

**WASHINGTON COUNTY PLANNING COMMISSION**  
**May 4, 2015**

The Washington County Planning Commission held its regular meeting on Monday, May 4, 2015 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, Clint Wiley, Drew Bowen, Dennis Reeder, David Kline, and Ex-officio Leroy E. Myers, Jr. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director; Jill Baker, Chief Planner; Justin Lindley, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting – Terry Irwin, Deputy Director; Tim Lung, Chief Planner; Lisa Kelly and Cody Shaw, Senior Planners.

**CALL TO ORDER**

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

Mr. Goodrich announced that the agenda item for James Shifler has been removed from this evening's agenda per the applicant's request.

**MINUTES**

**Motion and Vote:** Mr. Reeder made a motion to approve the minutes of the March 2, 2015 meeting minutes as presented. The motion was seconded by Mr. Bowen and unanimously approved.

**OLD BUSINESS**

**MB Realty Group, Inc. (RZ-15-001)**

Mr. Lindley presented for review and recommendation a map amendment request for MB Realty Group, Inc. for property located at the corner of Jefferson Boulevard and Warrenfeltz Lane. The applicant is proposing to rezone a 1.8 acre section of a 6.5 acre parcel from RT (Residential Transition) to BL (Business Local). A public rezoning meeting for this request was held by the Planning Commission on Monday, April 20, 2015 at the Washington County Court House. Mr. Lindley noted that public comment was received during the public meeting as well as letters and e-mails received by the Planning Department since the public meeting. All correspondence has been forwarded to the Planning Commission for its review. During the public meeting, Mr. Reiber requested that staff research the legal definition of "spot zoning". Mr. Lindley noted that a memorandum was included in the Commission members' agenda packets addressing this issue.

**Discussion and Comments:** Mr. Bowen expressed his opinion that the proposed change should have been requested during the 2012 Comprehensive rezoning.

Mr. Wiley expressed his opinion that the applicant's argument that the Commission performed only a "broad brush" analysis of this area during the comprehensive rezoning was unfounded. He noted that during the comprehensive rezoning the Commission spent a lot of time and used sophisticated GIS (geographic information systems) tools to review and evaluate properties. Mr. Wiley does not believe that the applicant's case was strong enough to prove a mistake in the zoning of the property; therefore, he is opposed to rezoning the property at this time.

Mr. Reiber expressed his opinion that rezoning this property to "BL" would constitute "spot zoning", to which he is opposed. He does not agree with the applicant's contention that a mistake was made in the zoning of this property; and, that the property owner should have been pro-active during the comprehensive rezoning process.

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

**NEW BUSINESS**

**MODIFICATIONS**

**Overdale Estates (SV-15-004)**

Mr. Shaw presented for review and approval a modification request for Lots 1-6 of Overdale Estates located along the south side of Jefferson Boulevard (Tax Map 51/Grid 3/Parcel 30) on 20.2 acres of land currently zoned A(R) – (Agricultural Rural). The applicant is requesting a modification from Sections 402 and 405.11.G.5 of the Washington County Subdivision Ordinance. The modification would allow proposed driveways with 510', 445' and 261' separations on Jefferson Boulevard. Section 402 requires a minimum driveway separation on a principal arterial road of 750 feet. The modification would also allow a panhandle length of 432' for Lot 1 in the proposed subdivision. Section 405.11.G.5 allows a maximum panhandle length of 400 feet. Each proposed lot would share a driveway with another lot in order to reduce the total number of access points from six to three. The stopping sight distance for each entrance meets the requirements of the State Highway Administration. This request was forwarded to the Washington County Department of Engineering and Construction Management, the Maryland State Highway Administration, Emergency Services and the Smithsburg Volunteer Fire Company. There were no objections from the reviewing agencies and staff has no objections to these modifications.

**Discussion and Comments:** Commissioner Myers expressed concern with regard to sight distance from the proposed driveways.

Mr. Reiber expressed his concern with regard to the maintenance of the shared driveways in the future. Mr. Shaw stated that this issue will be covered in the property owners' deeds. Mr. Reiber also expressed concern with regard to the proposed panhandle length for Lot 1.

**Motion and Vote:** Mr. Bowen made a motion to approve the modification request as presented. The motion was seconded by Mr. Wiley and unanimously approved.

### **PRELIMINARY CONSULTATIONS**

#### **Roy E. Petre Animal Waste Staging Facility (PC-15-002)**

Mr. Lung presented for review and comment a preliminary consultation for the Roy E. Petre Animal Waste Staging Facility to be located along the north side of Rench Road, west of Col H.K. Douglas Drive inside the Hagerstown Urban Growth Area. The property is currently zoned RU – Residential Urban. The farm consists of 139 acres devoted primarily to a dairy operation, which produces 3,787 tons of animal waste annually. There is an existing earthen manure storage facility and water tank on the site that will be decommissioned and a 12' x 100' concrete circular tank will be installed with a capacity of 598,117 gallons. The new facility will be capable of providing manure storage for five months. When the waste is removed from the tank it will be applied to the Petre farm and surrounding farms in accordance with the approved Nutrient Management Plan. The proposed facility is 750' to the closest property line and 2300' from the closest residence not on the same property. The Zoning Ordinance requires a minimum setback of 300' from a property line, 250' from a public road, and 500' from a dwelling, school, church, or institution for human care. The Zoning Ordinance permits the Planning Commission to double these requirements if deemed appropriate. The Department of Plan Review & Permitting [Engineering] indicated that no storm water management facility will be required because this is an agricultural facility and no grading plan and/or permit will be required. The plan has been reviewed and approved by the Washington County Soil Conservation District and meets all USDA, Natural Resources Conservation Service standards and specifications. The Washington County Health Department has no comments or objections to the application. The Department of Plan Review & Permitting [Land Use] verified all setbacks and discussed odor reducing technology with the owner.

**Discussion and Comments:** Commissioner Myers asked about requirements to till the ground once the manure is applied. Mr. Elmer Weibley with the Washington County Soil Conservation District explained that State and Nutrient Management regulations require that the ground be tilled within 48 hours after applying the manure with the exception of highly erodible land. He also noted that his office as well as State offices insure that regulations as well as the approved Waste Management Plan are being followed.

There was a brief discussion regarding the doubling of the setback requirements. Mr. Lung noted that if land were to be sold in the future, the setbacks required by the Ordinance would prevail. The setbacks, as proposed on the plan, are more than double the setbacks currently required by the Zoning Ordinance. Mr. Reiber and Mr. Wiley do not believe there is a need to double the setback requirements because anyone purchasing a lot in the future would be aware of the location of the waste staging facility.

### **SITE PLANS**

#### **Grumbacker Lane Warehouse (SP-14-002)**

Ms. Kelly presented for review and approval a site plan for Grumbacker Lane Warehouse located along the south side of Partnership Court, east of Governor Lane Boulevard. The property is currently zoned PI – Planned Industrial. The developer is proposing to construct a 140,000 square foot building, 30 feet in height on 18.54 acres. The parcel will have 80 feet of frontage on Grumbacker Lane, which is a County roadway. The site will be served by water from the City of Hagerstown and sewer from Washington County. The hours of operation will be Monday thru Saturday 24 hours per day for warehouse workers and Monday thru Friday, 8:00 a.m. to 5:00 p.m. for office workers. A total of 100 car parking spaces are required and 100 spaces will be provided along the front and side of the Warehouse. There will be 82 truck parking spaces and 3 docks constructed to the rear of the building. Lighting will be building mounted as well as pole mounted throughout the parking lot. Signage will be building mounted. Storm water management ponds will be located along the south side of the parcel. Landscaping will be located along the entire front property line which is to the north and throughout the parking lot. Forest Conservation Ordinance requirements are being met by retaining 7.6 acres of existing forest off-site on lands owned by Bowman 2000 West, which is located west of Hancock. All reviewing agency approvals have been received.

**Motion and Vote:** Mr. Reeder made a motion to approve the site plan as presented. The motion was seconded by Mr. Wiley and unanimously approved with Commissioner Myers abstaining from the vote.

#### **Resh Road South Landfill Solar Project (SP-15-017)**

Mr. Shaw presented for review and approval a site plan for the proposed Resh Road South Landfill solar generation project. The site is located along the southeast side of Resh Road (Tax Map 23, Grid 21, Parcel 160) and is currently zoned EC – Environmental Conservation. The site will have no employees and is exempt from Forest Conservation Ordinance requirements because there is less than 20,000 square feet of disturbance. Landscaping will be addressed using existing trees located on the site. All agency comments have been addressed and staff has no objection to the approval of this project.

**Discussion and Comments:** Commissioner Myers noted that an individual application for a solar farm in Clear Spring was recently withdrawn due to its location. Mr. Goodrich noted that solar farms are not permitted in Priority Preservation Areas in the County. Commissioner Myers expressed his opinion that rich, fertile farmland should not be used for solar farms. Ms. Baker stated that the Zoning Ordinance defines a solar generating energy system as "serving the grid" with a minimum 20 acre lot size. She noted that solar farms are not permitted in some agricultural areas because farmland is a valuable resource that needs to be protected.

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

## **OTHER BUSINESS**

### **Rosewood Planned Unit Development (PUD)**

Mr. Lung began with a brief history of the Rosewood PUD located along the west side of Robinwood Drive, south of Hagerstown Community College and north of Meritus Medical Center. The PUD was approved in 1995 and has been developed over the past 15 years in phases. Since its original approval, the final development plan has been revised several times. The original PUD proposed townhouses in the northeast corner of the property at Capital Lane; and subsequently a subdivision plat and site plan was approved. In 2011, a request was submitted to replace the proposed townhouses with 8 commercial office buildings. This proposed change was the subject of a public hearing and was approved; however, subdivision plats and site plans were never submitted for the commercial buildings. In April 2014, the developer asked the Planning Commission to review a proposal to convert this area back to townhouses and to make a determination if a public hearing would be required. The Planning Commission determined that a public hearing was not required. The developer has now submitted a revised final development plan as well as a preliminary/final plat and site plan for the proposed townhouses and is requesting that the Planning Commission grant staff the authority to approve these plans after all agency approvals have been received. Staff has no objection to the request. Mr. Lung stated that the plan is proposing 50 townhouse lots and a .35 acre commercial lot along Capital Lane. There will be 8 blocks of townhouses with 3 to 8 townhouse units per block. The .35 acre commercial parcel at the corner of Capital Lane and Professional Boulevard will be an expanded parking lot for the existing Varsity Lane Professional Center. All infrastructure is in place. The proposed final development plan has been reviewed and approved by the Department of Plan Review & Permitting [Engineering] and the Washington County Soil Conservation District. The City of Hagerstown Water & Sewer Department stated that they have no objection to reverting to the original residential concept. However, there will be the need to completely document the as-built location details and consider the minor changes to the existing services as well as bringing the plans up-to-date with our current standards. Approvals are pending on the revised final development plan from the Department of Plan Review & Permitting [Land Use], Washington County Health Department and Addressing. The revised preliminary/final plat and site plan has been reviewed and comments have been issued by the Department of Plan Review & Permitting [Engineering]; the Washington County Soil Conservation District has approved the plan. Approvals are pending on the preliminary/final plat and site plan from the Department of Plan Review & Permitting [Land Use], the Washington County Health Department and the City of Hagerstown Water & Sewer Department.

**Motion and Vote:** Mr. Bowen made a motion to grant staff the authority to approve the revised final development plan and the preliminary/final plat and site plan contingent upon all agency approvals. The motion was seconded by Mr. Reeder and unanimously approved.

Commissioner Myers left the meeting at 8:07 p.m.

### **Comprehensive Plan Update**

Ms. Baker announced that an article about the Comprehensive Plan Update was recently published in the "What's NXT" magazine. She noted that staff has been working with the County's Information Technologies department on the website and we anticipate it to be completed and functional by the end of the month. Staff will be making school presentations to Boonsboro Middle School on May 12<sup>th</sup> and Boonsboro High School on May 28<sup>th</sup>. Specific dates have not been scheduled for presentations at the Williamsport and Clear Spring High schools. We are hoping to make additional presentations to more schools in the Fall. Staff has also begun scheduling Stakeholder meetings. We have been meeting with staff members from other County departments such as the Office of Business Development, Engineering Capital Projects and the Hagerstown Regional Airport. Ms. Baker stated that we intend to begin holding town hall style meetings with the Planning Commission in July and August. Staff is also working on background studies for each of the Comp Plan elements. Ms. Baker reported that, to date, we have received 107 responses to surveys we have posted on-line.

**Discussion and Comments:** Mr. Reiber expressed his opinion that the municipalities need to get involved. Mr. Bowen suggested that we contact the Maryland Municipal League to make a presentation.

### **Rural Business Rezoning**

Ms. Baker reminded Commission members that proposed changes to the text of the Rural Business zoning district were discussed earlier this year. The Planning Commission was prepared to make its recommendation to the Board of County Commissioners after the Commissioners remanded this issue back to the Planning Commission. There have been several meetings with the County Attorney's Office regarding proposed changes. Ms. Baker briefly explained the proposed changes to be made and she will present these changes to the Planning Commission at the next regular meeting.

**Capital Improvements Plan**

Mr. Goodrich announced that the Board of County Commissioners will be holding a public hearing on the proposed FY 2016 budget which includes the Capital Improvements Plan (CIP) on Tuesday, May 5, 2015 at the Kepler Theater at Hagerstown Community College. The CIP funds improvements to infrastructure throughout the County that will encourage and support development as recommended in the Comprehensive Plan.

**Motion and Vote:** Mr. Bowen made a motion to recommend approval of the CIP because it is consistent with recommendations in the Comprehensive Plan. The motion was seconded by Mr. Wiley and unanimously approved.

Mr. Goodrich announced that Mr. Bowen's appointment will expire on June 30, 2015. Mr. Bowen stated he would like to remain on the Commission with the other members' approval. Mr. Goodrich will notify the County Clerk of this decision and it will be presented to the Board of County Commissioners in the near future.

In accordance with the Ethics Ordinance, Financial Disclosure Statements must be returned to the County Attorney's office. Mr. Goodrich asked Commission members to fill out these forms and return them as soon as possible.

**ADJOURNMENT**

Mr. Bowen made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Wiley and so ordered by the Chairman.

**UPCOMING MEETINGS**

1. Monday, June 1, 2015, 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