



**WASHINGTON COUNTY  
DEPARTMENT OF PLANNING & ZONING**

Washington County Administrative Annex  
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Hagerstown, Maryland 21740-6003  
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D/HoH Call 7-1-1 for Maryland Relay

**AGENDA**

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**June 2, 2014, 7:00 PM**

**WASHINGTON COUNTY ADMINISTRATION BUILDING  
100 WEST WASHINGTON STREET  
2<sup>ND</sup> FLOOR, ROOM 255**

**CALL TO ORDER AND ROLL CALL**

**MINUTES**

1. Minutes of the April 21, 2014 Planning Commission rezoning public meeting \*
2. Minutes of the April 23, 2014 Planning Commission workshop meeting \*
3. Minutes of the May 5, 2014 Planning Commission regular meeting \*

**MODIFICATIONS**

1. William and Leona Sauser (SV-14-004) Proposed modification from Section 405.2a of the Washington County Subdivision Ordinance to reduce the required 300 foot access spacing along a major collector to 50 feet for property located along the west side of Harpers Ferry Road; Zoning: P (Preservation); Planner: Cody Shaw \*
2. Letitride LLC (SV-14-006) Proposed modification from Section 405.2a of the Washington County Subdivision Ordinance to allow the creation of a new access onto a minor collector 180 feet from an existing access for property located along the west side of Big Pool Road; Zoned: EC (Environmental Conservation); Planner: Cody Shaw \*

**PRELIMINARY CONSULTATIONS**

1. Mt. Aetna Technology Park (PC-14-001) Proposed technology center to be located north of Medical Campus Road, west of Robinwood Drive on 172.50 acres; Zoned: ORI (Office, Research & Industry); Planner: Tim Lung \*

**SITE PLANS**

1. Rockland Estates Event Center (SP-14-017) Proposal to use an existing farm for special events on property located along the west side of Sharpsburg Pike; Zoned: A(R) (Agricultural Rural); Planner: Lisa Kelly \*
2. Triumph Development (SP-14-005) Proposed bank and office building to be located along the southeast side of Robinwood Drive on 3.90 acres; Zoned: BL (Business Local); Planner: Lisa Kelly \*
3. Truck Enterprises, Inc. (SP-14-009) Proposed truck sales/service facility located along the west side of Volvo Way on 8.50 acres; Zoned: HI (Highway Interchange); Planner: Cody Shaw \*

**OTHER BUSINESS**

1. Hagerstown Planning Commission sidewalk recommendations \*
2. Farm Winery concerns \*
3. Organizational charts \*

**ADJOURNMENT**

**UPCOMING MEETINGS**

1. Monday, July 7, 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  
PUBLIC REZONING MEETING  
April 21, 2014**

The Washington County Planning Commission held a public rezoning meeting on Monday, April 21, 2014 at 7:00 p.m. at the Washington County Court House, Room 1, 24 Summit Avenue, Hagerstown, Maryland.

Commission members present were: Chairman Terry Reiber, Dennis Reeder, Sam Ecker, Drew Bowen, 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; and Debra Eckard, Administrative Assistant.

**CALL TO ORDER**

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

**NEW BUSINESS**

**RZ-14-001 – Cumberland Valley Veterinary Clinic Real Estate LLC and UP Associates Limited Partnership**

**Staff Presentation**

Ms. Baker presented a proposed map amendment for the Cumberland Valley Veterinary Clinic Real Estate LLC (CVVC) and UP Associates Limited Partnership (UPLC) for property located at 17743 Virginia Avenue and 1302 Virginia Avenue, Hagerstown, Maryland. The applicant is requesting a change in zoning on two parcels from RU (Residential Urban) to BG (Business General). Parcel 911 consists of approximately 1.64 acres and is owned by CVVC. Parcel 830 consists of approximately 4.05 acres and is owned by UPLC. Only a portion of Parcel 830 is subject to this rezoning application. There is currently a subdivision plat being reviewed by the Department of Plan Review & Permitting for the portion of Parcel 830 that CVVC is proposing to purchase from UPLC. Both properties are located within the Halfway election district #26. A 30 year analysis of census data shows a modest increase of approximately 13.5% in population in this election district. Parcel 911 is currently improved with a residential use that is served by public water provided by the City of Hagerstown and public sewer provided by Washington County. Parcel 830 is currently unimproved in the area of the subject rezoning case and is designated as W-1 (existing water service) and S-3 (programmed sewer service) in the 2009 Water & Sewerage Plan. The rezoning request was forwarded to the Washington County Health Department, City of Hagerstown Water Department and the Washington County Department of Water Quality for review and comment. No comments have been received to date. The Volunteer Fire Company of Halfway provides both emergency services and fire protection to the subject parcels; to date, no comments have been received. Both parcels are located within the Lincolnshire Elementary, Springfield Middle and Williamsport High school districts. The requested change to BG, if granted, would eliminate the potential for new residential development and therefore, would have no impact on school capacities. The two parcels are currently landlocked. Parcel 911 has a right-of-way access over an adjacent parcel in the front. Parcel 830 does not have direct access to a public road at the location of the requested rezoning. While the direct access is not available individually, the owner intends to combine and expand the use of the animal hospital currently in existence on Parcel 825 that is adjacent to Virginia Avenue and use the existing entrances. Virginia Avenue is classified as an "Other Principal Arterial" and as such can expect traffic in excess of 20,000 ADT in an urban area. There are no historic or recent traffic counts available from the Maryland State Highway Administration for this segment of roadway. This request was sent to the Maryland SHA for comment and no comments have been received to date. The Washington County Department of Plan Review & Permitting has reviewed this request. They have provided the following comment, "No information was provided indicating how access will be provided to the subject site nor has any evaluation of the adequacy of the existing entrance to US Route 11 on the adjoining BG zoned property been made to determine its ability to support commercial development as permitted in the BG zoning district on the subject site." Existing development within the area of the subject parcels is dominated by residential

subdivisions especially north of Virginia Avenue and south of Oak Ridge Drive. There are some pockets of Business General and Business Local zoning along Virginia Avenue and at the intersection of Virginia Avenue and Halfway Boulevard. The subject parcels are immediately adjacent to an existing pocket of BG zoning. There is a reference to a potential historic site on the rear portion of Parcel 911 related to a grove of oak trees which is believed to be the inspiration for the naming of Oak Ridge Drive.

The applicant is proposing that the County made a mistake in the zoning of these properties during the Urban Growth Area comprehensive rezoning which was approved in 2012. Staff has analyzed the justification statement provided by the applicant and does not believe that the burden of proof has been met to warrant a change in the zoning of these properties based upon the limited information provided.

#### **Applicant's Presentation**

Mr. William Wantz, 123 West Washington Street, Hagerstown, Maryland, legal counsel for the applicant, presented the applicant's request. Mr. Wantz discussed the concept of the "mistake" rule as it applies to this request. He stated that a new entrance is not proposed unless it is required by the County or the State Highway Administration. Mr. Wantz asked questions of Dr. Edward Wurmb, the applicant, to confirm information previously presented. Dr. Wurmb stated that the Clinic was established in 1940. He stated that the property currently under contract with UP Associates would be used to improve parking and to expand the existing facility to include hospice care, rehabilitation services, nutritional counseling, group planning for pet owners, and improved boarding and kennel facilities. Both indoor and outdoor kennels are proposed for a total of 30 kennels. Dr. Wurmb stated that the expansion would cost approximately \$500,000 and would provide employment opportunities for approximately 15 to 20 additional people when finished.

#### **Public Comments**

April Griffith, 11117 Glenside Avenue, Hagerstown – Ms. Griffith expressed her concern with regard to the noise generated by the additional outdoor kennels. She asked if consideration could be given to placing the kennels on the other side of building.

Larry Michaels, 17753 Virginia Avenue, Hagerstown – Mr. Michaels complained about the noise from the existing kennels and stated that the outside kennels did not exist at the time he purchased his home. He stated that he is not opposed to and does not want to interfere with the clinic; however, the boarding needs to be modified to eliminate outdoor cages and runways. He also noted that the noise and odor are overwhelming and needs to be stopped. He believes these issues have a negative impact on neighboring property values. Mr. Michaels suggested that the outdoor kennels, runs and cages be removed and that doors and windows be kept closed to the inside cage area. He is not opposed to the BG zoning.

#### **Staff's Closing Comments**

Ms. Baker noted that this is the first step in a series of requirements that would be required for the expansion of the animal hospital. The BG zoning allows for many different types of uses and would not preclude another type of business to locate on this property. A site plan will be required for the expansion, at which time buffering, screening, etc. will be reviewed. Ms. Baker noted that outside kennels and runways are a special exception use in the BG zoning district; therefore, if the zoning is approved there will be another public hearing through the Board of Zoning Appeals at which time the public will be able to comment. There will be a public hearing with the Board of County Commissioners to determine if the zoning should be changed at which time the public will be able to comment. Signs will be posted for both the Board of County Commissioners and the Board of Zoning Appeals public hearings.

#### **RZ-14-002 – Map & Text Amendment for Rural Business**

Ms. Baker presented a map and text amendment to amend the Washington County Zoning Ordinance by repealing, in its entirety, Article 5E – Rural Business Existing and an amendment to Article 5F – Rural Business New to merge the two zoning districts into one new floating district called Rural Business. The

two zoning districts were established in 2005 as part of the Rural Area Comprehensive Rezoning. The intent of these districts is to allow for a wider variety of commercial uses while still maintaining some influence over intensity and compatibility, to allow more flexibility to property owners with existing commercial uses to change or expand, and to provide an opportunity for citizens to voice their opinions on new or large expansions of commercial development. The purpose of this amendment is to expand the flexibility of the Rural Business properties and to help provide more predictability in future endeavors. The proposed amendment would repeal the Euclidean zone of Rural Business Existing and combine its content with the Rural Business New district and rename it to a Rural Business floating zone. A map amendment is being requested on approximately 229 distinct properties. Each of the properties is being proposed to change their Euclidean zone from RB-E (Rural Business Existing) to a zone that is more appropriate to the majority of the surrounding properties.

Mr. Baker stated that the proposed text amendment portion of this application would eliminate the current intensity analysis that is required in the Rural Business Existing district, which will save property owners time by eliminating the need to get a formal determination from the County as to whether or not the use may expand or change without the need for a new public hearing. The proposed text changes will uniformly limit expansion of existing commercial uses to 35% or 45% (with Board of Zoning Appeals approval). Other text changes include reducing the minimum building setback for rear and side yards from 100 feet to 50 feet. Proposed language would be added for a full or partial termination of the Rural Business floating zone without a public hearing process should the property owner request it. The definitions of home occupation and resident business would be changed to be limited to a square footage rather than a percentage of the structure. There are no proposed changes to the permitted uses, bulk requirements, or signage, in the RB zone. There are no proposed changes to the area or parcels that have existing RB-E districts.

As an addendum to the staff report, Ms. Baker shared verbal public comments that she has received over the past several weeks. She has received numerous comments with regard to the limitations of expansion. The majority of those commenting believe the limitation is a hindrance to their businesses. Ms. Baker stated that staff has been contacted by two property owners that have expressed their desire to have changes in their Rural Business status.

- The first property is located at 2403 Harpers Ferry Road in Sharpsburg, which is the location of the former Mad Dog Saloon that sustained a business closure fire last year. The property owner wants to re-establish the tavern business and discovered that the current zoning is RV (Rural Village). The property owner is requesting that the RB floating zone be established on this property as part of the comprehensive rezoning. The property owner believes that the property was mistakenly overlooked in 2005.
- The second property is located at 14109 Greencastle Pike, which is listed as Gibney's Florist. It is currently zoned RB-E. The property owner has requested that no RB Overlay be applied to this property due to the fact that the property is residential and has not been used commercially in the 30 years that they have lived there.

### **Public Comments**

Richard Nye, 11244 Kamps Mill Road, Williamsport – Mr. Nye asked why the staff is proposing the change to the Rural Business zoning. Ms. Baker explained that there have been several occasions where having the Rural Business zoning as a static zone has become a hindrance to the property owners and cited several examples.

Michael Schaefer, 148 W. Washington Street, Hagerstown – Mr. Schaefer commented on Article 5F.5 as it relates to expansion which states, "In order to minimize potential conflict with environmental sensitivity, infrastructure availability, and/or land use, expansion of existing uses including structures, parking facilities, storm water management facilities and any other changes relating to the use shall be limited to a maximum of a 35% increase in the original area of the use. With Board of Zoning approval, an additional 10% to allow a total increase of 45% of the original use areas." Mr. Schaeffer expressed his opinion that this language is confusing and suggested more articulate language be used.



Joseph Chukla Jr., 21310 Leiters Mill Road, Hagerstown – Mr. Chukla asked the following questions: Who is involved in the process when the business changes uses or wants to expand?; Who evaluates the intensity of a use?; What are the front yard setbacks? He concurred with Mr. Schaefer's comments.

Fred Frederick of Frederick, Seibert & Associates, 128 S. Potomac Street, Hagerstown – Mr. Frederick expressed his concern regarding the 35% limitation for expansion. He cited several examples of businesses that have expanded without the limitations and believes that the limitations would force businesses to move elsewhere. He expressed his support for making the Rural Business a floating zone.

Leroy Myers, 14627 National Pike, Clear Spring – Mr. Myers expressed his concern with regard to the 35% expansion limitation.

Todd Easterday, 20320 Ayoub Lane, Hagerstown – Mr. Easterday expressed his opinion that the 35% expansion limitation is too restrictive and his current business would be unable to grow. He believes there are many businesses that need to remain in the rural area and would not do well in a town setting.

Sherry Olden, Blue Ridge Riding Club, 8332 Mapleville Road, Boonsboro – Ms. Olden stated the Blue Ridge Riding Club was zoned RB-E in 2005 during the Rural Rezoning. She questioned why they are zoned as a Rural Business and how would the floating zone affect her taxes. Ms. Baker stated that the Rural Business Existing zone was placed on the property because the property is open to the public. She stated that taxes are based on land use [not zoning] and is determined by the State Tax Assessment office.

#### **RZ-13-004 – Limited Multiple Parcel Clustering Program**

Ms. Baker presented a proposed text amendment to amend the Washington County Zoning Ordinance to add a new section titled Division XII – Limited Multiple Parcel Clustering Program. The purpose of the text amendment is to allow adjacent properties under a singular ownership to effectively cluster all of the development potential unto one or more pieces of existing land. It is intended to give additional opportunity for rural property owners to regain potential development. The program would be limited to adjacent parcels under singular ownership in an effort to monitor the clustering effects on land development impacts, land preservation efforts and land purchasing.

#### **UPCOMING MEETINGS**

Wednesday, July 23, 2014, 2:00 p.m., Planning Commission Workshop meeting, 100 West Washington Street, Room 255, Hagerstown, Maryland

Monday, May 5, 2014, 7:00 p.m., Planning Commission regular meeting, 100 West Washington Street, Room 255, Hagerstown, Maryland

#### **ADJOURNMENT**

The Chairman adjourned the meeting at 8:40 p.m.

Respectfully submitted,

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Terry Reiber, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION****April 23, 2014**

The Washington County Planning Commission held a workshop meeting on Monday, April 23, 2014 at 2:00 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, Drew Bowen, 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.

**CALL TO ORDER**

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

**TOWN GROWTH AREA REZONINGS****-Town of Hancock**

Ms. Baker presented verbal and written requests from citizens of Hancock, which were received following the public rezoning meeting held on January 16, 2014. Planning Commission members reviewed the following individual requests:

- 14701 Warfordsburg Road (Parcel 100)
  - Current Zoning: HI-1 (Highway Interchange 1)
  - Proposed Zoning: RT (Residential Transitional)
  - Requested Zoning: EC (Environmental Conservation) – Property owner wants to remain rural and does not want to hook up to public water and sewer. Ms. Baker explained that the property is immediately adjacent to the Town limits and it is surrounded by proposed HI zoning to the north which has long been established as an employment area by the Town of Hancock. She also noted that public water and sewer hook-ups are not required as part of this comprehensive rezoning and is meant for new development only. There are currently no water or sewer lines in this area.
  - Planning Commission Recommendation: RT
- North Pennsylvania Avenue [west side of Pennsylvania Avenue (Parcel 130) (also including Parcels 124, 79 and 69)]
  - Current Zoning: BG (Business General) and RU/C
  - Proposed Zoning: EC
  - Requested Zoning: BG and RU/C (Residential Urban/Conservation) – Property owner has requested leaving the larger parcel (P.130) as BG but rezoning the three smaller parcels (124, 79, 69) as RU. The smaller parcels are currently improved with residential uses and the RU zone would be consistent with RU zoning currently in place across the road.
- Michael – East side of Pennsylvania Avenue (P. 81) (also including parcels 98, 41 and 8)
  - Current Zoning: P. 81 (RU/C); P. 98, 41 & 6 (RU)
  - Proposed Zoning: P. 81 (EC); P. 98 & 6 (EC); P. 41 (RT)
  - Requested Zoning: P. 81 (RU/C) – Property owner of P. 81 has requested leaving the zoning as it currently exists. Staff recommends leaving the front portion of P.81 zoned RU as it currently exists. The rear portion of the property currently zoned C is recommended to be removed from the Growth Area and zoned EC. While property owners of P. 98, 41 and 6 have not requested a change, staff recommends leaving these

parcels zoned RU to be consistent with their current zoning and with the P. 81 request to remain RU.

- Planning Commission Recommendation: Parcel 130 should be zoned BG with the exception of the 3 single family lots [RU zoning] and Parcel 81 will have the split zoning of RU and EC.
- 6229 Robinson Road (Parcel 92)
  - Current Zoning: C (Conservation)
  - Proposed Zoning: EC
  - Requested Zoning: C – Property owner stated during the public meeting that they wanted to retain their ability to subdivide their property and were concerned they wouldn't be able to do so under the EC zoning. Ms. Baker stated that she verified with the Department of Plan Review & Permitting staff that this parcel, as well as the others changing from C to EC would qualify for exemption lots as outlined in the Zoning Ordinance. Therefore, they would not lose the ability to subdivide.
  - Planning Commission Recommendation: EC
- 6123 Hess Road (Parcel 90)
  - Current Zoning: C
  - Proposed Zoning: EC
  - Requested Zoning: C – Ms. Baker stated that this property abuts the current Town boundary. The owner wants to be able to subdivide the property in the future. Ms. Baker reiterated her comments from the previous request and that the property would qualify for exemption lots.
  - Planning Commission Recommendation: EC
- Non-owner Request (Parcel 29 and Parcel 11)
  - Current Zoning: C
  - Proposed Zoning: RT
  - Requested Zoning: EC – Ms. Baker stated that a resident requested these properties to be removed from the Growth Area because they do not want Section 8 housing to be built in the area. Ms. Baker stated that the County cannot dictate where low-income housing can be located and the property owners of these two parcels have not made a formal request.
  - Planning Commission Recommendation: RT
- 5932 Sensel Road (Parcels 62, 45 and 54)
  - Current Zoning: RU
  - Proposed Zoning RU
  - Requested Zoning: EC – The property owners want to be removed from the Growth Area because they do not want to hook up to public water and sewer. Ms. Baker explained there are several properties between these parcels and the Growth Area boundary as well as properties zoned EC. She believes the RU zoning is more compatible with these parcels due to their size and the proximity to public water and sewer.
  - Planning Commission Recommendation: RU

#### **-Town of Clear Spring**

Ms. Baker stated that no individual parcel requests have been received to date since the public meeting, which was held on January 29, 2014. She noted there have been no changes proposed to the Growth Area that was established in 2002 except the removal of Plumb Grove Mansion. The Plumb Grove Mansion site is proposed to be designated EC. Ms. Baker explained that a Historic Preservation overlay could be applied for by the owners; however, this cannot be done as part of the comprehensive rezoning

process. Mr. Wiley suggested that if the property is zoned EC, staff should contact representatives of Plumb Grove and offer to assist them through the rezoning process if they desire to have the HP overlay put on this property.

Ms. Baker noted that during the public meetings, infrastructure was a major concern especially water services. She distributed copies of a letter that was received from the Town of Clear Spring reinforcing the fact that they have control over public water and sewer service. Mr. Goodrich reiterated that there is no proposal to enlarge the current Growth Area boundary, which has been in existence since 1973. Mr. Wiley asked if the Growth Area could be reduced in size, but leave the underlying zoning in place. Mr. Bowen suggested holding another public meeting in Clear Spring.

Ms. Baker discussed the Highway Interchange zoning and concerns voiced about the intensity of this zone. She noted that many of the parcels designated with the HI zone are already developed with a commercial use. The County's Comprehensive Plan designates this area for commercial use; however, it does not specify that it must be zoned HI. Members discussed changing this area of HI zoning to a BG (Business General) zoning designation, which would provide for less intensive uses. Planning Commission members were instructed to further analyze the issues individually and to consider the two major points for the next meeting.

The two major points for members to consider until the May 5<sup>th</sup> meeting are as follows:

1. Leave the Growth Area as it currently exists and has existed since 1973; or
2. Repeal or reduce the Growth Area

#### **-Town of Boonsboro**

Ms. Baker stated there have been no individual property owner requests since the public meeting held on February 12<sup>th</sup>. She noted that only one citizen spoke during the public meeting and voiced concerns with regard to hooking up to public water and sewer. There was no further discussion.

#### **-Town of Smithsburg**

Ms. Baker presented individual requests that have been received since the public meeting held on February 26<sup>th</sup>.

- Cavetown Planing (Parcel 422)
  - Current Zoning: RR (Residential Rural)
  - Proposed Zoning: RT
  - Requested Zoning: IR (Industrial Restricted) – Ms. Baker noted that this parcel contains the regional storm water management pond that services the businesses. The property owner is requesting IR zoning to be consistent with the surrounding properties also owned by Cavetown Planing. Ms. Baker also stated that staff recommends splitting the zoning of the parcel due to the panhandle configuration of the property. She stated that it would be more appropriate to zone the bulk of the property IR but leave the panhandle portion zoned RT to be consistent with surrounding residential uses.
  - Planning Commission Recommendation: IR/RT
- Ridenour Family LLC (Parcel 330)
  - Current Zoning: A(R) (Agricultural Rural)
  - Proposed Zoning A(R)
  - Requested Zoning: RT – This property is located outside of both the County and Town of Smithsburg delineated growth areas. The property owner is requesting that the property be put into the Growth Area and be rezoned to RT. Staff does not support this request because there is currently limited capacity at the Smithsburg waste water treatment plant



and the Town of Smithsburg has a Water Resources Element that has been approved and evaluated, which shows no additional capacity available in the foreseeable future.

- Planning Commission Recommendation: A(R)
- Wivell Property (Parcel 333)
  - Current Zoning: RR
  - Proposed Zoning: RT
  - Requested Zoning: BL (Business Local) – Staff completed a site visit to the property and noted a flowing stream bisecting the property. While it is adjacent to existing commercial zoning, Staff believes the environmental features of the property warrant a less intensive use.
  - Planning Commission Recommendation: BL
- 12214 and 12119 Wolfsville Road (Parcels 28 and 94)
  - Current Zoning: RR
  - Proposed Zoning: RT
  - Requested Zoning: BL – These two properties are adjacent to existing commercial zoning and uses; however these parcels are currently being used as residential properties. Property owner requested BL during the initial round of meetings and the Planning Commission recommended leaving the zoning RT.
  - Planning Commission Recommendation: BL
- 12849 Bikle Road (Parcel 213)
  - Current Zoning: A (Agriculture)
  - Proposed Zoning: RT
  - Requested Zoning: A – The property is currently used as a farm and the property owners want it to remain that way. Ms. Baker noted that the Agriculture zoning district is being repealed from the Zoning Ordinance. The RT zoning will allow the property to remain as a farm and will not impede the existing farm operation.
  - Planning Commission Recommendation: RT
- Parcel 225 – non-owner request
  - Current Zoning: A
  - Proposed Zoning: RT
  - Requested Zoning: A(R) – This property is located at the corner of Fruit Tree Drive and Maryland Route 64. Staff is proposing to include this property in the Town Growth Area in order to match the Town of Smithsburg's Comprehensive Plan. Mr. Matt Harsh spoke at the public meeting. He believes there are too many environmental issues for the property to be included in the Growth Area and developed intensively. The existing property owner has not contacted Staff to request a change.
  - Planning Commission Recommendation: RT
- Hudson (Parcel 78) and Wivell (Parcel 717, Lots 1 and 2)
  - Current Zoning: RR
  - Proposed Zoning: RT
  - Requested Zoning: EC – The property owners want to be outside of the Town Growth Area and believe that the property location for the boundary should follow Crystal Falls Drive and Federal Lookout Road. Ms. Baker noted that these properties are shown in the Town of Smithsburg's Comprehensive Plan within the Growth Area. These properties were the subject of a subdivision in 1999 and are located within a reasonable distance of public water and sewer facilities.

- Planning Commission Recommendation: RT
- 22114, 22118 and 22122 Jefferson Boulevard, 12021 Itnyre Road (Parcels 306 and 358, Lots 4-6)
  - Current Zoning: A
  - Proposed Zoning: RT
  - Requested Zoning: BL – This property has been approved for a mini-warehouse facility as a special exception use by the Board of Zoning Appeals and therefore would be limited to that specific use. However, rezoning the property to BL would open it up to more potentially intense commercial uses. There is existing residential development surrounding the currently vacant property that may be impacted if the property would be opened up to more business uses. Property owner requested BL in the previous round of public meetings and the Planning Commission recommended leaving it zoned RT.
  - Planning Commission Recommendation: BL

Ms. Baker reminded Commission members that last year the Board of County Commissioners approved a rezoning request for Parcels 83, 154, 87 and 86 located at the intersection at Maryland Route 64 and Maryland Route 66. These properties were rezoned to Business Local. This decision has been appealed in Circuit Court and has been remanded back to the Board of County Commissioners. The Court determined that Parcel 87 was zoned inappropriately. Staff is recommending that the properties be zoned BL, including Parcel 87.

Following review of the individual requests, the Planning Commission, by consensus, agreed that the proposed TGA zoning maps with these latest changes were acceptable to present to the Board of County Commissioners as their recommended changes with the exception of Clear Spring. Further discussion regarding the Clear Spring Town Growth Area was scheduled for the next Planning Commission meeting.

Another discussion concerning Clear Spring's Growth Area ensued. Mr. Wiley suggested that citizens need to be made aware of the consequences of shrinking the growth area boundary, such as the loss of priority funding for public utilities if it is needed in the future.

### **FOREST BANKING**

Mr. Nugent reminded Commission members that forest banking is process whereby a land owner puts an easement either on forested or afforested land. Developers would negotiate with the land owner to use all or portion of the forested land to meet mitigation responsibilities. The current cost for a payment in lieu is \$.30/\$.36 per square foot for mitigation. Mr. Nugent believes that this would give the County, through the approval process, the opportunity to focus preservation where it should be.

**Discussion:** Mr. Bowen asked if an individual property owner means a single individual or if it could also be a corporation. Mr. Nugent stated it could mean a corporation. Mr. Bowen asked if this would include municipalities. Mr. Nugent believes this issue needs to be discussed further. Mr. Bowen explained how the forest banking process works in Frederick County, Maryland.

There was a brief discussion regarding the progression of Forest Conservation choices. Mr. Goodrich stated that the first priority is on-site planting and/or retention. There was a discussion with regard to the various mitigation choices and the pros and cons of each. Mr. Goodrich noted that there are more stringent storm water management regulations being adopted by the State.

By consensus, the Planning Commission recommends moving forward with the proposed Forest Banking program.

 **DRAFT**

**ADJOURNMENT**

The Chairman adjourned the meeting at 4:00 p.m.

Respectfully submitted,

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Terry Reiber, Chairman

WASHINGTON COUNTY PLANNING COMMISSION  
May 5, 2014

The Washington County Planning Commission held its regular meeting on Monday, May 5, 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, Drew Bowen 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; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting - Terry Irwin, Deputy Director; 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 April 7, 2014 regular meeting as presented. The motion was seconded by Mr. Ecker and unanimously approved.

**OLD BUSINESS**

**Community Rescue Service Maugansville Facility (SP-13-029)**

Mr. Terry Irwin presented for review and approval a site plan for the proposed Community Rescue Service's facility located along the north side of Oliver Drive on 0.78 acre. The property is currently zoned HI (Highway Interchange). He noted that staff has met with the County Attorney who has determined that no buffer yards are required for the proposed use on this lot. This determination is consistent with previous interpretations and application of this section of the Zoning Ordinance. The County Attorney does not believe the additional buffer yard is applicable to situations where a dwelling is an accessory to another principal permitted use in the HI district.

**Discussion:** Mr. Reiber asked if all reviewing agency approvals have been received. Mr. Gordon Poffenberger of Fox & Associates, Inc., the consultant, stated that the City of Hagerstown Water Department has recently approved the pre-annexation agreement with CRS. This agreement will be forwarded to the Washington County Health Department.

**Public Comment:** Mr. William C. Wantz, legal representative for Diamond Development Corporation, stated that only one issue from the previous meeting has been addressed with regard to the setbacks. The second issue to be addressed falls under Section 19.8A, which states that where the adjoining lot is zoned for or contains dwellings, hospitals, nursing homes, etc., there shall be a 75 foot buffer. Mr. Reiber expressed his opinion that staff and the County Attorney's office have addressed the issue.

**Motion and Vote:** Mr. Wiley made a motion to approve the site plan as presented contingent upon receiving all agency approvals. The motion was seconded by Mr. Reeder and unanimously approved.

**NEW BUSINESS**

**-MODIFICATIONS**

**Rosewood Village Phase IIB (SV-14-005)**



Mr. Irwin (on behalf of Mr. Tim Lung) presented for review and approval a modification request for Rosewood Village, Phase IIB located along O'Neals Place. The applicant is requesting a modification from the previously approved side and rear yard setbacks. The requested side yard setback is from the approved 10 foot setback to 7 feet on Lots 106, 111, 112, 119, 120, 123, 124, 127, 128, 132, 138, 139, and 143 and the approved 20 foot rear yard setback to 14 feet on Lots 124-127. The utility providers and the Department of Emergency Services had no comments on this request. The Department of Plan Review & Permitting has reviewed the project and has no objection to the request if the following conditions are met: certain design and grading issues must be addressed as part of the revised site plan and grading plan review. Mr. Irwin noted that care should be taken when designing the Forest Conservation planting area adjacent to lot 124 to avoid conflicts. The applicant should be aware of the close proximity of the forest area to the setback area.

**Discussion and Comment:** Mr. Reiber asked why the modification was needed. Mr. Steve Cvijanovich of Renn Engineering stated it is due to changes in the design of the townhomes by the current builder that are different from the original proposal. The current design has projections such as bay windows and entry bays that extend the current setback. Mr. Bowen asked if the design of additional buildings in other phases of the project have been reviewed to assure that another modification will not be needed. Mr. Sassan Shaoal, developer of Rosewood Village, stated that this unit is not being built anywhere else right now; and, if this building footprint is used in other phases, the request for reductions will be made during the initial phase of the project, not as an amendment.

Mr. Cvijanovich stated that the applicant is aware of the Forest Conservation requirements and has no objections.

**Motion and Vote:** Mr. Bowen made a motion to approve the modification request contingent upon meeting all requirements outlined by the Department of Plan Review & Permitting. The motion was seconded by Mr. Ecker and unanimously approved.

#### **-SUBDIVISIONS**

##### **Van Lear Manor – Section 17, Lots 563-577 (PP-13-003)**

Ms. Kelly presented for review and approval a preliminary plat for Section 17, Lots 565-577 of Van Lear Manor located along Hershey Drive. The property is currently zoned RT (Residential Transition). The developer is proposing to develop 15 single-family lots on 7.5 acres. All lots will have frontage onto Hershey Drive, which is an existing County road. All lots will be served by existing public sewer and public water. Forest Conservation requirements were met by retaining forest on Lots 565-571. The Forest Conservation Plan for this area of Section 17 was previously approved as part of Section 16 in 2000. All agency approvals have been received.

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

#### **-SITE PLANS**

##### **U.S. Silica – Tonoloway Ridge Phase I (SP-13-018)**

Mr. Shaw presented for review and approval a site plan for U.S. Silica – Tonoloway Ridge Phase I located along the east side of Woodmont Road (Tax Map 31, Parcel 12). The site is exempt from Forest Conservation Ordinance requirements because it is being used for surface mining. All structures, parking spaces, etc. will meet the zoning setbacks required by the Washington County Zoning Ordinance. The Maryland Department of the Environment mining program reviews, approves, inspects and addresses compliance issues for sediment and erosion control and storm water management for all areas within the limits of mining. This plan was presented to the Board of Zoning Appeals (AP2013-001) on March 1, 2013. The BZA granted authorization to utilize up to a 5 acre portion of the Betty J. Hoffman property for

access, crushing and loading of materials for off-site transport of sandstone that will be extracted from the adjoining lands of U.S. Silica. The property is currently zoned EC/IM (Environmental Conservation with the Industrial Mineral overlay). The mining permit area is 82.7 acres. The hours of operation will be Monday through Friday, 7:00 a.m. to 7:00 p.m. There will be up to 100 truck trips per day with one fuel truck per day. Staff has no objection to the approval of this plan as presented because it meets as Zoning Ordinance requirements.

**Discussion and Comments:** Mr. Michael Shifler of Fox & Associates, Inc. introduced several representatives from U.S. Silica: Mr. Drew Anderson, Director of Mine Planning & Development; Scott Griffin, Berkeley Springs Plant Manager; Carol Hudak, Permanent Project Manager; and Jerry Brumbaugh of Wampaw Hardware Company. Also present was Tim Kellerman from Triad Engineering. Mr. Anderson gave a brief history of U.S. Silica and its mining operations and Mr. Griffin gave a brief description of the quarrying and processing methods used.

Mr. Wiley asked if production would be moved to Hancock. Mr. Anderson stated there are no plans to move production at this time, which would require a lot of capital funds. Mr. Wiley asked how many trucks are used in the course of a day at the Berkeley Springs facility. Mr. Griffin stated this is a rail and truck facility with approximately 50 to 60 trucks per day. Commissioner McKinley asked if Woodmont Road would be adequate to handle the trucks. Mr. Shifler stated that a road adequacy determination was performed on Woodmont Road as required by the County's Road Adequacy Policies. U.S. Silica will be required to post a bond for approximately \$230,000 to guarantee that the road will be repaired if it can be proven that the truck traffic is damaging Woodmont Road. Members also discussed the water and environmental effects on the surrounding area, blasting effects on surrounding properties, screening for adjacent properties; natural reclamation of abandoned mining areas, etc. Mr. Wiley asked if there is a plan in place to provide water for neighboring properties if there is an emergency situation related to the mining of this property. Mr. Anderson stated there is a plan in place and U.S. Silica would provide water for residents and farm animals if it is determined that the mining activity has damaged private wells.

Mr. Shifler stated that all applicable permits have been received from Maryland Department of the Environment.

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

## **OTHER BUSINESS**

### **RZ-14-001 – Cumberland Valley Veterinary Clinic Real Estate LLC and UP Associates Limited Partnership Recommendation**

Ms. Baker reminded Commission members that a public meeting was held on April 21<sup>st</sup> to receive public comment on the proposed rezoning of property located at 17743 and an adjacent portion of a larger parcel addressed as 1302 Virginia Avenue. The total area to be rezoned is 5.69 acres (1.64 acres owned by Cumberland Valley and 4.05 owned by UP Limited Partnership). Both parcels are currently zoned RU (Residential Urban) and the request is to rezone those properties to BG (Business General).

**Discussion and comments:** Mr. Reiber made an inquiry regarding the proposed outdoor kennels in the BG zoning district. Ms. Baker stated that indoor kennels are permitted and the outdoor kennels would require a special exception from the Board of Zoning Appeals. A site plan will be required if the BZA approves the special exception request for outdoor kennels. Commissioner McKinley asked if the comment from Mr. Larry Michaels with regard to no permits being obtained for the existing outdoor kennels is a true statement. Ms. Baker stated that staff cannot confirm or deny this statement for several reasons: 1) this business has been in existence since the 1940's; 2) there was a fire at this location which damaged a significant portion of the building; and 3) the permitting records only go back to 1996. However, there are no violations for this property on file since that time. Mr. Reeder pointed out that in Mr. Michaels' letter, he states that he purchased his current property from Dr. Baker in 1978, who was

part of the veterinary clinic at the time. There was a brief discussion regarding the noise and odor issues, which could be addressed during the special exception hearing and again at the site plan phase of the project. Mr. William Wantz, the applicant's attorney, stated that the applicant is purchasing a portion of the neighboring property, which is forested, from UP Limited Partnership to act as a buffer for the neighboring properties.

**Motion and Vote:** Mr. Bowen made a motion to recommend approval of the rezoning request to the Board of County Commissioners. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner McKinley and Mr. Wiley abstaining from the vote.

#### **RZ-14-002 Rural Business Recommendation**

Mr. Goodrich noted that the purpose of this amendment is to make the zone function properly and to correct problems that have arisen since its adoption in 2005. The Rural Business-Existing (RB-E) zoning was assigned to rural businesses in order to allow them to continue to operate, while still monitoring expansion. Under the current RB-E zoning, expansion is allowed; however, the expansion is reviewed based on a series of six criteria. If you triggered no more than two of the six criteria, only a site plan is required for the expansion. If three or more of the criteria are triggered, an applicant would need to go through the rezoning process with an abbreviated schedule. The current RB-E zone has no underlying zone; therefore, if the business ceases to operate and the property is sold (not for a business), a rezoning would be necessary to assign the proper zone for a new use. The proposed Rural Business zoning would not have the six criteria associated with it for expansion. All properties that currently have the RB-E zoning will not change, with the exception of one specific individual request. These properties will all receive an underlying zone with the Rural Business floating zone.

Ms. Baker explained how the Euclidean zone would go dormant and the Rural Business floating zone would be on the property until such time as the business ceases to exist. She reiterated that there will be no changes to existing land uses permitted, no changes to parking requirements, etc. Mr. Reiber expressed his opinion that people are confused and mistrusting. He believes a statement saying "there will be no changes" needs to be added to the text. Mr. Goodrich explained that if the amendment is adopted, the confusing text would be eliminated.

There was a discussion regarding the 35%/45% expansion language that is proposed in the text amendment. Ms. Baker noted that currently non-conforming uses are limited to a 35% expansion. She noted there were several comments and questions during the public rezoning meeting held on April 21<sup>st</sup>. Staff responded to those comments with the following proposed solutions:

1. Instead of using the phrase "increase in the original area of the use", language could be added that creates a definitive point in time, such as "the effective date of the amendment", or add a specific date (if the amendment is approved).
2. Language could be added to clarify that new rural businesses will not be subject to the expansion clause during their initial establishment.
3. Add language to clarify that the expansion percentage is based on a per application basis.
4. To address the smaller rural businesses that could be disproportionately affected, language could be added to the 35% maximum, such as "Expansions would be limited per application to a 35% expansion or 5,000 square feet, whichever is greater."

Mr. Ecker expressed his opinion that a limitation on expansion is not needed and that the County already has too many regulations. Mr. Goodrich noted that people living in a rural area expect to have a rural area without a lot of businesses. Creating a percentage would allow the rural businesses to expand and would also give neighboring residents a say of what happens in their community by requiring a special exception or a rezoning. Commissioner McKinley believes that the term "rural" is very subjective and that business owners should be able to expand their businesses as much as they want. Ms. Baker noted that if a business wants to expand, it will need to go through the site plan process, which would give the Planning Commission flexibility to review the project and recommend changes. Mr. Goodrich pointed out that the RB zoned businesses could not expand outside of the RB zoning district without going through a rezoning, which would give the public the opportunity to comment or raise concerns.

Ms. Baker also presented the two individual requests that have been received:

- 14109 Greencastle Pike – Ms. Baker stated this is a residential property and has been for more than 30 years. The owner is requesting the RB-E zoning designation be removed.
- 2403 Harpers Ferry Road – Ms. Baker stated this is the site of the former Mad Dog Saloon which recently sustained a fire. The business use existed at the time of the 2005 rezoning but was not zoned RB-E then. The owners have requested that the Rural Business zoning be placed on their property.

**Motion and Vote:** Mr. Ecker made a motion to recommend approval of the proposed text and map amendment as amended [remove the percentage limitation] and approval of the two individual requests as presented. The motion was seconded by Mr. Bowen and unanimously approved with Commissioner McKinley abstaining from the vote.

Planning Commission members requested that the actual text [in track changes] be forwarded via e-mail when it is amended.

#### **RZ-13-004 Limited Multiple Parcel Clustering Program Recommendation**

Ms. Baker presented for review and recommendation a proposed text amendment to amend the Washington County Zoning Ordinance to add a new section titled Division XII – Limited Multiple Parcel Clustering Program.

**Motion and Vote:** Mr. Ecker made a motion to recommend approval of the proposed text amendment as presented. The motion was seconded by Mr. Bowen and unanimously approved with Commissioner McKinley abstaining from the vote.

#### **RZ-13-004 Town Growth Area Recommendation**

Ms. Baker reminded Commission members that discussions were held during the workshop meeting on April 23<sup>rd</sup> regarding the Clear Spring Town Growth Area boundary. At the request of the Planning Commission, she presented a map showing the areas currently served by public water and sewer. Ms. Baker contacted the Maryland Department of Planning regarding priority funding areas. She was told that if the Growth Area is removed in its entirety, funding for the planned areas will be in jeopardy. Existing service could possibly get funding, but it would likely take a special exception through MDE; however, new service on vacant properties would most likely not receive funding from the State. This would include funding for repairs or expansion of the existing lines.

Mr. Goodrich presented a map showing the extent of urban zoning categories as they were in 1973, 1997 and what is currently being proposed. The extent of urban zoning designations has shrunk from the original boundary in 1973.

**Motion and Vote:** Mr. Reeder made a motion to recommend approval of the Town Growth Area rezoning as discussed during the workshop meeting held on April 23, 2014 to the Board of County Commissioners. The motion was seconded by Mr. Bowen and unanimously approved with Commissioner McKinley abstaining from the vote.

#### **ADJOURNMENT**

The Chairman adjourned the meeting at 9:22 p.m.

Respectfully submitted,

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Terry Reiber, Chairman





**WASHINGTON COUNTY**  
**DIVISION OF PLAN REVIEW AND PERMITTING**  
80 West Baltimore Street  
Hagerstown, Maryland 21740-6003  
Telephone: (240) 313-2460  
FAX: (240) 313-2461  
Hearing Impaired call 7-1-1 for Maryland Relay

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## MEMO

**Date:** 5/21/2014  
**To:** Washington County Planning Commission  
**From:** Cody Shaw, Senior Planner  
**RE:** **MODIFICATION REQUEST FOR WILLIAM & LEONA SAUSER**  
(3026 Harpers Ferry Road) (SV-14-004)

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Attached you will find for your review a modification request to allow the reduction of access spacing along a major collector to less than the required 300'. Per Section 405.2a of the Washington County Subdivision Ordinance, the access spacing shall be 300' for properties along a major collector. The applicant wishes to reduce the required 300' access spacing to 50'. The applicant is stating that the topographic conditions for the lot create a steep slope where the existing driveway is proposed and would be difficult to navigate a vehicle up to the proposed house location. Requests for this action require Planning Commission approval.

This modification request was sent to the Plan Review & Permitting - Engineering, the Department of Emergency Services, the Potomac Valley Fire Department, and the Department of Public Works (Traffic) for commenting. All of the reviewing agencies had no comment or objection to the approval of the modification request.

If you have comments regarding the proposed modification and/or the applicant's request, please call or e-mail me at: (240) 313-2442 or cshaw@washco-md.net.

Cody L. Shaw  
Senior Planner

SV-14-004

WASHINGTON COUNTY PLANNING COMMISSION  
APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

**APPLICANT**

NAME William & Leona Sauser  
MAILING ADDRESS 2578 Bear Den Road, Frederick, MD 21701  
TELEPHONE \_\_\_\_\_  
(home) (work) (cell)

**PROPERTY OWNER**

NAME Same  
MAILING ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
(home) (work) (cell)

**CONSULTANT**

NAME Frederick, Seibert & Associates  
ADDRESS 128 S. Potomac Street, Hagerstown, MD 21740  
TELEPHONE \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

PARCEL REFERENCE: MAP 83 GRID 10 PARCEL 227  
PROPOSED LOT ACREAGE 3.00 TOTAL SITE ACREAGE 3.00  
ZONING DISTRICT A(R) ROAD FRONTAGE(FT) 282'

**RECEIVED**

APR 07 2014

DIVISION OF PLAN  
REVIEW & PERMITTING

**LOCATION / ADDRESS**

Just north of 3016 Harpers Ferry Road

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**EXISTING AND PROPOSED USE OF PROPERTY**

Vacant Single Family Lot

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LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER Yes

**SUBDIVISION MODIFICATION INFORMATION**

MODIFICATION TO SUBDIVISION ORDINANCE SECTION 405.2.a

MODIFICATION IS TO ALLOW Reduction of access spacing along a major collector to less than the required 300'.

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

Topographic conditions create a steep slope where the existing driveway is proposed and would be difficult to navigate a vehicle up to the proposed house location.

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(Attach additional sheets if necessary)

In addition, two (2) 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.



**WASHINGTON COUNTY**  
**DIVISION OF PLAN REVIEW AND PERMITTING**  
80 West Baltimore Street  
Hagerstown, Maryland 21740-6003  
Telephone: (240) 313-2460  
FAX: (240) 313-2461  
Hearing Impaired call 7-1-1 for Maryland Relay

## MEMO

**Date:** 5/21/2014  
**To:** Washington County Planning Commission  
**From:** Cody Shaw, Senior Planner  
**RE:** **MODIFICATION REQUEST FOR LETITRIDE3 LLC**  
(10903 Big Pool Road) (SV-14-006)

Attached you will find for your review a modification request to allow the reduction of access spacing along a minor collector to less than the required 300'. Per Section 405.2.a of the Washington County Subdivision Ordinance, the access spacing shall be 300' for properties along a minor collector. The applicant wishes to reduce the required 300' access spacing to 180'. Requests for this action require Planning Commission approval.

This modification request was sent to Plan Review & Permitting – Engineering, the Department of Emergency Services, the Department of Public Works (Traffic), and the Clear Spring Fire Department for commenting. All of the reviewing agencies had no comment or objection to the approval of the modification request.

If you have comments regarding the proposed modification and/or the applicant's request, please call or e-mail me at: (240) 313-2442 or cshaw@washco-md.net.

Cody L. Shaw  
Senior Planner



SU-14-006

WASHINGTON COUNTY PLANNING COMMISSION  
APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

**APPLICANT**

NAME Letitride3, LLC

MAILING ADDRESS 11631 Ernstville Road, Big Pool, MD 21711

TELEPHONE \_\_\_\_\_  
(home) (work) (cell)

**PROPERTY OWNER**

NAME Same as above

MAILING ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_  
(home) (work) (cell)

**CONSULTANT**

NAME Frederick, Seibert & Associates

ADDRESS 128 S. Potomac Street, Hagerstown, MD 21740

TELEPHONE 301-791-3650

**DESCRIPTION OF PROPERTY**

PARCEL REFERENCE: MAP 45 GRID 2 PARCEL 14

PROPOSED LOT ACREAGE 2.04 TOTAL SITE ACREAGE 4.67

ZONING DISTRICT EC ROAD FRONTAGE(FT) 400'

**RECEIVED**

APR 16 2014

DIVISION OF PLAN  
REVIEW & PERMITTING

**LOCATION / ADDRESS**

10903 Big Pool Road, Big Pool Maryland

West side of Big Pool Road approximately 2500' North of Interstate 70.

**EXISTING AND PROPOSED USE OF PROPERTY** Existing single family residence on the 4.67 ac.

Proposed use would be a 1 acre lot around the existing house as lot 1, proposed lot 2 a vacant 1 ac building lot and the 2.63 ac remaining land.

**LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER** Yes

**SUBDIVISION MODIFICATION INFORMATION**

**MODIFICATION TO SUBDIVISION ORDINANCE SECTION** 405.2.A

**MODIFICATION IS TO ALLOW** Create a new access onto a Minor Collector 180' from an existing access when 300' of access spacing is the minimum permitted by the County Highway Plan.

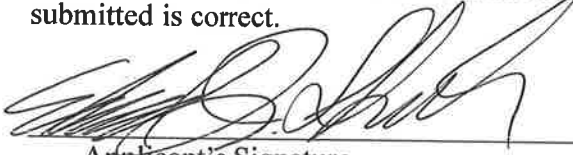
**STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION** (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

In an attempt to utilize the land in the most efficient manner and not create an oversized lot the average lot width is 150 feet thus 300 ft from an existing access would be difficult to achieve. The furthest away from an existing access that this access can be and still develop the land in an efficient manner is 180 ft from the existing access on an adjacent lot. A hardship would be created in that all 3 siblings that own this property would not be able to each have their own individual lot.

(Attach additional sheets if necessary)

In addition, two (2) 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

AGENT FOR OWNER/APPLICANT

4/15/14

Date

Property Owner's Signature

Date

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**STAFF USE ONLY:**

STAFF PLANNER: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

NUMBER: \_\_\_\_\_

MEETING DATE: \_\_\_\_\_



**WASHINGTON COUNTY**  
**DEPARTMENT OF PLAN REVIEW AND PERMITTING**  
Washington County Administrative Annex  
80 West Baltimore Street  
Hagerstown, Maryland 21740-6003  
Telephone: 240-313-2460  
FAX: 240-313-2461  
D/HoH Call 7-1-1 for Maryland Relay

## **PRELIMINARY CONSULTATION DISTRIBUTION**

**TO:**

- Washington County Health Dept.**
- Washington County Land Development Engineering**
- Washington County DPW Traffic**
- Washington County Dept. of Environmental Mgmt.**
- Washington County Historic District Commission**
- Washington County Soil Conservation District**
- City of Hagerstown Utilities**
- Maryland State Highway Administration**
- Fire & Rescue**
- Allegheny Power**
- Verizon**
- Columbia Gas**
- Washington County Grid Technician**
- Washington County Sheriff's Dept.**
- Mt. Aetna Fire Department**

**FROM:** **Tim Lung**

**DATE:** **March 27, 2014**

**RE:** **Preliminary Consultation**  
**PC-14-001 – Mt. Aetna Technology Park**

**Please find attached the preliminary consultation for the above referenced project.**

**TAL/msb**

**Attachment**

**Cc: Terry R. Irwin, Deputy Director, Plan Review & Permitting**  
**Frederick, Seibert & Associates, Inc.**  
**Greg Snook, Owner/ Applicant**





## **PRELIMINARY CONSULTATION PC-14-001 – MT. AETNA TECHNOLOGY PARK**

A preliminary consultation was held on Thursday, March 27, 2014 at 1:30 p.m. in the offices of the Washington County Plan Review and Permitting Department, 80 West Baltimore Street, Hagerstown, Maryland to present a concept plan for a proposed Technology Park to be constructed on undeveloped land located between the end of the existing Yale Drive and the HCC campus. The site is comprised of approximately 110-115 acres of land currently zoned ORI. Potential purchasers include medical, nano-technical, pharmaceutical or college training facilities. Access to the site will be by way of Yale Drive with additional interconnecting service roads.

Present and participating in the consultation were: Terry Irwin, Deputy Director, Tim Lung, Chief of Plan Review, Mark Stransky, Plan Reviewer & Flood Plain Manager, Gail Abbott, Plan Reviewer, Misti Brandenburg, Office Associate, Washington County Plan Review & Permitting Department; Merle Saville, Transportation Engineer, Washington County Division of Engineering & Construction; Steve Goodrich, Director, Washington County Planning & Zoning Department; Elmer Weibley and Dee Price, Washington County Soil Conservation District; Ed Norman & Kimberly Ridenour, City of Hagerstown Utilities Department; Alex Rohrbaugh, City of Hagerstown Planning Department; Mark McKenzie, Maryland State Highway Administration; Col. Randy Wilkinson, Washington County Sheriff's Department; Fred Frederick, Tony Taylor & Ed Schreiber, Frederick, Seibert & Associates, Inc., Consultants; Greg Snook, Owner/Applicant.

### **WASHINGTON COUNTY DIVISION OF ENGINEERING & CONSTRUCTION**

Mr. Merle Saville was present and provided the following comments. Mr. Saville stressed the importance of having a service road in front of the buildings. He observed that there was a service road proposed at the back of one of the buildings (Lot G) but emphasized the importance of a service road near highways and at the front. Mr. Snook interjected that under the MOU signed by the county, the access points on Yale Drive will be limited. Additionally, Mr. Saville stated that interconnectivity to other properties is essential to consider, particularly where Antietam Creek is concerned; land locked properties need to be avoided. Emergency Services requires two methods of ingress or egresses to a property. Mr. Saville suggested creating a map that would show the adjoining properties to ensure that no properties are landlocked and have the required egresses.

### **MARYLAND STATE HIGHWAY ADMINISTRATION**

Mr. Mark McKenzie was present and provided the following comments. Mr. McKenzie stated that he didn't have any comments until Mr. Saville required a traffic study. He said Mr. Saville and the district would need to agree upon the scoping. A discussion ensued regarding the need for a traffic study and it was determined that a traffic study had been completed. Mr. Saville suggested that a copy of the traffic brief be forwarded to him. Mr. Frederick's office will provide Mr. Saville with a copy of the Traffic Study.

### **WASHINGTON COUNTY PLAN REVIEW & PERMITTING DEPT. – ENGINEERING REVIEW**

Mr. Mark Stransky was present and provided the following comments. He also provided written comments, a copy of which is attached to this summary. Mr. Stransky stated that the proposed layout of improvements shown on each lot may need to be modified to satisfy ESD (Environmental Site Design) to the MEP (Maximum Extent Practical) stormwater management requirements. The layout for each lot will be determined during the ESD Concept review phase where drainage features, forest areas, and other natural resources will be identified.

Mr. Stransky pointed out that a stormwater management study was previously submitted to the office describing how SWM will be addressed for the CHIEF property, which includes this proposed project (see Stormwater Management Report for Yale Drive Extended Road Construction and Regional SWM Pond Design, July 2012.) It has been determined that quantity control for the proposed public roadway and most

of the CHIEF property (including all of the proposed lots) will be addressed with a regional SWM pond to be constructed offsite west of the CHIEF property. The regional SWM pond will also be sized to handle all of the SWM from the existing SWM pond immediately upstream which controls stormwater from Robinwood Medical Center.

Mr. Stransky added that SWM facilities most likely need to have an impervious liner since this project is located in a karst area, and soil borings will be required for all SWM facilities. He went on to say that there is concern for the absence of connectivity between Lot M and the property located immediately north. Additionally, under the new SWM, S&E and Grading Ordinance, a permanent drainage easement may be required for larger drainage areas.

During the meeting Mr. Stransky reiterated concern for interconnectivity, especially on Lot M. Mr. Frederick explained that they considered interconnectivity, however, Mr. Abram, an adjacent property owner, and Daikon, an elderly residential community, desired buffering.

During the discussion regarding the SWM pond, Mr. Snook pointed out that under the MOU, (Memo of Understanding) CHIEF is responsible for the first 10 years of maintenance on the pond. Mr. Frederick stated that regional stormwater is also a good use of natural resources and selling point for the property.

#### **WASHINGTON COUNTY SOIL CONSERVATION DISTRICT**

Mr. Elmer Weibley and Ms. Dee Price were present and provided the following comments. They also provided written comments, a copy of which is attached to this summary. Mr. Weibley stated that the impact to the two established stream buffers on site will need to be considered during development of the site plans. The southernmost stream buffer, north of the proposed Yale drive, is the most significant to be dealt with. Due to the nature of both stream buffers, based on soil drainage area and landscape position, we feel any restrictions inherent in an established stream buffer can be mitigated on-site in a very reasonable fashion. It is our suggestion, that early in the process of site plan development the consulting engineer contact our office to discuss the best way to reach agreement on how to proceed.

Additionally, the base map provided for the site does not contain enough information to conduct a complete review of the site in order to offer any additional meaningful comments or suggestions. No soil information, steep slope identification, forest areas, floodplain limits or other basic information has been provided for consideration. The discussion at the March 27<sup>th</sup> Preliminary Consultation with the agencies may be a time when the owner and consulting engineer can provide additional input that will be of use to them in moving this project forward.

During the meeting Mr. Weibley stated that a correction would be required so that the notes and plans coincide with the stream buffers. He also questioned the buildings shown over the stream buffers. Mr. Frederick explained that this was a concept presented with the understanding that permission would need to be obtained in order for it to be implemented. Mr. Weibley suggested that mitigation be done early in the process through simple analysis, and that it exceed the requirements to mitigate the impact of the loss of a stream buffer.

#### **CITY OF HAGERSTOWN PLANNING DEPARTMENT**

Mr. Alex Rohrbaugh was present and provided the following comments. Mr. Rohrbaugh stated that as these sites are developed, a Pre-Annexation Agreements for city water will be required, as there is potential for future annexation into the city. Mr. Snook pointed out that he has updated the City Council on the progress of this site and a master agreement with the hospital is being devised. Mr. Rohrbaugh stated that under the City's Comprehensive Plan amendment this area will be zoned Business Employment, recognizing that this is the area's targeted use. Mr. Snook added that the hospital is currently not planning to develop the land west of the property. However, there is the potential for this property to be subdivided and purchased or leased. Creation of jobs is CHIEF's primary focus for this property.

### **CITY OF HAGERSTOWN UTILITIES**

Mr. Ed Norman was present and provided the following comments. He stated that there may be the need to upgrade sewer sections in Colonial Park East, as well as for further construction of lines due to capacity issues with larger companies. Mr. Snook agreed and stated that a large bio-medical facility would require more water than sewer due to the fact that part of the water goes into their product.

Ms. Kim Ridenour was present and provided the following comments. Ms. Ridenour reiterated that Pre-Annexation Agreements are required. She further stated that if the lots were leased as opposed to subdivided into parcels, a master meter would be required with one meter per lot. A Vault Form, to designate the size of the meter, will also be required at the time of Site Plan application.

### **WASHINGTON COUNTY SHERIFF'S DEPARTMENT**

Col. Randy Wilkinson was present and provided the following comments. Col. Wilkinson stated that he was present on behalf of the Sheriff, who is concerned that the widths of the right of ways are adequate to handle the rate of traffic anticipated in the area. Mr. Snook responded that he donated all the land that the county requested (100ft.North, South, East & West) for right-of-ways. Part of the Master Plan is to develop the entire corridor in order to disperse traffic. However, it will be an additional 3-5 years before Professional Bridge will be built due to acquisition of federal funding. Mr. Lung recommended that the Sheriff meet with Mr. Rob Slocum to review the public street design for the area.

### **WASHINGTON COUNTY PLAN REVIEW & PERMITTING DEPARTMENT-LAND DEVELOPMENT**

Mr. Tim Lung was present and provided the following comments. He reiterated that the zoning of the property is ORI and pointed out that this is a relatively new zoning district. This is the first plan to be reviewed in this district. He stated that the ORI zoning carries with it many performance standards that are required to be addressed, i.e. noise, light, etc. However, the concept plan doesn't contain sufficient detail to comment on those standards. Mr. Lung commented that from the concept plan he could see pedestrian paths and he encouraged interconnectivity with existing paths located on the HCC campus and other adjoining properties. Mr. Snook pointed out that there is a mile long jogging/biking path to the right of Yale Drive. Mr. Frederick stated that the goal is for the property to be 'user friendly' for pedestrians. Mr. Lung noted that the current plan shows retention of existing forest on-site, which is beneficial due to the fact that it is adjacent to existing forest conservation easement areas at HCC. He stated that the mitigation requirement for forest conservation in the ORI zoning district is 15%, and that the amended Forest Conservation Ordinance allows for the use of street tree credits toward this requirement.

### **WASHINGTON COUNTY PLANNING & ZONING DEPARTMENT**

The question was asked of Mr. Steve Goodrich as to whether there has been any thought or movement by the Commissioners towards the purchase of 'forest banking credits' to address forest conservation requirements. Mr. Goodrich responded that staff is currently drafting language for a banking program which will be presented at the Planning Commission meeting in April. If the program is adopted by the Commissioners, banking will become another method of mitigation and will likely be available after the first of next year. A couple types of banking will be available. The most credit will be received by planting new forest, and banking on existing forest will likely net a 50% credit.

Mr. Goodrich reminded attendees that the payment in lieu of fee has gone up from .10/sq. ft. to .30/sq. ft. Mr. Goodrich pointed out that a new requirement in the ORI zoning is the building appearance guidelines. The Planning Commission will need information with site plans, possibly artist's renderings of proposed buildings, to determine consistency with those guidelines which are minimum standards. The applicant was encouraged to exceed those minimums with its own covenants and restrictions. The ORI guidelines are aimed at developing a consistent theme of quality throughout the entire development.

## **DISCUSSION**

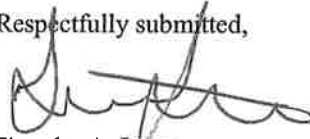
Mr. Weibley encouraged the implementation of a 'green roof' on one of the buildings toward a 'LEED' certification. He also pointed out that it would be affective toward stormwater management. He cautioned the developer to be aware of the Accounting for Growth Strategy and the impact it could have on current plans, if it is implemented.

In response to Mr. Snook's zoning inquiry with regard to future annexation by the city, Mr. Rohrbaugh stated that the current city zoning most comparable to the county's ORI district is Industrial Mixed Use zoning. Mr. Rohrbaugh agreed to forward the city study comparing city/county zoning of principal permitted uses to Mr. Snook for his review.

## **CLOSING COMMENTS**

There being no further discussion, the consultation concluded. All agencies will receive a written summary of the meeting. If there are any discrepancies in the report, the Plan Review Staff should be contacted. The written summary will be submitted to the Planning Commission and their comments shall also be incorporated within and be made a part of the record of comments and issues, which need to be addressed by the developer as he proceeds through the approval process.

Respectfully submitted,



Timothy A. Lung  
Chief of Plan Review

TAL/msb

Attachments

PC-14-001

MT.AETNA TECHNOLOGY PARK

AGENCY COMMENTS RECEIVED IN PERMITS PLUS SYSTEM

ADDRESS ASSIGNMENT-Meghan Hammond (240 313 2439)

VARSITY DRIVE NO LONGER EXISTS, THIS SHOULD BE SHOWN AS PROFESSIONAL BOULEVARD. (CORRECT INSET)

#### SOIL CONSERVATION DISTRICT

1. Impact to established stream buffers shown on site in two areas will need to be considered during development of site plans. The Southern most stream buffer, North of the proposed Yale Drive is the most significant to be dealt with. Due to the nature of both stream buffers based on the soil drainage area and landscape position we feel any restrictions inherent in an established stream buffer can be mitigated on-site in a very reasonable fashion. It is our suggestion early in the process of site plan development the consulting engineer contact our office to discuss the best way to reach agreement on how to proceed.

2. The provided base map for the site does not provide enough information to conduct a complete review of the site in order to offer any additional meaningful comments or suggestions. No soils information, steep slope identification, forest areas, floodplain limits or other basic information has been provided for consideration. The discussion at the March 27, Preliminary Consultation with agencies may be the time when the owner and consulting engineer can be provided with additional input that will be of use to them in moving the project forward.



WASHINGTON COUNTY  
DIVISION OF PLAN REVIEW AND PERMITTING  
80 West Baltimore Street  
Hagerstown, Maryland 21740-6003  
Telephone: (240) 313-2460  
FAX: (240) 313-2461  
Hearing Impaired call 7-1-1 for Maryland Relay

## MEMORANDUM

TO: Ed Schreiber, FSA

FROM: Mark Stransky, PE, CFM - Plan Reviewer (240.313.2406)

DATE: March 27, 2014

RE: Mt. Aetna Technology Park PC-14-001

### Comments:

1. The proposed layout of improvements shown on each lot may need to be modified to satisfy ESD to the MEP stormwater management requirements. The layout for each lot will be determined during the ESD Concept review phase where drainage features, forest areas, and other natural resources will be identified.
2. A stormwater management study has previously been submitted to our Office describing how SWM will be addressed for the CHIEF property, which includes this proposed project (see Stormwater Management Report for Yale Drive Extended Road Construction and Regional SWM Pond Design, July 2012). It has been determined that quantity control for the proposed public roadway and most of the Chief property (including all of the proposed lots) will be addressed with a regional SWM pond to be constructed offsite west of the CHIEF property. The regional SWM pond will also be sized to handle all of the SWM from the existing SWM pond immediately upstream ~~with~~ controls stormwater from Robinwood Medical Center.
3. SWM facilities will probably need to have an impervious liner since this project is located in a Karst area.
4. Soil borings will be required for all SWM facilities.
5. We are concerned about the absence of connectivity between Lot M and the property immediately north of it.
6. Under the new SWM, S&E and Grading Ordinance, a permanent drainage easement may be *required* for larger drainage areas.





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

**BASE INFORMATION**

SITE NAME...: ROCKLAND ESTATES EVENT CTR  
NUMBER.....: SP-14-017

OWNER.....: PAINTER MONICA  
LOCATION....: WESTSIDE OF THE SHARPSBURG PIKE  
DESCRIPTION.: EXISTING FARM TO BE USED FOR SPECIAL EVENTS - IN

ZONING.....: A(R) AGRICULTURAL (RURAL)  
COMP PLAN...: AG Agriculture  
PARCEL.....: 06210027000006  
SECTOR.....: 2  
DISTRICT....: 12

TYPE.....: CM  
GROSS ACRES.: 25.4  
DWEL UNITS..: 1  
TOTAL LOTS..: 1  
DENSITY.....: 04 UNITS PER ACRE

PLANNER.....: LISA KELLY  
SURVEYOR....: FREDERICK SEIBERT & ASSOCIATES  
RECEIVED....: 04/15/2014

FOREST REVIEW FEE.....:\$0.00  
DEVELOPMENT REVIEW FEE..:\$760.00

**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.:  
DRAIN DIRECTION.....:  
FLOOD ZONE.....: C  
WETLANDS.....: N  
TOPOGRAPHY....: ROLLING  
BEDROCK.....:  
VEGETATION.....:

**SITE DESIGN**

IMPERVIOUS SURFACE PLANNED...: 4%      BUFFER DESIGN MEETS REQUIREMENTS.: Y  
 IMPERVIOUS MAXIMUM ALLOWED...: 0%      LANDSCAPING MEETS REQUIREMENTS...: Y  
 LIGHTING PLAN MEETS REQUIREMENTS.: Y  
 OPEN SPACE AREA PLANNED-AC...: 0      PEDESTRIAN ACCESS IS ADEQUATE....: Y  
 OPEN SPACE MINIMUM ALLOWED...: 0      BUS ROUTE WITHIN WALKING DIST....: N  
 TOTAL PARKING SPACES PLANNED.: 50      LOADING AREAS MEET REQUIREMENTS...: Y  
 PARKING SPACES-MINIMUM REQD.: 48  
 PARKING SPACES/DWELLING UNIT.: 0  
 RECREATIONAL VEHICLE PARKING.: N

RESIDENTIAL AMENITY PLANS.....: ADEQUATE

SOLID WASTE DISPOSAL PLANS...: INSIDE BUILDING  
 MATERIALS STORED ON SITE.....: NO

**COMMUNITY FACILITIES**

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

PROPOSED NEW ROAD NAMES

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10

NUMBER OF ACCESS POINTS:1  
 COUNTY HISTORIC INVENTORY SITE #: II102  
 ON NATIONAL HISTORIC REGISTER : N

FIRE DISTRICT: 10      MILES TO STATION: 0  
 AMBULANCE DIST: 75      MILES TO STATION: 0

**COMMENTS:**

EXISTING FARM TO BE USED FOR SPECIAL EVENTS - IN BARN AND  
 WITH A TENT REV 2



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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...: TRIUMPH DEVELOPMENT  
NUMBER.....: SP-14-005

OWNER.....: TRIUMPH ROBINWOOD, LLC  
LOCATION.....: SOUTHEAST SIDE OF ROBINWOOD DRIVE  
DESCRIPTION..: PROPOSED BANK AND OFFICE BUILDING REV 2

ZONING.....: BL BUSINESS LOCAL  
COMP PLAN...: CM Commercial  
PARCEL.....: 05015174800001  
SECTOR.....: 1  
DISTRICT....: 18

TYPE.....: CM  
GROSS ACRES.: 3.9  
DWEL UNITS..: 0  
TOTAL LOTS..: 0  
DENSITY.....: 0 UNITS PER ACRE

PLANNER.....: LISA KELLY  
SURVEYOR....: FREDERICK SEIBERT & ASSOCIATES  
RECEIVED....: 01/21/2014

FOREST REVIEW FEE.....:\$0.00  
DEVELOPMENT REVIEW FEE...:\$945.00

**SITE ENGINEERING**

	WATER	SEWER
METHOD.....:	PUBLIC	PUBLIC
SERVICE AREA.....:	HN	HN
PRIORITY.....:	1	1
NEW HYDRANTS.....:	1	
GALLONS PER DAY SEWAGE...:	0	
SEWER PLANT.....:	Hagerstown	

STORM WATER MANAGMT TYPE.: BIO RETENTION POND  
DRAIN DIRECTION.....:  
FLOOD ZONE.....: C  
WETLANDS.....: N  
TOPOGRAPHY.....: FLAT  
BEDROCK.....:  
VEGETATION.....:

**SITE DESIGN**

IMPERVIOUS SURFACE PLANNED...: 71%      BUFFER DESIGN MEETS REQUIREMENTS.: Y  
 IMPERVIOUS MAXIMUM ALLOWED...: 0%      LANDSCAPING MEETS REQUIREMENTS...: Y  
 LIGHTING PLAN MEETS REQUIREMENTS.: Y  
 OPEN SPACE AREA PLANNED-AC...: 0      PEDESTRIAN ACCESS IS ADEQUATE....: Y  
 OPEN SPACE MINIMUM ALLOWED...: 0      BUS ROUTE WITHIN WALKING DIST....: Y  
 TOTAL PARKING SPACES PLANNED.: 158      LOADING AREAS MEET REQUIREMENTS...: Y  
 PARKING SPACES-MINIMUM REQD.: 155  
 PARKING SPACES/DWELLING UNIT.: 0  
 RECREATIONAL VEHICLE PARKING.: N

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

SOLID WASTE DISPOSAL PLANS...: SCREENED DUMPSTER  
 MATERIALS STORED ON SITE.....: N/A

**COMMUNITY FACILITIES**

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

PROPOSED NEW ROAD NAMES

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10

NUMBER OF ACCESS POINTS:3  
 COUNTY HISTORIC INVENTORY SITE #: NOT HIST  
 ON NATIONAL HISTORIC REGISTER : N

FIRE DISTRICT: 10      MILES TO STATION: 3  
 AMBULANCE DIST: 75      MILES TO STATION: 3

COMMENTS:  
 PROPOSED BANK AND OFFICE BUILDING REV 2

PAYMENT IN LIEU WAS PAID DURING APPROVAL OF PLAT  
 S-07-135

THE WASHINGTON CO PLANNING COMMISSION ACTED ON APPROVED ON  
 JUNE 6,2011, THE MODIFICATION TO SECTION 405.2.A OF THE  
 WASHINGTON COUNTY SUBDIVISION ORDINANCE WHICH ALLOWED FOR  
 THE REDUCTION OF ACCESS SPACING ON A MINOR ARTERIAL ROADWAY  
 FROM 500 FEET TO 300 FEET WITH THE FOLLOWING CONDITIONS:  
 THE SUBJECT PROPERTY WILL REQUIRE A REPLAT TO REMOVE ACCESS  
 RESTRICTION NOTE AND TO ELIMINATE THE SEPTIC RESERVE AREA  
 SINCE PUBLIC SEWER IS TO BE USED. A NEW REVISED SITE PLAN

FOR THE KENWORTHY PROPERTY WILL BE REQUIRED SHOWING THE  
PROPOSED ENTRANCE ON ROBINWOOD DRIVE.

THE ACCESS POINTS FROM ROBINWOOD DRIVE INTO THE PROPOSED  
SITE DOES NOT COINCIDE WITH THE MODIFICATION OF 2011. UPON  
FURTHER REVIEW WITH THE COUNTYS ENGINEERING DEPARTMENT AND  
BASED ON TRAFFIC STUDY ANAYLSIS, IT WAS DETERMINED THAT THE  
ACCESS POINTS SHOWN ON SP-14-005 WERE BETTER FOR TRAFFIC  
FLOW ON ROBINWOOD DRIVE AND FOR THE SITE.



**WASHINGTON COUNTY  
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Fax: 240-313-2461

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....: TRUCK ENTERPRISES, INC.  
NUMBER.....: SP-14-009  
  
OWNER.....: TRUCK ENTERPRISES, INC.  
LOCATION....: VOLVO WAY W/S  
DESCRIPTION.: FULL SITE PLAN FOR TRUCK ENTERPRISES INC REV 1  
  
ZONING.....: HI HIGHWAY INTERCHANGE  
COMP PLAN...: IF Industrial Flex  
PARCEL.....: 02416069800000  
SECTOR.....: 1  
DISTRICT....: 27  
  
TYPE.....: CM  
GROSS ACRES.: 8.5  
DWEL UNITS..: 0  
TOTAL LOTS..: 0  
DENSITY.....: 0 UNITS PER ACRE  
  
PLANNER.....: CODY SHAW  
SURVEYOR....: FREDERICK SEIBERT & ASSOCIATES  
RECEIVED....: 01/30/2014  
  
FOREST REVIEW FEE.....:\$0.00  
DEVELOPMENT REVIEW FEE...:\$1,175.00

**SITE ENGINEERING**

	WATER	SEWER
METHOD.....	PUBLIC	PUBLIC
SERVICE AREA.....	HN	HN
PRIORITY.....	3	1
NEW HYDRANTS.....	0	
GALLONS PER DAY SEWAGE...	925	
SEWER PLANT.....	Hagerstown	
STORM WATER MANAGMT TYPE.: MICRO BIORETENTION/BIOSWALES		
DRAIN DIRECTION.....	W	
FLOOD ZONE....	C	
WETLANDS.....	N	
TOPOGRAPHY....	MOSTLY FLAT	
BEDROCK.....	—	
VEGETATION....	<i>Few trees, grass</i>	



**SITE DESIGN**

IMPERVIOUS SURFACE PLANNED...: 66%      BUFFER DESIGN MEETS REQUIREMENTS.: Y  
 IMPERVIOUS MAXIMUM ALLOWED...: 85%      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.: 195      LOADING AREAS MEET REQUIREMENTS...: Y  
 PARKING SPACES-MINIMUM REQD.: 101  
 PARKING SPACES/DWELLING UNIT.: 0  
 RECREATIONAL VEHICLE PARKING.: N

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

SOLID WASTE DISPOSAL PLANS...: SCREENED DUMPSTER/PRIVATE HAULER  
 MATERIALS STORED ON SITE.....: NO OUTSIDE STORAGE OF MATERIALS

**COMMUNITY FACILITIES**

	ELEM	MID	HI
SCHOOL NUMBER CODE	4	3	3
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:2

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

FIRE DISTRICT: 13      MILES TO STATION: .9  
 AMBULANCE DIST: M7      MILES TO STATION: .9

## COMMENTS:

FULL SITE PLAN FOR TRUCK ENTERPRISES INC REV 1

FUNCTIONAL DESCRIPTION OF THE SITE IS FOR TRUCK SALES/SERVICE.

FOREST CONSERVATION WILL BE HANDLED VIA PAYMENT IN LIEU

STORMWATER MANAGEMENT FOR THE SITE WILL BE HANDLED IN THE  
 FORM OF MICRO-BIORETENTION AREAS AND PONDS



# CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development  
Planning and Code Administration Division

## MEMORANDUM

RECEIVED

MAY 19 2014

WASHINGTON COUNTY  
PLANNING DEPARTMENT

TO: Washington County Planning Commission

FROM: Hagerstown Planning Commission

DATE: May 15, 2014

SUBJECT: Sidewalks on Street Frontages of Commercial Properties

At the May 14<sup>th</sup> meeting of the Hagerstown Planning Commission, we were made aware of a concept plan which the County is reviewing for the redevelopment of the old Sharrett's property on the Dual Highway. Particularly in light of the recent pedestrian fatalities on the Dual Highway, we strongly urge the developer and the County to ensure that sidewalks are built along the road frontages of this property.

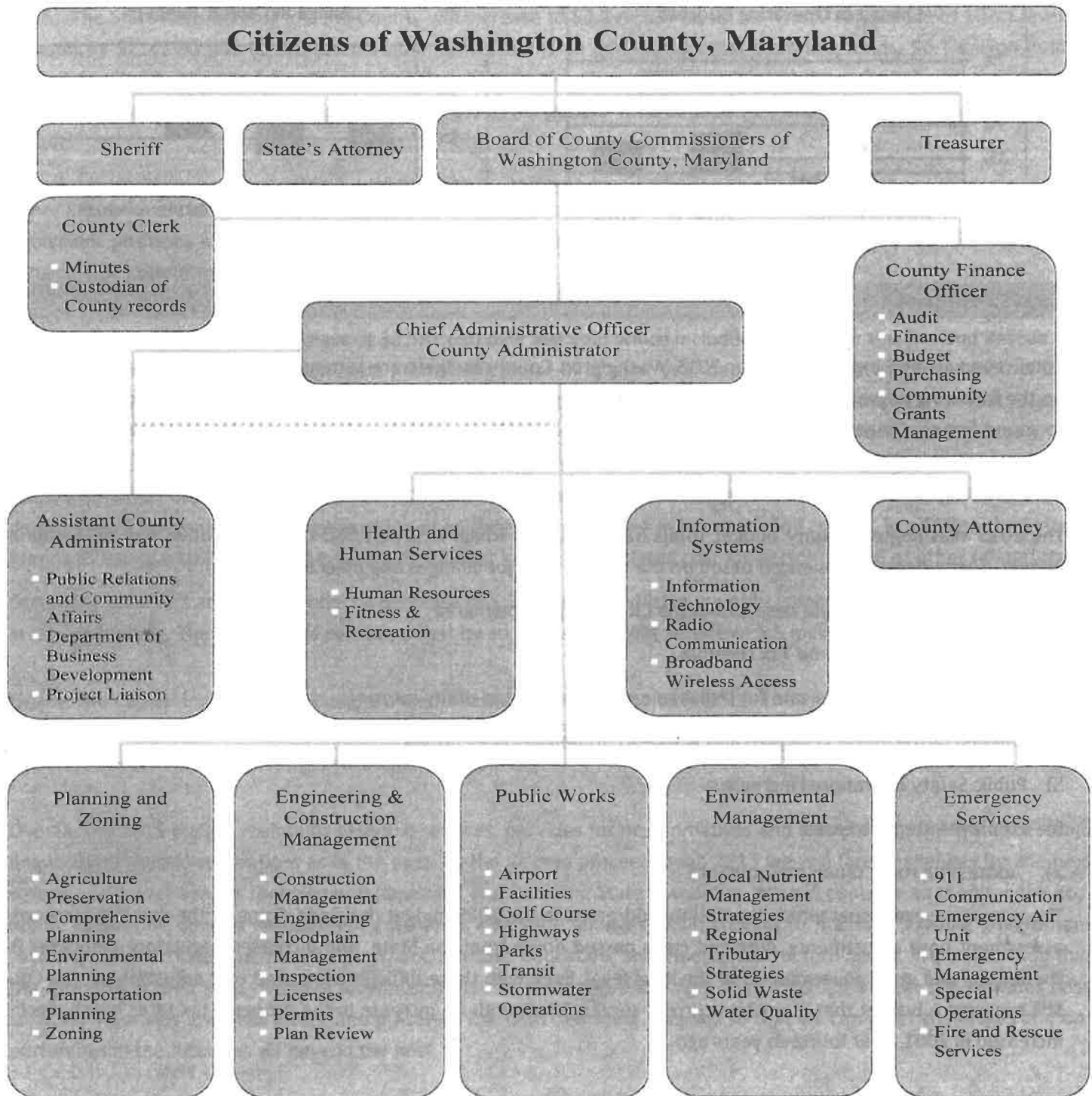
As the City has been doing with State grant funding and through the site plan review process, it is extremely important that our community work diligently to fill the gaps in the pedestrian network on the Dual Highway and the rest of the urban street network. As we all know, sidewalks protect the safety of our residents, are an important part of quality of life in a healthy community, and are one of the components of a "complete streets" system of transportation.

We appreciate your work ensuring quality development in our county and wanted to take this opportunity to emphasize the importance of pedestrian safety as we all look at development plans and plan new road networks.

c: Bruce Zimmerman, City Administrator  
John Lestitian, Director, Dept. of Community & Economic Development  
Rodney Tissue, City Engineer  
Stephen R. Bockmiller, Zoning Administrator/Development Review Planner

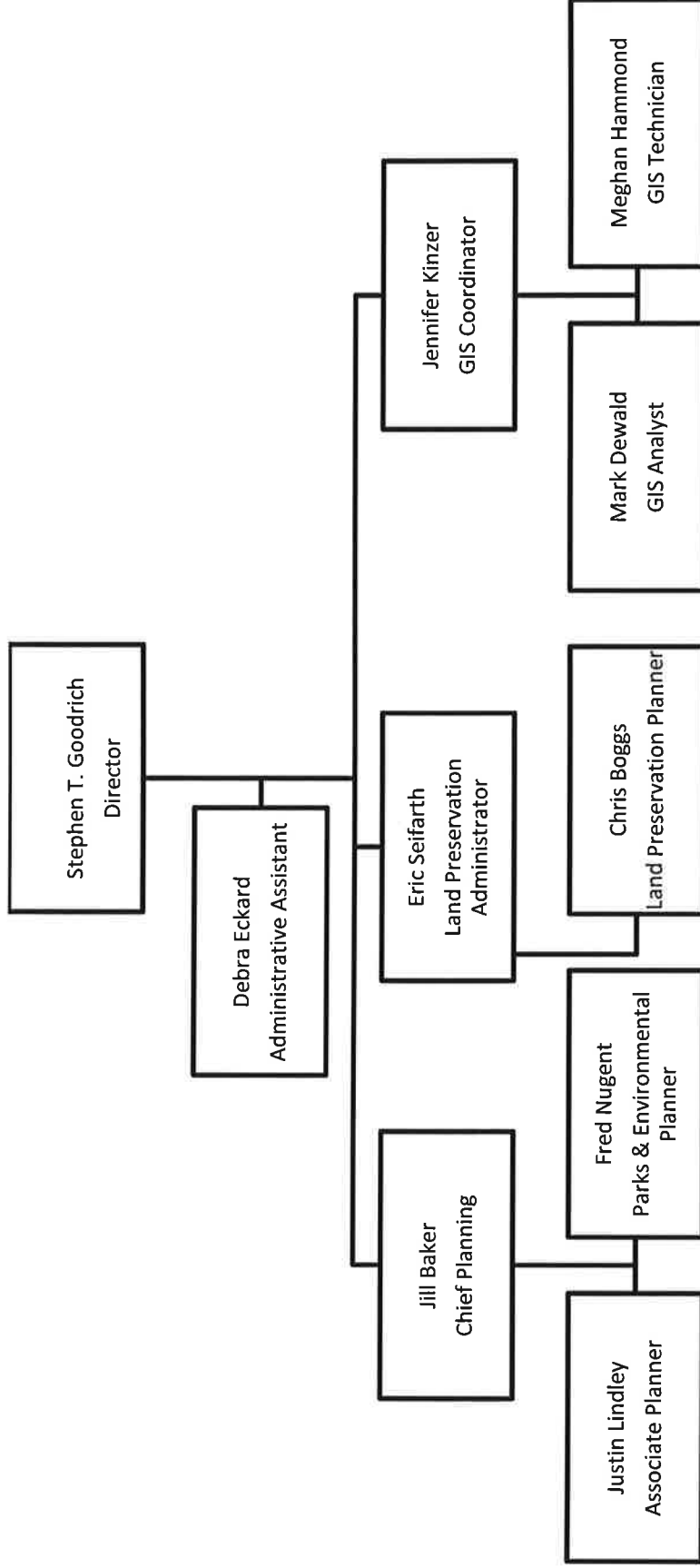
## Organizational Overview

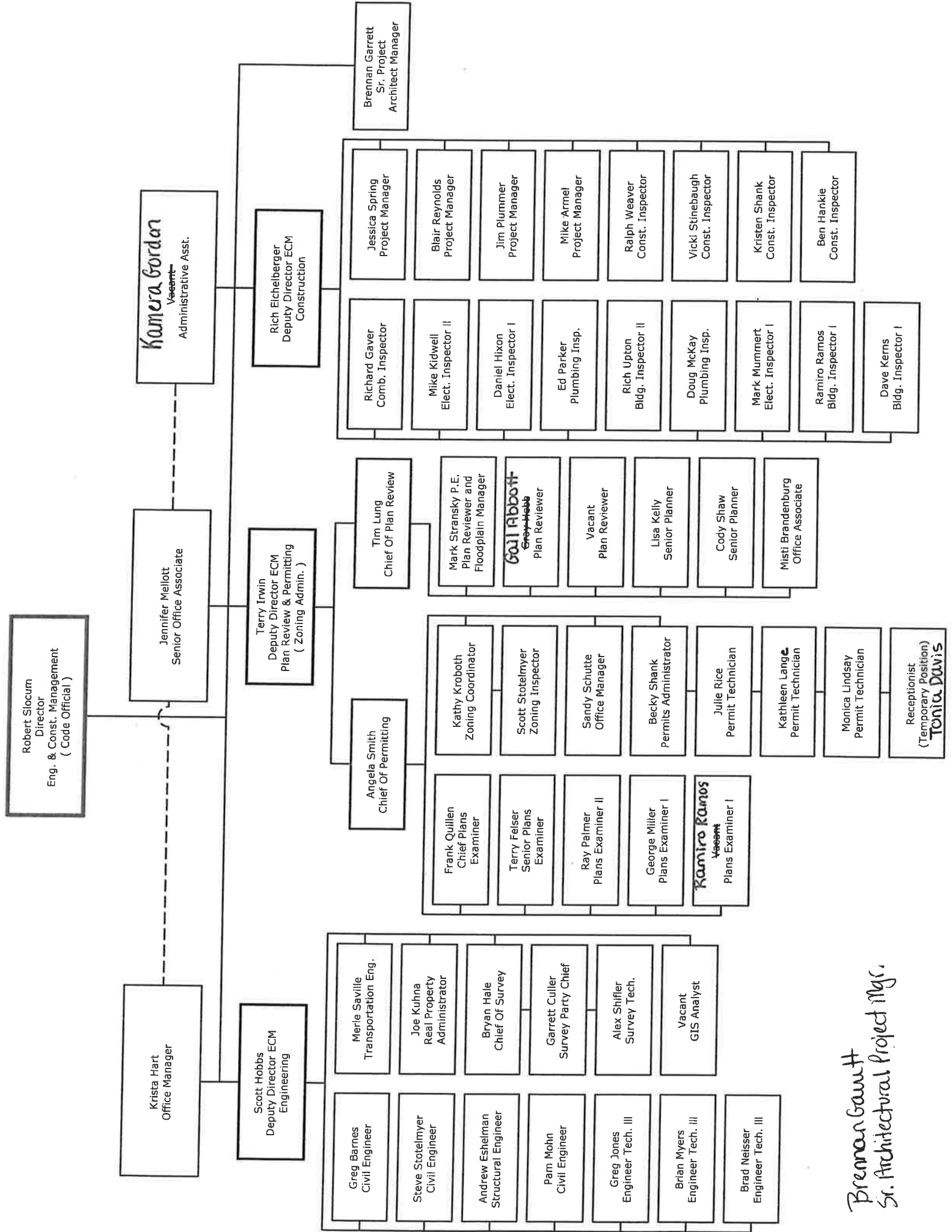
The County is a corporate body which performs all local government functions in Washington County except those performed by the nine incorporated municipalities within Washington County. Both executive and legislative functions are vested in the elected, five member Board of County Commissioners of Washington County. The Board may only exercise such powers as are conferred upon it by the General Assembly of Maryland, including authorization to issue debt to finance its capital projects. County Commissioners are elected on a countywide basis and serve four-year terms.



# Washington County Department of Planning & Zoning

240-313-2430






Brennan Garrett  
Sr. Architectural Project Mgr.



**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

MEMORANDUM TO : Washington County Planning Commission

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

SUBJECT : Farm Winery concerns

DATE : May 22, 2014

Enclosed is a letter I received by e/mail on Thursday morning, May 22, 2014. After reading it you will see that the author, Nicki Woodhams, has serious concerns about farm wineries and Big Cork Winery in particular, due to the Zoning Ordinance amendments approved by the Board of County Commissioners in April 2013. Ms Woodhams lives across the street from the location where Big Cork Winery is currently under construction. She has voiced her concerns to the County Commissioners during the Public Comment portion of their regular meetings on two separate occasions and was guided to the Planning Department for assistance in filing an application for a Zoning Ordinance text amendment to address her concerns. The Planning staff received a letter similar to the one attached and has reached out to her and recommended a meeting to explain the details of the text amendment application procedures. The offer of assistance is still pending and a meeting has not yet occurred.

It is unusual to schedule a matter like this on the Planning Commission agenda when there is no related plan review or ordinance amendment proposal scheduled for discussion. The enclosed letter includes the statement "I am requesting immediate assistance of the Washington County Commissioners, Planning and Zoning and Planning Commission...". Ms Woodhams has appeared before the County Commissioners and received advice to work with the Planning Staff. The Planning and Zoning staff has recommended and requested a meeting with her on multiple occasions to provide and discuss the details of the amendment procedure. In an effort to directly address her request for assistance and to be as helpful as possible the matter has been scheduled on the June 2 agenda. This will allow a presentation and discussion in a controlled environment instead of an unplanned request from the audience to an unprepared Commission.

STG/me  
cc: Jill Baker  
Kathy Kroboth  
Terry Irwin  
Greg Murray  
County Commissioners  
Nicki Woodhams





5/21/14

Nicki Woodhams  
4241 Main Street  
Rohrersville, MD 21779  
Email [cartron21@yahoo.com](mailto:cartron21@yahoo.com)  
301-416-2946

Washington County Department of Planning and Zoning  
County Administrative Annex  
80 West Baltimore St.  
Hagerstown, MD 21740

Dear Mr/Ms. Planning and Zoning Staff

Three weeks ago I spoke for a second time to the Commissioners during the Citizen Participation portion of their weekly meeting (April 1<sup>st</sup> and May 6<sup>th</sup>). I informed them of the resulting damages and injuries presently occurring concerning the Planning Commission, along with the Department of Planning and Zoning, text amendment that new construction of commercial wineries, in Rural Village, Preservation and Conservation districts are exempt from the Zoning and Site Plan Review process. And now because of the text amendment that permits new commercial, manufacturing, industrial, retail construction uses, in tranquil historic preservation districts of the county are also exempt from enforcement of County Zoning Ordinances and Site Plan compliance. The impact of this text amendment to the quiet peaceful way of life in the village of Rohrersville is now forever transformed, because of the actions (or lack of action) by the Planning Commission decision, without any clear path to amend Land damage and injuries from Use violations large manufacturing, commercial winery pursues.

Furthermore, the deceitful, secretive manipulation process by which of the text amendment took place removed any chance for adjacent property owners or community members to be heard or have a voice as to the impact and damages this manufacturing, industrial, retail operation will have in our residential community, of which now alcoholic beverages are to be made, sold and consumed on site. Furthermore we lack any kind of protection or enforcement of Land use in all of Washington County from such practices.

Whereby by, on April 23<sup>rd</sup>, 2013, with input by certain members of the Planning Commission, Planning and Zoning filed an application crafted by attorneys for Big Cork Winery, 4238 Main Street, Rohrersville, MD 21779, for the Board of County Commissioners of Washington County, Maryland amending the text of the Zoning Ordinance for Washington County Ordinance No. ORD-2013-13, an ordinance to amend certain provisions of the zoning ordinance for Washington County, Maryland (RZ-12-002), specifically, Sections 3.3, 11.1, 12.1 and Article 28A to add use designations for farm wineries, farm breweries, commercial wineries, banquet and reception facilities and conference centers, as permitted uses in Preservation, Conservation and Rural Village Districts, adding provisions to waive (exempt) the requirement for Zoning and Site Plan reviews prior to the beginning of construction and application process.

Buried within the crafted text amendment is a waiver (or exemption) from any Zoning and Site Plan Review to which many of these land use changes can proceed without regard or guidelines to size, impact on the surrounding environment, natural resources, conservation of property values, the most appropriate use of land and structure and orderly growth of the community.

The application for a permit shall not be approved where the Board finds the proposed building, addition or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable.

- The number of people residing or working in the immediate area concerned.
- The orderly growth of a community
- Traffic conditions and facilities
- The effect of such use upon the peaceful enjoyment of people in their homes
- The conservation of property values
- The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values
- The most appropriate use of land and structure
- Decision of the courts
- The purpose of these regulations as set forth herein
- Type and kind of structures in the vicinity where public gatherings may be held, such as school, churches and the like

What is taking place is the construction of Big Cork Winery, a commercial, manufacturing, retail, winery enterprise, in the small picturesque historic village of Rohrsersville, MD. Without the oversight of the Zoning and Site Plan review process, thus providing boundless limitations to build a commercial, manufacturing, retail establishment under the veil of being an agricultural farm winery.

Rohrsersville once a tranquil peaceful rural village in historic southern Washington County will soon be turned into a tourist attraction and as Mr. Wiley of the Planning Commission quoted, on Oct. 15<sup>th</sup>, 2013, "economic opportunity for this county". In the shadows of South Mountain Battlefield a remarkable historic natural resource. In addition to being the site of the first major Civil War battle in Maryland, it includes valuable farm and forestland.

Let me remind the Planning Commission, Department of Planning and Zoning, along with the Board of Washington County Commissioners, that all of Rohrsersville is privately owned and respect of the property rights and privacy of our friends and neighbors has been violated by your decisions. Preservation is an ongoing, expensive process. We are now unprotected and silenced because of the Department's, Commission's and Commissioners actions. We are in need of your immediate assistance to prevent encroaching from manufacturing, commercial, retail development uses snuffing out this unique landscape.

This misfortune has taken place with intentional deceit and cover-up to mislead our planning officials and commissioners, so to profit and exploit the natural, historic beauty of our farm land and agricultural community.

The text amendment process was corrupted, the citizens of Rohrsersville violated and ignored, for never being duly notified or informed, about what was completely neglectful by Planning and Zoning Departments, the Planning Commission and the board of Commissioner.

The PUBLIC INFORMATION DOCUMENT by which we should have been protected, removed the **applicant** party to which had the responsibility to provide who might be affected by their enterprise and the Planning and Zoning Department took over so to avoid concerned public comment or controversy and continues to do so.

*Below is the text content from the County Zoning web-site:*

**“PUBLIC INFORMATION DOCUMENT  
ZONING MAP AND TEXT AMENDMENT PROCEDURES” 3/26/08**

6. The applicant shall post notice of the public meeting at the subject property at least 14 days prior to the hearing. *Who was the applicant for the Ordinance ORD 2013-13; RZ 12-002??*
7. The Planning Department shall notify adjacent property owners by mail of the Planning Commission's public meeting at least 14 days prior to the public meeting using the list of adjoining property owners provided by the applicant as set forth in the required information materials list.

Therefore we request to be informed and publicly made known injuries and damages resulting from Zoning Text amendments and Ordinance text amendments and demand a chance to be heard. All parties to the Text Amendment very much knew from the applicants' position what was to transpire from such actions and choose to ignore protection of the property rights of the citizens in the Rohrsersville community.

-Guarantee and Assurances Enforcement Article 24.2(d) in that provisions of this Ordinance being violated shall notify, take action and order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures and any other action to ensure compliance with or prevent violation of its provisions

The residents of Rohrsersville, along with the State of Maryland, request your expertise to help with these processes. From the MDE, "Advise Plan Review to go and determine the guidelines for Farm Winery vs Commercial Winery. The county Planning and Zoning needs to define the guidelines and cannot eliminate permit requirements for building Overlay."

It is truly obvious to what has transpired and blatant deceit with the matter of Big Cork Winery. I am sickened and dismayed the lack of effort and response your departments and Commissioners continue to take no action concerning the Land damage and Use violations this commercial winery pursues.

To ensure that proper process and procedures are followed for the protection and compliance for all residents of Washington County, Md. I am requesting immediate assistance of the Washington County Commissioners, Planning and Zoning and Planning Commission to create a Text Amendment to repeal Ordinance No. ORD-2013-13, amending the zoning text to prohibit any and all commercial manufacturing, industrial uses from Conservation, Perseveration, Rural Village Districts in Washington County, Md., to preserve our peaceful, unique historic natural resources and heritage.

The grounds for the immediate re-appeal action required after Board amendment to zoning ordinance text and create guidelines pursuant to Section 25.6 limitations guides and standards. Acknowledging applicant of property located at 4238 Main Street Rohrsersville, MD, 21779 named operation "Big Cork" winery, owned and operated by ThompsonGas, not a farmer with of any agricultural endeavor. Actions thereof have resulted in damages and injuries to the communities' quality of life, as they once knew it. Repeal approval of granting exemption waiver from Washington County's Zoning and Site Plan Review process for Zoning District Rural RV, Conservation and Preservation Revision 042013. Hearing; Section 25.51(c) violations as abuse of power, in that justly and purposefully knowing concerned adjacent property owners were never properly notified of Ordinance text amendment hearings directly affecting the community.

I implore you to please help preserve the peaceful, tranquil integrity of our farmlands and historic heritage of Rohrsersville for generations to come.

Sincerely,  
Nicki Woodhams

# WELCOME TO BIG CORK VINEYARDS

Nestled on 100 rolling acres in Maryland's Pleasant Valley, Big Cork Vineyards rewards wine enthusiasts with a first-class tasting experience. From the winery's spacious, wrap-around porch, visitors can indulge in delicious wines prepared by award-winning winemaker and co-owner Dave Collins, while toasting to the fine things in life.

**OUR TASTING ROOM AND FARM WINERY  
PRODUCTION FACILITY WILL BE OPENING IN  
THE SPRING OR SUMMER OF 2014.**

## OUR STORY

For Big Cork Vineyards President Randy Thompson, the rolling expanse of crops that once dotted his family farm was truly a field of dreams. President and CEO of the family business, ThompsonGas, he envisioned a vineyard with a grand winery and tasting room on the hill. After a serendipitous encounter between Thompson and local winemaker Dave Collins, Big Cork Vineyards broke ground in May 2011. On 24 luscious acres, Collins planted 13 varietals, making Big Cork the second largest vineyard in Washington County, Maryland.

At Big Cork, our wines are grand in flavor and presentation. No expense has been spared to ensure the sustainability of the land or the delicious quality of the grapes, wine or tasting experience.

