



**WASHINGTON COUNTY
DEPARTMENT OF PLANNING & ZONING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone: 240-313-2430
FAX: 240-313-2431
D/HoH Call 7-1-1 for Maryland Relay

AGENDA

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

May 5, 2014, 7:00 PM

**WASHINGTON COUNTY ADMINISTRATION BUILDING
100 WEST WASHINGTON STREET
2ND FLOOR, ROOM 255**

CALL TO ORDER AND ROLL CALL

MINUTES

1. Minutes of the April 7, 2014 Planning Commission regular meeting

OLD BUSINESS

1. Community Rescue Services Maugansville Facility (SP-13-029) Proposed Community Rescue Services facility along the north side of Oliver Drive on .78 acre; Zoning: HI (Highway Interchange); Planner: Cody Shaw

MODIFICATIONS

1. Rosewood Village, Phase IIB (SV-14-005) Reduction of the side yard setback from the original approved 10 feet to 7 feet on Lots 106, 111, 112, 119, 120, 123, 124, 127, 128, 132, 138, 139 and 143 and reduction of the rear yard setback from 20 feet to 14 feet on Lots 124-127 in Section II-B of the Rosewood Village PUD; Zoning: RSPUD (Residential Suburban Planned Unit Development); Planner: Tim Lung *

SUBDIVISIONS

1. Van Lear Manor – Section 17, Lots 565-577 (PP-13-003) Preliminary plat for 15 single-family homes on 7.49 acres located along Hershey Drive near Williamsport; Zoning: RR (Residential Rural); Planner: Lisa Kelly *

SITE PLANS

1. U.S. Silica – Tonoloway Ridge, Phase I (SP-13-018) Site plan for the US Silica – Tonoloway Ridge, Phase I surface mining located along the east side of Woodmont Road; Zoning: EC (Environmental Conservation); Planner: Cody Shaw *

OTHER BUSINESS

1. RZ-14-001 – Cumberland Valley Veterinary Clinic Real Estate LLC and UP Associates Limited Partnership Recommendation; Proposed map amendment to rezone property located at 17743 and 1302 Virginia Avenue from RU (Residential Urban) to BG (Business General); Planner: Jill Baker
2. RZ-14-002 Recommendation – Proposed map and text amendment to amend the Washington County Zoning Ordinance by repealing, in its entirety, Article 5E (Rural Business Existing) and amend Article 5F (Rural Business New) to merge the two zoning districts into one new floating district called Rural Business; Planner: Jill Baker
3. RZ-13-004 Recommendation – Proposed text amendment to amend the Washington County Zoning Ordinance to add a new section titled Division X – Limited Multiple Parcel Clustering Program; Planner: Jill Baker
4. Town Growth Area Recommendation (RZ-13-003); Planner: Jill Baker

ADJOURNMENT



UPCOMING MEETINGS

1. Monday, June 2, 2014, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, 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

April 7, 2014

The Washington County Planning Commission held its regular meeting on Monday, April 7, 2014 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, Vice-Chairman Clint Wiley, Dennis Reeder, Sam Ecker, David Kline and Ex-officio William McKinley. Staff members present were: Washington County Department of Planning & Zoning - Steve Goodrich, Director; Jill Baker, Chief Planner; Justin Lindley, Associate Planner; Fred Nugent, Parks & Environmental Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting - Terry Irwin, Deputy Director; Tim Lung, Chief Planner; Lisa Kelly, Senior Planner and Cody Shaw, Associate Planner.

CALL TO ORDER

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

MINUTES

Mr. Reeder made a motion to approve the minutes of the January 6, 2014 regular meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

Mr. Wiley made a motion to approve the minutes of the January 16, 2014 public rezoning meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

Mr. Wiley made a motion to approve the minutes of the January 29, 2014 public rezoning meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

Mr. Ecker made a motion to approve the minutes of the February 12, 2014 public rezoning meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

Mr. Reeder made a motion to approve the minutes of the February 26, 2014 public rezoning meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

NEW BUSINESS

SITE PLANS

Shoney's Former Site Redevelopment (SP-14-011)

Ms. Kelly presented for review and approval a site plan for the redevelopment of the former Shoney's site located along the north side of Valley Mall Road. The site is 0.40 acres in size and is currently zoned PB (Planned Business). The developer is proposing to demolish the existing building and construct a 600 square foot building with a height of 20 feet that will house two restaurants (a nationally known coffee shop and a Noodles restaurant). A 1,300 square foot patio is also proposed and one restaurant will have a drive-thru window. Eighty-one parking spaces are required for the site and 47 parking spaces will be located on the site with the remaining 34 parking spaces to be located across Valley Mall Road on Valley Mall property. Ms. Kelly briefly explained the parking requirements as mandated by the Zoning Ordinance and the parking across Valley Mall Road. The developer is proposing a Declaration of Easement for shared access and parking that will allow the restaurant patrons that need the overflow

parking to park anywhere at the Valley Mall. A note will be added to the site plan referencing the recording data of the easement and information regarding the number of parking spaces to be shared with the Valley Mall. Part of the County's road improvements for the Underpass Way and Valley Mall Road intersection will include the widening and lane upgrades and a crosswalk across Valley Mall Road. The County is planning to install a full-movement traffic signal as well as sidewalk and lighting improvements. The site will be served by public water and public sewer. An enclosed dumpster will be located to the rear of the site. Access to the site will be from Ramp F into the site, a right-in/right-out from Valley Mall Road and access onto Underpass Way. Interior traffic will be controlled by pavement markings and small signs. Freight and delivery services will occur two times per week. There are one to five employees proposed for the coffee shop and eight to 10 employees are proposed for the restaurant. Hours of operation for the proposed coffee shop are 5:00 a.m. to 10 p.m. Monday thru Friday, 6:00 a.m. to 11:00 p.m. on Saturday and 6:00 a.m. to 10:00 p.m. on Sunday. The restaurant will operate from 11:00 a.m. to 9:00 p.m. Monday thru Sunday. Signage will be building mounted and the existing pylon sign will remain on site and be refaced. Lighting will be building mounted and the existing pole lights will remain. Most of the existing landscaping will remain on site with the relocation of a tree and shrub in front of the site. The site is exempt from Forest Conservation Ordinance requirements because there is less than 20,000 square feet of disturbance. All agency approvals have been received.

Comments and Discussion: Mr. Wiley expressed his concern regarding pedestrians crossing Valley Mall Road to access the site and believes that pedestrians will not use the crosswalk. He suggested low shrubbery or fencing placed in front of the parking spaces along Valley Mall Road. Commissioner McKinley concurred that a barrier should be present in this area. There was a brief discussion regarding the change in parking requirements since the time that the former Shoney's restaurant was constructed and now.

Motion and Vote: Mr. Ecker made a motion to approve the site plan with additional landscaping along the parking spaces at the Valley Mall to encourage pedestrians to use the crosswalk. The motion was seconded by Mr. Reeder and unanimously approved.

Cavetown Storage (SP-14-006)

Mr. Shaw presented for review and approval a site plan for Cavetown Storage located at 12121 Mapleville Road in Smithsburg. The site is 3 acres in size and is currently zoned IR (Industrial Restricted). In September 2013, a special exception request was granted for the site to construct a stick-built mini-warehouse facility. There will be no employees and the hours of operation will be 24 hours per day, seven days per week. The developer is proposing 150 storage bays. Six parking spaces are required and six parking spaces will be provided. No waste will be generated from the site. Storm water management will be handled via bio-retention areas. Landscaping will be provided in the bio-retention areas and there is existing landscaping on the site. Proposed lighting for the site will be LED wall-pack fixtures with full cut-off features. Forest Conservation Ordinance requirements were addressed and recorded in Plat Folio 5405.

Discussion and comments: Mr. Reiber asked if there would be landscaping between the storage facility and the neighboring residential properties. Mr. Shaw stated there is an existing shrub and tree line and additional landscaping of Leyland Cypress will be required.

Commissioner McKinley asked about sight distance from the site unto Mapleville Road. Mr. Steve Cvijanovich of Renn Engineering, the consultant, stated that the existing entrance was constructed after

obtaining a permit in 1988 from the State Highway Administration. The State Highway Administration has reviewed the current site plan and did not have any changes or comments. No physical changes are being proposed.

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

Community Rescue Services Maugansville Facility (SP-13-029)

Mr. Shaw presented for review and approval a site plan for the proposed Community Rescue Services facility located at 13727 Oliver Drive. The site is 0.78 acres and is currently zoned HI (Highway Interchange). There will be two employees per shift. Hours of operation will be 24 hours per day, 7 days per week. Ten parking spaces are required and ten parking spaces will be provided. Solid waste will be collected in a screened dumpster. There will be pole mounted and building mounted lights with full cut-off features. Landscaping has been addressed using tree plantings. Forest Conservation Ordinance requirements have been addressed through a payment-in-lieu recorded at Plat Folio 5563. Storm water management will be handled through surface sand filters.

Discussion and Comments: Mr. Reiber asked if there are any traffic concerns with the existing businesses in the area. Mr. Shaw stated that the State Highway Administration and the Washington County Division of Public Works has reviewed the site plan and have no traffic concerns at this time. Mr. Reiber asked if all reviewing agency approvals have been received. Mr. Shaw stated that approvals are pending from the Health Department and City of Hagerstown Water & Sewer Department, which are both awaiting allocation forms. Mr. Gordon Poffenberger of Fox & Associates, Inc., the consultant, stated that the site will be served by public water and public sewer.

Public Comment: Mr. William C. Wantz, 123 West Washington Street, Hagerstown, representative for Diamond Development Corporation and Raj Patel and his wife who maintain a residence inside the neighboring hotel facility. Mr. Wantz stated that in his review of the Zoning Ordinance, there is a 75 foot buffer required for this property under the HI zoning district requirements. He expressed his opinion that the two land uses (a hotel and an ambulance facility) are not compatible uses. Mr. Wantz gave a brief presentation and provided handouts for Commission members. He requested that the Planning Commission withhold approval of the site plan pending review of the buffer requirements.

Motion and Vote: Mr. Ecker made a motion to table the site plan approval request until the May 5th meeting of the Planning Commission. The motion was seconded by Mr. Reeder and unanimously approved.

FOREST CONSERVATION

Mr. Nugent gave a brief presentation regarding a proposed Forest Banking program. He reviewed all of the techniques for mitigation and stressed the importance of on-site mitigation of existing forest. Afforestation is the next preferred method of mitigation with the payment-in-lieu being the least preferred method. Mr. Nugent explained that changes would be needed to the Forest Conservation Ordinance.

Discussion and Comments: There was a brief discussion regarding the forest banking program and the use of property which is already in another easement program. Commission members expressed their

opinions that trees being planted for mitigation should be of a larger caliber instead of the whips that are currently being planted in most areas. There was a brief discussion regarding the survival of tree plantings, inspections performed to insure survival, the cost to developers involved in requiring larger caliber trees, and natural regeneration of forests.

Mr. Reiber expressed his opinion that the 1 ½ " caliber trees to be used for replanting (per the current text) is too small. Mr. Kline expressed his opinion that natural regeneration is the best method for reforestation of an area. A workshop will be held at a later date to discuss the proposed forest banking program further.

OTHER BUSINESS

Lauren Stephens

Mr. Lung presented for review and approval a request for a waiver from the public water and sewer requirement in the RS (Residential Suburban) zoning district under Section 8.6 of the Zoning Ordinance. The property is located along Edward Doub Road, south of Sterling Road. The site contains 5.67 acres and is currently zoned RS (Residential Suburban). The owner is proposing to subdivide one residential lot from the property. Mr. Lung informed Commission members that lot 1 was subdivided in 1981, lot 2 was subdivided in 1990, and lot 3 was subdivided in 2008. All three of these lots are served by on-site well and septic. As part of the comprehensive rezoning of the Urban Growth Area (UGA) in 2012, a text amendment was adopted that requires all new development within the UGA to be served by public water and public sewer. However, the Planning Commission has the authority to waive this requirement after consultation and advice from the Health Department. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider specific items as defined in the Zoning Ordinance. Mr. Lung stated that if the waiver is granted, a subdivision plat must be submitted to the Department of Plan Review & Permitting for approval. A note, called the "Interim Facilities Certification", will be required to be shown on the subdivision plat. Essentially, this note says that at such time as public facilities are available, the owner must hook on. Mr. Lung explained where the nearest connections for water and sewer are currently located. The City of Hagerstown Water Department has informed Mr. Lung that an existing water line in the area is substandard and they would not allow a connection to this line. He also noted that gravity sewer flow from the existing manhole in the area is unattainable according to the County's Department of Water Quality.

Discussion and Comments: Mr. Reiber asked how many more lots could be subdivided from this property. Mr. Schreiber of Frederick, Seibert & Associates, the consultant, stated that there is currently two panhandle lots that have been subdivided from the original tract of land. He noted that there is approximately 100 feet of road frontage along Doub Road, thus allowing only two additional panhandles on the property.

Motion and Vote: Mr. Wiley made a motion to approve the waiver request. The motion was seconded by Mr. Ecker and unanimously approved.

Rosewood Planned Unit Development (PUD) Development Plan

Mr. Lung presented for review a revision to the approved Final Development Plan for the Rosewood PUD located along Robinwood Drive. The applicant is requesting that the Planning Commission make a decision to determine if the proposed change is a minor or major change and if a public hearing would

be required. The developer is proposing to revise the previously approved development plan showing an office/commercial area along Capitol Lane to residential townhomes. This change would result in a decrease in the PUD commercial area from 28.8% to 22.2% and increase the overall residential units from 355 to 403 units. The developer is requesting that a 0.39 commercial area adjoining the existing Varsity Professional Center be retained as commercial area.

Motion and Vote: Mr. Reeder made a motion to approve the changes as presented and that no public hearing is needed. The motion was seconded by Mr. Ecker and unanimously approved.

Town Growth Areas (RZ-13-003)

Ms. Baker distributed copies of additional public comments that were received following the Planning Commission's public rezoning meetings held in each of the Town Growth Areas.

By consensus, the Planning Commission decided to hold a Workshop meeting later in the month to review the requested changes prior to making a recommendation to the Board of County Commissioners. The Commission will also discuss the Forest Banking program in further detail.

Rezoning Calendar Changes

Mr. Goodrich distributed copies of a revised rezoning calendar. The next application deadline is July 11, 2014 at 3:00 p.m. Due to election of County Commissioners this fall, staff is proposing that the Planning Commission's public meeting be moved from October to September in order to allow enough time for the current Board of County Commissioners to hold their public hearing and make their decision on all rezoning applications that are received in July.

INITIAL ADVICE

AC & T Redevelopment

Mr. Justin Doty of Frederick, Seibert & Associates, the consultant, presented a proposed design for the redevelopment of the A C & T Travel Center located at the northwest of the intersection of Halfway Boulevard and Hopewell Road. The site consists of several uses including the A C & T Travel Center, S & S Tire (to the west) and a Super 8 Motel (to the northwest). The Travel Center is currently functioning as a multi-use facility which includes an A C & T Exxon convenience store, 8 fueling positions for automobiles, 8 fueling positions for semi-trucks, a truck washing facility, and a Thermo-King service facility. The focus of the proposed project is for the Travel Center only. Mr. Doty noted that there are currently concerns regarding internal traffic circulation, parking issues, stacking of vehicles at the existing fueling positions, and there is limited room for growth at the automobile fueling pumps. The proposed concept plan would address the following:

- 1) reduce the number of services provided at the Travel Center by relocating Thermo-King and the truck washing facility to another site thereby reducing the different types of traffic patterns experienced within the site;
- 2) re-locate the convenience store;
- 3) relocate automobile fueling pumps from the side of the building to the front of the building;
- 4) install a concrete median to create greater separation between the truck and the automobile fueling areas;

- 5) traffic impacts at the intersection of Halfway Boulevard and Hopewell Road have been determined to be negligible according to a preliminary study performed by a traffic engineer, therefore, a full impact traffic study will not be required at this time;
- 6) close the existing right-in entrance at the corner of the intersection from Halfway Boulevard onto the site;
- 7) the curb median along Hopewell Road will be extended to the southwest to better clarify a full movement access point further from the intersection and in line with the opposing driveway across Hopewell Road;
- 8) the primary sign for the site will be relocated to the existing grass strip closer to the intersection;
- 9) additional green space and site trees will be provided.

Discussion and Comments: Mr. Wiley expressed his opinion that the concept plan provides improvements on the site and in the surrounding area. He asked the consultant to make sure that the relocation of the sign will not create any sight distance issues. Mr. Lung stated that the new sign would have to meet sign location standards, which require a 25 foot setback from the property line. Mr. Reeder expressed his opinion that this would be a good time to address security issues with the bulk tank field area.

OLD BUSINESS (March agenda items)

Washington County's Agricultural Land Preservation Programs

Mr. Goodrich stated that a report of the County's Land Preservation programs must be submitted to the Maryland Department of Planning every three years in order to "certify" the programs. When programs receive a certified status, the County retains more of the collected agricultural transfer tax, which is collected on conveyances of agriculturally assessed property from one owner to another where there is no agreement that the property will stay in agricultural use.

2015-2024 Capital Improvements Program

Mr. Goodrich provided a list of all projects that are proposed to be funded in the FY 2015 capital budget. A budget hearing will be conducted on May 6th by the Board of County Commissioners.

Motion and Vote: Mr. Reeder made a motion to recommend approval of the CIP based on its consistency with the Washington County Comprehensive Plan. The motion was seconded by Mr. Ecker and unanimously approved with Commissioner McKinley abstaining from the vote.

ADJOURNMENT

Mr. Reeder made a motion to adjourn the meeting at 9:40 p.m. The motion was seconded by Commissioner McKinley and so ordered by the Chairman.

UPCOMING MEETINGS

1. Monday, April 21, 2014, 7:00 p.m., Washington County Planning Commission public rezoning meeting, Washington County Court House, 95 West Washington Street, Court Room #1, Hagerstown, Maryland

2. Monday, May 5, 2014, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Hagerstown, Maryland

Respectfully submitted,

Terry Reiber, Chairman



**WASHINGTON COUNTY
DIVISION OF PLAN REVIEW AND PERMITTING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone/TDD 240-313-2460
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

SUBDIVISION MODIFICATION REPORT

Project No : SV-14-005
Type : REG

Applicant : DAN RYAN BUILDERS
Owner : ROSEWOOD VILLAGE PHASE II B, LLC
Location : ONEALS PLACE
Parcel # : 05015172800128
Road name : ONEALS PALCE
Zoning : RSPD PLANNED UNIT DEVELOPMENT
Land use : Residential

Proposal :
Lots : 16
Acres : 0
Remainder : 0
Panhandles : 0
Land use : Residential

Applicable Restriction:

Ordinance Section : ZONING ORD 16.7

Modification is to : REDUCE SOME SIDE AND REAR YARD SETBACKS IN A PUD

04/23/2014

IN A PUD THE PLANNING COMMISSION MAY MODIFY THE BUILDING SPACING (SETBACK) REQUIREMENTS. APPLICANT IS REQUESTING A REDUCTION IN THE PREVIOUSLY APPROVED SIDE AND REAR YARD SETBACK AFFECTING 16 TOWNHOUSE LOTS WITHIN SECTION IIB OF THE ROSEWOOD VILLAGE PUD.

THE ORIGINAL APPROVED SETBACKS ARE 10' SIDE AND 20' REAR YARD. THE REQUESTED REDUCTION IS FOR A 7' SIDE YARD ON LOTS 106, 111, 112, 119, 120, 123, 124, 127, 128, 132, 138, 139, AND 143. REDUCTION OF REAR YARD SETBACK TO 14' ON LOTS 124-127. ACCORDING TO THE APPLICANT, THE NEED FOR THE REDUCTION IN SETBACKS IS BASED ON THE DESIGN OF THE PROPOSED TOWNHOUSE UNITS.

THE REQUEST HAS BEEN REVIEWED BY PLAN REVIEW & PERMITTING, UTILITY PROVIDORS, AND EMERGENCY SERVICES. THE UTILITY PROVIDORS AND EMERGENCY SERVICES HAD NO OBJECTION OR COMMENTS ON THIS REQUEST. COMMENTS FROM PR&P-ENGINEERING ARE ATTACHED.

STAFF HAS NO OBJECTION TO APPROVAL OF THE REQUEST WITH CONDITIONS THAT CERTAIN DESIGN/GRADING ISSUES BE ADDRESSED AS PART OF THE REVISED SITE PLAN/GRADING PLAN REVIEW. CARE SHOULD BE TAKEN WHEN DESIGNING THE FOREST CONSERVATION PLANTING AREA ADJACENT TO LOT 124 TO AVOID CONFLICTS. APPLICANT SHOULD BE AWARE OF THE CLOSE PROXIMITY OF THE

PROPOSED SIDE ENTRY UNITS AND PUBLIC PEDISTRIAN WALKWAYS
BETWEEN LOTS 11 &112, AND LOTS 132&133.

THE APPLICANT'S APPLICATION AND SUPPORTING DOCUMENTATION IS
ATTACHED.



**WASHINGTON COUNTY
DIVISION OF ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW AND PERMITTING DEPARTMENT**

80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone: 240-313-2400
Fax: 240-313-2401
TTY/Hearing Impaired: 240-313-2430

MEMORANDUM

TO: Tim Lung, Chief of Plan Review

FROM: Gail Abbott, P.E., Plan Reviewer (240.313.2416)

DATE: April 17, 2014

RE: Rosewood PUD Building Setback Modification Request SV-14-005

The applicant provided additional information regarding the modification request including; as-built topography, updated proposed building footprints on the as-built topography, and tentative first floor elevations and tentative spot elevations in selected areas of concern.

After further review of additional information provided by the applicant, I have the following comments.

1. The proposed Longstreet end unit may or may not work on Lot 128 with respect to the grading. The County would require a fill slope of 3:1 or flatter adjacent to the building without encroaching on the drainage swale to the point where flow capacity of the drainage swale or outlet pipe is reduced below the original design of the swale/pipe. During the Replat/Grading Plan phase of the project, the proposed grading around this lot would be looked at carefully to ensure swale design capacity is maintained, pipe outflow is not obstructed, and grading around the unit meets maximum slope requirements. If these conditions cannot be met, then another end unit type will be required on this lot.
2. The 5 foot access easement for the interior unit property owners must be maintained and shown on the Replat with the reduced side and rear yards. Unit 124 shows a concrete pad at the side entrance encroaching on this easement. If the access easement cannot be maintained, then another end unit type will be required on this lot.
3. The Longstreet end unit building footprint on Lot 119 encroaches on a drainage easement. Additionally, the drainage easement does not encompass the existing inlet and is not centered on the pipe. This issue can be resolved by redefining the drainage easement on the Replat.

In summary, I would recommend approval of the modification request with the comment that the above mentioned issues will have to be resolved at the Replat/Grading Plan stage of the approval process.



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RECEIVED

APR 22 2014

**DIVISION OF PLAN
REVIEW & PERMITTING**

WASHINGTON COUNTY PLANNING COMMISSION

APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

APPLICANT

NAME Dan Ryan Builders Attn: Matt Powell

MAILING ADDRESS 10212 Governor Lane Boulevard, Suite 1006 Williamsport, MD 21795

TELEPHONE N/A 240-420-6043 303-302-6231
(home) (work) (cell)

PROPERTY OWNER

NAME Rosewood Village Phase II B, LLC Attn: Sassan Shaool

MAILING ADDRESS 72 West Washington St. Hagerstown, MD 21740

TELEPHONE N/A 301-791-2926 301-573-5375
(home) (work) (cell)

CONSULTANT

NAME Renn Engineering, Inc. Attn: Steve Cvijanovich

ADDRESS 934 Sweeney Drive, Suite 7 Hagerstown, MD 21740

TELEPHONE 240-347-4900

DESCRIPTION OF PROPERTY

PARCEL REFERENCE: MAP 0050 GRID 0015 PARCEL 1728

PROPOSED LOT ACREAGE * TOTAL SITE ACREAGE *

ZONING DISTRICT Mixed use ROAD FRONTAGE (FT) *

*See attached spreadsheet

LOCATION / ADDRESS

Select lots along Oneals Place West within the Rosewood Village Subdivision

EXISTING AND PROPOSED USE OF PROPERTY

Existing use along Oneals Place is residential (town houses) yet is currently undeveloped as such and proposed use is residential (town houses)

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER

N/A

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION

16.7 (f)

MODIFICATION IS TO ALLOW

Establish side buffer yard width of 7' on the select lots summarized on the attached spreadsheet. Reduce rear BRL for Lots 124 through 127 from 20' to 14".





STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

The Townhouse development along Oneals Place is proposed to be undertaken by Dan Ryan Builders. The developer has chosen three (3) unit types to be used within this community. The selected end unit, the Longstreet, include a side entry door and an extension of the dining room. These features result in a horizontal offset from the property line to the side entry and side extension of the dining room being 7 feet. The building architecture was not available to the project owner at the time of Final Plat preparation and therefore we are seeking this modification at this time. Additionally the unit depths proposed are 54' -9" and therefore we are seeking a reduction to the rear BRL of Lots 124-127 to accommodate the building depth proposed.

(Attach additional sheets if necessary)

In addition, twelve (12) sketch plans, drawn to scale must accompany this application showing: the dimensions and shape of proposed lot with acreage; size and location of existing and/or future structures; existing/proposed roadways and associated access right-of-ways or easements; existing/proposed entrance/exit to property; natural or topographic peculiarities of the lot in question.

To the best of my knowledge, the information provided in this application and other material submitted is correct.

 _____ Applicant's Signature	 _____ Date
 _____ Property Owner's Signature	 _____ Date

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

MEETING DATE: _____

PROCEDURE FOR REQUESTS FOR A MODIFICATION TO THE STANDARDS OF THE SUBDIVISION ORDINANCE

1. Modification request applications shall be filed with the Washington County Division of Plan Review & Permitting, Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland 21740, Phone: 240-313-2460, between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday. Copies of the application forms can be picked up at this location or can be printed off of the Division of Plan Review & Permitting website at www.washco-md.net/permits/permits. A Filing fee of \$115.00 dollars should be submitted when no engineering / outside agency review is required. A filing fee of \$265.00 is required when multiple agency review is necessary, and can be paid by cash or check made payable to the Washington County Treasurer. Incomplete applications will not be accepted.

2. The Planning Commission meets on a monthly basis (schedule attached) in Conference Room 1A of the County Administrative Annex, 80 West Baltimore Street, Hagerstown. Applications must be filed at least 25 days prior to the scheduled meeting of the Planning Commission.

3. Upon receipt of the modification application, the Division of Plan Review & Permitting Staff will review for completeness and then set up an individual file for the application. Once review is complete, the assigned Planner will present the modification request to the Planning Commission at its regularly scheduled meeting. The Commission will take action the night of the meeting unless more information for review is requested. Staff would then schedule the modification request for a future Planning Commission meeting.

4. In requesting a modification from Subdivision Ordinance regulations, the Applicant and/or their Consultant should be prepared to tell the Planning Commission why the property is unique or the minimum terms of the Ordinance that cannot be complied with. A modification may only be granted by the Commission upon a showing of criteria of practical difficulty or undue hardship listed below (but not limited to):

(a) There are special circumstances or conditions affecting the property such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of their land.

(b) The hardship is not the result of the applicant's own actions – that is, special circumstances or conditions causing the hardship exist through no fault of the property owner.

(c) Granting the modification would be in harmony with the general purpose of the Ordinance and preserve its spirit.

(d) That the modification is to correct inequities resulting from a physical hardship such as topography.

(e) The granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.

5. The Division of Plan Review & Permitting Director shall have the authority to consider administratively the following modifications from Subdivision Ordinance requirements:

(a) Where it is impractical to dedicate the full right-of-way required by the Washington County Division of Plan Review & Permitting (Engineering) or State Highway Administration are satisfied with the acquired right-of-way.

(b) Where the existing structure, septic system, or other appurtenance is within the right-of-way to be dedicated and for which the relocation of same may create a future hardship.

(c) When the property access or driveway intersects with a State maintained road and the access permit issued by the State requires the property access or driveway to be located such that it fails to meet the Subdivision Ordinance spacing requirements. The Director can grant a modification

from the County's Highway Plan spacing requirements up to 25% from the current spacing requirements if: a physical hardship or safety condition is identified; does not create a condition which allows for more lots than would be permitted if the modification was not granted; location must be approved by the Division of Plan Review & Permitting (Engineering) and/or State Highway; and have no negative impact on neighboring properties.

(d) Panhandle Length – up to 50% from current maximum length of 400 feet based upon a physical hardship, no negative impact on neighboring properties; and the local fire department concurs with site.

(e) Public Road Frontage – Up to 25% from the current standard of 25 feet based upon a physical hardship, safety condition, existing condition where there is less than 25 foot of frontage identified. The driveway geometry associated with the new frontage/access configuration shall be approved by the County Division of Plan Review & Permitting (Engineering) and/or State Highway Administration. There is no negative impact on neighboring properties.

(f) The Planning Director shall have the ability to grant the creation of a lot without road frontage in those cases where the proposed subdivided lot(s) contain existing structures and an attempt is being made to comply with the Zoning Ordinance provision of one principle use on one zoning lot.

6. On the submitted Preliminary and Final Subdivision Plat, include modification reference number, description of modification request and approval, any conditions and the date request was granted by the Planning Commission. Submit modification approval letter with plat submittal.

7. Appeal by any person aggrieved from any action of the Planning Commission or the Division of Plan Review & Permitting Director shall be to the Board of Zoning Appeals pursuant to the provisions of Article 25 of the Washington County Zoning Ordinance. (Section 109 – Subdivision Ordinance). The BZA is located within the Division of Plan Review & Permitting, 80 West Baltimore Street, Hagerstown, Maryland 21740 Phone: 240-313-2460 www.washco-md.net/permits/zoning.shtm

SUBDIVISION MODIFICATION APPLICATION CHECKLIST

The following items are required as part of the Subdivision Modification application:

Applicant	Staff	
<u> x </u>	<u> </u>	A complete Application Form, signed by the applicant, property owner, and consultant (if applicable). All information must be typed or clearly printed on the application. Please include this checklist.
<u> x </u>	<u> </u>	A filing fee of \$115.00 when no Engineering or outside agency review is required. A fee of \$265.00 is required when multiple agency reviews are required. Make check payable to: Washington County Treasurer. Include fee worksheet.
<u> x </u>	<u> </u>	Twelve (12) sketch plans, drawn to scale, showing:
<u> x </u>	<u> </u>	a. dimensions & shape of proposed lot with acreage;
<u> x </u>	<u> </u>	b. size & location of existing and/or future structures;
<u> x </u>	<u> </u>	c. existing/proposed roadways and associated access right of way or easements;
<u> x </u>	<u> </u>	d. existing/proposed entrance/exit to property;
<u> x </u>	<u> </u>	e. natural or topographic peculiarities of the lot in question.
<u> x </u>	<u> </u>	Any additional drawings, pictures, or information that will assist the Planning Commission in making its decision.

PLANNING COMMISSION AGENDA PACKET SCHEDULE FOR 2012				
Planning Comm. Meeting Date	Agency/Consultant Cut-off Date	Agenda Meeting [Plat Name & No.]	Staff Reports and Plats to Deb by 10:00 a.m.	Mail Agenda Packets
Jan. 9, 2012	Dec. 15, 2011	Dec. 19, 2011	Dec. 21, 2011	Dec. 22, 2012
Feb. 6, 2012	Jan. 19, 2012	Jan. 23, 2012	Jan. 26, 2012	Jan. 27, 2012
March 5, 2012	Feb. 16, 2012	Feb. 20, 2012	Feb. 23, 2012	Feb. 24, 2012
April 2, 2012	March 15, 2012	March 19, 2012	March 22, 2012	March 23, 2012
May 7, 2012	April 19, 2012	April 23, 2012	April 26, 2012	April 27, 2012
June 4, 2012	May 17, 2012	May 21, 2012	May 24, 2012	May 25, 2012
July 2, 2012	June 14, 2012	June 18, 2012	June 21, 2012	June 22, 2012
Aug. 6, 2012	July 19, 2012	July 23, 2012	July 26, 2012	July 27, 2012
Sept. 10, 2012	Aug. 23, 2012	Aug. 27, 2012	Aug. 30, 2012	Aug. 31, 2012
Oct. 1, 2012	Sept. 13, 2012	Sept. 17, 2012	Sept. 20, 2012	Sept. 21, 2012
Nov. 5, 2012	Oct. 18, 2012	Oct. 22, 2012	Oct. 25, 2012	Oct. 26, 2012
Dec. 3, 2012	Nov. 15, 2012	Nov. 19, 2012	Nov. 20, 2012	Nov. 21, 2012

ROSEWOOD VILLAGE

ONEALS PLACE

LOTS ON WHICH A SIDE SETBACK IS BEING SOUGHT

LOT AREAS

Lot	Area (S.F)	Area (AC.)
106	3,695	0.091
111	4,000	0.092
112	4,000	0.092
119	3,997	0.092
120	5,864	0.135
123	4,205	0.097
124	4,202	0.096
127	4,193	0.096
128	4,305	0.099
132	4,000	0.092
133	4,000	0.092
138	4,000	0.092
139	4,000	0.092
143	4,000	0.092
Total Lots =	58,461	1.35



**WASHINGTON COUNTY
DIVISION OF PLAN REVIEW AND PERMITTING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone/TDD 240-313-2460
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

PRELIMINARY PLAT STAFF REPORT

BASE INFORMATION

SITE NAME...: VAN LEAR MANOR - SECTION 17
NUMBER...: PP-13-003

Lots 565 - 577

OWNER.....: DOWNEY RICHMOND LEE
LOCATION....: HERSHEY DRIVE NEAR WILLIAMSPORT
DESCRIPTION.: PRELIMINARY PLAT FOR 15 SINGLE FAMILY LOTS

ZONING.....: RR RESIDENTIAL RURAL
COMP PLAN...: LD Low Density Residential
PARCEL.....:
SECTOR.....: 1
DISTRICT....: 26

TYPE.....: SF
GROSS ACRES.: 7.49
DWEL UNITS..: 15
TOTAL LOTS..: 15
DENSITY.....: 2 UNITS PER ACRE

PLANNER.....: LISA KELLY
SURVEYOR....: TRIAD ENGINEERING INC
RECEIVED....: 08/08/2013

FOREST REVIEW FEE.....:\$0.00
DEVELOPMENT REVIEW FEE...:\$1,275.00

SITE ENGINEERING

	WATER	SEWER
METHOD.....	PUBLIC	PUBLIC
SERVICE AREA.....	HN	CN
PRIORITY.....	1	1
NEW HYDRANTS.....	??	
GALLONS PER DAY SEWAGE....	??	
SEWER PLANT.....	Conococheague	

STORM WATER MANAGMT TYPE.: ??
DRAIN DIRECTION.....:
FLOOD ZONE.....: C
WETLANDS.....: N
TOPOGRAPHY.....:
BEDROCK.....:
VEGETATION.....: ??

SITE DESIGN

IMPERVIOUS SURFACE PLANNED...: 0% BUFFER DESIGN MEETS REQUIREMENTS...: ?
 IMPERVIOUS MAXIMUM ALLOWED...: LANDSCAPING MEETS REQUIREMENTS...: ?
 LIGHTING PLAN MEETS REQUIREMENTS...: ?
 OPEN SPACE AREA PLANNED-AC...: ?? PEDESTRIAN ACCESS IS ADEQUATE...: ?
 OPEN SPACE MINIMUM ALLOWED...: ?? BUS ROUTE WITHIN WALKING DIST...: ?
 TOTAL PARKING SPACES PLANNED...: ?? LOADING AREAS MEET REQUIREMENTS...: ?
 PARKING SPACES-MINIMUM REQD...: ??
 PARKING SPACES/DWELLING UNIT...: ?
 RECREATIONAL VEHICLE PARKING...: ?

RESIDENTIAL AMENITY PLANS...: ??

SOLID WASTE DISPOSAL PLANS...: ??

MATERIALS STORED ON SITE...: ??

COMMUNITY FACILITIES

	ELEM	MID	HI
SCHOOL NUMBER CODE	5	4	4
PUPIL YIELD	5.4	2.7	3.3
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

PROPOSED NEW ROAD NAMES

1 HERSHEY DRIVE 1
 2
 3
 4
 5
 6
 7
 8
 9
 10

NUMBER OF ACCESS POINTS: 0

COUNTY HISTORIC INVENTORY SITE #: NOT HIST
ON NATIONAL HISTORIC REGISTER :

FIRE DISTRICT: *WilliamSPORT* MILES TO STATION: 0
 AMBULANCE DIST: 29 MILES TO STATION: 0

COMMENTS:

PRELIMINARY PLAT FOR 15 SINGLE FAMILY LOTS
 SECTION 17 LOTS 565 - 577
 REV 3



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Hearing Impaired CALL 7-1-1 for Maryland Relay

S I T E P L A N S T A F F R E P O R T

BASE INFORMATION

SITE NAME....: U.S. SILICA-TONOLOWAY RIDGE-PH.1
NUMBER.....: SP-13-018

OWNER.....: U.S. SILICA
LOCATION....: WOODMONT ROAD E/S
DESCRIPTION.: SITE PLAN FOR US SILICA-TONOLOWAY RIDGE - PHASE I

ZONING.....: EC ENVIRONMENTAL CONSERVATION
COMP PLAN...: EC Environmental Conservation
PARCEL.....: 03113001200000
SECTOR.....: 6
DISTRICT....: 5

TYPE.....: IN
GROSS ACRES.: 83
DWEL UNITS..: 0
TOTAL LOTS..: 0
DENSITY.....: 0 UNITS PER ACRE

PLANNER.....: CODY SHAW
SURVEYOR....: FOX & ASSOCIATES INC
RECEIVED....: 06/04/2013

FOREST REVIEW FEE.....:\$0.00
DEVELOPMENT REVIEW FEE...:\$4,900.00

SITE ENGINEERING

	WATER	SEWER
METHOD.....	PRIVATE	PRIVATE
SERVICE AREA.....		
PRIORITY.....	7	7
NEW HYDRANTS.....	0	
GALLONS PER DAY SEWAGE...	0	
SEWER PLANT.....		

STORM WATER MANAGMT TYPE.: SEDIMENT BASINS
DRAIN DIRECTION.....: —
FLOOD ZONE....: C
WETLANDS.....: Y
TOPOGRAPHY....: STEEP CONTOURS
BEDROCK.....: —
VEGETATION....: —

SITE DESIGN

IMPERVIOUS SURFACE PLANNED...: 0% BUFFER DESIGN MEETS REQUIREMENTS.: N
 IMPERVIOUS MAXIMUM ALLOWED...: 0% LANDSCAPING MEETS REQUIREMENTS...: Y
 LIGHTING PLAN MEETS REQUIREMENTS.: Y
 OPEN SPACE AREA PLANNED-AC...: 0 PEDESTRIAN ACCESS IS ADEQUATE....: N
 OPEN SPACE MINIMUM ALLOWED...: 0 BUS ROUTE WITHIN WALKING DIST....: N
 TOTAL PARKING SPACES PLANNED.: 7 LOADING AREAS MEET REQUIREMENTS..: Y
 PARKING SPACES-MINIMUM REQD.: 7
 PARKING SPACES/DWELLING UNIT.: 0
 RECREATIONAL VEHICLE PARKING.: N

RESIDENTIAL AMENITY PLANS.....: N/A

SOLID WASTE DISPOSAL PLANS...: N/A

MATERIALS STORED ON SITE.....: N/A

COMMUNITY FACILITIES

	ELEM	MID	HI
SCHOOL NUMBER CODE	1	1	1
PUPIL YIELD	0	0	0
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

PROPOSED NEW ROAD NAMES

1 N/A
 2 N/A
 3 N/A
 4 N/A
 5 N/A
 6 N/A
 7 N/A
 8 N/A
 9 N/A
 10 N/A

NUMBER OF ACCESS POINTS:0

COUNTY HISTORIC INVENTORY SITE #: VI018

ON NATIONAL HISTORIC REGISTER : N

FIRE DISTRICT: 5 MILES TO STATION: 3.1

AMBULANCE DIST: 59 MILES TO STATION: 3.5

COMMENTS:

SITE PLAN FOR US SILICA-TONOLOWAY RIDGE - PHASE I REV 2

THE FUNCTIONAL DESCRIPTION FOR THE SITE IS LISTED AS
SURFACE MINING.

SITE IS EXEMPT FROM FOREST CONSERVATION DUE TO THE FACT
THAT SURFACE MINING WILL BE THE USE.

PARKING SPACES, PORTABLE TOILETS, AND ALL TEMPORARY
 STRUCTURES ARE NOT SHOWN ON THE PLAN DUE TO THE FACT THAT
 THEY WILL BE RELOCATED NUMEROUS TIMES DURING MINING
 OPERATIONS. ALL STRUCTURES, PARKING SPACES, ETC WILL MEET
 ALL ZONING SETBACKS REQUIRED IN THE WASHINGTON COUNTY

ZONING ORDINANCE.

THE MDE MINING PROGRAM REVIEWS, APPROVES, INSPECTS, AND ADDRESSES COMPLIANCE ISSUES FOR SEDIMENT AND EROSION CONTROL AND STORMWATER MANAGEMENT FOR ALL AREAS WITHIN THE LIMITS OF MINING.

WASHINGTON COUNTY BOARD OF ZONING APPEALS DOCKET NUMBER AP-2013-001: ON MARCH 1, 2013 THE BZA GRANTED AUTHORIZATION TO UTILIZE UP TO A 5 ACRE PORTION OF THE BETTY J. HOFFMAN PROPERTY (TM 16; P 29) FOR ACCESS, CRUSHING, AND LOADING OF MATERIALS FOR OFFSITE TRANSPORT OF SANDSTONE THAT WILL BE EXTRACTED FROM THE ADJOINING LANDS OF US SILICA (TM 31; P 12).