

WASHINGTON COUNTY PLANNING COMMISSION
July 7, 2014

The Washington County Planning Commission held its regular meeting on Monday, July 7, 2014 at 7:00 p.m. at the Washington County Administration Building, 100 West Washington Street, Room 255, 2nd Floor, Hagerstown, Maryland.

Commission members present were: Chairman Terry Reiber, Vice-Chairman Clint Wiley, Drew Bowen, David Kline, Dennis Reeder, Sam Ecker, and Ex-officio William McKinley. Staff members present were: Washington County Department of Planning & Zoning - Steve Goodrich, Director and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting - Terry Irwin, Deputy Director; Tim Lung, Chief Planner; and Lisa Kelly, Senior 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 June 2, 2014 Planning Commission regular meeting as presented. The motion was seconded by Mr. Bowen and unanimously approved.

OLD BUSINESS

Triumph Development (SP-14-005)

Ms. Kelly presented for review and approval a site plan for Triumph Development located along the east side of Robinwood Drive. The property is currently zoned BL – Business Local. The developer is proposing to construct a bank and commercial retail sales building on 3.7 acres. Ms. Kelly reminded the Commission members that this site plan was tabled during the June 2, 2014 meeting because the members requested additional information from the County's Engineering Department and changes to the location of the dumpster and additional screening for the residential properties to the rear of the site.

Discussion and Comments: Mr. Wiley asked if there was any discussion with the neighboring properties regarding maintenance of the landscaping. Mr. Doty of Frederick, Seibert & Associates, the consultant, stated there were no concerns expressed.

Mr. Bowen expressed his opinion that the concerns and questions with regard to engineering standards for the right-in only access close to a major intersection from a minor arterial road have not been addressed as discussed during the June 2nd meeting. He believes that this area will continue to grow and be developed and that traffic issues will become worse. Mr. Bowen expressed his opinion that the right-in access off of Robinwood Drive will become a problem in the future. Mr. Kline concurred with Mr. Bowen's comments. He also believes there should not be a second entrance off of Robinwood Drive.

Mr. Reiber noted that the original site plan [several years ago] for this property showed a shared entrance with the Elks Club; and there were traffic concerns at that time.

Mr. Doty stated that the concerns from the June meeting of the Planning Commission were discussed with several representatives of the Division of Engineering and Construction Management. He noted that several coordination meetings have been held with regard to the curb to make the entrance work. The site has been designed to County standards for the acceleration and deceleration lanes. Mr. Doty stated that Mr. Rob Slocum, Director of the Division of Engineering & Construction, has been involved with the design of this site since last year.

Mr. Wiley expressed his opinion that the letter that was submitted for the Planning Commission did not address the concerns and questions discussed during the June meeting.

Mr. James Fagenhart of Triumph Development, the developer, stated a pre-consultation meeting was held last August showing the right-in/right-out access on Robinwood Drive. County representatives, at that time, recommended that the right-in/right-out access be separated. He believes that the current right-in access location brings people onto the site in a natural location, minimizes confusion and enhances traffic flow. There is a median in the middle of the road so that traffic exiting the site cannot turn left across traffic. Mr. Fagenhart stated that the leasee, Patriot Federal Credit Union, would like to open by January of 2015; therefore, site work needs to begin immediately. He respectfully requested that the Commission not postpone a decision for another 30 days.

Mr. Kline stated that he is opposed to each individual business having a right-in/right-out access on busy roadways. He cited the Dual Highway close to the intersection with Edgewood Drive as an example where too many businesses have individual entrances and there is confusion during periods of heavy traffic. Ms. Kelly stated that a variance was granted by the Planning Commission in 2011 for this site to have a right-in/right-out access. She noted that the present design is different from the proposed entrance in 2011 which was a combined entrance/exit. All those involved in designing the site believe that the separated right-in/right-out access is a better design.

Mr. Kline stated that he was not a member of the Planning Commission in 2011; however, because the modification was granted to allow an entrance off of Robinwood Drive, he believes the Planning

Commission should stand by that decision. He also noted that he would have opposed the modification at that time, but he believes that the developer and engineers have acted in good faith by designing the site in accordance with the modification.

Motion and Vote: Mr. Bowen made a motion to approve the site plan without the right-in entrance until such a time that the issues have been addressed satisfactorily with an explanation from the Division of Engineering and Construction Management citing specific engineering standards justifying the right-in access off of Robinwood Drive. The motion was seconded by Mr. Wiley.

Discussion: Mr. Wiley recommended that a meeting with Mr. Slocum be held as soon as possible to resolve these issues and move the project forward.

Vote: The motion was approved by a unanimous vote.

NEW BUSINESS

MODIFICATIONS

Rollin E. Byers (SV-14-007)

Ms. Kelly presented for review and approval a modification from Section 405.11.B.1(a) and (b) of the Washington County Subdivision Ordinance, which states "for all lots created for immediate family members that do not have public road frontage, the private road or right-of-way must be maintained solely within the boundaries of the original parcel and the private road must serve an existing residence on the same property". The site is located along Signal Drive in Downsville and is currently zoned A(R) – Agricultural Rural. The property owner would like to create a 1 acre lot around an existing structure that is proposed to be converted to a single-family home. The remaining lands would consist of an existing home and approximately 2.2 acres. This site is the original Lot 34 of Byers Meadows and was created in 2002 without public road frontage. At the time that Lot 34 was created, a 30 foot access easement was created over the existing macadam drive which is on the remaining lands for access to Signal Drive. The owner of the land that the existing macadam lane goes over is willing to grant a written right-of-way to travel across his property for ingress and egress. The applicant is performing estate planning and would like to separate the proposed lot from his existing home and surrounding 2.2 acres. The existing house and acreage will be given to one of his children while the proposed lot would be given to the other.

Discussion and Comment: Mr. Reiber asked if the remaining lands on the original tract of land is restricted from being developed. Ms. Kelly stated there is specific criteria that must be met if the property is for an immediate family member. Mr. Reiber asked if the existing lane is a deeded right-of-way. Ms. Kelly showed members which lane is currently being used. Mr. Schreiber of Frederick, Seibert & Associates, the consultant, stated there is an existing right-of-way on the subdivision plat for Lot 34. He noted that the property owner of the lane agreed to the creation of a second lot off of the lane. Mr. Schreiber stated that the existing lane is a deeded right-of-way for the existing lot [prior to the proposed subdivision]. A copy of the agreement between the four property owners was provided in the agenda packets. Mr. Schreiber stated that the right-of-way would be used by an immediate family member who is willing to sign a 10-year agreement. Mr. Bowen expressed his concern with regard to the easement for access to Signal Drive because at some point in the future the property may not be owned by a family member and disputes between property owners can arise.

Motion and Vote: Mr. Reeder made a motion to approve the modification request. The motion was seconded by Mr. Wiley.

Amendment to the Motion: Mr. Reiber asked that the motion include the requirement for a deeded right-of-way and the access to be recorded. Mr. Reeder amended the motion to include this requirement. The amended motion was seconded by Mr. Wiley.

Mr. Bowen asked that the motion also require that the 10 year statement for an immediate family member be signed by the property owner. Mr. Reeder amended the motion to include this requirement. The amended motion was seconded by Mr. Wiley.

Amended Motion and Vote: Mr. Reeder made a motion to approve the modification request contingent upon the deeded right-of-way and access being recorded and the 10 year statement for an immediate family member being signed by the property owner. The motion was seconded by Mr. Wiley and unanimously approved.

SITE PLANS

Faith Christian Fellowship (SP-13-041)

Ms. Kelly presented for review and approval a site plan for the proposed expansion of Faith Christian Fellowship located along the north side of Lappans Road east of Williamsport. The property is currently zoned A(R) – Agricultural Rural. The applicant is proposing to construct an 11,000 square foot addition with a height of 18 feet to the existing church, which is currently 16,820 square feet in size and is situated on a 14.68 acre parcel. An additional access onto Lappans Road is also proposed. Parking spaces required is 54 spaces and 109 parking spaces currently exist with an additional 56 spaces proposed. Additional landscaped screening will be placed along the western property line, which borders existing residential lots. The lot is served by individual well and septic. The number of employees is five with the hours of operation being 8:00 a.m. to 5:00 p.m. Monday through Friday and Sunday 7:00 a.m. to 8:00

- p.m. Lighting will be building and pole mounted. Signage is existing; no new signs are proposed. Forest Conservation Ordinance requirements will be met by a payment-in-lieu in the amount of \$1,633.50. All agency approvals have been received.

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

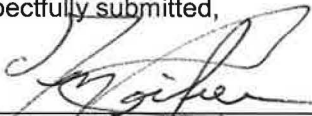
ADJOURNMENT

Mr. Reeder made a motion to adjourn the meeting at 8:20 p.m. The motion was seconded by Mr. Ecker. So ordered.

UPCOMING MEETINGS

1. Monday, August 4, 2014, 7:00 p.m., Washington County Planning Commission regular meeting, Washington county Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland

Respectfully submitted,



Terry Reiber, Chairman