



**WASHINGTON COUNTY
DEPARTMENT OF PLANNING & ZONING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone: 240-313-2430
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D/HoH Call 7-1-1 for Maryland Relay

**AGENDA
WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
January 6, 2014, 7:00 PM
WASHINGTON COUNTY ADMINISTRATIVE ANNEX
80 WEST BALTIMORE STREET**

CALL TO ORDER AND ROLL CALL

MINUTES

1. Minutes of the December 2, 2013 Planning Commission regular meeting *

OLD BUSINESS

1. Beaver Creek Speakeasy (Elizabeth Hopkinson) – Request for shared parking for existing catering business at 20432 Beaver Creek Road; Planner: Lisa Kelly
2. Walmart/Arnett Farms (PSP-10-001) – Status update specific to the Planning Commission's conditional approval and State Highway Administration comments; Planner: Terry Irwin

ADJOURNMENT

UPCOMING MEETINGS

1. Thursday, January 16, 2014, 7:00 p.m., Hancock Town Growth Area meeting, Town Hall, 126 West High Street, Hancock, Maryland
2. Wednesday, January 29, 2014, 7:00 p.m., Clear Spring Town Growth Area meeting, Clear Spring High School, 12630 Broadfording Road, Clear Spring, Maryland
3. Monday, February 3, 2014, 7:00 p.m., Washington County Planning Commission regular meeting (Location: TBA)
4. Wednesday, February 12, 2014, 7:00 p.m., Boonsboro Town Growth Area meeting, Shafer Park Community Center, Park Drive, Boonsboro, Maryland
5. Wednesday, February 26, 2014, 7:00 p.m., Smithsburg Town Growth Area meeting, 21 West Water Street, 2nd floor, Smithsburg, Maryland

**** attachments***

The Planning Commission reserves the right to vary the order in which the cases are called. Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2435 Voice/TDD, to make arrangements no later than ten (10) days prior to the meeting. *Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.*



WASHINGTON COUNTY PLANNING COMMISSION
December 2, 2013

The Washington County Planning Commission held its regular meeting on Monday, December 2, 2013 at 7:00 p.m. in the Washington County Administration Building, Room 255, 100 West Washington Street, Hagerstown, Maryland.

Members present were: Chairman Terry Reiber, Clint Wiley, Dennis Reeder, Sam Ecker, Sassan Shaool, and Drew Bowen. Staff members present were: Planning Director Stephen Goodrich, Chief Planner Jill Baker, Deputy Director of Plan Review & Permitting Terry Irwin, Chief of Plan Review & Permitting Tim Lung, Senior Planners Lisa Kelly and Cody Shaw, and Administrative Assistant Debra Eckard.

REZONING PUBLIC MEETING and RECOMMENDATION

CALL TO ORDER

Chairman Reiber called the Rezoning Public Meeting to order at 7:00 p.m.

RZ-13-006 Sanitary Landfill Text Amendment

Mr. Goodrich presented for review and recommendation a text amendment to the Washington County Zoning Ordinance to modify the definition of a Sanitary Landfill. He explained that recent events have caused an evaluation of waste disposal practices and identified the need for an updated definition. The current Zoning Ordinance definition for a sanitary landfill is "A premises used primarily for the disposal of garbage, or any refuse, by dumping, reduction, incineration or burial". The proposed definition is "A premises used primarily for the disposal of garbage, refuse or non-hazardous waste by dumping, reduction, incineration, burial or recycling including the necessary buildings, machinery or devices to alter the physical characteristics of the waste material prior to its disposal or recycling. Energy generation or recovery activities (such as but not limited to air waste recycling, electricity generation, gasification, methane recovery, solar collection, steam production) employing the byproducts of landfilling or recycling on the operating or post closure landfill site are considered accessory to the current or past use of the site as a sanitary landfill". Mr. Goodrich noted that the Board of County Commissioners will hold a public hearing on the proposed text amendment on December 10, 2013.

Comments and Discussion: Mr. Mason Diverio asked if the proposed text would affect the current Zoning Ordinance definition of a "Recycling Center", where items would be sorted and baled for recycling. Mr. Goodrich stated it is not the intent to change the definition of recycling or a recycling facility.

Motion and Vote: Mr. Bowen made a motion to recommend approval of the proposed text amendment as presented to the Board of County Commissioners. The motion was seconded by Mr. Ecker and unanimously approved.

The Rezoning Public Meeting was adjourned at 7:13 p.m.

CALL TO ORDER

Chairman Reiber called the regular meeting of the Planning Commission to order at 7:13 p.m.

Mr. Goodrich noted that clarification is needed by Staff on an issue related to the Hancock Town Growth Area that was discussed during the November 4th Workshop meeting. He asked that this item be added to the Agenda under Other Business. Chairman Reiber granted this request.

MINUTES

Mr. Reeder made a motion to approve the minutes of the November 4, 2013 regular meeting as presented. The motion was seconded by Mr. Ecker and unanimously approved.

Mr. Wiley made a motion to approve the minutes of the November 4, 2013 workshop meeting as presented. The motion was second by Mr. Reeder and unanimously approved.

OLD BUSINESS

- RZ-13-005 – Emerald Pointe PUD Development Plan Revision Recommendation

Discussion and Comments: Mr. Bowen believes that the developer has the right to develop his property; however, he has serious concerns with regard to traffic that will be generated. He explained that with proposed plans for the extension of Eastern Boulevard to Leitersburg Pike in the future a major intersection will be created in this area. Mr. Bowen expressed his opinion that proposed plans by the developer for an entrance into the retail area and gas station area directly across from Gentry Drive [within less than 100 yards from a major intersection] would be dangerous. He stated that he would not be in favor of granting any approval unless access from Marsh Pike is denied for the proposed commercial/retail development.

Mr. Reeder believes that the traffic is a major concern and concurred with Mr. Bowen's comments.

Mr. Wiley concurred with Mr. Bowen's comments. He noted that the County recently completed a "big picture" study of this area during the Urban Growth Area comprehensive rezoning and he believes that change is coming to this area. Mr. Wiley stated that he has serious reservations about allowing access to any additional development from Marsh Pike at this intersection. He believes there should be internal vehicular access for any new development in the PUD. He expressed his opinion that the developer should be responsible for any traffic improvements that are necessary to provide for a safe travel environment in the area.

Mr. Shaool concurred with comments made by Mr. Bowen and Mr. Wiley. He believes that with all of the proposed changes, such as the extension of Eastern Boulevard, this would be a natural location for commercial development. He expressed his opinion that many other projects have involved traffic related issues and have been mitigated during the final development plan stage.

Mr. Ecker concurred with all comments previously stated.

Mr. Reiber stated that he believes that the developer has the right to develop this property; however, he has many concerns regarding safety issues with access on both the Leitersburg Pike and Marsh Pike sides of the development. He believes that internal vehicular access should be provided in the development for the commercial area.

Motion and Vote: Mr. Bowen made a motion to recommend to the Board of County Commissioners approval of the Emerald Pointe PUD Development Plan Revision with the following conditions:

1. Access for the commercial area to and from Marsh Pike should be denied
2. The owner/developer should provide an interconnecting road between the commercial and residential portions of the Emerald Pointe PUD.
3. Appropriate and substantial screening should be provided between the commercial area and residential development on all sides.
- 4.

The motion was seconded by Mr. Wiley and unanimously approved.

- Everly Plaza (SP-13-034)

Mr. Lung reminded members that a site plan was presented at the November 4, 2013 meeting for the existing Everly Plaza. The purpose of the site plan was to make revisions to accommodate additional uses and hours of operation that were not shown on the original approved site plan. The plan also included parking lot improvements to accommodate the increased number of parking spaces required for the additional uses. Following discussions of the proposed plan, the Planning Commission tabled the request with a recommendation to the developer to address the issues of screening, dumpsters, hours of operation and noise.

As a result of the Planning Commission's comments, the applicant withdrew that plan and submitted a new site plan. The new site plan eliminates the tavern/night club use and the additional parking to the rear of the building and proposes retail use, restaurant use and medical/dental/office uses. The proposed hours of operation would vary by use and are proposed from 5:00 a.m. to 9:00 p.m., Monday through

Saturday. The site plan also provides for a screened dumpster location at the northeast end of the parking lot. No changes were made to the existing screening along the north and west sides of the building.

Motion and Vote: Mr. Reeder made a motion to approve the new site plan for Everly Plaza as presented. The motion was seconded by Mr. Wiley and unanimously approved.

- Business Friendly Task Force (Policy 25 – Initial Plan Advice)

Mr. Goodrich reminded Commission members that this item was discussed during the November 4th meeting, at which time members requested clarification from the County Attorney on several issues. The County Attorney does not believe that a written waiver is needed at this point in time. Modifications to the text of the policy suggested by the County Attorney were included in the agenda. The suggestions clarified the policy but did not change it.

Discussion and Comments: Mr. Wiley expressed his opinion that a waiver is not necessary at this time; however, it could be implemented if problems occur in the future.

Mr. Shaool expressed his opinion that a waiver should be used in order to clarify the process for applicants.

Mr. Reiber expressed his opinion that a waiver is not needed at this time. Mr. Goodrich noted that staff intends to give applicants a copy of the Initial Plan Advice policy when time on the agenda is requested.

Motion and Vote: Mr. Ecker made a motion to accept the proposed Initial Plan Advice policy as presented including the County Attorney's suggestions. The motion was seconded by Mr. Wiley and unanimously approved.

NEW BUSINESS

SITE PLANS

- Heller's Gas (SP-13-033)

Mr. Shaw presented for review and approval a site plan for Heller's Gas located at 16827 National Pike (TM 36, P 407). The developer is proposing a propane distribution center with retail sales. The site is zoned HI (Highway Interchange). There will be 3 retail employees and 5 distribution employees. The hours of operation will be 8:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to noon on Saturday. Required parking is 23 spaces and 26 parking spaces will be provided. Lighting will be building mounted. Trash will be stored in trash cans and removed from the site via a private hauler. No signs are proposed. Forest Conservation Ordinance requirements will be addressed by a payment in lieu. Landscaping will be accomplished using existing vegetation and tree plantings in the parking area and along the propane storage tank area.

Motion and Vote: Mr. Reeder made a motion to approve the site plan as presented. The motion was seconded by Mr. Bowen and unanimously approved.

- Todd A. Baer Parking Lot (SP-13-037)

Mr. Shaw presented for review and approval a site plan for a proposed parking lot [other than those for employees or patrons] to be located at 9917 Governor Lane Boulevard (TM 56, P 947). The site is 2.354 acres in size. There will be no new employees and hours of operation will be 7:00 a.m. to 6:00 p.m., 7 days per week. No parking spaces are required and none have been proposed. The site is exempt from Forest Conservation Ordinance requirements because there will be less than 40,000 square feet of disturbance. No signs are proposed. Landscaping will be addressed via existing trees on the site.

Copies of court documents explained that the existence of the ingress and egress easement over the lands of USA Cartage for the benefit of Todd A. Baer was decided in court. In the Opinion and Order prepared by Judge Daniel Dwyer, the Washington County Planning Commission must approve the easement in order for Mr. Baer to be fully compliant with the Order.

Discussion and Comments: Mr. Lung stated that the site plan meets all of the Ordinance requirements and has been approved by all approving agencies. Mr. Steve Cvijanovich of Renn Engineering, Inc., the consultant for the applicant, gave a brief history of this property and the court case.

Motion and Vote: Mr. Bowen made a motion to approve the site plan as presented. The motion was seconded by Mr. Reeder and unanimously approved.

- 2012 Western Maryland Parkway LLC (SP-13-017)

Ms. Kelly presented for review and approval a site plan for 2012 Western Maryland Parkway LLC for property located along Western Maryland Parkway. The property is currently zoned IG (Industrial General). The developer is proposing to construct two warehouse buildings on 9.29 acres. The size of the proposed warehouses will be 24,800 square feet and 17,200 square feet. A 50,000 square foot warehouse currently exists on the site. Access to the two proposed warehouses will be from Tandy Drive with an additional access from Western Maryland Parkway that serves the existing building. Loading and unloading areas will be located along the west side of each warehouse. The parcel is served by public water and public sewer. Required parking is 83 spaces for the entire site including the existing building and 136 parking spaces are proposed. Lighting will be building mounted and pole mounted throughout the parking area. There will be no more than 136 employees. Hours of operation are 24 hours per day, 7 days per week. Deliveries are expected daily by tractor trailers. Signs will be building mounted. Solid waste will be collected in dumpsters on the site. Landscaping will be located throughout the parking area and the new buildings. Forest Conservation Ordinance requirements will be met by a payment in lieu in the amount of \$6054.84. A correction of the Forest Conservation Worksheet indicated that an amount of \$2,787.84 is required. All agency approvals have been received.

Motion and Vote: Mr. Ecker made a motion to approve the site plan as presented. The motion was seconded by Mr. Wiley and unanimously approved.

OTHER BUSINESS

- Beaver Creek Speakeasy

Ms. Kelly presented a request by Elizabeth Hopkins to allow for offsite parking for her existing catering business [Beaver Creek Speakeasy] at 20332 Beaver Creek Road, which is 1.92 acres in size. The applicant is proposing to have on-site events under a tent at the dwelling that was previously approved for a bed and breakfast. The new proposal would require 30 parking spaces to be provided on-site for the tented events and an additional 23 spaces would be required if there are functions inside the house as well. The previously approved site plan for the bed and breakfast shows 6 parking spaces on the site. The applicant has contacted the Beaver Creek Church of the Brethren officials and has obtained approval from them to use the church parking for patrons during hours when it is not being used for church functions. In accordance with Section 22.12(b) of the Zoning Ordinance, there are four conditions associated with the approval of shared parking facilities. The Planning Commission may approve the sharing of parking facilities between one or more uses based on a detailed parking study. Ms. Kelly noted that the Sheriff's Department reviewed the proposed request and expressed concern with regard to the type of vehicles that would be used to transport patrons.

Discussion and Comments: It was noted that there is no pedestrian access proposed from the parking lot to the venue; however, invitations to events at the venue would indicate that transportation would be provided. Mr. Reiber asked what would happen if the church and the applicant would have events scheduled that would need the parking lot at the same time. Mr. Lung stated that a perpetual joint use parking easement is required by the Zoning Ordinance and would need to be submitted with the site plan for the proposed use to specify such situations.

Mr. Ed Schreiber of Frederick, Seibert & Associates, the applicant's consultant, asked that the request be tabled until January due to the absence of the applicant and a church representative.

Mr. Bowen expressed his opinion that three of the four requirements cited in the Zoning Ordinance for shared parking facilities cannot be met. Mr. Reeder expressed concern with regard to safety for pedestrians and the type of vehicles proposed for transporting patrons from the parking lot to the venue. Mr. Shaol expressed his opinion that shared parking was intended for uses that have good pedestrian

access and are in close proximity to each other. He believes that approving this request would set a dangerous precedent.

The Chairman tabled the request until the January meeting.

- Hancock Town Growth Area boundary

Ms. Baker asked Commission members to verify the placement of the growth area boundary as previously discussed. Following a brief discussion, members clarified that the following parcels are to be taken out of the Hancock Town Growth Area boundary: Parcels 91, 126, 63, 35, 58, 122, 63, 87, 47, 20, 25, 99, 44, 16, 83, 93, 118, 13, 80, 95, 70, 64, 15, 14, 90, 3, 12, 85 and 49.

Mr. Bowen made a motion at 8:35 p.m. to adjourn to Closed Session. The motion was seconded by Mr. Wiley and so ordered by the Chairman.

CLOSED SESSION

To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, and/or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction.

Mr. Ecker made a motion at 8:52 p.m. to adjourn the Closed Session. The motion was seconded by Mr. Wiley and so ordered by the Chairman.

UPCOMING MEETINGS

1. Monday, January 6, 2014, 7:00 p.m., Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland
2. Thursday, January 16, 2014, 7:00 p.m., Hancock Town Growth Area meeting, Town Hall, 126 West High Street, Hancock, Maryland
3. Wednesday, January 29, 2014, 7:00 p.m., Clear Spring Town Growth Area meeting, Clear Spring High School, 12030 Broadfording Road, Clear Spring, Maryland
4. Wednesday, February 12, 2014, 7:00 p.m., Boonsboro Town Growth Area meeting, Shafer Park Community Center, 2000 Park Drive, Boonsboro, Maryland
5. Wednesday, February 26, 2014, 7:00 p.m., Smithsburg Town Growth Area meeting, Town Hall, 21 West Water Street, 2nd Floor, Smithsburg, Maryland

ADJOURNMENT

Mr. Ecker made a motion at 8:52 p.m. to adjourn the regular meeting. The motion was seconded by Mr. Wiley and so ordered by the Chairman.

Respectfully submitted,

Terry Reiber, Chairman

WASHINGTON COUNTY PLANNING COMMISSION
July 1, 2013

The Washington County Planning Commission held its regular meeting on Monday, June 3, 2013 at 7:00 p.m. in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

Members present were: Chairman Terry Reiber, Andrew Bowen, Dennis Reeder, Sam Ecker, and Ex-officio William McKinley. Staff members present were: Planning Director Stephen Goodrich; Director of Plan Review & Permitting Jennifer Smith, Deputy Director of Plan Review & Permitting Tim Lung; Senior Planner Lisa Kelly; and Administrative Assistant Debra Eckard.

Walmart/Arnett Farms (PSP-10-001)

Mr. Lung presented for review and approval a preliminary subdivision plat and site plan for Walmart/Arnett Farms located along the west side of Maryland Route 65 (Sharpsburg Pike), south of Col. HK Douglas Drive. The total property involved in this application is 49.38 acres. There is an existing residential structure and agricultural structures on an existing previously created lot. The remainder of the site is undeveloped. Lot 1 was previously created and contains Arnett Sales and Service. The property is currently zoned HI – Highway Interchange/RU – Residential Urban/RM – Residential Multi-family. The preliminary subdivision plat will create three new commercial building lots [Lots 2, 3 and 4]. The proposed Walmart will be located on Lot 2, which contains 21.87 acres. Lot 3 contains 12.78 acres and Lot 4 contains 6.22 acres. A proposed storm water management outparcel [Parcel A] contains 3.17 acres and is located at the far southern end of the property. There will be a series of new public streets with right-of-way dedication to be involved as part of the subdivision plat. The developer is proposing to meet Forest Conservation Ordinance requirements [7.14 acres] through a payment-in-lieu. All three of the proposed new lots will have access to Col. HK Douglas Drive or Arnett Drive. All proposed building lots will be served by public water from the City of Hagerstown and public sewer from Washington County. A site plan will be required prior to any development on Lots 3 and 4 and the remaining lands. A final subdivision plat for recordation must be submitted within two years from the date of preliminary plat approval. The proposed Walmart will consist of retail sales, grocery and a seasonal garden center. The total building square footage is 155,405-square feet; the building height is 40-feet. The proposed internal roads will be private roads. Parking required is 735 spaces and 736 parking spaces will be provided, which will include 18 ADA handicapped spaces. There will be 27 bicycle parking spaces provided via a bicycle rack. Interior green space required in the parking lot is 5% or 16,935-square feet; however, 10% or 34,977-square feet of planted material is proposed. Deliveries, loading, and collection and storage of waste and recyclables will occur at the rear of the building. The building will be opened 24-hours per day, 7 days per week. The total impervious area of the site is approximately 60%; 90% is the maximum allowed by the Zoning Ordinance. Storm water management will be addressed using micro bio-retention areas located within the green space inside the parking lots as well as a large storm water management pond. The Zoning Ordinance requires screening for adjoining residential uses along Maryland Route 65, which will be achieved by a combination of vegetative plantings and a 6-foot high board-on-board fence. An additional buffer area of plantings will be provided for the existing residential development to the south. A photometric lighting plan has been provided showing zero light trespass onto the adjoining residential properties. The proposed lighting meets the requirements of the Zoning Ordinance. Light fixtures in the parking lot will be 35-feet high, down-directed cut-off fixtures. Building mounted lighting will also be down-directed. Two pylon signs are proposed; one sign to be located at the intersection of Arnett Drive and Maryland Route 65 and one sign to be located at Col HK Douglas Drive. The Zoning Ordinance allows a maximum signage area of 300-square feet per sign; however, the Planning Commission may increase the area by 10%. The developer is requesting an increase to 325-square feet per sign, which is less than 10%. This increase would allow for the single support structures to accommodate the Walmart sign as well as future tenants on the undeveloped lots. There is a proposed water allocation of 3,200 gallons per day. Sewer pump station upgrades will be required for the existing pump station that serves this area, which will require approval by the Board of Zoning Appeals because sewer pumping stations are considered a special exception use.

Ms. Smith gave a brief summary regarding the traffic impact study that was performed as required by the State Highway Administration on Maryland Route 65. The scope of the traffic study and proposed improvements go from the Rench Road intersection on Maryland Route 65 to north of the I-70 interchange on Maryland Route 65. The traffic impact study reviewed current traffic counts, incorporated a 2.5% growth factor each year to the year 2035, projected traffic from already approved developments, and projected traffic from this project. Ms. Smith reviewed each of the proposed improvements being required by the State Highway Administration.

Introduction of Consultants: Mr. Tom Kline legal counsel representing Walmart. Mr. Joe Caloggero representing The Traffic Group who has been working with the State Highway Administration as well as the County and Federal government relative to traffic related issues. Mr. Mark Joyce of Bohler Engineering who is the lead civil engineer on the project.

Discussion and Comments: Mr. Ecker asked if other future development along both sides of Sharpsburg Pike was calculated in the traffic study. Mr. Caloggero responded that calculations were included in the study for a 6,500 square foot restaurant, a 4,500 square foot restaurant, a 6,000-square foot fast food restaurant, and a drive-in bank. Mr. Ecker asked if other development beyond the Walmart or across Maryland Route 65 was included. Mr. Caloggero stated that development beyond this area would be part of any new development and future traffic studies. Ms. Smith noted that each development and its impact would be considered separately and a new traffic study would be required. If more improvements are needed, those developers would be responsible for them.

Mr. Bowen complimented the applicant on the thoroughness of the application and materials submitted for the Commission's review.

Commissioner McKinley asked how much divided highway is being added on Sharpsburg Pike and how many businesses will be affected. Mr. Caloggero stated it would affect businesses from Col. HK Douglas Drive and north; however, a portion of this area is already divided. He noted that there have been 11 traffic studies completed since 2008 on this corridor.

Mr. Reiber asked if the traffic study considered the amount of traffic already accessing Col HK Douglas Drive on a daily basis as well as the traffic that will be generated by the Walmart store. Mr. Caloggero responded that all those factors were taken into consideration and the proposed road improvements reflect all the conditions along Col HK Douglas Drive.

Staff Recommendations: Mr. Lung addressed the staff's recommendations as follows:

- Mr. Lung addressed the applicant's request to meet Forest Conservation Ordinance requirements using the payment-in-lieu method. He stated that staff does not support a total payment-in-lieu proposal. Article 10 of the Forest Conservation Ordinance outlines a preferred sequence of techniques and areas for mitigation. The use of payment-in-lieu is the lowest priority in the sequence. Mr. Lung noted that the previously approved subdivision plat that created Lot 1 and Tract 3 required 5.06 acres of forest conservation, which was to be achieved by establishing 3.61 acres of on-site planting and a 2:1 off-site planting area. He noted that these areas were never planted. With the submittal of the subdivision plat for Lots 2 – 4, the developer re-calculated the forest conservation requirements accounting for the additional development. The developer is proposing to eliminate the previously established on-site planting area and also eliminate the previously approved off-site planting area and replace them with a payment-in-lieu. It is Staff's opinion that the developer has not adequately exhausted all of the 10 higher priorities for addressing Forest Conservation requirements before the payment-in-lieu. On-site forest conservation is the first priority and should be integrated in the initial site footprint at the beginning of the process. Mr. Lung noted there is no existing forest on the property and there are no environmentally sensitive areas, but there is priority area on-site because there are adjoining residential land uses where the Forest Conservation Ordinance encourages forest conservation.

Mr. Tom Kline, counsel for Walmart, responded to staff's comments by noting that there were certain constraints on the site. He reiterated that there is currently no forest on the site. It was also noted that

there will be a significant amount of environmental features on the site and open space. The designated storm water management area will be approximately 150-feet wide by 900-feet long. There are also significant open space areas around the building. In total, there will be approximately 10 acres of land that will not be developed. The parking lot landscaping areas will be enhanced, as previously discussed. Additionally, there are sustainable features that will be incorporated into the new buildings.

- Residential area buffer yards must be designed per the requirements of the Zoning Ordinance and provide effective screening.
- Mr. Lung explained that the existing business on Lot 1 that fronts MD 65 will be affected by both the proposed subdivision and the proposed MD 65 improvements. The proposed subdivision will reduce the setback previously approved under the previous subdivision of this lot. The reduced setback will require Board of Zoning Appeal approval for this reduced setback. The proposed improvements on MD 65 will result in a channelized entrance into Lot 1. The effect of this plan will be to require reconfiguration of the existing parking provided on this property. Therefore, it is recommended that a site plan showing how lot 1 will be reconfigured to meet the reduced setback (approved by the Board of Zoning Appeals) and reconfigured parking be required.
- The remaining lands created per this subdivision will require setbacks in accordance with the RU zoning requirements. These setbacks must be shown on a revised preliminary plat submittal prior to approval.
- The existing residential structures on proposed Lot 3 will require demolition. It is recommended that this be made a condition of the preliminary plat approval. The final plat will not be approved until this demolition has been permitted, completed and had a final inspection.
- In order for this site to be served with public sewer, upgrades to an existing pump station are necessary. These upgrades will require a zoning appeal by the Board of Zoning Appeals. It is recommended that approval of this appeal be made a condition of approval of the preliminary plat/site plan.
- An addendum to the Traffic Impact Study is necessary based on comments from the Washington County Division of Public Works. It is recommended that approval of the preliminary plat/site plan be conditional on the approval of the addendum to the Traffic Impact Statement by DPW.
- Approval of the preliminary plat/site plan has not been received from the Maryland State Highway Administration. It is recommended that approval of the preliminary plat/site plan be conditional on the approval of the State Highway Administration.
- There are a number of minor housekeeping items not affecting the design of the site that will need to be addressed on a revision prior to final approval of the preliminary plat/site plan.
- All approving agencies have reviewed the plans and have no objection to the conditional approval of the plan. Any remaining comments that need to be address have no significant impact on the overall design of the site; therefore, staff recommends that they be granted the authority to approve the preliminary plat/site plan at such time that all of the referenced conditions are met and all agency approvals received.
- Staff recommends approval of the increase in the signage square footage as requested by the applicant.

Mr. Lung noted that after the plan was initially submitted, the Division of Plan Review & Permitting received 42 postcards from a group named Sharpsburg Pike Residents for Smart Growth entitled "Open Letter to Federal, State and Local Planning Officials" and states, "As taxpayers and voters in Washington County, we believe the Walmart Supercenter on Sharpsburg Pike will increase traffic and the need for road improvements. We believe the I-70 interchange should be reconstructed before any new development is approved and taxpayers should not be held responsible for any traffic improvements needed for this proposed development including the I-70 interchange. Please require Walmart to make the necessary improvements before submittal."

Excerpt from approved meeting minutes

Comments: Mr. Reiber recommended that the developer reconsider the proposed payment-in-lieu to meet Forest Conservation Ordinance requirements. He believes consideration should be given to on-site planting in the open space areas.

Motion and Vote: Mr. Ecker made a motion to approve the preliminary plat/site plan contingent upon the developer meeting all of the conditions as outlined in the staff's recommendations. The motion was seconded by Mr. Bowen and unanimously approved.



COPY

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

July 3, 2013

Mr. Tim Lung
Washington County Planner
Washington County Division of Plan Review and
Permitting
Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003

RE: Washington County
MD 65
Hagerstown Wal-Mart – Arnett Farm
SHA Tracking No. 10APWA002xx
County Tracking No. PSP-10-001
Mile Post: 10.25

Dear Mr. Lung:

The State Highway Administration (SHA) is in receipt of the Site Plan submittal, dated June 12, 2013, proposing the Wal-Mart - Arnett Farm in Washington County. SHA has no objection to the Site Plan approval, however we request inclusion in the project after such time as the Traffic Impact Study (TIS) is approved by all agencies. At that time any access onto a state road will require an Access Permit.

Please reference the SHA tracking number on future submissions. If you have any questions, or require additional information, please contact Ms. Teresa Eller at 410-545-5588, by using our toll free number in Maryland only at 1-800-876-4742 (5588) or via email at teller@sha.state.md.us.

RECEIVED

JUL 11 2013

DIVISION OF PLAN
REVIEW & PERMITTING

Sincerely,

for Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/JWR/TDE

- cc: Ms. Mary Deitz, SHA Regional and Intermodal Planning Division
- Mr. Nicholas Driban, SHA Access Management Division
- Mr. Robert French, SHA Office of Traffic and Safety
- Mr. Michael Gesell, Bohler Engineering 901 Dulany Valley Road Suite 801, Towson, Md.
21204 mgesell@bohlereng.com
- Mr. Roy Gothie, SHA Regional Planning
- Mr. Mark McKenzie, SHA Access Management Division
- Mr. Scott Newill, SHA Access Management Division
- Ms. Linda Puffenbarger, SHA District 6 Engineering Systems
- Mr. Robert Slocum, Deputy Director, Washington County Public Works, 100 West Washington Street,
Room 238 Hagerstown, Maryland 21740 rslocum@washco-md.net
- Ms. Lisa Shemer, SHA Travel Forecasting and Analysis Division
- Mr. George Small, SHA District 6 Traffic

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mr. Tim Lung
Page 2

Mr. Errol Stoute, SHA Traffic Development and Support Division
Mr. Morteza Tadayon, SHA Travel Forecasting and Analysis Division
Mr. Mike Thomas, Wal-Mart Stores, Inc. Sam Walton Development Complex 2001 S.E. 10th
Street Bentonville, Arizona 72712-8489 Michael.thomas1@wal-mart.com

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*



James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

October 15, 2013

Mr. Robert Slocum, Deputy Director
Washington County
Division of Public Works
Engineering & Construction
80 West Baltimore Street
Hagerstown, Maryland 21740-6003

Re: Washington County
MD 65
Walmart-Arnett Farms
10APWA002XX

Dear Mr. Slocum:

The State Highway Administration (SHA) would like to thank you for your letter regarding the Walmart-Arnett Farms Traffic Impact Study (TIS). It is my pleasure to respond to clarify the project status and comments in the letter.

We appreciate the opportunity to work closely with you and your staff to review this and other development projects' TIS and details associated with the projects. In the letter, you state that the SHA approved the TIS. In addition, you request that SHA support allowing the traffic signal installation at the MD 65 intersection with Battlecreek Boulevard to occur concurrently with the other roadway improvements required of the developer.

As a point of clarification, the SHA has not officially approved the TIS. The SHA has provided a conceptual approval of the TIS; however, a final approval will not be issued until the Federal Highway Administration (FHWA) has reviewed and accepted the Interstate Access Point Approval (IAPA) submittal, which is currently under review. The SHA will coordinate with the developer team for any revisions to address FHWA comments. We anticipate approval once all issues related to the IAPA are complete with FHWA approval.

Regarding the traffic signal installation at the MD 65 intersection with Battlecreek Boulevard, the SHA concurs that a signal is warranted and can be installed at this location subject to conditions. Some limited signal construction may occur concurrently with the other roadway improvements required of the developer. The SHA has no objection to the installation of the pole and cabinet foundations along with conduits and hand box equipment, etc., without installation of signal poles, mast arms, and signal heads. Construction of these items must be delayed until the intersection is approximately 60 days from the traffic demand that warrants the signal, at which time the remaining installation and activation of the signal may occur. This will allow time for final signal construction and activation when the travel demand that warrants the signal exists, while reducing the possibility of an unnecessary traffic signal if the development fails to open or generate traffic demand for any reason.

My telephone number/toll-free number is 410-545-5600
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mr. Robert Slocum,
10APWA002XX
Page No. 2
October 15, 2013

If additional information is required from SHA regarding this project, please do not hesitate to contact Mr. Scott Newill at 410-545-5606, toll free at 1-800-876-4742, extension 5606, or by email at snewill@sha.state.md.us. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/cnd

cc: Mr. Anthony Crawford, SHA District 6
Mr. Nick Driban, SHA Access Management Division
Mr. K.C. Keith, SHA District 6
Mr. Mark McKenzie, SHA Access Management Division
Mr. Scott Newill, SHA Access Management Division
Mr. Cedric Ward, SHA Office of Traffic and Safety

Memo To: Washington County Planning Commission

From: Lisa Kelly, Plan Review and Permitting Dept



Date: November 18, 2013

Subject: Parking arrangement for proposed Beaver Creek Speakeasy

Included in your agenda packet is a request by Elizabeth Hopkinson to allow for offsite parking for her existing catering business at 20432 Beaver Creek Road. She is proposing to have onsite events under a tent at the dwelling that was previously approved for a Bed & Breakfast. A site plan for the B & B business was approved by our office in October 2011. The new proposal would require her to have 30 parking spaces on-site (tented events). An additional 12 spaces would be needed if she were to have functions inside of the house. The approved site plan shows 6 parking spaces. Her property is 1.92 acres in size and does not permit the expansion of parking to meet Zoning Ordinance requirements. She has contacted neighboring Beaver Creek Church of the Brethren officials and has obtained approval from them to use church parking for her patrons during hours when it is not being used for church functions. The Zoning Ordinance states that the Planning Commission may approve the sharing of parking facilities between one or more uses based on a detailed parking study provided by the developer. There are four conditions associated with the approval of sharing of parking facilities. A copy of Section 22.12 (b) 2) listing these conditions is attached.

The request was routed to Plan Review – Engineering; the Washington County Sheriff's Office; and the Dept of Public Works for review. Their comments are attached. Her consultant, Adam Hager of Frederick, Seibert & Associates, submitted a letter explaining Ms. Hopkinson's plans for her business, an aerial photo of the site, a letter from the Beaver Creek Church of the Brethren Pastor, and options for transportation between sites. This information is also included in your agenda packet.

Kelly, Lisa

From: Michael Saylor [michael.saylor@myactv.net]
Sent: Thursday, December 12, 2013 9:18 PM
To: Kelly, Lisa
Subject: Liz Hopkinson Project-Beaver Creek

Beaver Creek Watershed Association would like to lend its support to the proposal that clients utilizing the Liz Hopkinson "party facility" park at the existing church parking lot on the corner of Beaver Creek Road and Whitehall Road. We believe that construction of a large parking lot on the property would be detrimental to the Beaver Creek Watershed and it makes much more sense to utilize the existing parking lot nearby.

Sincerely,

Michael J Saylor MD
President-Beaver Creek Watershed Association

Hebb, Gray

From: Hebb, Gray
Sent: Friday, November 08, 2013 12:23 PM
To: Kelly, Lisa
Subject: Parking arrangement for proposed Beaver Creek Speakeasy

Lisa,
We have no objection to request provided the patrons are not walking, from the Church to the proposed establishment, out in Beaver Creek Road. This could cause a safety hazard to both the patron and the motoring public.

Gray Hebb, Prof. LS
Division of Plan Review and Permitting
240-313-2416
ghebb@washco-md.net

Kelly, Lisa

From: Saville, Merle L.
Sent: Monday, November 18, 2013 9:53 AM
To: Kelly, Lisa
Subject: Beaver Creek Speakeasy

Good Morning Lisa:

Having review the request to allow parking on site and shared parking at the near-by Beaver Creek Church, I do not take any exception with this request. As such I would suggest it be approved.

Merle



**Office of the Sheriff:
Washington County
500 Western Maryland Parkway
Hagerstown, MD 21740-5199
Sheriff Douglas W. Mullendore**

OFFICE: 240-313-2101
FAX: 240-313-2105
Email: dmullendore@washco-md.net



November 14, 2013

TO: Lisa Kelly, Plan Review and Permitting Dept.
FROM: Sheriff Doug Mullendore
RE: **Parking Arrangements for Beaver Creek Speakeasy**

Dear Lisa,

I have reviewed the plans and options for the proposed Beaver Creek Speakeasy. I would be opposed to permitting this type of arrangement for a business with the need for so much parking. There are too many opportunities for conflicts between the business and the Church functions and then parking becomes a problem for the event. In addition, there is nothing to prevent the Church from withdrawing their permission for a shared parking lot at any time and then what happens.

In addition, there is no definitive plan for how the patrons would be transported from the Church to the venue. One of the proposed modes of transportation, the Low Speed limit, would actually be illegal unless the vehicle were able to be registered as a vehicle through the Motor Vehicle Administration.

I am an advocate for trying to work with businesses within our community to provide opportunities for expansion, however there are just too many variables and too many opportunities for parking issues with the proposed plan. Therefore, I would have to oppose the approval of such a plan.

Sincerely,

A handwritten signature in black ink that reads "Doug Mullendore".

Sheriff Doug Mullendore

RECEIVED

NOV 18 2013

DIVISION OF PLAN
REVIEW & PERMITTING



To whom it may concern,

This is a request by Elizabeth Hopkinson for share parking facilities for her business operating at 20432 Beaver Creek Road. Liz has an offsite catering business that she is currently operating out of an existing building that once operated as a bed and breakfast. She would like to expand her business to offer onsite events to be held in a proposed tent. She would also like to then be able to hold events inside the building in an existing dining room area. Based on the required parking for this use this site does not have the adequate parking to support such a business. Liz has been in contact with the neighboring church (Beaver Creek Church of the Brethren 20402 Beaver Creek Rd) to request the use of their parking lot. The church primarily has use of the lot during church hours every Sunday morning while the proposed events will be primarily Friday and Saturday evenings.

The church has an abundant parking lot that typically sits empty and to share the parking would make good environmental sense as opposed to paving another parking lot that would sit empty the majority of the time. Liz has several options for transporting her guest from the parking lot to her events each event will be given the options for transportation as part of their agreement to hold the event. Attached is a packet of information Liz has prepared to show how she proposes to manage each event and other supporting documentation to include:

1. Her break down / summary of the proposal
2. A Google earth areal of the two locations.
3. A letter dated June 23rd 2011 giving permission to use parking lot.
4. Letter dated April 26th 2013 reaffirming permission to use parking lot.
5. Several options for transporting the guest from parking to event
6. An example of an invitation to be sent to all guests with direction to parking at the church parking lot.

Please feel free to contact me directly with any questions you may have regarding this proposal.

Thank you

Adam Hager
Frederick Seibert and Assoc.
128 S Potomac St
Hagerstown MD 21740
301-791-3650

3/17/2011

Elizabeth Hopkinson
Beaver Creek Vintage Inn
20432 Beaver Creek Road
Hagerstown, MD 21742

Brennan Garretts
Washington County Permits and Inspections
Hagerstown, MD

Mr. Brennan,

I am writing this letter to request the necessary permits to continue to improve my recently purchased commercial property located at 20432 Beaver Creek Road, Hagerstown, formally operating as Beaver Creek Bed and Breakfast. I will introduce myself first. My name is Elizabeth Hopkinson, former owner/operator of Cortland Mansion and chef/owner of Palate Pleasers Catering. My intentions, at this time, are to add a commercial kitchen, handy capable bathrooms, and restore this magnificent the property to be able to host social gatherings. The number of guests at this time is undetermined. That final number will depend on the allotted space for guest parking and a septic system. I am currently working with Shiebert and Associates for a site plan, Simmler Septic Systems for the Septic System, and David Moats for the Architects. I am also aware of the necessary procedures with the Washington County Health Department and currently working with Mr. Resh. As I work through this process I will be happy to address and/or answer any questions necessary to continue to move forward on providing Washington County with a boutique event site.

Sincerely,
Elizabeth Hopkinson
Liz@yourpalate.com
301.730.1000

Elizabeth Hopkinson
Owner/Operator
Beaver Creek Vintage Inn

RECEIVED

DEC 19 2013

**DIVISION OF PLAN
REVIEW & PERMITTING**

June 23, 2011,

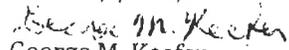
From: George M. Keefer
Board Chair
Beaver Creek Church of the Brethren
20402 Beaver Creek Rd
Hagerstown, MD 21740
Phone: 301-791-6682

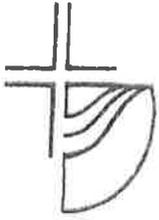
To: Liz Hopkinson
Beaver Creek Bed and Breakfast
20432 Beaver Creek Rd
Hagerstown, MD 21740

Dear Ms. Hopkinson,

At a Church Board meeting on June 1, 2011, the Church Board voted to allow you to use the church parking lot for overflow parking provided that the parking lot was not being used for some other church function.

Sincerely yours,


George M. Keefer
Board Chair



Beaver Creek Church of the Brethren

20402 Beaver Creek Road
Hagerstown, Maryland 21740
(301) 791-6682

April 26, 2013

To Whom It May Concern:

Please note from the attached letter dated June 23, 2011, that the Beaver Creek Church of the Brethren gave permission for the business at 20432 Beaver Creek Rd, Hagerstown MD, to use the church parking lot for overflow parking, provided the parking lot was not being used for a church event. The permission is still granted.

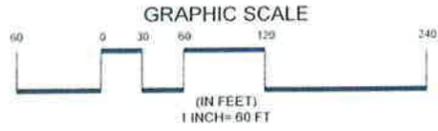
In conversation with the owner, Liz Hopkinson, most of the events at the above address would be on Friday and/or Saturday. Our parking lot is used mainly on Sunday from 8:30 AM - 11:30 AM.

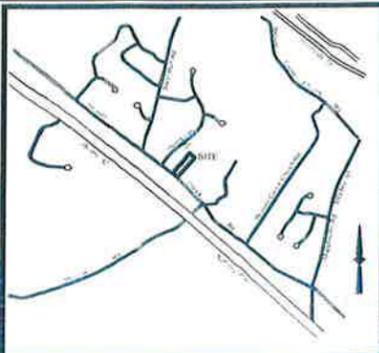
Liz Hopkinson and I are in conversation about scheduled events. It is the desire of the Beaver Creek Church of the Brethren to be a good neighbor.

Sincerely,

Robert E. Black, pastor

**ELIZABETH HOPKINSON
CONCEPT EXHIBIT**
WASHINGTON COUNTY, MARYLAND
NOVEMBER 2013
JOB # 6010





VICINITY MAP SCALE 1" = 2000'

SITE DATA

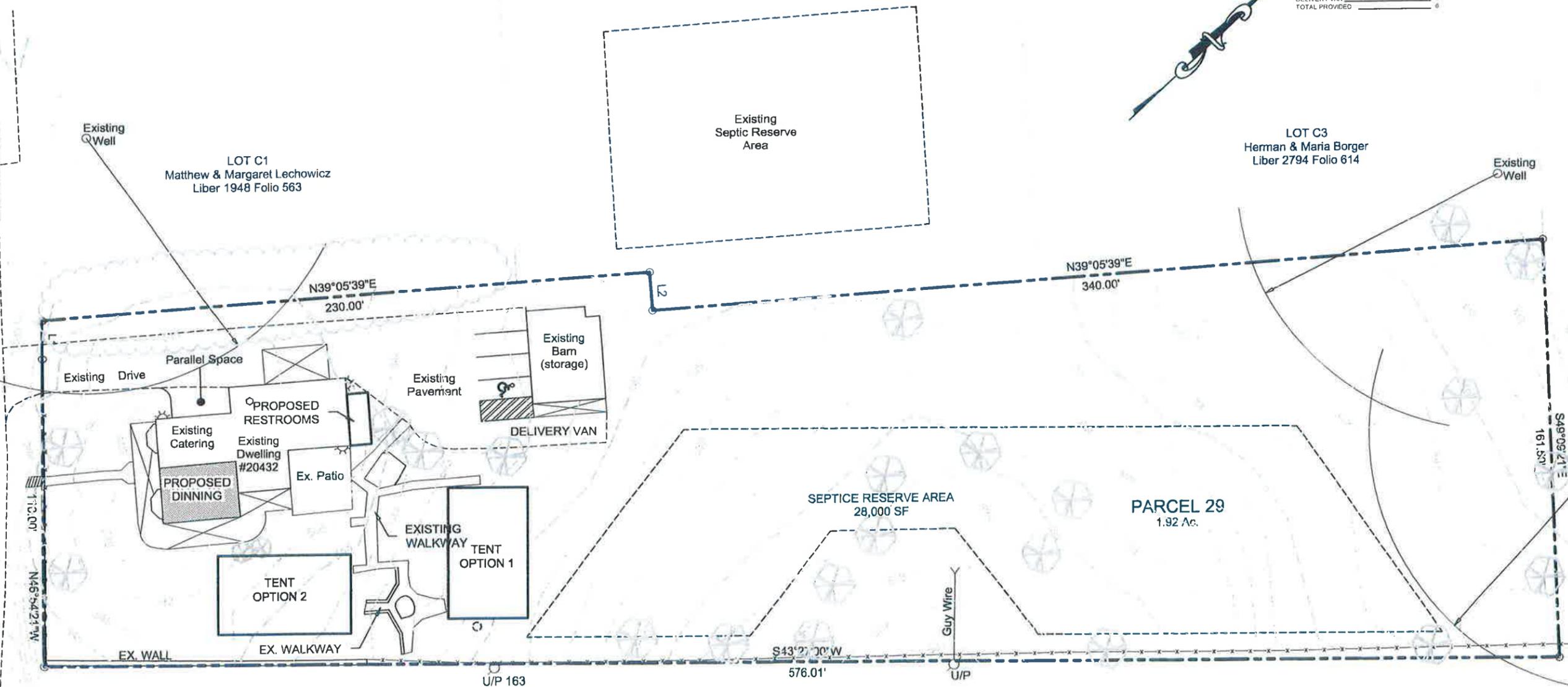
TAX MAP	58-23-29	
ELECTION DISTRICT	16	
ZONING	RURAL BUSINESS EXISTING	
SETBACKS		
FRONT	40	SIDE AND REAR YARD SETBACKS
SIDE	25	ARE 100 WHEN ADJACENT TO
REAR	25	RESIDENTIAL LAND USE
PARCEL AREA	1.92 AC.	
% IMPERVIOUS	12%	
SIGNAGE	AS SHOWN	
EXTERIOR LIGHTING	EX. BUILDING MOUNTED	
SOLID WASTE	(STORAGE AND COLLECTION) TRASH CAN STORED INSIDE AND PRIVATE HAULER	
RECYCLABLE	(STORAGE AND COLLECTION) TRASH CAN STORED INSIDE AND PRIVATE HAULER	
FUNCTIONAL DESCRIPTION	SPECIAL EVENTS W/ CATERING	
CATERING		
# OF EMPLOYEES	1 (OWNER)	
HOURS OF OPERATION	10AM-10PM SUN.-SAT.	
DELIVERIES	UPS WEEKLY	
PARKING REQUIRED	1 SPACE PER EMPLOYEE	
SPECIAL EVENTS		
EVENT SPACE	575 SF INSIDE + 1500 SF OUTSIDE	
HOURS OF OPERATION	BY APPOINTMENT ONLY	
PARKING REQUIRED	42 1 SPACE PER 50 SF EVENT SPACE	
PARKING PROVIDED (on site)		
PARALLEL SPACE	1	
REGULAR SPACES	1	
HANDICAP SPACES	1	
DELIVERY VAN	1	
TOTAL PROVIDED	4	

LOT C2
John & Judith Rudy
Liber 1520 Folio 226

LOT C3
Herman & Maria Berger
Liber 2794 Folio 614

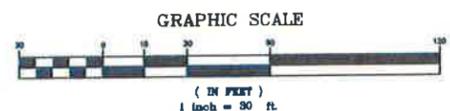
LOT C1
Matthew & Margaret Lechowicz
Liber 1948 Folio 563

BEAVER CREEK ROAD



N/F
Ronald Stansbury
Liber 1182 Folio 676

OWNER:
ELIZABETH HOPKINSON
20432 BEAVER CREEK ROAD
HAGERSTOWN MD 21740



Professional Certification
I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

FREDERICK SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS - LAND PLANNERS
100 WEST BALTIMORE STREET, GREENCASTLE, MARYLAND 21725
P.O. BOX 100
GREENCASTLE, MARYLAND 21725
© 2011

DATE	DESCRIPTION	MARK

BEAVER CREEK INN
SITUATE ALONG THE NORTHEASTERN SIDE OF
BEAVER CREEK ROAD
WASHINGTON COUNTY, MARYLAND
CLIENT:

PROJECT NO.	8010
CAD DWG FILE:	8010 Site Plan.dwg
DWN BY	DWH
CHK BY	
TAX MAP	58-23-29
ELECTION DIST.	16
SCALE	1" = 30'

SHEET TITLE

SITE PLAN

SHEET 1 OF 1