



Washington County

M A R Y L A N D

DEPARTMENT OF PLANNING & ZONING

COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

AGENDA

WASHINGTON COUNTY PLANNING COMMISSION

REGULAR MEETING

November 2, 2015, 7:00 PM

WASHINGTON COUNTY ADMINISTRATION BUILDING

100 WEST WASHINGTON STREET

2ND FLOOR, ROOM 255

CALL TO ORDER AND ROLL CALL

MINUTES

1. October 5, 2015 regular Planning Commission meeting minutes *
2. October 19, 2015 Planning Commission public rezoning meeting minutes (under separate cover via e-mail)

OLD BUSINESS

1. RZ-15-002 – Brian Kurtyka for Heritage Huyett LLC – Map Amendment Recommendation for property located at 16422 National Pike; Tax Map 36, Grid 15, Parcels 393 and 561; 90.5 acres; Current Zoning: RT (Residential Transition); Requested Zoning: BL (Business Local) and PI (Planned Industrial); Planner: Jill Baker
2. RZ-15-004 – Bob and Mary Rotz – Map Amendment Recommendation for property located at 9729 Garis Shop Road; Tax Map 57, Grid 24, Parcel 406; 1.0 acre; Current Zoning A(R) (Agricultural Rural); Requested Zoning: RB (Rural Business floating zone with Agricultural Rural underlying zone); Planner: Steve Goodrich *
3. RZ-15-005 – Emerald Pointe, Inc. – Amendment to the approved Concept and PUD Development Plan for property located along the east side of Marsh Pike between Maryland Rt. 60 and Longmeadow Road; Planner: Steve Goodrich *

OTHER BUSINESS

1. Update of Staff Approvals – Tim Lung
2. Planning Commission new member recommendation

WORKSHOP

1. City of Hagerstown Comprehensive Plan review

ADJOURNMENT

UPCOMING MEETINGS

1. Monday, December 7, 2015, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland

****a t t a c h m e n t s***

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.

120 West Washington Street, 2nd Floor | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

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WASHINGTON COUNTY PLANNING COMMISSION
October 5, 2015

The Washington County Planning Commission held its regular meeting on Monday, October 5, 2015 at 7:00 p.m. at the Washington County Administration Building, 100 West Washington Street, Room 255, 2nd Floor, Hagerstown, Maryland.

Commission members present were: Chairman Terry Reiber, Dennis Reeder, David Kline and Andrew Bowen. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director; Jill Baker, Chief Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review -Tim Lung, Deputy Director; Lisa Kelly and Cody Shaw, Senior Planners.

CALL TO ORDER

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

MINUTES

Mr. Lung noted that staff made a correction to the minutes of September 14, 2015 for the CRS Site Plan approval.

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the September 14, 2015 meeting minutes as presented. The motion was seconded by Mr. Kline and unanimously approved.

NEW BUSINESS

PRELIMINARY CONSULTATIONS

Chester Burkholder and Lawayne Martin (PC-15-003)

Mr. Shaw presented for review and comment a preliminary consultant for Chester Burkholder and Lewayne Martin for the construction of an animal waste storage facility and an animal husbandry facility located at 12440 Burkholder Lane in Hagerstown. The property is currently zoned PI (Planned Industrial) and is located in the Hagerstown Urban Growth Area. The applicants are proposing to construct an animal waste storage facility to ensure compliance with the Maryland Nutrient Management Regulations. A waste storage facility is required to provide over winter storage of animal wastes by January 1, 2016, at which time a complete prohibition on winter spreading from November 15th through March 1st of each year will become mandatory. The farm produces 3,770 tons of animal waste annually. The Washington County Soil Conservation District (WCSCD) has approved the construction drawings certifying that the proposed structure meets current standards and specifications of the USDA, Natural Resources Conservation Service (NRCS). After construction, WCSCD will certify that the construction meets applicable standards. Mr. Shaw reviewed the farm's current operation, current waste management procedures and planned waste management procedures. He also informed Commission members of the reviewing agencies and their comments. The plan is currently being revised to address these comments. Both the animal waste facility and the animal husbandry facility must have a minimum setback of 350' from the property line and 250' from any public right-of-way. There must also be a minimum setback of 500' from each school, dwelling, church or institution for human care that is not located on the same lot. The proposed plan meets all of the setback requirements.

Discussion and Comments: Mr. Elmer Weibley of WCSCD was present at the meeting and stated that plans are being revised and the applicant has requested that FEMA revise the flood plain prior to a final permit being issued.

Motion and Vote: Mr. Reeder made a motion to approve the concept plan for this project. The motion was seconded by Mr. Bowen and unanimously approved.

SITE PLANS

Crosspoint Shopping Center – Lot 5 (SP-15-031)

Ms. Kelly presented for review and approval a site plan for Lot 5 of the Crosspoint Shopping Center located adjacent to Cole Road in front of the Kohl's Department store. The property is currently zoned BG (Business General) and is 2.89 acres in size. The developer is proposing to construct a 26,000 square foot building that will house Bob's Furniture. The proposed building will be 30' in height. The site will be served by existing public water and sewer. There will be two access points from Cole Road. Hours of operation will be Monday through Saturday 10 a.m. to 10 p.m. and Sunday 11 a.m. to 7 p.m. There will be a total of 20 employees making up two shifts. There will be one tractor trailer delivery per week. There are 125 parking spaces required and 133 parking spaces will be provided. There will be one dumpster. Two building mounted signs are proposed and one sign added to the overall shopping center sign adjacent to I-81. Lighting will be building and pole mounted throughout the parking lot. Landscaping will include trees and shrubs located throughout the parking lot in front of the building, along the back of the building, around the fencing enclosing the dumpster, and throughout the bio-retention pond. Forest Conservation Ordinance requirements were previously addressed during the development of the shopping center. Ms. Kelly noted that the County and the developer have agreed to put a cul-de-sac in the area at the end of Cole Road. All reviewing agency approvals have been received.

Motion and Vote: Mr. Reeder made a motion to approve the site plan for Lot 5 of the Crosspoint Shopping Center as presented. The motion was seconded by Mr. Bowen and unanimously approved.

GTI (SP-15-033)

Ms. Kelly presented for review and approval a site plan for GTI for property located along the southeast side of Hopewell Road near the Halfway Boulevard interchange. The developer is proposing to construct a 47,000 square foot building for Phase I for the growing and manufacturing of medicinal cannabis. Phase II, which is planned for the future, will be a 129,000 square foot building, for a total of 176,000 square feet. The site is 19.34 acres in size and is currently zoned HI (Highway Interchange). The site will have one access onto Hopewell Road, which will be secured with a guard shack and gate that will be monitored. The entire site will be secured by a fence. The hours of operation will be Monday through Friday, 8 a.m. to 6 p.m. There will be approximately 40 employees for Phase I with a total of 100 employees after completion of the second phase. Parking spaces required for Phase I is 48 spaces with 80 spaces being provided. With the completion of Phase II, an additional 44 parking spaces will be added for a total of 124 parking spaces on site; 113 parking spaces are required. Freight and delivery will be one tractor trailer per day for Phase I and two per day following the completion of Phase II. Public water and sewer will serve the site. Lighting will be building mounted and pole mounted throughout the parking lot. One dumpster will be located on the site. No signage is proposed with the exception of the address on the mailbox along Hopewell Road. Forest Conservation requirements are being met by retaining 3.85 acres of existing forest on site. Landscaping will include trees planted at the entrance and throughout the parking lots and in the bio-retention ponds located to the rear of the site.

Discussion and Comments: There was a discussion regarding the County Attorney's determination that the proposed use under the guidelines of the County's Zoning Ordinance will be considered a pharmaceutical manufacturing use rather than an agricultural use. Staff referenced a letter signed by Mr. Rob Slocum, Director of the Division of Engineering and Construction Management and acting as the Zoning Administrator at the time of said letter, determined the use to be pharmaceutical and a principal permitted use within the HI zoning district.

Security measures at the site were discussed at great length. Mr. Sterling Crockett, a principal of GTI, was present at the meeting and provided an overview of the security measures that have been developed by highly specialized security individuals and businesses. He stated that all employees will be subject to a thorough background check, they will be required to wear uniforms without pockets, and they will be permitted to enter only the area of the building where their work will take place. There will be a security guard on duty at the

guard shack 24/7 that will monitor all individuals entering the property. Mr. Jason Divelbiss, attorney for the developer, stated there will be a live feed at the facility that will be connected to and monitored by the Maryland State Police. Mr. Kline expressed his concern about approving a project that could cause a problem in the future with regard to security issues.

Mr. Divelbiss and Mr. Crockett explained that the facility would be used for the growing, cultivation, and limited processing of medical cannabis in healthy forms such as tablets, oils, waxes, patches, etc. The final product will be packaged in sealed packages and will be distributed to State licensed dispensaries by delivery vans. Delivery vans, which will be tracked and monitored by GPS, will not be permitted to make any stops except at the designated dispensaries. There will be a two key system (one key from the dispensary and one key from the plant) that will be required to open the delivery van once it reaches its destination.

There was a discussion regarding noxious or unpleasant odors and effluent that would be emitted from the facility. Mr. Crockett stated there will not be any odors associated with the facility. Plants will be grown in pots with soil and hand watered; therefore, there will be no run-off and no pre-treatment of effluent on site.

The group discussed regulations and oversight by the State of Maryland and the Federal government's stand on medical cannabis. Mr. Divelbiss stated that a 2013 memorandum from the Department of Justice's Deputy Attorney General states that the Federal government on the issue of enforcing the Controlled Substance Act with regard to cannabis will defer to each State except when it infringes on nine different priority areas, such as the sale of cannabis to minors, illegal trafficking, etc. Mr. Crockett stated that the Maryland Medical Cannabis Commission will have oversight of the facility and the first two years of operation will be considered a test period. After the two year period, changes and adjustments to the facility and the operation may be made if necessary. He also stated there will be random inspections performed throughout the year.

There was a discussion with regard to the approval of the site plan and if that approval would transfer to another developer if GTI does not get the State required license. There was also a discussion placing a conditional approval note on the site plan. Mr. Lung believes that the approval would stay with the site, not with a particular owner/developer. Mr. Divelbiss explained that the property is currently owned by CHIEF and he believes that if GTI does not get the license, CHIEF would request that the slate be wiped clean. He further explained that in accordance with the State of Maryland, the application requires the applicant to provide the specific site where you plan to locate a facility, compatibility with the surrounding neighborhood, information relative to security, effects on schools, etc. He noted that no other applicant would meet all of the conditions exactly and apply for this site because they do not have the site under contract, they do not have an equity interest in the property, and they do not have the consent of the current property owner. Therefore, the State of Maryland would not allow anyone else to operate at this site.

Mr. Reiber strongly expressed his concern with regard to the Planning Commission approving a site plan for a facility for a drug based operation that is not legally recognized by the Federal government, but is recognized by the State of Maryland. He reminded Commission members that they took an oath to abide by and take up all laws including Federal, State and local. He also expressed concern with regard to the use being considered a medical use rather than an agricultural use, to the location of the facility and its close proximity to other businesses including retail and wholesale businesses. Mr. Reiber is very concerned about safety measures at the facility and feels this could be a serious problem in a county that already has drug related issues.

Motion and Vote: Mr. Bowen made a motion to approve the site plan for GTI contingent upon obtaining all approvals and permits from the State of Maryland. The motion was seconded by Mr. Kline and unanimously approved.

OTHER BUSINESS

Comprehensive Plan Update

Ms. Baker distributed copies of information received from the City of Hagerstown regarding recommendations that they are making in their Comprehensive Plan. She noted that the City is making 67 proposed changes to land use designations. These recommendations are consistent with the County's current Land Use Plan with the exception of three proposed areas for expansion of the Medium Range Growth Area (MRGA) and one area proposed for retraction. The three proposed area changes to the MRGA are: Holcim property located behind the Cortland Manor Subdivision; Friendship Technology Park on Downsville Pike; and Sharpsburg Pike/Poffenberger Road vicinity. Ms. Baker began with the Holcim property, which is a small area where the County is proposing to extend Eastern Boulevard and would become open space. The next area to be discussed was the Friendship Technology Park which includes 14 parcels (465 acres) and is predominately commercial and institutional uses. The reason for the expansion in this area is because the City is required to provide service to this area due to old agreements made with Potomac Edison many years ago. The last area proposed for expansion is the Sharpsburg Pike/Poffenberger Road area. Ms. Baker stated there is service already in this area, which serves several subdivisions. She noted there are multiple pre-annexations agreements in place for developments in this area, such as Claggett's Mill, Cross Creek, Carriage Hill, etc. Ms. Baker discussed the proposed areas for retraction and explained that the City, by expanding the three aforementioned properties, would need to retract areas to make up the difference in their allocation numbers. The first area is between Broadfording Road and Salem Avenue, which includes three parcels that total approximately 250 acres. Staff does not object to the retraction of this area because these parcels are currently being used as farmland and they do not have good access. The second area is the northeast quadrant of MD 63/US 40 (Hopewell Valley North). The City is proposing to retract approximately 1100 acres of land which the County has designated as Planned Industrial. This recommendation needs some additional consideration by the County. Ms. Baker stated that the City's Planning Department would like to meet with the Planning Commission to discuss these recommendations. A workshop will be scheduled in November with the City to discuss these issues.

Ms. Baker stated that the public engagement process for the Comprehensive Plan update has been completed. Staff has begun compiling all of the information received to date and will begin working with civic groups to obtain additional information and feedback. Workshop meetings will be scheduled with the Planning Commission to begin working through the information received and begin drafting the document.

Staff Approvals

Mr. Lung reported that Staff approved 12 projects during the month of September, which included the following:

- Site plan and subdivision plat for the Rosewood PUD Section II-B (50 townhouse units)
- Expansion for the Good Shepherd Ministries located at the intersection of Long Meadow Road and Leitersburg Pike
- Site plan and subdivision plat for Walmart – Arnett Farm (On July 1, 2013, the Planning Commission delegated approval authority to staff upon receipt of all agency responses and approvals.)
- Site plan for the Holiday Inn Express expansion (24 additional rooms)

He also noted that 16 new plan submittals were received during the month of September.

Applicants for Planning Commission

Mr. Goodrich presented a list of applicants to fill the vacant Planning Commission position. Planning Commission members should make a recommendation of 2 or 3 applicants to the Board of County Commissioners for their consideration and appointment.

ADJOURNMENT

Mr. Bowen made a motion to adjourn the meeting at 9:05 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

UPCOMING MEETINGS

1. Monday, October 19, 2015, 7:00 p.m., Washington County Planning Commission public rezoning meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland
2. Monday, November 2, 2015, 7:00 p.m., Washington County Planning Commission regular meeting; Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland


Respectfully submitted,

Terry Reiber, Chairman



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

MEMORANDUM TO : Washington County Planning Commission

FROM : Stephen T. Goodrich, Director 
Department of Planning and Zoning

DATE : October 23, 2015

SUBJECT : RZ-15-004, Robert and Mary Rotz
9729 Garis Shop Road
Agricultural (Rural) to
Agricultural (Rural) with Rural Business (RB) floating zone

The Planning Commission heard presentations from staff and public comment on rezoning applications during a public rezoning information meeting on October 19, 2015, including the above referenced application . To assist the Planning Commission in making a recommendation on the Rotz rezoning application I provide the following information.

The Planning and Zoning Department has received no additional public comment on the application via e/mail or US mail.

In order to insure the traffic counts I mentioned during the meeting are part of the record I am including the traffic counts for Garis Shop Road.

In 2008 the ADT (average daily traffic) near the intersection of Poffenberger Road and Garis Shop Road was 1644.

In 2015 the ADT on Garis Shop Road between Wagaman Road and Antietam Recreation was 1223.

Criteria for the Planning Commission to consider when making a recommendation to the Board of County Commissioners on an application for the Rural Business floating zone are:

Section 5E.4 of the Zoning Ordinance contains the following evaluation criteria to be met in order to establish the Rural Business floating zone.

(1) The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan. The parcel in question is located in the Rural Agricultural designated by the Comprehensive Plan and not in any designated growth area.

(2) The proposed RB district has safe and useable road access that meets the standards under the "Policy for Determining Adequacy of Existing Roads." In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial traffic. There is no proposal for the current use on the site to change and there have been no concerns stated by review agencies and no concerns of record that indicate the existing use has created traffic issues that need to be addressed. If a change in use is initiated, site plan review would allow the consideration of new road adequacy evaluations. Limited traffic counts indicate a slight decrease in ADT although this may not necessarily indicate a definitive trend.

(3) On site issues related to sewage disposal, water supply, storm water management, floodplains, etc., can be adequately addressed. As with road adequacy, the current use which is not proposed to change at this time, appears to operate without issues in this regard. A change in use or intensity would trigger additional review of adequacy of the site for water and sewer facilities and storm water management. There are no floodplains on the site.

(4) The location of an RB District would not be incompatible with existing land uses, cultural or historic resources or agricultural preservation efforts in the vicinity of the site. The 31 acres of existing RB zoning and a recreation day camp in operation since 1977 have not been shown to be incompatible. An additional 1 acre of the same use immediately adjacent is unlikely to change that situation. However, a change in use or intensity could create an unknown entity at which time compatibility would be a review factor in determining an approval of that change. The rezoning application does not include a preliminary site plan as noted in submittal materials because the applicant has not proposed any changes to the site, claiming that the parcel should have been zone Rural Business originally in 2005.

Criteria from Section 5E.6(c) 1-6 of the Zoning Ordinance are also provided for the Planning Commission to consider in making a recommendation to the Board of County Commissioners.

(1) The proposed district will accomplish the purpose of the RB District. A portion of the stated purpose of the Rural Business District is to provide locations for uses needed by the rural population and to provide recreation opportunities. That is exactly what Antietam Recreation does on the adjacent 31 acre parcel in the RB zone and what will continue to occur on the Rotz parcel.

(2) The proposed site development meets the criteria identified in Section 5E4 of this Article. Uses on the parcel are not proposed to change. A change in the zoning district will cause the existing building to become non-compliant with new setbacks.

(3) The roads providing access to the site are appropriate for serving business related traffic generated by the proposed RB land use. The road serves the business located on the adjacent parcel adequately and there is no plan submitted with the application for intensification of the current use on the rezoning site.

(4) Adequate sight distance along roads can be provided at proposed points of access to the site. No new points of access are proposed. If access locations change or new ones are proposed they would be included on site plans that would receive review to determine adequate sight distance.


(5) The proposed landscape areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity. The Plan Review Department has indicated that certain setbacks and buffer requirements may need variances to be compliant with new setbacks that come along with the RB district. Additional development may not be able to be approved without variances. At this time no change in use or new use is proposed.

(6) The proposed land use is not of a scale, intensity or character that would be incompatible with the adjacent land uses or structures. The current land use has been in operation for many years and is not proposed to be changed. The Planning Commission would have the opportunity to determine if a proposed change in land use warranted an additional public hearing and a compatibility determination could be made at that time.



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

MEMORANDUM TO : Washington County Planning Commission

FROM : Stephen T. Goodrich, Director 
Department of Planning and Zoning

DATE : October 23, 2015

SUBJECT : RZ-15-005, Emerald Pointe Inc.
East side of Marsh Pike, northwest of Leitersburg Pike and south
of Longmeadow Road
Concept /Development Plan amendment

The Planning Commission heard presentations from staff, the applicant and public comment on rezoning applications during a public rezoning information meeting on October 19, 2015, including the above referenced application. To assist the Planning Commission in making a recommendation on the Emerald Pointe application I provide the following information.

The Planning Commission received several hand-outs from the applicant and other interested parties during the meeting which are attached. An additional written comment received in the Planning and Zoning Department office and a comment from the Division of Emergency Services are also included. Please note that information in Mr. Kaminsky's written comments regarding the applicability of Zoning Ordinance Article 16, MXC District, are incorrect. Development in this approved PUD must follow guidelines contained in Article 16A "PUD" Planned Unit Development which were recently added to the Zoning Ordinance via an amendment RZ-15-003.

Criteria for the Planning Commission to consider when making a recommendation to the Board of County Commissioners on this application for a Concept Plan/Development Plan amendment come from Section 16A.5(a)3 of the Zoning Ordinance. These are to be considered in a finding of facts by the Board of County Commissioners when making a decision on the application and may assist the Planning Commission in formulating a recommendation. They are as follows:

MEMORANDUM TO: Washington County Planning Commission

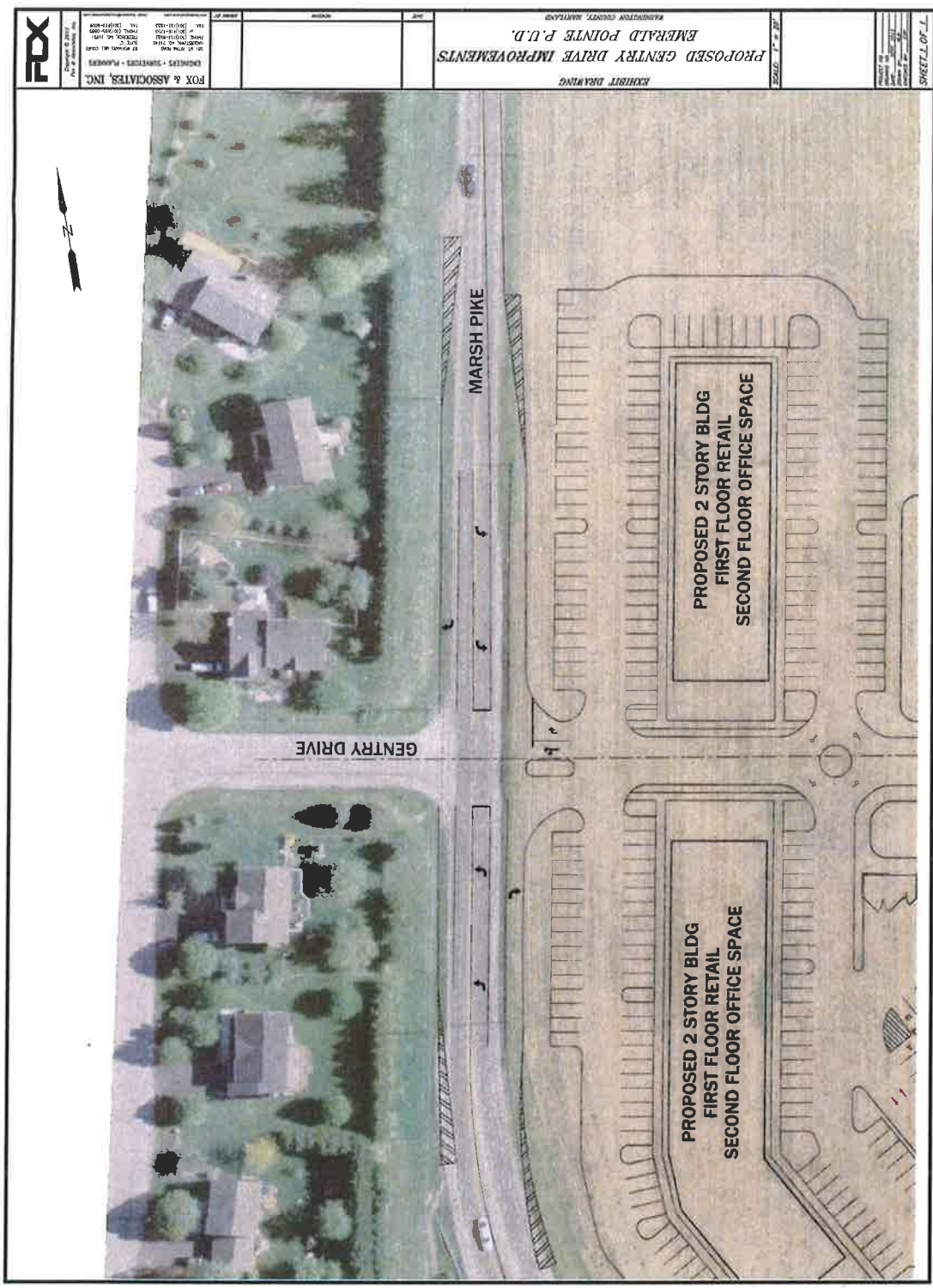
October 23, 2015

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1. The purpose of the PUD District
2. The applicable policies of the adopted Comprehensive Plan
3. The compatibility of the proposed changes of the PUD district with neighboring properties
4. The effect of the proposed changes to the PUD on community infrastructure
5. Consistency with the intent and purpose for the establishment of the PUD which is to permit flexibility and creativity in the design of residential areas; promote economical and efficient use of the land, provide for a harmonious variety of housing choices, a varied level of community amenities and the promotion of adequate recreation, open space and scenic attractiveness.

STG/me
attachments

Ex. Applicant's Exhibit



FOX & ASSOCIATES, INC.

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NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/10/00
2	FINAL PLAN	10/10/00

EMERALD POINTE P.U.D.
PROPOSED GENTRY DRIVE IMPROVEMENTS
EXHIBIT DRAWING
SHEET OF 1

DATE: 10/10/00
SCALE: 1" = 20'

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

June 23, 2015

Mr. Mike Nalepa
Street Traffic Studies, Ltd.
400 Crain Highway, N.W.
Glen Burnie MD 21061

RE: Traffic Impact Study (TIS) Point-by-Point Response Submission
Emerald Pointe P.U.D.
MD 60/Washington County/Mile Point 0.74
State Highway Administration (SHA) Tracking Number: 14APWA003XX

Dear Mr. Nalepa:

Thank you for the opportunity to review the TIS point-by-point responses to the SHA's January 22, 2015 comments for the above-referenced development. The SHA review is complete and we are pleased to respond.

The SHA finds the comment responses acceptable and concurs with the report findings as currently proposed. An additional traffic analyses submission is not required. An Access Permit will be required, however, for all construction within the SHA right-of-way. Please submit seven sets of plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to Mr. Anthony Crawford, SHA's District Six District Engineer at 1251 Vocke Road, LaVale, MD 21502, to the attention of Mr. Mark McKenzie. This plan submittal must include a signing and pavement marking plan along with traffic signal plans (as applicable). Please reference the SHA Tracking Number on this and all future submissions.

Unless specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this development. Please note that if this project has not obtained the SHA Access Permit and begun construction of the required improvements within five years of this approval, extension of the permit shall be subject to the submission of an updated Traffic Impact Analysis. SHA will need to determine whether the proposed improvements remain valid or if additional improvements will be required of the developer.

Mr. Mike Nalepa
Page Two

If you have questions or comments regarding the Traffic Impact Study Review, please contact Mr. Jeffrey Lawrence, KCI Technologies, Inc. at 410-316-7891 or via email at jeffrey.lawrence@kci.com. Please feel free to contact my office with any additional questions at 301-729-8485. Thank you.

Sincerely,



Anthony F.K. Crawford, P.E.
District Engineer.

cc: Ms. Rola Daher, Transportation Engineer, Office of Planning and Preliminary Engineering (OPPE), Data Services Engineering Division (DSED), Travel Forecasting and Analysis, SHA
Fox & Associates, Inc.
Mr. Roy Gothie, Regional Planner, OPPE, Regional and Intermodal Planning Division (RIPD), SHA
Mr. Terry Irwin, Deputy Director and Zoning Administrator, Division of Engineering and Construction Management, Washington County Department of Public Works
Mr. Jeffrey Lawrence, KCI Technologies, Inc.
Mr. Mark McKenzie, Assistant Regional Engineer, Office of Highway Design (OHD), Access Management Division, SHA
Ms. Linda Puffenbarger, Assistant District Engineer, Traffic, SHA
Mr. Joel Resh, Assistant District Engineer, Project Development, SHA
Mr. Steve Rochon, Division Chief, Traffic Development and Support Division (TDSD), Office of Traffic and Safety (OTS), SHA
Ms. Tina Saxon, Administrative Assistant, OPPE, RIPD, SHA
Ms. Lisa Shemer, Assistant Division Chief, DSED, Travel Forecasting and Analysis, SHA
Mr. Matt Snare, Team Leader, DSED, Travel Forecasting and Analysis, SHA
Mr. Errol Stoute, Traffic Team Leader, TDSD, OTS, SHA
Mr. Rodney Tissue, City Engineer, Hagerstown
Mr. Eric Waltman, Transportation Engineer, OHD, AMD, SHA

Good evening Commissioners, Applicant, and fellow neighbors.

My name is Dan Kaminsky, a resident of Foxleigh Meadows for 24 years.

I'm speaking tonight about case number RZ-15-005 as submitted by Emerald Pointe Inc.

The proposed change is requesting to amend the approved PUD Development Plan. The proposed change as submitted by the applicant does not conform to the BL Business Local District requirements as defined in the current Washington County Zoning Ordinance.

This RT PUD, now falls under the MXC district, which has a clearly defined purpose. Specifically, Article 16.0(b) [page 135] says

*The MXC or Mixed Use Commercial District is designed to permit a mixture of residential uses and **limited** commercial development to provide goods and services necessary to the neighborhood (in this case Emerald Pointe)*

Article 16.1(b)(2) [page 136] under permitted uses goes on to say that

In the MXC District.... All principal permitted uses allowed in the BL District are acceptable.

Article 11 [page 104] which defines the BL District identifies the uses as those that

Should provide for the routine daily stopping needs of the nearby neighborhood residents (Emerald Pointe) and be of an appropriate use intensity and scale.

Commercial goods and services that serve a regional population are inappropriate and not permitted in the Business Local District

The BL District also states that Neighborhood Shopping Centers are permitted as defined in Article 28(A) and section 11.6(h).

Article 28A [page 348] under definitions for planned business centers identifies a Neighborhood Shopping Center as not having more than 25% of the gross floor area containing uses other than retail sales.

Section 11.6(h) [page 107] goes on to define a Neighborhood Shopping Center as not containing more than 5 units or exceeding 25,000 square feet in gross floor space.

What the applicant has submitted exceeds the intent, limits, and definitions of the MXC and BL district on many points.

While the proposed site plan may be a draft version, it shows over 300 parking spaces. Emerald Pointe will have 259 dwelling units. There are enough parking spaces for every resident of Emerald Pointe to drive to the Neighborhood Shopping Center at one time with 40 of those residents driving 2 cars and there would still be extra parking spaces. This is not compliant with a commercial development that is providing goods and services necessary to the residents of Emerald Pointe. It is more appropriate for a commercial development that serves a regional population.

The gross floor space of the commercial area is 73,600 square feet. This far exceeds the limit of 25,000 square feet for a BL District commercial area. Take into account that the original commercial area of 9,000 square feet within the main development area is being retained. That will increase the gross floor space to 82,600

square feet. Additionally, the Neighborhood Shopping Center will contain far more than 5 units which also exceeds the BL District limitation.

The applicant's site plan shows that the commercial area will consist of multiple 2 story buildings with the ground floor being retail and the upper floors being non-retail. That puts the non-retail area at about 50% doubling the allowed 25% allowed non-retail space.

Section 11.7(b) Site Plan [page 109] states that

All site plans shall contain information as required by the applicable section of this Article and this Ordinance and shall not be approved without compliance with the applicable sections.

RZ-15-005 should be rejected in whole and the applicant should resubmit a site plan that conforms to the MXC and BL Business, Local District intents and definitions.

Opposition to Emerald Pointe PUD Changes -- October 19, 2015

As a 16-year homeowner in the Foxleigh Meadows neighborhood located off the Marsh Pike, I am OPPOSED to the Proposed Change (or Revision) being considered for the Emerald Pointe PUD. This land was originally zoned Agriculture but got rezoned into a Retirement Living PUD during the housing boom. In my opinion, since that rezoning, there have been no "Significant Changes" in the make-up of the neighborhood to validate this new request.

The developer's plan to now substitute a Mixed Office/Retail use (previously they wanted a 24-hour gas station) for the approved Retirement Living community will have a NEGATIVE effect on the quality of life that my neighbors and I have enjoyed since purchasing our property years before this development.

If approved, this project will significantly increase traffic along Marsh Pike, which at times is already over capacity. This will create an even more dangerous situation when entering or exiting the Foxleigh Meadows development. With only one planned entrance to this proposed 75,000sf Commercial development (located directly across from Gentry Drive) is of major concern. The sight distance to the south when exiting our development (on the west side of Marsh Pike) is already a challenge. However, when exiting from the proposed Commercial space (on the east side of Marsh Pike) -- it would be nearly impossible to see traffic coming from the south -- and will likely result in many accidents. Adding a traffic signal will only result in creating a vehicular mess within our subdivision -- limiting the ability to walk, run, bike the loop like many residents currently enjoy. If this project is approved in any manner, an entrance off the state-maintained Leitersburg Pike should be mandated.

In addition, there is already ample Mixed Office/Retail zoned property within a ½ mile of the Emerald Pointe PUD that has plenty of vacancy. Foxleigh residents don't need Commercial space and its associated problems (like crime and traffic) directly across the street from our neighborhood. Zoning this property for more commercial space will negatively affect existing Hagerstown and Washington County businesses -- and possibly lead to more dilapidated and empty storefronts in our community.

In conclusion, I am opposed to the developer's request to relocate Commercial Development from within their Emerald Pointe community and put it right across the street from my home. Thank you for considering why you should vote AGAINST the Proposed Change to the Emerald Pointe PUD.

Timothy R. Troxell
19233 Chippendale Circle
Hagerstown, MD 21742



Goodrich, Steve

From: Lewis, Kevin
Sent: Friday, October 16, 2015 9:58 AM
To: Goodrich, Steve
Subject: RZ-15-005 Emerald Point PUD Concept and Development Plan

Steve,

I have reviewed the documents provided in regards to RZ-15-005. I have no comments at present time.

Kevin.

Kevin L. Lewis, Director

Division of Emergency Services
Washington County, Maryland
16232 Elliott Parkway
Williamsport, Maryland 21795