from moving forward. Mr. Halpin noted that all proposed uses are principally permitted uses by right according to the Comprehensive Plan. He suggested that any issues regarding uses could be "grandfathered" on the property by the Planning Commission. Mr. Kercheval stated that the County Commissioners have used "grandfathering" in the past and depending upon the status of the project at the time of the adoption of the new zoning in the UGA, "grandfathering" may be a possibility for this development. Mr. Halpin expressed their willingness and interest in working with the FAA. He expressed his opinion that the 100-foot right-of-way will be sufficient to comply with the County's expansion plans.

Mr. Jascewsky stated that during previous discussions, his understanding was that the vertical construction in the easement area was not an issue. He noted that the ponds shown in that area are dry ponds or surface sand filters, which do not hold water and do not attract water fowl. Mr. Jascewsky stated that he has been working closely with a wildlife management consultant to develop plans that will include using grasses in the easement area that will deter water fowl. Other plans include using plants and shrubbery that will create blind spots to prevent geese from landing in these areas. Mr. Jascewsky noted that they do not support the use of wire screening over the pond due to safety concerns and aesthetics. Mr. Jascewsky stated that the roadways that cross through the easement area are "at-grade" roadways. He stated that previous comments from the Airport indicated that the at-grade roadways would be allowed. He also noted that the alignment of Perini Avenue connecting to Showalter Road was approved in previous plan submissions. Mr. Jascewsky stated that the connectivity to Showalter Road is based on typical engineering design safety standards providing access directly across from the Airport. He expressed his opinion that the location of Perini Avenue and Crayton Boulevard are proposed to be the most logical locations due to their proximity and alignment to the entrance and exit roads to the Airport. Mr. Jascewsky briefly discussed spacing requirements between intersections. He believes that the right turn in/right turn out access points to the individual lots will improve flow through intersections by taking the stacking of cars out of the lanes that feed the intersections. At this time, Mr. Jascewsky stated that the issue regarding connectivity to the Bowman property has not been resolved.

Mr. Kercheval noted that the County has a limited number of EDUs available each year for sewer allocation within the areas of the County served by the City's treatment plant. This makes it very difficult for the County to reserve EDUs without specific plans that are soon ready to break ground. He stated that the County has discussed ways to reserve part of the annual allocation for only commercial use to limit competition by residential projects, which may help this development. However, another option would be to work directly with the City should the County's allocation be insufficient. The City has its own allocation based on the MDE consent order, and they hold a portion of that for special projects approved by the Mayor and Council. The County may be able to assist with requesting allocation from that pot, however, the county's allocation would probably have to be exhausted first. He encouraged the developer to discuss their project with the City as it's an economic development project that could qualify for help under the City's SCAP. Distribution of the County's limited allocation will continue to be a challenge since it has to be divided up over the entire County area served by the City. Mr. Perini, developer, stated that they have met with the City, but it is his understanding that it is now in the County Commissioner's ballpark. The City has limited availability for the next several years. Mr. Perini stated that he has requested available EDUs, which are from a developer who did not accept them. These EDUs must go back to the City if they are not allocated by the County. Mr. Perini questioned the use of closed section streets and sidewalks within an industrial development. He explained that construction may take several years and would require streets and sidewalks to be continuously torn up and reconstructed. Mr. Kercheval recommended that the developer discuss these issues and concerns with Staff, specifically the Engineering Department since they set the standards and guidelines for streets and road design. Mr. Perini expressed his concern in working with the owners of the adjacent property and believes that they do not have plans for their property at this time. He questioned how access can be determined for the adjacent property without plans. The Planning Commission recommended that Mr. Perini discuss this issue with Mr. Kroboth to help determine the most logical and appropriate areas for the internal access points for the adjacent property.

Mr. Matt Donegan, a representative from Bowman, stated that they are concerned about the access to their property. He offered to meet with Mr. Perini and his consultant and Mr. Kroboth jointly to discuss access issues.

Bowman North LLC (PC-08-009)

Ms. Kelly presented for review and comment the Preliminary Consultation for Bowman North LLC for property located along the west side of Volvo Way, south of its intersections with Maugans Avenue. The developer is proposing to construct a truck service and sales building on 8-acres of land currently zoned HI-1 (Highway Interchange 1). A 20' x 70' display area with gravel access is proposed. The County Engineering Department will require a traffic impact study for this project. Prior to the issuance of a scope of work, trip generation rates and anticipated distribution will be required for review and approval by the Engineering Department. Traffic counts must be performed during the school year. Volvo Way is a two-lane road with 10-foot lanes in each direction; however, the Engineering Department believes that the 10-foot lanes are too narrow to accommodate tractor trailers. Therefore, the traffic study must address this issue. The Engineering Department stated that it may be necessary to widen the road or to create a single wider lane. If a single wider lane is created, a 12-foot wide decel lane will be required for the entrance site. A turning analysis for the turning movement at the Maugans Avenue/Volvo Way intersection will be required to address both site entrances as well as the internal movement of the site. The Engineering Department believes that the radius on the southwest corner of Maugans Avenue and Volvo Way is too small and is inadequate for tractor trailers; therefore, the radius must be flattened if the proposed business will generate a large number of trips for tractor trailers. The site must comply with the County's Storm Water Management Ordinance and more than one storm water management facility will be required for the site. Mr. Ed Norman of the City of Hagerstown noted that the site is within the City's Medium Range Growth Area. Water service will be provided by the City of Hagerstown following the submittal and approval of a pre-annexation agreement. The Washington County Department of Water Quality will provide sewer service to the site. The County's Planning Department noted that the site will be sold; therefore, the previously approved business use along Precision Lane for Bowman will not change. Forest Conservation Ordinance requirements will be met through the "express procedure" by a payment-in-lieu. A site plan will be required for submittal and must be approved by the Planning Commission. Ms. Kelly informed the developer that the Planning Commission will scrutinize the visual appearance of the site from I-81. The developer is proposing three signs on the site, one with a height of 150-feet and one with a height of 35-feet. The Board of Zoning Appeals must grant approval for the 150-foot sign. Each sign may not be more than 300-square feet in size. Ms. Kelly noted that screening requirements for the HI-1 zoning district were discussed during the preliminary consultation. Ten foot side yard setbacks will be required and must be screened or fenced.

Discussion: Mr. Kercheval questioned the language in the preliminary consultation, which states that the Planning Commission will "carefully scrutinize the visual appearance" of the buildings from I-81. Mr. Frederick of Frederick, Seibert & Associates, consultant, stated that the building will not be visible from I-81 when travelling north. He explained this is the reason for the 150-foot proposed sign. Mr. Kercheval asked if there are specific guidelines to follow when reviewing the outside appearance of a building. Mr. Lung noted that past developers have provided elevation drawings that show the facade of proposed buildings. He explained that the Planning Commission and Staff do not want the backs of buildings, storage areas, loading docks, etc. to be visible to the general public from the interstate. Mr. Frederick stated that during the preliminary consultation, he questioned the Engineering Department with regard to flattening the radius at Maugans Avenue and Volvo Way and why this issue was not addressed during the recent reconstruction of Maugans Avenue. He stated that the Engineering Department responded that the right-of-way to address this issue could not be obtained by the County. Mr. Kercheval stated he has spoken to Mr. Kroboth, Director of Public Works, with regard to the comment made during the preliminary consultation relative to the radius at this intersection. Mr. Kercheval noted that the County obtained all of the necessary right-of-way needed for the reconstruction of Maugans Avenue and he believes that the Engineering Department's comment was a mistake. Mr. Frederick commented that tractor trailers are currently using this access to Mack Truck and believes that if there is a problem it currently exists. Mr. Kercheval further explained that in conversations with Mr. Kroboth the problem may be able to be resolved with restriping of lanes.

**** NOTE:** Staff received an e-mail on February 4, 2009 from Mr. John Powell, Transportation Engineering Technician, State Highway Administration. Mr. Powell stated that his office does not see the need for three signs on this location and could be a distraction to motorist on I-81. Signs should not be placed in the State's right-of-way.

- SITE PLANS

Sunny Meadows Garden Center (SP-08-052)

Ms. Kelly presented for review and approval a site plan for Sunny Meadows Garden Center greenhouse addition located along the east side of the Sharpsburg Pike south of Fairplay and Tilghmanton. The property is currently zoned A (R) – Agricultural Rural. The total parcel is approximately 24-acres in size. Currently, there are several greenhouses, a barn, dumpsters, sheds, two single-family homes, and a gravel and paved area for customer parking. The proposed greenhouse will not be open to the public and will be used for planting and growing purposes only. Greenhouses are a principally permitted use in the A(R) zoning district. The total square footage of the proposed greenhouse will be 13,800 square feet with an eave height of 12-feet. Existing access to the site is by an existing lane from an adjacent property to the south. No new access is proposed. The site is served by individual well and septic. The hours of operation vary depending upon the time of year as follows: March through October, 8:00 a.m. to 6:00 p.m., Monday through Friday, Saturday 8:00 a.m. to 5:00 p.m. and November through February, 8:00 a.m. to 5:00 p.m. There are currently 7 employees. Parking spaces required is 5 spaces and 9 parking spaces are provided. There is currently a sign at the entrance to the existing greenhouses and there are no new signs proposed. One dusk to dawn light is proposed on the new greenhouse. Solid waste will be

transferred to an existing dumpster behind the barn at the front of the site. No landscaping will be installed around the proposed greenhouse. A rain garden will handle storm water management requirements for the proposed greenhouse. The site is exempt from Forest Conservation requirements due to a disturbance area of less than 40,000 square feet. All agency approvals have been received.

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

- OTHER BUSINESS

Mr. Thompson distributed copies of a letter received from the City of Hagerstown regarding the old Woodland Way school property that is currently for sale. The Board of Education is not interested in obtaining this site because they believe renovation costs would exceed the cost of a new school. Mr. Thompson distributed copies of the proposed agenda for the Planning Commission Workshop scheduled for February 16th.

Mr. Thompson informed the Planning Commission that several text amendments are proposed for the Rezoning Hearing scheduled for March 16th. He asked members to consider a second public meeting to discuss two requests that need immediate attention. After a brief discussion, the Planning Commission decided to discuss the two rezoning cases in question on the same evening as their next Regular Planning Commission meeting on March 2nd.

Mr. Anikis requested an update from Mr. Gary Rohrer of the County's Special Projects regarding the Route 40/Edgewood Drive intersection. Mr. Kercheval stated that the State has acquired some Federal funding toward their share of the project. The project will go out for bid within the next week or two. Approximately \$4 million has been expended for right-of-way acquisition and engineering design. The project is still scheduled to be completed prior to the completion of the County's new hospital.

Mr. Anikis asked if there is a procedure in place for the cancellation of Planning Commission meetings due to inclement weather. Mr. Thompson stated he will check on this issue.

- UPCOMING MEETINGS

1. Planning Commission Workshop Meeting, Monday, February 16, 2009, 1:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown
2. Planning Commission Regular Meeting, Monday, March 2, 2009, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown
3. Planning Commission Public Rezoning Meeting, Monday, March 16, 2009, 7:00 p.m., Washington County Court House, 95 West Washington Street, Hagerstown

- ADJOURNMENT

Mr. Wiley made a motion to adjourn the meeting at 8:50 p.m. So ordered.

Respectfully submitted,

George Anikis, Chairman