

WASHINGTON COUNTY PLANNING COMMISSION

June 3, 2015

The Washington County Planning Commission held a rezoning public meeting and its regular meeting on Monday, June 3, 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, Dennis Reeder, David Kline, and Ex-officio Leroy E. Myers, Jr (arrived at 7:11 p.m.). 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; 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 April 18, 2015 rezoning public meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the May 4, 2015 meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

REZONING PUBLIC MEETING

RZ-15-003 Text Amendment

Mr. Goodrich presented a text amendment jointly prepared by the Washington County Department of Planning and Zoning and the County Attorney's Office to add new Article 16A and amend Article 16 of the Washington County Zoning Ordinance. He explained that a recent appeal of the approval of a PUD (Planned Unit Development) development plan change and a subsequent court decision on the appeal of the change highlighted a defect in the PUD zoning district; the defect is a lack of procedures to handle changes to a development plan. In 2012, during the Urban Growth Area rezoning, the County replaced the PUD text in the Zoning Ordinance with the MX (Mixed Use) district. Both the PUD and the MX zoning districts are floating zones; therefore, they are both approved based on a specific plan that is presented during the rezoning hearing. Both districts allow a mixed use type of development and both relax some specific design requirements in return for some flexibility in the plan the development will follow.

Mr. Goodrich explained that the PUD text was taken out of the Zoning Ordinance; however, the existing PUD designation was left on the zoning maps. It was believed that any future activity in a PUD would be covered by including an explanatory paragraph in the MX zoning district. He further explained that a process to approve changes to Development Plans had already been established several years ago. When Emerald Pointe, a pre-existing PUD, applied for a change in its development plan, the proposed change was approved and subsequently appealed. The Courts did not uphold the change and in its discussion of why the change was not upheld pointed to the fact that there was no defined process for addressing a change in a PUD development plan. The currently proposed text amendment would define a process for changes in a PUD development plan.

Mr. Goodrich stated that if the text amendment is adopted, it will not override the Court's decision and it will not relax or change any current allowances or restrictions in the PUD district. If the amendment is approved, language will be incorporated into the Zoning Ordinance that codifies a previously established administrative policy.

Mr. Goodrich briefly reviewed the proposed text and explained that part of the old PUD text that covers the design guidelines would be returned to the Zoning Ordinance and text describing the process to address a major change in a development plan that is to be added.

Discussion and Comments: There was a brief discussion relative to the appeal that was filed, the Court's decision to grant the appeal and the proposed text amendments as they relate to the Court's decision. Mr. Reeder and Mr. Reiber expressed concern with regard to the lack of a definition of a minor change and a major change. Mr. Goodrich stated that it is not defined in the proposed text amendment because it was not previously defined in the PUD text; and, in the past, the Planning Commission has been able to appropriately distinguish the difference between a minor and major change in the development plan.

Citizen Comments

- Jason Divelbiss, 13424 Pennsylvania Avenue, Suite 302, Hagerstown, Maryland representing Emerald Pointe LLC – Mr. Divelbiss expressed his opinion that the proposed procedural text provides the major change option, which allows the applicant to request a major change and gives guidance on the approval process. However, if a major change is approved by the County Commissioners, the proposed text does not clarify the next step in the development process (i.e. the preliminary plan, the final development plan, and the site plan process). Mr. Divelbiss expressed his opinion that there is ambiguity created in what is meant by "commercial uses permitted in the BL". He explained the issues as they relate to the Emerald Pointe development. He believes the County should address the uses that are permitted by cross-reference in the BL zoning district; in particular,

the requested use of a convenience store and what the Zoning Ordinance references as a neighborhood shopping center, which is not separately defined. Commissioner Myers asked Mr. Divelbiss to submit, in writing, his proposed changes to County staff for further consideration.

Commissioner Myers asked what would happen to the court case if this text amendment is approved. Mr. Divelbiss stated that the pending appeal of the previously submitted, ruled upon, and appealed PUD amendment is not affected by this proposed amendment. The appeal would proceed independently. If this text amendment is approved, it is likely that the applicant would submit a new development plan that would need to be considered by the Planning Commission and the County Commissioners.

The Chairman closed the rezoning public meeting at 7:35 p.m. and called to order the regular meeting of the Washington County Planning Commission.

NEW BUSINESS

PRELIMINARY CONSULTATIONS

Heritage Huyett LLC (PC-15-001)

Ms. Kelly presented for review and approval a preliminary consultation for Heritage Huyett LLC. The applicant is proposing Industrial Commercial lots on property located along the west side of Greencastle Pike. The property is currently zoned RT (Residential Transition). The applicant is proposing to rezone a portion of the property (61.4 acres) to PI (Planned Industrial) and a portion (20.7 acres) to BL (Business Local). The site was formerly known as Powers Estates, a proposed residential development that did not come to fruition. Eleven lots are proposed; Lots 1-7 would be zoned BL and Lots 8-11 would be zoned PI. Forest retention areas were established during the approval process for Powers Estates and would remain virtually unchanged. A representative from the Washington County Soil Conservation District noted there were environmental conservation concerns on the site during its review as Powers Estates, including stream buffers and wetlands. These issues have been addressed and incorporated in the current concept plan. A representative from the Division of Environmental Management – Department of Engineering Services indicated that the developer will be required to extend public sewer to this site, at his expense, that would include the design, easement acquisition, construction permit, and inspection fees. Sewer from this site will flow into the Cedar Spring pump station; and, therefore, infrastructure fees will apply to this project. The Maryland State Highway Administration will not address any comments regarding access to this site until a traffic study has been submitted to the Washington County Department of Plan Review & Permitting and the State Highway Administration. A representative from the City of Hagerstown Utilities Department stated that according to the City's data, this out lot is not included in the approved Water Service Area, known as Powers Estates; therefore, the City would require documentation to confirm the current status of this site. A representative from the Washington County Department of Plan Review & Permitting – Engineering section provided the following comments at the preliminary consultation: 1) a traffic impact study will be required for this development; 2) all proposed public roads must meet, or exceed, the County's geometric design criteria for the commercial/industrial street classification; 3) there should be redundant access provided for the lots currently shown to be accessed by a single road leading to a cul-de-sac [a loop road or a horseshoe design was suggested]; 4) add an 80-foot wide right-of-way reservation from the proposed public road in the PI zoned area to the Groh parcel property line; 5) the public road and its right-of-way terminating at Lot 1 should be reconfigured to allow for future extension of the public road to properties beyond Lot 1; 6) Lot 1 traffic flow would benefit by having a right-in only entrance on the public road that divides Lots 1 and 2; 7) a separate ESD (Environmental Site Design) storm water concept plan will be required at the appropriate construction phase for this project; and 8) the plan shows proposed storm water management facilities on the undeveloped lots; the purpose of these facilities and who will be responsible for their maintenance must be addressed. The Washington County Department of Plan Review & Permitting – Land Use section made the following comments: 1) in accordance with the Zoning Ordinance, prior to rezoning the property to PI, a preliminary consultation is required; 2) changes made to the concept plan deemed significant by the Planning Commission would require another public hearing; 3) following the approval of the final concept plan, sites plans and subdivisions for each lot would be required, which would include architectural drawings showing the façade of the building and buffers.

Discussion and Comments: Commissioner Myers made an inquiry regarding comments about a loop road. Mr. Lung stated that the Adequate Public Facilities Ordinance (APFO) requires a second entrance if the number of peak hour trips exceed 25; therefore, an APFO review would be required as part of the approval process for this site.

Mr. Reiber expressed his concern with regard to the future ingress and egress to the adjoining property. He believes this issue should be addressed now. Mr. Schreiber of Frederick, Seibert & Associates, the consultant representing the developer, stated that a T-turn around could be added in that area as this site is being developed.

Motion and Vote: Mr. Wiley made a motion to approve the preliminary consultation concept plan in order to allow the proposal to move through the Planned Industrial rezoning process. The motion was seconded by Mr. Reeder and unanimously approved.

OTHER BUSINESS

Rosewood Planned Unit Development (PUD)

Mr. Lung presented for review and approval a modification request of two design requirements for the Rosewood PUD Section II-B, Capitol Lane Townhouses located along the north side of Varsity Lane. Section 22.12 of the

Zoning Ordinance establishes a minimum off-street parking requirement for residential multi-family units as 2 spaces per dwelling unit excluding garage space, plus overflow/visitor parking. Section 22.12(b).4 of the Zoning Ordinance requires that residential multi-family units provide overflow parking at 0.5 additional spaces per dwelling unit. The proposed design provides for 2 parking spaces in each driveway; however, the 0.5 space for overflow parking is not being provided. The applicant is requesting a modification to allow one parking space be counted in the garage; the townhouses are designed to have a two-car garage. Mr. Lung reminded Commission members that part of the plan includes an additional parking lot to provide overflow parking for the existing Varsity Professional Center. He believes this would be a prime opportunity to use the provision in the Zoning Ordinance for shared parking. The second modification request is related to Section 4.17 of the Zoning Ordinance which requires that play lots be provided within multi-family developments. The developer is proposing a 609 square foot tot lot at the end of the cul-de-sac. The Zoning Ordinance requires a minimum 50 foot setback from any street right-of-way; however, due to the design of this section of Rosewood, the play lot is located only 15 feet from the edge of the Capitol Lane right-of-way. There is forest conservation area located around the tot lot. Staff recommends that a fence be provided around the tot lot.

Discussion and Comments: Mr. Kline stated that he is not opposed to the request to use the garage as one of the two required parking spaces. He believes that if parking is a concern, people will not purchase the town homes. Commissioner Myers asked if there are "no parking" signs provided along the street. Mr. Lung stated there are no signs and the street is designed with a shoulder. Mr. Wiley believes there is not enough space for parking along the street without blocking a driveway. He agrees that the market will dictate these concerns. Mr. Reeder expressed his opinion that the fence around the tot lot is a good idea if the setbacks are being changed. Mr. Reiber expressed his opinion that the tot lot needs to be fenced with an appropriate style of fencing with adequate gates for ingress and egress. Mr. Reiber asked how many cars per household is typical. Mr. Lung did not know but indicated he could investigate this issue for future reference.

Motion and Vote: Mr. Wiley made a motion to approve the two modification requests as presented. The motion was seconded by Commissioner Myers and unanimously approved.

Commissioner Myers left the meeting at 7:45 p.m.

Comprehensive Plan Update

Ms. Baker presented a working draft of the website designed for the Comprehensive Plan, which is not "live" yet. She noted there is a Comprehensive Planning 101 section describing the Commission's responsibilities, how the plan is developed, what a comprehensive plan is and how it is used, why the Plan is being updated, and a graphic showing the update process. Staff is developing a master plan of surveys to be used over the next several months to gain the public's input. There will be a section describing "upcoming events", a calendar and a "what's new" section. She briefly reviewed the "elements" page outlining the nine sections discussed in the Plan. There will be a "Maps and Data" page, a "Participate" page where citizens can sign-up for e-mails, and a "Meet the Staff" page. Our new anticipated launch date is June 30th. Ms. Baker gave members the website address and asked them to review the information and contact staff if they have comments or suggestions.

Discussion and Comments: Mr. Reiber asked if the timeline presented to the Commission members would be available on the website as well. Ms. Baker noted that there will be a graphic included on the website but in a different format than the timeline presented to the Commission. She noted that staff will be speaking with the Board of County Commissioners on June 16th (tentatively) to discuss the website. Public Relations will devote an entire week to disseminate information to the media. Mr. Reiber expressed his opinion that we need to continue moving through the process in a timely manner.

Ms. Baker briefly discussed Stakeholder meetings and staff's plans on how to conduct these meetings. The stakeholder meetings would be invitation only meetings and general public meetings would be held separately in the evenings in different areas throughout the County. In addition, the Planning Commission previously indicated that they would like to meet with each municipalities' Planning Commission and the Maryland Municipal League. Mr. Reiber asked that Planning Commission members be notified by no later than the end of June when meetings have been scheduled so it can be discussed at the July meeting. Ms. Baker briefly described the procedures being proposed for use during stakeholder meetings. She reported that presentations have been made at the Boonsboro Middle, Boonsboro High and Williamsport High Schools that have been very well received. Staff will be making a presentation at Clear Spring High School on June 5th.

Rural Business Rezoning (RZ-14-002)

Ms. Baker presented the text and map amendments for the Rural Business District. Mr. Goodrich reminded members that a public information meeting was previously held by the Planning Commission and a recommendation was forwarded to the Board of County Commissioners. Following a public hearing, the County Commissioners remanded the proposed amendments back to the Planning Commission. As a result of comments made during the public hearing, changes have been made to the proposed amendments.

Motion and Vote: Mr. Wiley made a motion to recommend approval to the Board of County Commissioners of the proposed map and text amendments as amended and presented. The motion was seconded by Mr. Reeder and unanimously approved.

Election of Officers

Mr. Reeder made a motion to approve Mr. Reiber as Chairman. The motion was seconded by Mr. Kline and unanimously approved.

Mr. Reeder made a motion to approve Mr. Wiley as Vice-Chairman. The motion was seconded by Mr. Kline and unanimously approved.


ADJOURNMENT

The Chairman ordered the meeting adjourned at 9:00 p.m.

UPCOMING MEETINGS

1. Monday, July 6, 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