

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING – JULY 6, 2009**

The Washington County Planning Commission held its regular meeting on Monday, July 6, 2009, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Linda Parrish, Sam Ecker, Terry Reiber, Clint Wiley and Andrew Bowen. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Timothy A. Lung, Senior Planner Misty Wagner-Grillo, Planner Cody Shaw, and Administrative Assistant Debra Eckard. Absent: Ex-Officio James F. Kercheval.

**CALL TO ORDER**

Chairman George Anikis called the meeting to order at 7:00 p.m.

**MINUTES**

Mr. Bowen made a motion to approve the minutes of the February 16, 2009 Planning Commission Workshop meeting as presented. Seconded by Mr. Reiber. Unanimously approved.

Ms. Parrish made a motion to approve the minutes of the March 16, 2009 Planning Commission Public Rezoning meeting as presented. Seconded by Mr. Ecker. Unanimously approved.

Mr. Bowen made a motion to approve the minutes of the April 15, 2009 Planning Commission Workshop meeting as presented. Seconded by Ms. Parrish. Unanimously approved.

Ms. Parrish made a motion to approve the minutes of the May 4, 2009 Planning Commission regular meeting as presented. Seconded by Mr. Wiley. Unanimously approved.

**NEW BUSINESS**

**- VARIANCES**

**Mae A. Timmons (SV-09-008)**

Mr. Shaw presented for review and approval a variance from Section 405.2.A of the Washington County Subdivision Ordinance, which requires access spacing of 300-feet. The applicant, Mae Timmons, is requesting a reduction of the required access spacing of 300-feet to 110-feet from the existing driveway on the east to the proposed driveway for Lot 1. The property is located along the north side of National Pike, approximately 2,200-feet west of the corporate limits of Clear Spring. The property is currently zoned A(R) – Agricultural Rural and is 2.44-acres in size. The applicant is requesting the reduction due to safety issues and topographic conditions. Mr. Shaw noted that to maintain the 300-foot access spacing, the proposed driveway would need to be moved westward to a point that would require a guardrail opening and a steep approach, which would reduce sight distance and create a safety hazard. He also noted that the variance would allow access spacing at a 25 mph speed limit zone as opposed to a 50 mph speed limit zone. The Washington County Engineering Department and the Fire and Emergency Services Department have no objection to the variance. The State Highway Administration requested that the entrance be moved west approximately 50-feet to give the adjoining property owner approximately 150-feet of space between his house and the proposed entrance. The applicant has agreed to move the entrance west 150-feet as opposed to the 110-feet requested.

**Comments:** Mr. Mark Bowman of Triad Engineering presented a sketch showing the proposed entrance moved west 50-feet per SHA comments. However, there is a telephone pole that would be in the middle of the proposed entrance. The consultant proposed moving the entrance slightly (approximately 10-feet) to avoid the telephone pole and still meet SHA's requirement.

There was a brief discussion regarding the location where the speed limit changes from 50 mph to 25 mph. Mr. Bowen and Mr. Reiber expressed their opinions that the entrance should be kept in the 25 mph speed zone. Members requested that Staff work with the developer to ensure that the entrance is located within the 25 mph speed zone.

**Motion and Vote:** Mr. Reiber made a motion to approve the variance contingent upon Staff working with the developer and the State Highway Administration regarding safety issues as discussed. Seconded by Mr. Bowen. Unanimously approved.

**- SITE PLANS**

**High's at Smithsburg (SP-09-018)**

Ms. Wagner-Grillo presented for review and approval a site plan for High's at Smithsburg located along Jefferson Boulevard in Smithsburg, which is the current site of Lewis' Fruit Stand. The fruit stand will be removed. The property is currently zoned BL – Business Local and is 2.04-acres in size. The developer is proposing a High's convenience store with gas pumps and a bank on the site. The hours of operation for High's will be 5:30 a.m. to 11:00 p.m., 7 days per week. There will be two employees per shift. Required parking is 15 spaces and 1 handicapped space. Proposed parking will be 23 parking spaces

and 1 handicapped space. Lighting will be building mounted. The hours of operation for the bank will be 8:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 12:00 p.m. on Saturday. Required parking is 6 spaces and 1 handicapped space. Proposed parking will be 15 spaces and 1 handicapped space. The total spaces for both uses on the site will be 38 spaces and 2 handicapped spaces. The bank will have 4 employees per shift. Lighting will be building mounted. One shared sign of 70 square feet, double-faced is proposed. One fuel tanker and three delivery trucks per week are proposed. Solid waste will be handled by a dumpster for each business. Water will be provided by private wells and sewer service will be provided by the Washington County Department of Water Quality. A photometric plan has been prepared which shows zero light trespass on the adjacent residential properties and the road. Ms. Wagner-Grillo noted that the landscaping plans have been revised per Staff's comments. Staff requested additional screening to protect the adjacent residential areas from vehicular lights. The site is exempt from Forest Conservation Ordinance requirements. Storm water management will be handled through an underground water facility. The State Highway Administration is requiring the construction of a left-turn only lane, which is 735-feet long starting at the proposed High's and running to the existing A C & T. All agencies approvals have been received. A sign variance will be required; however, the developer has not made application at this time. The proposed sign is located in the SHA right-of-way of Maryland Route 64 and will be larger than the existing sign; therefore, a variance will be required for the size of the sign.

**Comments:** Mr. Reiber expressed concern regarding the landscaping on the east side of the site where there is an existing field that could be developed in the future.

**Motion and Vote:** Mr. Bowen made a motion to approve the site plan contingent upon additional landscaping on the east side of the site and approval of the sign variance by the Board of Zoning Appeals. Seconded by Mr. Reiber. Unanimously approved.

## **OTHER BUSINESS**

### **Dual Crossing – Assad Ghattas**

Mr. Lung presented for review and approval a buffer for proposed development on property located at the intersection of Mt. Aetna Road and Dual Highway. In 2005, the property was rezoned from Residential to Business Local. At the time of the rezoning, the Board of County Commissioners gave a conditional approval requiring adequate buffering between the subject property and the adjacent residential property when the site was developed. A preliminary consultation was held approximately 2 years ago for a proposed fast food restaurant on the site with a 15-foot buffer yard. The Planning Commission requested a 25-foot buffer yard with a fence and plantings along the residential properties, which the developer at that time agreed to. The fast food restaurant was not constructed and the property is now being proposed for development by Assad Ghattas. Mr. Ghattas is proposing to construct a 3-story office building with a bank on the ground floor. The developer is proposing a 20-foot buffer with a double, staggered row of evergreen plantings. The proposed use is a principal permitted use in the Business Transitional (BT) zoning district, which is the lowest commercial zoning classification. Mr. Lung noted that the proposed use is a lower intensity use than the previously proposed fast food restaurant and Staff supports the request. He stated that in the BT zoning district no buffering is required, only setbacks are required when commercial uses adjoin residential property. Mr. Lung stated that the building will be constructed to LEED standards, which uses high efficiency level lighting.

**Comments:** In Mr. Kercheval's absence, Mr. Anikis read comments that he received from Mr. Kercheval regarding this development. Mr. Kercheval requested that a note be placed on the plat stating that an outdoor dumpster is not allowed on the southeast side of the site. He is not opposed to a dumpster being placed close to the entrance at Mt. Aetna Road. Mr. Kercheval also requested that a vinyl fence be placed along the property line next to the residential properties as requested for the previous developer. Mr. Reiber and Mr. Ecker concurred that a fence should be placed along the residential properties.

Mr. Lung noted that in a letter received from the developer's consultant, Frederick, Seibert & Associates, there will be no outside dumpster. All trash and recycling will be handled within the proposed building.

Ms. Parrish expressed her opinion that the proposed office building is a "much better use" of the property. Mr. Wiley concurred.

In response to the request for a fence, Mr. Holmes of Frederick, Seibert & Associates noted that if a fence is installed, it would need to be placed very close to the Leyland Cypress proposed for screening. The developer, Mr. Ghattas, suggested that he work with the neighboring property owners to install additional plantings as agreed upon by the owners. Planning Commission members briefly discussed this option and concurred that additional plantings, if agreed upon by the neighboring property owners, would be acceptable. It was also noted that at this time, the request is for approval of the buffer dimension and that planting versus fencing would be reviewed as part of the site plan. Mr. Reiber requested that a note be added on the plat that if negotiations between the property owners and the developer fail, a vinyl fence would be installed.

**Motion and Vote:** Mr. Reiber made a motion to approve the 20-foot buffer modification request contingent upon the developer and the neighboring property owners agree upon additional plantings or the installation of a vinyl fence along the site bordering the residential properties. Seconded by Mr. Ecker. Unanimously approved.

### **Water and Sewer Plan Update Status Report**

Mr. Lung stated that the Water and Sewer Plan Update is now available for distribution to the Planning Commission and the Board of County Commissioners. Both hard copies and CD's are available at the member's discretion. Mr. Lung and Ms. Pippel of the Department of Environmental Management were scheduled to present the Update to the Board of County Commissioners during its meeting last week; however, due to time constraints, the presentation was not made and has been rescheduled for July 14<sup>th</sup>. A summary of the changes made to the Water and Sewer Plan will be prepared and presented to the Planning Commission. A public hearing will be required prior to adoption of the Water and Sewer Plan Update.

### **Wind and Solar Ordinance**

Mr. Anikis noted that members received a copy of the recently adopted Wind and Solar Ordinance in their agenda packets. He expressed concern regarding the language pertaining to noise tests. Mr. Thompson stated that the Ordinance will be reviewed and possibly revised in the future.

### **Announcements**

Mr. Thompson announced that Ms. Parrish has been reappointed by the BOCC to the Planning Commission for another 5 year term.

Mr. Thompson stated that the State of Maryland has awarded the contract for the Route 40/Edgewood Drive intersection. He noted that the project is scheduled for completion prior to the completion of the new hospital on Robinwood Drive.

Mr. Thompson announced that a public meeting will be held during the Planning Commission's regularly scheduled meeting on August 3<sup>rd</sup>. Amendments to the Forest Conservation Ordinance are required due to changes in State law. Amendments must be adopted prior to October 1, 2009 in order for the County to be in compliance with the State statute. Mr. Thompson gave a brief overview of proposed changes.

Mr. Thompson noted that the County is in the process of hiring a consultant to prepare the Water Resources Element for the Comprehensive Plan. Four companies have been chosen for interviews.

Mr. Thompson announced that Staff is in the process of changing the forms for variances from the regulations of the Subdivision Ordinance, which will now be called "modifications". He noted that more information will be required when making a modification request.

Mr. Thompson announced that changes are being made to the development review process, which will be implemented on August 1st. Currently, plans are submitted to the Engineering Department for their review prior to submittal to the Planning Department. The new process will require all plans to be submitted to the Planning Department for distribution to all reviewing agencies. A Development Advisory Committee (DAC) has been formed with representatives from each reviewing agency. DAC will meet on a weekly basis to discuss the reviewing agencies' comments prior to sending the comments to the consultants or developer. The applicant may request a meeting with DAC after receiving its comments. The new process was developed as a result of recommendations by the Development Review Committee, which was appointed by the BOCC.

Mr. Thompson noted that the UGA Advisory Committee held its final meeting last Thursday. The Committee has made all of its recommendations on proposed changes to the text and map of the UGA. Staff will be reviewing all of the proposed zoning changes and findings of the report.

### **Election of Officers**

Mr. Bowen made a motion to appoint Mr. Anikis as Chairman of the Planning Commission for the 2009-2010 fiscal year. Seconded by Ms. Parrish. Unanimously approved.

Mr. Anikis made a motion to appoint Mr. Reiber as Vice-Chairman of the Planning Commission for the 2009-2010 fiscal year. Seconded by Ms. Parrish. Unanimously approved.

### **UPCOMING MEETINGS**

1. Planning Commission Regular Meeting, Monday, August 3, 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 8:15 p.m. So ordered.

Respectfully submitted,

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George Anikis, Chairman