

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING – May 4, 2009**

The Washington County Planning Commission held its regular meeting on Monday, May 4, 2009, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Andrew Bowen, Terry Reiber, Clint Wiley, Linda Parrish, Sam Ecker and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael Thompson, Chief Planner Timothy A. Lung, Senior Planners Lisa Kelly and Jill Baker, Planner Cody Shaw and Administrative Assistant Debra Eckard. Also present was Debra Murray, Director of Budget & Finance.

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 April 6, 2009 meeting as amended. Seconded by Mr. Wiley. The motion passed on a 5-0 vote with Ms. Parrish abstaining.

(Mr. Bowen arrived at 7:03 p.m.)

NEW BUSINESS

- VARIANCES

Mitzi Carbaugh (SV-09-003)

Mr. Shaw presented for review and approval a variance from Section 405.11.G.1 of the Subdivision Ordinance, which requires a minimum width of 25-feet for all panhandles. The property is located along the east side of Tollgate Ridge Road and adjoins the Pennsylvania state line to the north. The property is zoned EC – Environmental Conservation. The applicant is proposing to create a new lot with a panhandle width of 16.2-feet at its narrowest point due to the irregular shape and size of the property. The applicant's claim of hardship is due to existing conditions of the original lot purchased in 1959. After an exchange of land between the Carbaughs and Mr. Barton (adjoining property owner) in 1988 to improve both lots, there is not enough room along the corner of the block garage to allow for the required 25-feet. There is an existing macadam driveway that leads around the garage to an existing gravel driveway to the rear parcel, which once housed a mobile home with a well and septic system. Approvals have been received from the County's Engineering Department and the Hancock Fire Department. The County's Fire and Rescue Department sent comments that included three guidelines for panhandle lots. These comments were forwarded to the Hancock Fire Department for their review. Chief Greg Yost reiterated that he has no objection to this variance. Based on the comments received from the reviewing agencies, the Planning Department has no objection to the variance.

Discussions and Comments: Mr. Bowen questioned if the County's regulations have changed since the original subdivision and if the applicants have created their own hardship. Mr. Lung stated that the parcel to the rear was an addition to the Carbaugh's property in 1988, which was approved via the Simplified Plat process. A panhandle was not established at the time of the property exchange.

Mr. Reiber expressed his concern regarding the width of the panhandle and access to the subject property.

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

Barr Family LLC (SV-09-001)

Ms. Kelly presented for review and approval a variance from Section 405.11.B of the Subdivision Ordinance, which restricts lots created for immediate family members to be sold to members outside of the immediate family for 10 years. The property is located along the northeast side of Fairview Road (Route 494) and is zoned A(R) – Agriculture Rural. The plat for Lots 4, 5 and 6 for the Barr Family LLC was approved in December 2002. Three lots were created for immediate family members on a private lane, which is known as Fairview Hill Lane. The 10-year restriction to transfer the property outside the immediate family was applied and was indicated on the plat. The owner of Lot 4 is requesting that the restriction be removed in order to sell the property outside of the family. The applicant cited that his family is outgrowing their current home and wish to build a new home on property owned by his parents. Fairview Hill Lane is a private lane owned by the Barr Family LLC and currently serves several lots. Two of the lots are occupied by members of the Barr family and three of the lots are unoccupied. Mrs. Lester Fiery currently owns two lots along Fairview Hill Lane, which are occupied by her son and daughter. A letter was distributed to the Planning Commission prior to this evening's meeting from Mr. Barr. When reviewing the application, the Planning Department expressed concern because there was no legal document citing maintenance responsibilities or a use agreement for the lane. The Barr Family LLC has informed Staff that their attorney will be preparing an agreement to address these issues.

Discussion and Comments: Mr. Ecker is not opposed to the variance and encouraged Barr Family LLC to obtain the appropriate agreements for maintenance and use. Mr. Reiber concurred. Mr. Wiley expressed his concern with regard to early release (less than 10 years) of the property to a member outside of the immediate family. Ms. Parrish made an inquiry regarding Forest Conservation Ordinance requirements. In accordance with the approved plat, the family has met their five year obligation for Forest Conservation.

Mr. Anikis asked if Fairview Hill Lane is paved or gravel. Mr. Johnnie Barr, the applicant, stated that the lane is paved. Mr. Anikis made an inquiry regarding the proposed maintenance and use agreement. Mr. Schreiber of Frederick, Seibert & Associates, the applicant's consultant, stated that everyone using the lane would be responsible for maintenance. He noted that Mrs. Fiery's son and daughter do not have any property which actually touches the paved portion of the road.

Motion and Vote: Ms. Parrish made a motion to approve the variance contingent upon ratification of the maintenance and use agreement. Seconded by Mr. Bowen. Unanimously approved.

Paul N. Crampton, Jr. (SV-09-005)

Ms. Kelly presented for review and approval a variance from Section 22.24A of the Zoning Ordinance, which specifies the restrictions for permanent, residential identification signs. The property is located along the east side of Marsh Pike and is zoned A(PUD) – Agriculture Planned Unit Development. The applicant is proposing to construct two (2) monumental signs at the entrance of the Emerald Pointe development. Each sign will be approximately 41-feet in length and 7-feet in height at its tallest point. The Zoning Ordinance dictates that the size of an identification sign shall not exceed 35-square feet in area, which includes script and monument. The sign will be a total of approximately 200-square feet. The approved site plan shows the proposed location of the sign and indicates signs significantly smaller than what the applicant is currently proposing.

Discussion and Comments: Mr. Kercheval made an inquiry regarding sight distance and setbacks. Ms. Kelly stated that the signs will meet all setback requirements and visibility will not be an issue. Ms. Parrish expressed her concern with regard to setting a precedent by not following the Zoning Ordinance requirements. Ms. Kelly stated that many large developments use larger monumental signs such as this one. Mr. Kercheval stated that the bulk of the sign is the decorative brick work and not the actual script (like you would see on a billboard). Mr. Thompson asked the applicant the actual size of the script work. Mr. Crampton stated that the script is approximately 3-feet in width and 10 ½-feet in length. Mr. Anikis asked if the sign would be lit. Mr. Crampton stated the lights would be in the flower bed and shine directly on the sign.

Motion and Vote: Mr. Reiber made a motion to approve the variance as presented and re-approval of the site plan contingent upon revisions to show the new sign. Seconded by Mr. Wiley.

Comment before the Vote: Mr. Kercheval questioned if Marsh Pike would be expanded to a four-lane road would the sign sit back far enough or would it need to be moved. Mr. Crampton stated that the sign would not need to be moved. Mr. Bowen commented that there are AASHTO standards for the location of permanent structures and the distance needed from the main road for safety reasons. Mr. Crampton stated that the County Engineering Department approved the original site, which has not changed. He noted that there are other impediments that vehicles would hit before the sign if they run off the road.

Vote: The motion passed with a unanimous vote.

- SITE PLANS

Pilot Travel Center (SP-09-017)

Ms. Kelly presented for review and approval a site plan for the Pilot Travel Center located along the east side of Greencastle Pike, north of Interstate 70. The original site plan was approved in 1999. The updated plan shows changes in traffic patterns entering and exiting the site, as well as internal traffic patterns. The changes have been recommended by the County's Public Works Department and the State Highway Administration. The proposed changes show truck traffic entering the site via French Lane onto a new driveway off of the cul-de-sac. Ms. Kelly pointed out on the site plan the proposed traffic movement onto the site. The proposed one-way driveway will be 40-feet in width to accommodate two trucks side-by-side. Pavement markings and directional signs will be provided. Seven truck parking spaces will be removed to accommodate the new traffic pattern; however, the site will still comply with the required minimum number of parking spaces. The State Highway Administration is constructing a traffic light at the northernmost exit of the site, which is indicated on the site plan. No other changes to the site are proposed. The site plan has been sent to the Engineering Department, Soil Conservation and State Highway Administration for review and approval. Final approvals have not been received at this time from the reviewing agencies.

Discussion and Comments: Mr. Kercheval stated he met with Mr. Joe Kroboth of the County's Public Works Department for an update. Mr. Merle Saville of the County Engineering Department designed the new route. Mr. Kercheval briefly explained the problems with the current traffic flow pattern and the improvements that are proposed to address the problems.

Mr. Anikis asked how many parking spaces are required for the site and noted that this information is not provided on the site plan. Ms. Kelly stated that she would ask the consultant to add this information to the plan.

Motion and Vote: Mr. Reiber made a motion to approve the site plan contingent upon final approval of the reviewing agencies. Seconded by Mr. Bowen. Unanimously approved.

OTHER BUSINESS

- RZ-09-003 Text Amendment for Off-street Parking Requirements

Ms. Baker presented for recommendation the Zoning Ordinance text amendment for off-street parking requirements. The amendment was presented to the Planning Commission during a public meeting on March 16, 2009. The Planning Commission held a Workshop meeting on April 15th to discuss the text amendment and make recommendations for proposed changes. A summary of the Planning Commission's recommendations were distributed in the meeting agenda packet for review.

Motion and Vote: Mr. Bowen made a motion to recommendation approval of RZ-09-003 with the recommended changes as discussed during the April 15, 2009 Workshop meeting. Seconded by Mr. Reiber. Unanimously approved. Mr. Kercheval abstained.

- Capital Improvements Plan (2010-2015)

Mr. Thompson presented for recommendation the Capital Improvements Plan for 2010 – 2015. As part of the approval process, the Planning Commission is to review the plan and determine its consistency with the County's Comprehensive Plan.

Discussions and Comments: Ms. Debbie Murray, Director of Budget and Finance for Washington County, was present at the meeting. She gave a brief summary of the documents that were provided to the Planning Commission. Ms. Murray briefly explained the process the CIP Committee used in determining the proposed budget based on figures provided by the various County departments and available State and local funding. Mr. Kercheval and Ms. Murray explained how the CIP can be adjusted to accommodate projects that may come to fruition earlier than originally expected.

Mr. Reiber commended Staff for including projects in the CIP that they believe will come to fruition and not "wish list" projects.

Mr. Kercheval noted that the current borrowing level in the proposed CIP is \$14 million and the County's borrowing capacity is around \$16 million. He advised the Planning Commission to consider the County's investment in the majority of the infrastructure in the Urban Growth Area because the Comprehensive Plan states that 80% of the County's growth should be in the urban areas. There was a brief discussion regarding a few of the proposed projects listed in the CIP. Ms. Murray noted that each road improvement project has a detailed data sheet that shows where all the funding will come from and what is included in each project.

Mr. Bowen expressed his opinion that the detailed data sheets along with an explanation of how each project relates to the County's Comprehensive Plan would be useful when making a recommendation for consistency. Mr. Kercheval expressed his opinion that a summary including the percentage of money being used inside versus outside the UGA, the percentage of money designated for education, roads, etc., and a list of projects and the type of project being proposed. Mr. Thompson stated that Mr. Kroboth prepared a map showing each of the CIP projects, which he believes may be helpful to the Planning Commission as well.

Mr. Anikis stated that the proposed Eastern High School has been moved two years out in the budget. He asked if this was a recommendation of the Staff or was the decision made by the Board of Education. Ms. Murray stated it was a joint decision after reviewing current trends in permitting and the housing market. Mr. Anikis made an inquiry regarding updates to the sewage treatment plants. Ms. Murray stated there are upgrades proposed in the current CIP. Mr. Anikis made inquiries regarding projects at the Airport.

Mr. Anikis asked if the Commission members would like to have a Workshop next year regarding the CIP prior to making their recommendation. Members agreed that a Workshop would be a good idea.

Motion and Vote: Mr. Bowen made a motion to recommend to the Board of County Commissioners that the CIP as presented is consistent with the County's Comprehensive Plan. Seconded by Ms. Parrish. Unanimously approved. Mr. Kercheval abstained.

- Water and Sewer Plan Update

Mr. Lung presented a brief status report of the Water and Sewer Plan Update. A copy of the "Draft" Plan has been submitted to the Maryland Department of Planning for their preliminary comments. Due to other commitments of MDP Staff, comments have been delayed and may not be available prior to the public hearing. Under State regulations, the Planning Commission and the Board of County Commissioners can hold a joint public hearing.

Discussion and Comments: Commission members believe that an Executive Summary would provide adequate information prior to a public hearing. Staff will also provide a hardcopy and CD of the Water and Sewer Plan Update to all members.

UPCOMING MEETINGS

1. Planning Commission Regular Meeting, Monday, June 1, 2009, 7:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown

ADJOURNMENT

Mr. Wiley made a motion to adjourn the meeting at 8:55 p.m. Seconded by Mr. Reiber. So ordered.

Respectfully submitted,

George Anikis, Chairman.