

**WASHINGTON COUNTY PLANNING COMMISSION  
PUBLIC INFORMATION AND REGULAR MEETING  
August 7, 2017**

The Washington County Planning Commission held a Water and Sewerage Plan amendment public information meeting and regular monthly meeting on Monday, August 7, 2017 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, Maryland.

Commission members present were: Chairman Clint Wiley, David Kline, B. J. Goetz, Jeremiah Weddle, Andrew Bowen and Ex-Officio Commissioner Leroy Myers. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting – Cody Shaw, Chief of Plan Review and Lisa Kelly, Senior Planner.

**PUBLIC INFORMATION MEETING**

**WS-17-001 – Clarence Horst**

**Staff Presentation**

Mr. Goodrich (on behalf of Ms. Baker) presented an amendment to the Washington County Water and Sewerage Plan for Clarence Horst. The property is located at 17628 and 17638 Garden View Road, which is outside the Urban Growth Area. Mr. Horst is proposing to subdivide a new lot from his farm for the purpose of constructing a single-family dwelling for a family member. As part of the subdivision process, the Washington County Health Department must approve a permit for a new well to serve the new lot. After several attempts to establish a new well, the Health Department denied the application due to contamination in the water samples and also determined that the existing well on Lot 2 is contaminated by groundwater under the direct influence of surface water contamination, also known as GWUDI. Mr. Horst contacted the City of Hagerstown to request access to an existing public water line located along Garden View Road. Water service was approved for Lot 2 because it is an existing lot of record; however, the request was denied for Lot 3 due to the fact that the proposed new lot is located outside the City of Hagerstown's designated Medium Range Growth Area (MRGA) boundary, which is outside of their water service area. Mr. Horst continued to work with the Health Department and the City of Hagerstown to negotiate a way to tap onto the existing water service for the new proposed Lot 3. Due to the uniqueness of the property being adjacent to an existing water line and adjacent to the designated MRGA, and the new GWUDI "sensitive area" delineation of the Health Department caused the City of Hagerstown to re-evaluate their policies. As a result, the City recently approved a new exemption to its policies which allows the extension of water service outside of the designated MRGA for properties located within a "sensitive area" associated with GWUDI issues.

**Discussion and Comments:** There was a brief discussion regarding other properties in the area that may also need to hook-up to the public water line. Mr. Goodrich explained that other hook-ups would have to be approved by the City of Hagerstown, which is limited to three (3) requests per year. He stated in response to Planning Commission concerns that there could be a larger number of requests for connections; however, the Health Department would have to determine if contamination was located on other wells and declare an emergency related to public health and safety concerns. There was a discussion with regard to including several additional acres within the UGA boundary and the possibility of additional lots in the future.

**Applicant's Presentation**

Mr. Clarence Horst, 17638 Garden View Road, Hagerstown, Maryland – Mr. Horst gave a brief history of the sequence of events that have led to the proposed Water and Sewerage Plan amendment. He also explained that because this property is within the Airport Overlay zone, no additional houses can be constructed on this property even if the Growth Area boundary is expanded.

No public comment was received.

The Chairman closed the public information meeting at 7:30 p.m.

**REGULAR MEETING**

**CALL TO ORDER**

The Chairman called the regular meeting to order at 7:30 p.m.

**MINUTES**

**Motion and Vote:** Mr. Weddle made a motion to approve the minutes of the July 10, 2017 regular meeting as presented. The motion was seconded by Mr. Kline and unanimously approved with Mr. Bowen and Mr. Myers abstaining from the vote.

## **NEW BUSINESS**

### **PRELIMINARY CONSULTATIONS**

#### **The Villas at Gateway (PC-17-001)**

Mr. Shaw presented for review a preliminary consultation for The Villas at Gateway located along the north side of Rench Road. The property is currently zoned RU (Residential Urban). The applicant is proposing a 24 lot residential subdivision with semi-detached units on 5.18 acres. During the preliminary consultation, held on March 2, 2017, comments were received from the following reviewing agencies: Washington County Soil Conservation District, Washington County Department of Environmental Management - Engineering, Washington County Health Department, City of Hagerstown Utilities, Washington County Department of Plan Review – Engineering, Washington County Grid Technician, Washington County Board of Education, Maryland State Highway Administration, Washington County Sheriff's Department, and the Washington County Department of Plan Review – Land Use.

**Discussion and Comments:** There was a brief discussion regarding Arnett Drive and a proposed signal at Poffenberger Road. Mr. Weddle made an inquiry regarding the intermittent stream referenced in the comments submitted by the Washington County Soil Conservation District. Mr. Gordon Poffenberger of Fox & Associates, the consultant, stated there is no intermittent stream referenced on the soils map for the property; the property has been farmed for several years. Mr. Weddle also made an inquiry with regard to comments received from the Sheriff's Department that the development will be located on both sides of Arnett Drive. Mr. Poffenberger stated the proposed development will only be on the south side of Arnett Drive.

## **SITE PLANS**

#### **Meritus Health North End Clinic (SP-17-010)**

Ms. Kelly presented for review and approval a site plan for Meritus Health North End Clinic located along the west side of Crayton Boulevard, adjacent to the Waffle House and convenience store/gas station. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct a 51,700 square foot medical office building, which will include an urgent care facility, family practice and a rehab center, on a 6 acre leased parcel. There will be one access onto Crayton Boulevard. A sidewalk will be installed from the site along Crayton Boulevard that will connect with the adjacent convenience store /gas station parking lot and the Waffle House. The number of employees will be 85; hours of operation will be 7 a.m. to 10 p.m., 7 days per week. The site will be served by public water and public sewer. There will be one delivery per week. Parking spaces required will be 259; parking spaces provided will be 261. Lighting will be pole and building mounted. A screened dumpster will provide solid waste disposal. There will be a freestanding sign (location to be determined) and building mounted signs. The freestanding sign must meet all County requirements. Forest Conservation Ordinance requirements were met in 2001 via off-site retention. Landscaping will include grassed areas and islands throughout the parking lot, plantings in the storm water management areas and around the building, and trees lining the entrance. All agency approvals have been received with the exception of the Washington County Health Department.

**Discussion and Comments:** Mr. Goetz asked if there is an entrance from the convenience store/gas station onto this site. Ms. Kelly stated there is a secondary access point at this location. Mr. Tony Taylor of Frederick, Seibert & Associates, the consultant, stated that during the subdivision process for the convenience store/gas station, a 50 foot access easement was reserved for future development.

**Motion and Vote:** Mr. Bowen made a motion to approve the site plan as presented pending approval from the Washington County Health Department. The motion was seconded by Mr. Kline and unanimously approved.

#### **Merkle Response Parking Area Addition (SP-17-013)**

Ms. Kelly presented for review and approval a site plan for Merkle Response Parking Area Addition located along the south side of Jamison Court. The property is currently zoned IG – Industrial General. The developer is proposing to construct a 98,600 square foot parking lot on a 6.29 acre parcel adjacent to the parcel containing Merkle's 125,000 square foot office building. Total parking spaces will be 286 spaces and will be used for overflow and employee parking. The lot will tie into the existing parking lot that is located in front of the office building. There will be one access onto Jamison Court. Pole mounted lights will be located throughout the parking lot. Forest Conservation requirements will be met through retention of 1.74 acres of forest, planting of .09 acres of forest, and a payment-in-lieu of .02 acres of forest in the amount of \$261.36. All agency approvals have been received.

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

#### **The Arnett Farm, Lot 4 (SP-14-053)**

Mr. Shaw (on behalf of Mr. Lung) presented for review and approval a site plan for The Arnett Farm, Lot 4 located south of Col HK Douglas Drive. The developer is proposing to construct three separate buildings, which will include a strip shopping center with a 14,513 square foot multi-tenant retail space and 5,003 square foot restaurant, a 2,464 square foot stand-alone restaurant with drive-thru, and a 2,400 square foot restaurant with 3,523 square feet of retail space on 6.22 acres of land. Total parking spaces required is 242 spaces; 242 spaces will be provided. The site is served by public water and public sewer. The hours of operation will be 24 hours per day, 7 days per week. Lighting will be provided and will meet all

County requirements. There will be two access points from Spark Road, which is a private road. APFO road improvements for this site were included in the Walmart traffic study and the Walmart off-site road improvement plans. Forest Conservation Ordinance requirements were approved in 2015 when this lot was created on a subdivision plat for the Arnett Farm. All agency approvals have been received.

**Discussion and Comment:** Mr. Weddle asked if there is any update on the traffic signal at Poffenberger Road and Maryland Route 65. A representative from Bohler Engineering, the consultant, stated that the lights will be put into operation when the other road improvements have been completed.

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

#### **Community Rescue Service (SP-17-011)**

Mr. Shaw presented for review and approval a site plan for Community Rescue Service located along the north side of Oliver Drive. The property is currently zoned H1 (Highway Interchange). The applicant is proposing to construct an ambulance station on a vacant 1.42 acre parcel. Mr. Shaw explained that a site plan for this site was previously reviewed and approved by the Planning Commission (SP-15-017). As a condition of that approval, the Planning Commission required the proposed vegetative screening be replaced with a 10-foot vinyl fence. Mr. Shaw explained that since that time, there has been an update in the H1 zoning district that buffers are not required between parcels of land that are both zoned H1. Therefore, the applicant withdrew the original site plan and has submitted a new site plan for review and approval that meets the current design requirements. The hours of operation will 24 hours per day, 7 days per week. There will be two employees per shift. The total number of parking spaces required is 10; 10 spaces will be provided. The site will be served by public water from the City of Hagerstown and joint service public sewer [County lines/City treatment]. Storm water quality and quantity management will be addressed via a surface sand filter. Forest Conservation Ordinance requirements were addressed via a payment-in-lieu of planting. All agency approvals have been obtained with the exception of City of Hagerstown Utilities Department (water and sewer) and Washington County Health Department.

**Motion and Vote:** Mr. Weddle made a motion to approve the site plan as presented pending all agency approvals. The motion was seconded by Mr. Goetz and unanimously approved.

#### **-OTHER BUSINESS**

##### **Sam Royer**

Mr. Shaw (on behalf of Mr. Lung) presented a change/intensification of use determination request for property located along the south side of Maryland Route 550 (Military/Fort Ritchie Road). The property is currently zoned RB (Rural Business). The property owner is proposing to expand an existing mini-storage unit rental business within the existing RB zoned area, which is made up of several parcels. In 2008, a change of use site plan was approved to replace a laundry mat with 13 mini storage units within an existing 37' x 47' structure. The owner would like to expand the business onto an adjacent vacant parcel by constructing an additional 106 mini storage units in 6 new buildings. The owner will be seeking setback variances from the Board of Zoning Appeals for a reduction from the required 50 feet to 25 feet. The establishment of a new use on the vacant parcel will result in an intensification of the existing business currently located on an adjoining parcel thereby requiring the Planning Commission to determine if a new public hearing will be required.

**Discussion and Comments:** Mr. Weddle made an inquiry regarding the reduction in setbacks and what type of uses are on the adjacent properties. Mr. Ed Schreiber of Frederick, Seibert & Associates, the consultant, stated the adjoining properties are zoned residential. He also noted that buffers will be provided between the business and the residential properties.

**Motion:** Mr. Bowen made a motion that the change/intensification of use on the vacant land warrants the need for a public hearing.

**Discussion and Comments:** There was a discussion regarding the public hearing. Mr. Goodrich explained this would be handled similar to a rezoning request for a new Rural Business application even though the RB zone is already designated on the property. A new Rural Business application would require a preliminary site plan to be submitted with the application. The Planning Commission would then need to determine if the proposed use would be appropriate in that specific location. If the Planning Commission determines that the proposed use would be appropriate, a site plan would be required.

Mr. Goetz expressed his opinion that the Commission does not have enough information about the proposal to determine if a public hearing is warranted. Mr. Schreiber noted that the information Mr. Goetz is seeking would be presented during the site plan process. Mr. Bowen expressed his opinion that the owner should provide a plan showing the intensification the proposed use would have on the neighboring properties. After reviewing that information, the Planning Commission could make its determination if a public hearing would be required. Mr. Schreiber noted that the Board of Zoning Appeals will require a public hearing for the variance requests the owner is seeking. This public hearing will be advertised in the newspaper, signs will be posted on the property, and neighboring property owners will be notified. Mr. Bowen believes this process will alert property owners of the proposed use on the property and allow them to voice their concerns.

Mr. Bowen withdrew his motion for a public hearing.

**Motion and Vote:** Mr. Goetz made a motion that the change/intensification of use on the vacant land does not require the need for a public hearing. The motion was seconded by Mr. Kline and unanimously approved.

#### Update of Staff Approvals

Mr. Shaw reported the following for the month of July: Land Development/Permit review – 12 entrance permits; 13 grading permits; 3 utility permits; Plan Review – Engineering – 1 site specific grading plan; 1 standard grading plan; 1 traffic impact study; Land Development Plan Review – 4 Forest State Delineations; 2 simplified subdivision plats; 3 subdivision replats; 3 minor preliminary/final subdivision plats; 1 six lot subdivision (Beaver Creek Fields); 3 site plans (St. James School of Fine Arts Center, Linac Automotive, Bowman North LLC); Approvals issued: 2 minor residential subdivision plats; 2 simplified plats; 2 replats, 1 Forest Stand Delineation, 3 grading plans, 1 final residential subdivision plat for 31 lots at Westfields; 6 site plans (Leitersburg Pike 1 LLC – mini warehouse storage facility; Sears Auto Center Redevelopment; Med Express Urgent Care Facility on Pennsylvania Avenue; red-line revision for Mike Todd Investments; red-line revision for Sunbelt Rentals on Crayton Boulevard; and red-line revision for the former Radio Shack/Tandy Building on Tandy Drive).

#### Water & Sewer Plan Amendment Recommendation (WS-17-001)

**Discussion and Comments:** Mr. Weddle asked if the proposed amendment would allow more property owners in the rural area to hook-up to public service in the future. Mr. Goodrich clarified that this amendment is only for the two lots discussed this evening. He reiterated that an exception would have to be approved by the City of Hagerstown to allow hook-ups in the rural areas; only three exceptions per year are permitted under the City's current policy. Mr. Goodrich believes that the maps presented with the Staff Report showing a revision to the Urban Growth Area boundary is incorrect. The Staff Report does not indicate any change to the UGA boundary, which would require an amendment to the County's Comprehensive Plan also. This amendment is requesting a change to the Service Area Boundary. The applicant is requesting a change from W-7 (No Planned Public Water) to W-1 (Existing Public Water Service from a Restricted Service Line).

**Motion and Vote:** Mr. Kline made a motion to recommend approval of the Water and Sewerage Plan Amendment as presented to the Board of County Commissioners. The motion was seconded by Mr. Bowen and unanimously approved with Mr. Myers abstaining from the vote.

#### Annual Report

Mr. Goodrich (on behalf of Ms. Baker) presented the Annual Report, which is required by the State of Maryland and informs the Maryland Department of Planning of local government activity as it relates to growth, development and other land use activities. The Annual Report contains information such as the number of permits issued, the number of lots, the number of housing units approved and a narrative of land use regulation changes, such as rezonings, and infrastructure development that supports growth in the County. Mr. Goodrich stated there are 10 sections in the Annual Report and he briefly reviewed each section highlighting relevant information.

**Motion and Vote:** Mr. Kline made a motion to approve the Annual Report as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Mr. Bowen left the meeting at 8:35 p.m.

#### Proposed Text Amendment (RZ-17-007)

Mr. Goodrich (on behalf of Ms. Baker) presented a proposed text amendment that will be part of the public rezoning information meeting to be held in September. The proposed amendment is relevant to agritourism and related uses that should be permitted on rural properties. Mr. Goodrich briefly reviewed the proposed text and a chart that he distributed summarizing the proposed changes as follows:

- Delete the term "tourist home" -- it is a duplication of "boarding houses" and "rooming houses" and does not have a definition
- Modify definition of a "boarding house" -- definition will specify there must be a resident family that operates the boarding house and resides there, provides lodging on a month-to-month basis, maximum of 4 rooms, a site plan is required. Currently in the Zoning Ordinance, "boarding houses" are not permitted in the rural zones; proposal is to make them special exception uses in the rural zones. "Boarding houses" are special exception uses in the urban areas -- no change -- "boarding houses" will be added as a special exception use in the RT (Residential Transition) zone.
- "Rooming houses" -- will be defined the same as a "boarding house" -- currently not permitted in the rural area; proposal to make them special exception uses in the rural zones; add as a special exception use in the RT zone.
- "Bed and Breakfast" -- modify the definition and specify the number of rooms allowed -- 5 rooms or less -- more than five rooms the building code regulations change. Currently "Bed and Breakfasts" are special exception uses in the rural area; however, because they are owner occupied, staff believes an accessory use is appropriate; B & B's will be expanded as special exception uses in all residential zoning classifications.
- "Country Inn" -- will be a new use -- will be defined as more than five units but no more than 10 units, does not need to be owner occupied, site plan will be required -- will be a special exception use in the rural area and will be a non-permitted use in the urban area

- “Banquet and Reception Facilities” – currently special exception use in the rural area; proposing to add design requirements; 5 acre minimum will be required; 50 foot front yard setback and 100 foot side yard setbacks; site plan will be required; add as a special exception use in the urban area

**Discussion and Comments:** Commission members discussed the limit of 10 rooms for a “country inn”. Mr. Goodrich explained that staff believes that if there are more than 10 rooms the business becomes more than a “country inn”. He noted there are other issues to be considered when you go beyond the 10 unit limit, such as the effect on neighboring properties, increased traffic, water and sewer facilities, and other building code requirements. He believes that a variance could be approved by the Board of Zoning Appeals if someone wants to have additional rooms or the property owner could apply for a Rural Business zoning designation in which a “resort” is a permitted. There was a brief discussion regarding an increase in the minimum acreage to allow more than 10 rooms. Members recommended that a defined process should be established to help a property owner who wants to expand an existing “Country Inn” beyond 10 rooms.

#### UPCOMING MEETINGS

1. Monday, September 11, 2017, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room #2000, Hagerstown, Maryland
2. Monday, September 18, 2017, 7:00 p.m., Washington County Planning Commission public rezoning meeting, Washington County Circuit Court House, Court Room #1, 24 Summit Avenue, Hagerstown, Maryland

#### ADJOURNMENT

Mr. Myers made a motion to adjourn meeting at 9:00 p.m. The motion was seconded by Mr. Goetz and so ordered by the Chairman.

Respectfully submitted,

  
Clint Wiley, Vice-Chairman