

**WASHINGTON COUNTY PLANNING COMMISSION
PUBLIC REZONING MEETING
March 20, 2017**

The Washington County Planning Commission held a public rezoning meeting on Monday, March 20, 2017 at 7:00 p.m. at the Washington County Administration Building, 100 West Washington Street, Room 2000, 2nd Floor, Hagerstown, Maryland.

Commission members present were: Vice-Chairman Clint Wiley, Dennis Reeder, Andrew Bowen, David Kline, Robert (BJ) Goetz, Jr., and Jeremiah Weddle. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director and Debra Eckard, Administrative Assistant.

CALL TO ORDER

The Vice-Chairman called the meeting to order at 7:05 p.m.

RZ-17-002 2016 Black Rock Road LLL

--Staff Presentation

Mr. Goodrich presented a map amendment application for 2016 Black Rock Road LLC for two parcels of land totaling 49.72 acres located along the north side of Black Rock Road, south of I-70 at the MD 66 interchange. The property is currently zoned A(R) – Agricultural Rural. The applicant is requesting a change in zoning to A(R) – Agricultural Rural with the Rural Business floating zone. Mr. Goodrich explained that the Rural Business overlay zone is not a traditional zoning category; therefore, the change in the character of the neighborhood or a mistake in the original zoning of the property is not criteria used in making the decision to apply the RB floating zone on this property. He further explained that the Commission should consider the facts presented in the Staff Report, a review of the development proposal, 2016 Black Rock LLC's application and presentation, the public comment, and analysis using criteria from the Zoning Ordinance to determine if the proposed use would be compatible with the surrounding neighborhood and if the proposed change would be consistent with the intent and purpose of the Rural Business zone.

The applicant is proposing a 5,850 square foot AC&T convenience store, 10 car fueling stations, 4 truck fueling stations, 54 car parking spaces, 30 truck parking spaces and 120,000 square feet of flex space. The proposed 120,000 square feet of flex space is broken down into 24,000 square foot increments in 5 different buildings. There will be paved access to these buildings, storm water management facilities, and a well and septic system on the property. A preliminary site plan was provided to the Planning Commission in its agenda package.

There are currently no improvements on the property. The property drains from its highest point in the northwest corner near the interchange and flows to the south and southeast. Black Rock Creek is on the south side of Black of Rock Road, where most of the drainage would flow. The entire area is underlain by limestone; therefore, the soils in the area are derived from limestone which produces good agricultural soils. No public water or sewer facilities are currently available in the area and none are planned by the County. The proposed development would use a private well and septic system.

This parcel is on the edge of the Upper Beaver Creek Watershed, which is a special planning area that is discussed in the County's adopted Comprehensive Plan. Subdivision and Zoning regulations have special development review requirements for the effects of well and septic systems in the watershed.

There would be no effects on the school system because no residential development is allowed in the Rural Business zone. If the property were developed under its current zoning, approximately 8 or 9 housing units could be expected; however, this is already factored into school capacity calculations.

Mr. Goodrich stated that a traffic study was submitted as part of the application and copies have been given to the Planning Commission members. He briefly discussed transportation and traffic issues as described in the Staff Report. As part of the proposed development, traffic improvements are proposed including special turning lanes on MD 66 and additional turning lanes on Black Rock Road.

Current zoning districts in the area are A(R) – Agricultural Rural, EC – Environmental Conservation, and RV – Rural Village. There are a variety of uses in the area including scattered residential development, 20+ sites listed in the County's Historic Inventory [one of which is located along the eastern edge of the rezoning site and is listed on the National Register], and other Rural Business zones, which include the Beaver Creek Country Club, Funk Electric, an auto repair business, as well as several other small businesses. Mr. Goodrich noted that the intent of the Rural Business zone is to provide services to the rural population.

Mr. Goodrich stated that this interchange is the only one in Washington County that does not have the HI (Highway Interchange) zoning designation. In the late 1990s, the County evaluated all of the highway interchanges in the County and purposely decided not to assign the HI designation to this interchange due to environ-mental sensitivity issues in this area. A comprehensive rezoning of the rural areas was conducted in 2005 and ultimately approved by the County Commissioners. At that time, the County reiterated its intent to preserve the rural nature and environmentally sensitive areas at this interchange by not applying the HI zone at this interchange and assigning the current A(R), EC and RV districts..

Mr. Goodrich noted that the Department of Natural Resources (DNR) has a special interest in this area, specifically the trout hatchery on the opposite side of the interstate from the subject parcel. DNR is taking

a neutral position on this request stating they are neither for nor against the proposal. However, representatives conveyed information about the karst topography (fractured limestone) in this area which produces high quality water for consumption. DNR representatives also described the efforts expended in the Beaver Creek Watershed to improve and maintain water quality. This includes maintaining the temperature of the water because cold water is very important to trout populations, which have seen an increase due to these efforts.

Following Mr. Goodrich's presentation, Mr. Wiley explained that there are several people [approximately 40 to 50] unable to access the meeting due to the large number of attendees and the limited space of the room. He expressed concern that some in attendance may not get an equal opportunity to participate and suggested postponing the remainder of this meeting in order to find a different venue that would accommodate more people. Planning Commission members believe it is unfair to those who cannot hear the proceedings and want to make public comments.

Motion and Vote: Mr. Bowen made a motion that the public rezoning meeting for 2016 Black Rock Road LLC be postponed and re-scheduled in a different venue that will accommodate all interested parties. The motion was seconded by Mr. Reeder and unanimously approved.

Comments: Mr. Weddle expressed his opinion that the meeting should be re-scheduled as soon as possible.

The Vice-Chairman adjourned the public rezoning meeting at 7:30 p.m.

ELECTION OF OFFICERS

Motion and Vote: Mr. Bowen made a motion to elect Mr. Wiley as Chairman. The motion was seconded by Mr. Reeder and unanimously approved.

Motion and Vote: Mr. Reeder made a motion to elect Mr. Bowen as Vice-Chairman. The motion was seconded by Mr. Kline and unanimously approved.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,



Clint Wiley, Chairman