

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
January 6, 2020**

The Washington County Planning Commission held its regular monthly meeting on Monday, January 6, 2020 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, Drew Bowen, BJ Goetz, David Kline, Jeremiah Weddle, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Rebecca Calmer, Chief of Plan Review and Lisa Kelly, Senior Planner.

CALL TO ORDER

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

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the December 2, 2019 meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

OLD BUSINESS

RZ-19-006 – Heritage Huyett LLC

Ms. Baker reminded Commission members that a rezoning public information meeting was held on December 2, 2019 for a proposed map amendment for 29.57 acres of property located at 16422 National Pike. The applicant is requesting a change in zoning from the current Planned Industrial (PI) and Business Local (BL) zoning to Planned Industrial (PI). At the December meeting, the applicant was lacking justification to substantiate either a “mistake” in the original zoning or a “change” in the character of the neighborhood. At that time, the applicant requested a continuation until a later date. On December 19, 2019 the applicant’s attorney, Mr. Noel Manalo of Miles and Stockbridge, submitted a letter to the Department of Planning & Zoning claiming a “mistake” in the previous zoning designation of PI/BL as justification for the rezoning request. Ms. Baker noted that during the December meeting, it was recommended that when the applicant submitted justification for the request, a second rezoning public information meeting should be scheduled in order to give the public a chance to comment on this new information.

Discussion and Comments: Mr. Wiley expressed his opinion that a new public information meeting should be scheduled in order for the public to have an opportunity to hear the new information and to voice any concerns or issues they have pertaining to the request.

Ms. Baker stated that the applicant is claiming a “mistake” because during the previous rezoning, the County relied upon the assumption or premise that no public sewer would be available in the near future. However, since that time the developer has extended the sewer lines to the property, without any cost to the County.

Mr. Goetz pointed out that the attorney’s letter included the date of December 12th as the date of the public information meeting and he requested clarification of the date of that meeting; it was verified that the meeting was held on December 2, 2019.

Mr. Wiley noted that the applicant did not make a case for a change in the character of the neighborhood or a mistake in the zoning at the previous meeting. Therefore, the public did not have all the pertinent information with which to make comment.

Mr. Noel Manalo of Miles and Stockbridge and Mr. Terry Randall of Heritage Huyett LLC were both present at the meeting. Mr. Manalo expressed his opinion that the public information meeting held on December 2nd was advertised, the property was posted, and the public was given the opportunity to make public comment at that time. Anyone attending the December meeting was made aware that the applicant would be coming back at a later date with additional information. He believes that all appropriate procedures for public input were followed. Mr. Manalo stated that the intent of this rezoning is to obtain the highest and best use for this property.

Discussion and Comments: Mr. Bowen expressed his opinion that this case is a continuance from last month's meeting, the record is still open, and the information presented this evening is justification for the request. Mr. Goetz noted that during the public information meeting in December, it was recommended that a second public meeting should be held for the public to make comment. He questioned if this meeting meets the criteria. Mr. Bowen expressed his opinion that this evening's meeting is a public meeting that has been duly advertised and the public could attend. Mr. Reeder noted that the public will have the opportunity to make comment during the County Commissioners' public hearing. There was a brief discussion regarding the plans for this property and the timeline to execute these plans.

Mr. Kline noted there were only 3 people in attendance at the December meeting, no written comments have been received and he believes the information provided during this meeting is not significant enough to warrant a second public information meeting and delay the developer's progress.

Commission members discussed the "change in the character of the neighborhood" and the "mistake" in zoning. Members believed that the extension of the sewer service in this area constitutes a "change". Ms. Baker stated that to claim a "change", specific criteria must be met. First, the neighborhood must be defined, which was not done by the applicant. Second, the change must be defined that happened within the neighborhood; not done. Thirdly, was the change enough to warrant rezoning of the property. Ms. Baker noted that the "mistake" rule is often misperceived. Mr. Manalo explained that under Maryland law, "mistake" means that there were factual predicates that were wrong or inaccurate. In this case, he believes the County did not anticipate the extension of the sewer lines, thus a "mistake" was made in the zoning.

Motion and Vote: Mr. Kline made a motion to recommend approval of the rezoning request based on a mistake in the zoning to the Board of County Commissioners. The motion was seconded by Mr. Goetz and unanimously approved with Commissioner Wagner abstaining from the vote.

-NEW BUSINESS

MODIFICATIONS

Keeptryst Properties LLC [OM-19-008]

Ms. Kelly presented for review and approval a modification request from Section 405.11.B of the Subdivision Ordinance for property located at 18846 Arthur Lane, Knoxville. The property is currently zoned RV – Rural Village. The applicant is proposing to subdivide a 3 acre parcel of land to create a new Lot 1 (.46 acre) and remaining lands of 2.54 acres. Each lot would have 12.5 feet of public road frontage; a minimum of 25 feet is required by the Subdivision Ordinance. Frontage for the entire parcel is on Arthur Lane, which is a County owned road.

Motion and Vote: Commissioner Wagner made a motion to approve the modification request as presented. The motion was seconded by Mr. Goetz and unanimously approved.

SITE PLANS

Shenandoah Mobile LLC Tower Site [SP-19-003]

Ms. Kelly presented, on behalf of Mr. Holloway, a site plan for a proposed 150 foot monopole cell tower to be located at 20030 Professional Boulevard, situated along the south side of Yale Drive and west of Hagerstown Community College. The property is currently zoned ORI – Office, Research & Industry. A special exception was granted by the Board of Zoning Appeals in 2019 for the placement of this tower within the ORI zoning district. Maintenance of the tower will be no more than one time per week by two employees. Fencing is required around the base of the tower and any associated equipment buildings. A 30 foot easement off of Yale Drive will provide access to the site. A 6 foot high chain-link security fence will surround the tower. Forest Conservation requirements will be met by the retention of existing forest on the site; a forest conservation easement plat will be prepared. All agency approvals have been received.

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

OTHER BUSINESSUpdate of Staff Approvals

Mr. Holloway was not present at the meeting; however, a written report was distributed to Commission members prior to the meeting.

Comprehensive Plan – Economic Development Element

Ms. Baker briefly reviewed the Economic Development Element for the comprehensive Plan. Members reviewed the recommendations included in the element. Overall goals should include: infrastructure needs for economic development; zoning to accommodate land uses that make the county competitive; and maintain partnerships with municipalities, the private sector and quasi-governmental groups.

-ADJOURNMENT

Mr. Goetz made a motion to adjourn the meeting at 8:00 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, February 3, 2020, 7:00 p.m., Washington County Planning Commission rezoning public information meeting and regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,


Clint Wiley, Chairman