



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS
AGENDA

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
September 14, 2015, 7:00 PM
WASHINGTON COUNTY ADMINISTRATION BUILDING
100 WEST WASHINGTON STREET
2ND FLOOR, ROOM 255**

CALL TO ORDER AND ROLL CALL

MINUTES

1. July 6, 2015 regular Planning Commission meeting minutes *

OLD BUSINESS

**NEW BUSINESS
MODIFICATIONS**

1. Cody Reed (SV-15-008) – Modification request to allow creation of a lot for an immediate family member without road frontage. Located 9916 National Pike, Big Pool; Zoning: EC-Environmental Conservation; Planner: Cody Shaw *
2. Faye Downey (SV-15-009) – Modification request to allow creation of a lot for an immediate family member that does not have useable road frontage. Located 4601 Mt. Briar Rd, Keedysville; Zoning : RV-Rural Village; Planner: Cody Shaw *

SITE PLANS

1. Tony Summers lawn mower retail sales (SP-15-012) Site plan for proposed lawn mower retail sales building along the southwest side of National Pike, north of Crossfield Road on 0.95 acres; Zoning: HI – Highway Interchange; Planner: Lisa Kelly *
2. Community Rescue Service (SP-15-027) Site plan for proposed ambulance station on east side of Oliver Drive near I81/Maugans Ave interchange; Zoning: HI – Highway Interchange; Planner: Tim Lung *

OTHER BUSINESS

1. Kent and Wendy Thomas – Request to remove previous Planning Commission condition on plat; Planner: Tim Lung *
2. Emerald Pointe Planned Unit Development - Determine change to be major or minor; Revised PUD Concept Plan; located at intersection of Leitersburg Pike and Marsh Pike. Planner: Lisa Kelly *
3. Plan Review staff approvals update – Tim Lung
4. Comprehensive Plan Update – Planner: Jill Baker
5. Zoning amendments update – Planner: Steve Goodrich

INITIAL ADVICE

1. Landscaping/screening advice prior to BZA application; Adkins Automotive site plan SP-15-024; Planner: Lisa Kelly*

ADJOURNMENT

UPCOMING MEETINGS

1. Monday, October 5, 2015, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland
2. Monday, October 12, 2015, 7:00 pm., Washington County Planning Commission Rezoning Public Information meeting, Location to be determined.

***a t t a c h m e n t s**

The Planning Commission reserves the right to vary the order in which the cases are called.

Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2435 Voice/TDD, to make arrangements no later than ten (10) days prior to the meeting. Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.

120 West Washington Street, 2nd Floor | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

WASHINGTON COUNTY PLANNING COMMISSION
July 6, 2015

The Washington County Planning Commission held its regular meeting on Monday, July 6, 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, 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 -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.

MINUTES

Motion and Vote: Mr. Wiley made a motion to approve the minutes of the June 1, 2015 meeting minutes as presented. The motion was seconded by Mr. Reeder and unanimously approved.

OLD BUSINESS

RZ-15-003 Text Amendment

Motion and Vote: Mr. Reeder made a motion to approve the proposed text amendment. The motion was seconded by Mr. Wiley.

Amended Motion and Vote: Mr. Reeder amended the motion to approve the proposed text amendment to include the old PUD (Planned Unit Development) language. The motion was seconded by Mr. Wiley and unanimously approved.

NEW BUSINESS

PRELIMINARY PLAT/SITE PLAN

Emerald Pointe PUD, Phase 3, Section 1 (PSP-14-001)

Ms. Kelly presented for review and approval a preliminary plat/site plan for Emerald Pointe PUD, Phase 3, Section 1 located along the east side of Marsh Pike. The site is currently zoned RT (PUD) - Residential Transition with a Planning Unit Development overlay. The developer is proposing to create 17 lots, one single-family lot and 16 semi-detached lots on 4.5 acres. The semi-detached lots will range from 5,800 to 9,300 square feet and the single family lot will be 10,500 square feet in size. All lots will have access to new county streets. Public water and sewer will service these lots. Street lighting and sidewalks will be installed along the front of the lots. The projected build out of this site is two to three years. Bradford Pear trees will be planted along Emerald Pointe Drive. Forest Conservation requirements were previously met with the recordation of a final plat for Phase 1A and an additional .42 acres will be preserved and/or planted during development of future sections of the Emerald Pointe PUD. All approving agencies have submitted their approvals. Ms. Kelly stated that if the preliminary plat/site plan is approved, the next step would be the submission of a final plat, which requires only staff approval unless there are major changes.

Motion and Vote: Mr. Reeder made a motion to approve the preliminary plat/site plan as presented. The motion was seconded by Commissioner Myers and unanimously approved.

OTHER BUSINESS

Comprehensive Plan Update

Ms. Baker announced that the Comprehensive Plan website was presented to the Board of County Commissioners on June 30th and is now live. An article was published in the Herald Mail over the past weekend and an interview has been scheduled with WHAG television for July 7th. Ms. Baker discussed the upcoming Stakeholder and general public meetings. She also discussed the meetings that are planned with the municipalities' Planning Commissions and/or Mayor and Council. Sign-up sheets for all meetings were distributed to members. Members and staff discussed the differences between towns with growth areas and those without growth areas. Ms. Baker distributed information regarding the basic concepts of the Comprehensive Plan which include growth management and the type of growth we expect. She discussed population, housing and employment projections. Members briefly discussed the impacts on sewer and water capacity. Mr. Goodrich noted that the Water Resources element will be re-evaluated throughout the Comp Plan update process. Ms. Baker presented a chart showing the changes in land use since the last Comp Plan update. There was a brief discussion with regard to the facilitation of the upcoming meetings.

Public Comment: Mr. Dan Kaminsky of 13136 Hepple White Circle, Hagerstown, MD requested information regarding the proposed text amendment (RZ-15-003) submitted by Mr. Wilkinson of Divilbiss & Wilkinson. This information will be forwarded via e-mail.

ADJOURNMENT

Commissioner Myers 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, August 3, 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



Washington County

M A R Y L A N D

DIVISION OF

ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW | PERMITTING | ENGINEERING | CONSTRUCTION

MEMO

Date: 9/1/2015

To: Washington County Planning Commission

From: Cody Shaw, Senior Planner

RE: MODIFICATION REQUEST FOR CODY REED (National Pike) (SV-15-008)

Attached you will find for your review a modification request to allow the creation of a lot without public road frontage. Section 405.11.B of the Washington County Subdivision Ordinance states that every lot shall have a minimum of 25 feet and have access to a public road. The applicant is requesting that the Planning Commission approve the creation of this lot that will be dedicated to an immediate family member per Section 405.11.B.1. However, the existing lane to the proposed lot is not within the bounds of the original parcel and does not serve an existing house on the same property.

Attached you will find a statement of justification from the applicant listing numerous reasons why the proposed lot is located as shown.

The proposed modification requests were sent to Plan Review – Engineering, the Department of Emergency Services, the Maryland State Highway Administration, and the Clear Spring Fire Department for commenting. All of the reviewing agencies had no comment or objection to the approval of the modification requests.

If you have comments regarding the proposed modification and/or the applicant's request, please call or e-mail me at: (240) 313-2442 or cshaw@washco-md.net.

Cody L. Shaw
Senior Planner



SV-15-008
Washington County

M A R Y L A N D

DIVISION OF
ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW & PERMITTING DEPARTMENT

WASHINGTON COUNTY PLANNING COMMISSION

APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

APPLICANT

NAME CODY REED

MAILING ADDRESS 9916 NATIONAL PIKE, BIG POOL MD 21711

TELEPHONE 301 991-6539
(home) (work) (cell)

PROPERTY OWNER

NAME PETER REED ETAL

MAILING ADDRESS 9916 NATIONAL PIKE, BIG POOL MD 21711

TELEPHONE 301-992-1740
(home) (work) (cell)

CONSULTANT

NAME FREDERICK SEIBERT & ASSOCIATES c/o ED SEIBERT

ADDRESS 128 S. POTOMAC ST, HAGERSTOWN MD 21740

TELEPHONE _____

DESCRIPTION OF PROPERTY

PARCEL REFERENCE: MAP 32 GRID 18 PARCEL 43

PROPOSED LOT ACREAGE 3 AC TOTAL SITE ACREAGE 245 ACRES

ZONING DISTRICT EC ROAD FRONTAGE (FT) —

LOCATION / ADDRESS

9912 NATIONAL PIKE OR NORTH SIDE OF NATIONAL PIKE
7.5 miles WEST OF ERNSTVILLE ROAD

EXISTING AND PROPOSED USE OF PROPERTY

AREA FOR THE PROPOSED
LOT IS WOODED AND WILL REMAIN THE WAY ALTHOUGH IT
IMPROVED WITH A HOME. REMAINING LAND IS FARM & WOODS AND
WILL REMAIN THE SAME.

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER YES

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION 405.11.B 1 (a) & (b)

MODIFICATION IS TO ALLOW CREATE A LOT FOR AN IMMEDIATE FAMILY
THAT ① IS NOT WITHIN THE BOUNDS OF THE ORIGINAL PARCEL ② LINE
DOES NOT SERVE AN EXISTING HOUSE ON SAME PROPERTY.

STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

PLEASE SEE FOLLOWING PAGE

(Attach additional sheets if necessary)

In addition, twelve (12) sketch plans, drawn to scale must accompany this application showing: the dimensions and shape of proposed lot with acreage; size and location of existing and/or future structures; existing/proposed roadways and associated access right-of-ways or easements; existing/proposed entrance/exit to property; natural or topographic peculiarities of the lot in question.

Ed Schreiber

Subject: reed

The modification is being requested to create a lot for an immediate family member that does not meet all of the parameters described in section 405.11.B.1(a) &(b). The proposed location was selected for numerous reasons and are described as follows:

1. The land selected is wooded and does not take away from crop and pasture land. If crop or pasture land were utilized it would disrupt State and Federal programs that the Reed's utilize.
2. The land selected has an approved perc test. Most of the soil in the area is difficult to perc do to numerous springs in the area.
3. The land selected is off of an existing lane however it does cross other property. Both other property owners are immediate family members of the applicant and have agreed to have a written and recorded Ingress/Egress easement as well as a joint use maintenance agreement placed on the lane for the protection of future owners of the land.
4. Topographically with the items mentioned above, a driveway in another location would be very difficult and expensive to construct

Hardship would be encountered if the lot had to be relocated to another area of the farm and this site was selected due to the reasons mentioned above.

Ed Schreiber
Project Development

FREDERICK, SEIBERT & ASSOCIATES, INC.

CIVIL ENGINEERING ■ LAND SURVEYING ■ LAND PLANNING ■ LANDSCAPE ARCHITECTURE
128 S. Potomac St. / Hagerstown, MD 21740
(301) 791-3650 / FAX (301) 739-4956
www.fsa-md.com

To the best of my knowledge, the information provided in this application and other material submitted is correct.

Colby Reed 6-13-15
Applicant's Signature Date

James S. Reed 6-13-15
Property Owner's Signature Date
JAMES

STAFF USE ONLY:

STAFF PLANNER: _____ DATE RECEIVED: _____

NUMBER: _____

MEETING DATE: _____

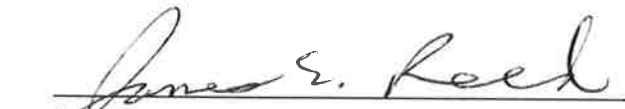
June 11, 2015

Washington County Planning Commission
80 West Baltimore Street
Hagerstown, MD 21740

RE: Subdivision Modification SV-15- for Cody Reed

To whom this may concern:

Should the Planning Commission grant a subdivision modification to allow Mr. Cody Reed to create a lot without public road frontage, we as the owners of the land which the existing lane traverses across agree to have a non-exclusionary ingress/egress and utility easement prepared and recorded for the lane in which Mr. Cody Reed will utilize to access his lot. We will also have a joint use and maintenance agreement prepared to include all parties utilizing said lane.


James E Reed

Owner of the following land:

9912 National Pike/tax parcel 32-24-49

9914 National Pike/tax parcel 32-24-115

Xxxx National Pike/tax parcel 32-18-43 (Joint Ownership)

James E Reed
9912 National Pike
Big Pool, MD 21711


Peter Reed

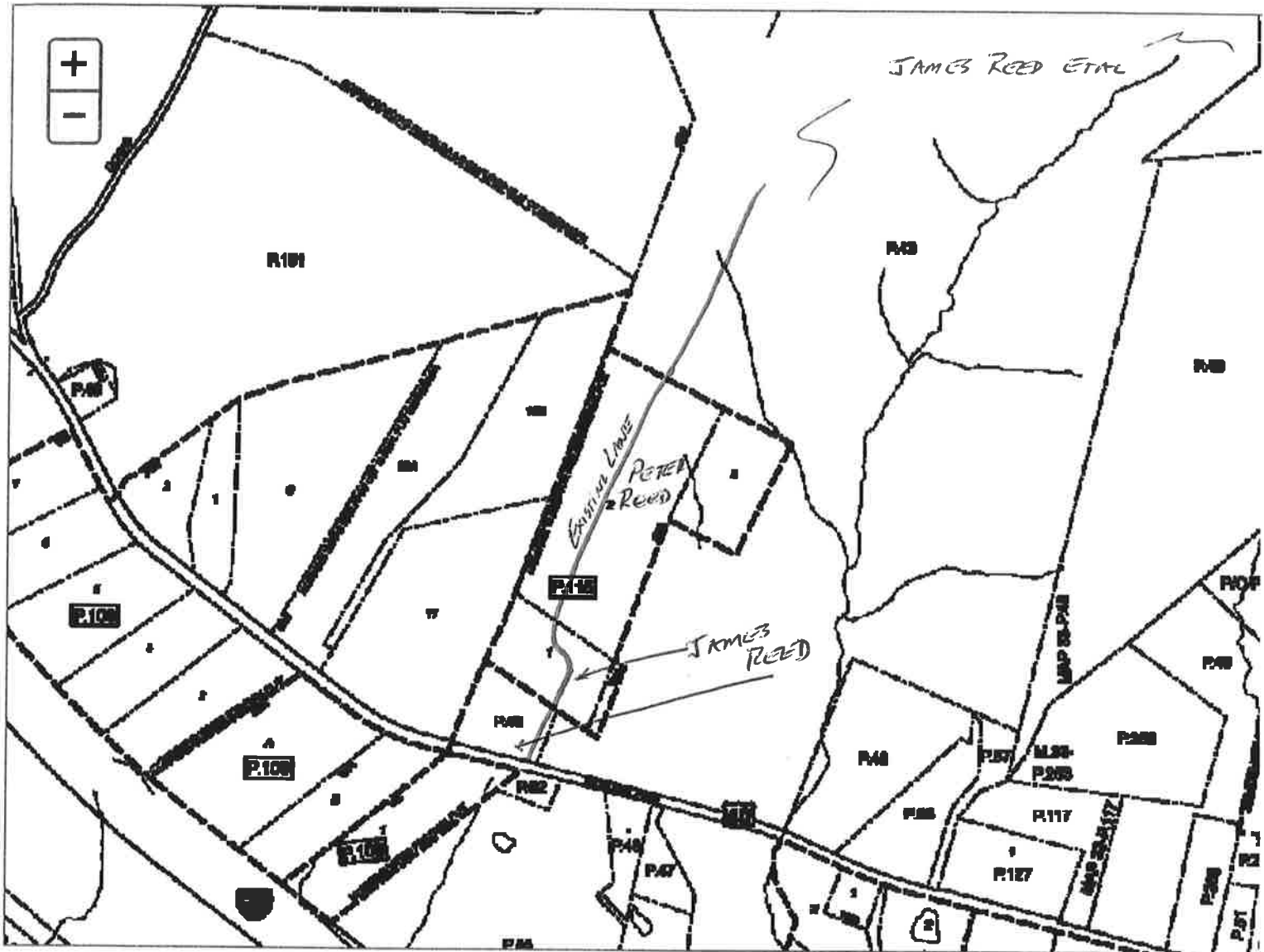
Owner of the following land:

9916 National Pike/tax parcel 32-24-15

Xxxx National Pike/tax parcel 32-18-43

(JOINT OWNERSHIP)

Peter Reed
9916 National Pike
Big Pool, MD 21711

District: **15** Account Number: **005513**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

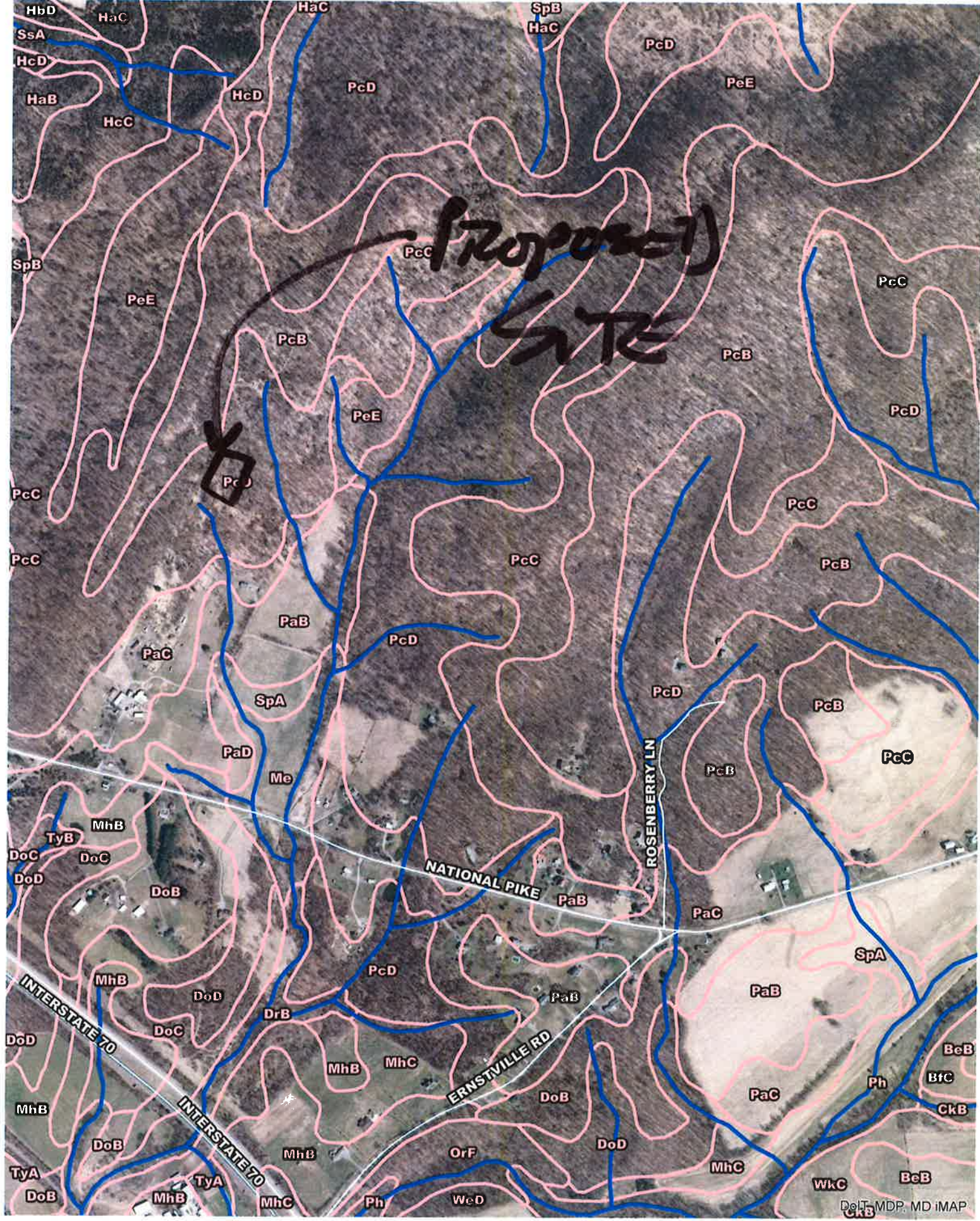
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)









Washington County

M A R Y L A N D

DIVISION OF

ENGINEERING & CONSTRUCTION MANAGEMENT

PLAN REVIEW | PERMITTING | ENGINEERING | CONSTRUCTION

MEMO

Date: 9/1/2015

To: Washington County Planning Commission

From: Cody Shaw, Senior Planner

RE: MODIFICATION REQUEST FOR FAYE DOWNEY (MT. BRIAR ROAD) (SV-15-009)

Attached you will find for your review a modification request to allow the creation of a lot without usable public road frontage. The applicant is requesting that the Planning Commission approve the creation of this lot that will be dedicated to an immediate family member per Section 405.11.B.1. The panhandle on the lot as shown has already been created from a past subdivision.

Attached you will find a statement of justification from the applicant listing numerous reasons why the proposed lot is located as shown.

The proposed modification request were sent to Plan Review – Engineering, the Department of Emergency Services, the Maryland State Highway Administration, and the Sharpsburg Fire Department for commenting. All of the reviewing agencies stated that they had no objection to the approval of the modification request.

If you have comments regarding the proposed modification and/or the applicant's request, please call or e-mail me at: (240) 313-2442 or cshaw@washco-md.net.

Cody L. Shaw
Senior Planner

SV-15-009

WASHINGTON COUNTY PLANNING COMMISSION
APPLICATION FOR SUBDIVISION ORDINANCE MODIFICATION

APPLICANT

NAME Faye Downey
MAILING ADDRESS 1203 North Expressway 77, Unit 519, Harlingen, TX 78552
TELEPHONE _____
(home) (work) (cell)

PROPERTY OWNER

NAME Judy Counts etal
MAILING ADDRESS 4601 Mt. Briar Road, Keedysville, MD 21756
TELEPHONE _____
(home) (work) (cell)

CONSULTANT

NAME Frederick, Seibert & Associates (Ed Schreiber)
ADDRESS 128 S. Potomac St, Hagerstown, MD 21740
TELEPHONE _____

DESCRIPTION OF PROPERTY

PARCEL REFERENCE: MAP 81 GRID 2 PARCEL 4
PROPOSED LOT ACREAGE 3.78 Ac TOTAL SITE ACREAGE 8.87 Ac
ZONING DISTRICT RV ROAD FRONTAGE(FT) 15'

RECEIVED

JUL 09 2015

DIVISION OF PLAN
REVIEW & PERMIT

LOCATION / ADDRESS

4601 Mt. Briar Road, Keedysville MD, Northeast side of Mt. Briar Road

EXISTING AND PROPOSED USE OF PROPERTY

Existing single family detached home said home to have ~~4.89~~ ac after proposed ~~3.90~~ ac lot is created for owners sister

LOT TO BE CONVEYED TO IMMEDIATE FAMILY MEMBER Yes

SUBDIVISION MODIFICATION INFORMATION

MODIFICATION TO SUBDIVISION ORDINANCE SECTION 405.11 G 1 & 5

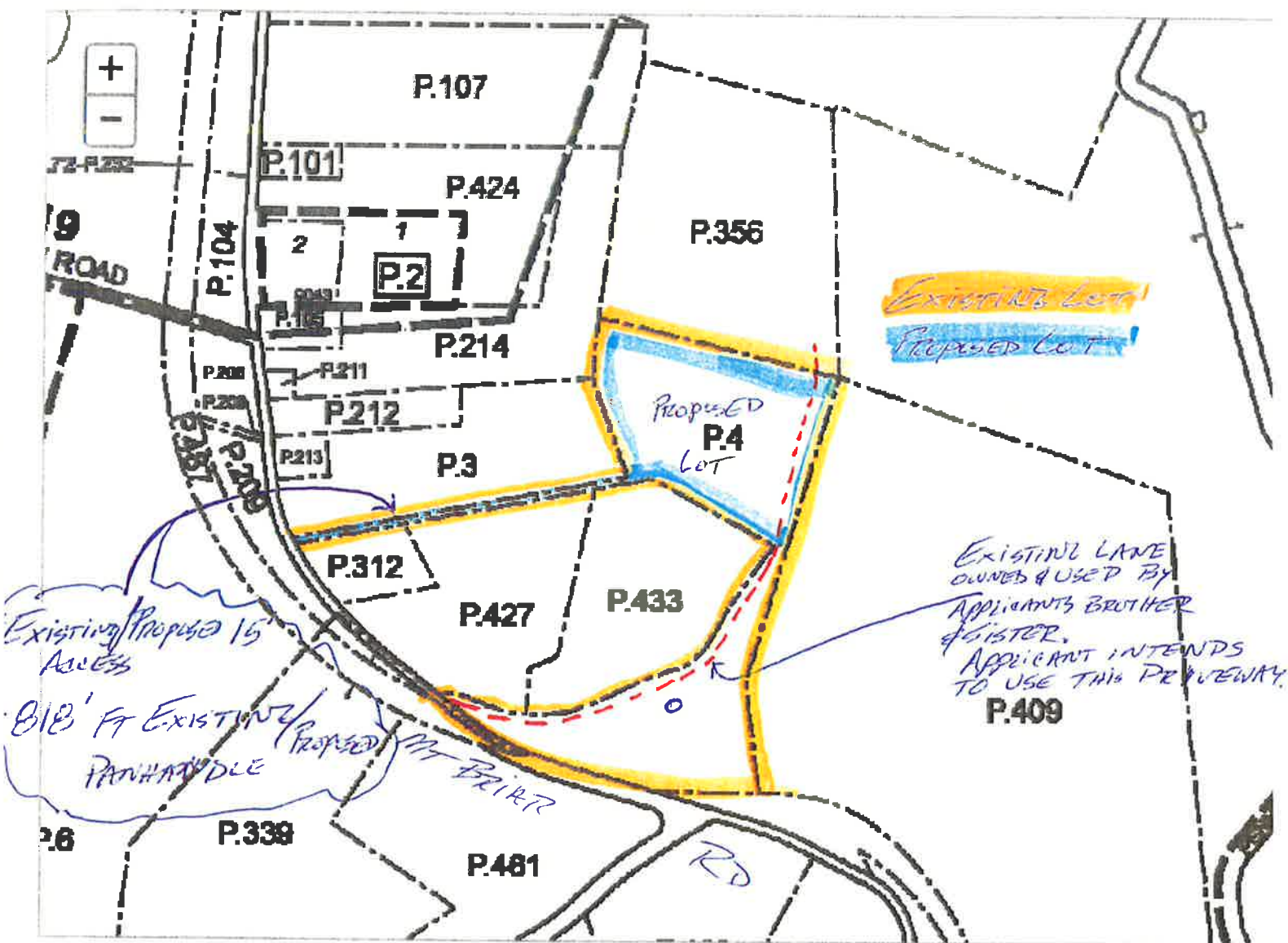
MODIFICATION IS TO ALLOW A panhandle that the width reduces 50' to 15' and the overall length of the panhandle is 818' long for an immediate family member

STATEMENT OF JUSTIFICATION TO THE REQUESTED MODIFICATION (quantify modification – i.e. hardship resulting from irregular shape; safety hazard; topographic conditions; extraordinary hardship; other

The irregular configuration of the existing property with an existing panhandle that accesses the portion of the desired area to be developed lends itself to being the primary access to the proposed lot. As shown on the attached tax map the overall land has an irregular shape and there is nothing that could be done without the use of the existing panhandle. It was the thought and the intention over the years that the portion of the property shown as lot 1 was to be conveyed to Faye Downey the sister of the owner and the time has come to physically separate the property.

(Attach additional sheets if necessary)

In addition, two (2) sketch plans, drawn to scale must accompany this application showing: the dimensions and shape of proposed lot with acreage; size and location of existing and/or future structures; existing/proposed roadways and associated access right-of-ways or easements; existing/proposed entrance/exit to property; natural or topographic peculiarities of the lot in question.

District: **08** Account Number: **006687**

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If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://lmsweb05.mdp.state.md.us/website/mosp/>)

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NTS



**WASHINGTON COUNTY
DEPARTMENT OF PLAN REVIEW AND PERMITTING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone/TDD 240-313-2460
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

S I T E P L A N S T A F F R E P O R T

BASE INFORMATION

SITE NAME...: SUMMERS TONY
NUMBER.....: SP-15-012

OWNER.....: SUMMERS TONY
LOCATION....: SOUTHWEST SIDE OF NATIONAL PIKE
DESCRIPTION.: PROPOSED RETAIL SALES OFFICE REV 2

ZONING.....: HI HIGHWAY INTERCHANGE
COMP PLAN...: CM Commercial
PARCEL.....: 05815018300000
SECTOR.....: 2
DISTRICT....: 16

TYPE.....: CM
GROSS ACRES.: 0.95
DWEL UNITS..: 0
TOTAL LOTS..: 1
DENSITY.....: 0 UNITS PER ACRE

PLANNER.....: LISA KELLY
SURVEYOR....: FREDERICK SEIBERT & ASSOCIATES
RECEIVED....: 03/24/2015

FOREST REVIEW FEE.....:\$0.00
DEVELOPMENT REVIEW FEE...:\$800.00

SITE ENGINEERING

	WATER	SEWER
METHOD.....	PRIVATE	PRIVATE
SERVICE AREA.....		
PRIORITY.....	7	7
NEW HYDRANTS.....	0	
GALLONS PER DAY SEWAGE...	0	
SEWER PLANT.....		

STORM WATER MANAGMT TYPE.: BIO RETENTION POND
DRAIN DIRECTION.....:
FLOOD ZONE....: C
WETLANDS.....: N
TOPOGRAPHY....:
BEDROCK.....:
VEGETATION.....:

SITE DESIGN

IMPERVIOUS SURFACE PLANNED...: 10% BUFFER DESIGN MEETS REQUIREMENTS.: Y
 IMPERVIOUS MAXIMUM ALLOWED...: 0% LANDSCAPING MEETS REQUIREMENTS...: Y
 LIGHTING PLAN MEETS REQUIREMENTS.: Y
 OPEN SPACE AREA PLANNED-AC...: 0 PEDESTRIAN ACCESS IS ADEQUATE....: Y
 OPEN SPACE MINIMUM ALLOWED...: 0 BUS ROUTE WITHIN WALKING DIST....:
 TOTAL PARKING SPACES PLANNED.: 25 LOADING AREAS MEET REQUIREMENTS...: Y
 PARKING SPACES-MINIMUM REQD.: 25
 PARKING SPACES/DWELLING UNIT.: 0
 RECREATIONAL VEHICLE PARKING.: N

RESIDENTIAL AMENITY PLANS....: N/A

SOLID WASTE DISPOSAL PLANS...: INSIDE TRASH
 MATERIALS STORED ON SITE.....: NO

COMMUNITY FACILITIES

	ELEM	MID	HI
SCHOOL NUMBER CODE	0	0	0
PUPIL YIELD	0	0	0
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

PROPOSED NEW ROAD NAMES

1
 2
 3
 4
 5
 6
 7
 8
 9
 10

NUMBER OF ACCESS POINTS:1

COUNTY HISTORIC INVENTORY SITE #: NOT HIST
 ON NATIONAL HISTORIC REGISTER : N

FIRE DISTRICT: 10 MILES TO STATION: 0
 AMBULANCE DIST: 75 MILES TO STATION: 0

COMMENTS:

PROPOSED RETAIL SALES OFFICE REV 2



**WASHINGTON COUNTY
DEPARTMENT OF PLAN REVIEW AND PERMITTING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone/TDD 240-313-2460
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

S I T E P L A N S T A F F R E P O R T

BASE INFORMATION

SITE NAME....: COMMUNITY RESCUE SERVICE
NUMBER.....: SP-15-027

OWNER.....: GHATTAS ENTERPRISES MAUGANS AVE. LTD. PARTNSHP
LOCATION....: OLIVER DR E/S
DESCRIPTION.: FULL SITE PLAN FOR COMMUNITY RESCUE SERVICE REV

ZONING.....: HI HIGHWAY INTERCHANGE
COMP PLAN...: CM Commercial
PARCEL.....: 0241512070001A
SECTOR.....: 1
DISTRICT....: 13

TYPE.....: CM
GROSS ACRES.: 1.42
DWEL UNITS..: 0
TOTAL LOTS..: 1
DENSITY.....: 0 UNITS PER ACRE

PLANNER.....: CODY SHAW
SURVEYOR....: FOX & ASSOCIATES INC
RECEIVED....: 06/16/2015

FOREST REVIEW FEE.....:\$0.00
DEVELOPMENT REVIEW FEE..:\$0.00

SITE ENGINEERING

	WATER	SEWER
METHOD.....:	PUBLIC	PUBLIC
SERVICE AREA.....:	HN	HN
PRIORITY.....:	1	1
NEW HYDRANTS.....:	0	
GALLONS PER DAY SEWAGE...:	200	
SEWER PLANT.....:	Hagerstown	

STORM WATER MANAGMT TYPE.: SURFACE SAND FILTER/FILTER INLET
DRAIN DIRECTION.....: N
FLOOD ZONE....: C
WETLANDS.....: N
TOPOGRAPHY....: FLAT
BEDROCK.....: N/A
VEGETATION....: *Trees/shrub plantings*

SITE DESIGN

IMPERVIOUS SURFACE PLANNED....: 27%	BUFFER DESIGN MEETS REQUIREMENTS.: Y
IMPERVIOUS MAXIMUM ALLOWED....: 85%	LANDSCAPING MEETS REQUIREMENTS....: Y
LIGHTING PLAN MEETS REQUIREMENTS.: Y	
OPEN SPACE AREA PLANNED-AC....: 0	PEDESTRIAN ACCESS IS ADEQUATE.....: N
OPEN SPACE MINIMUM ALLOWED....: 0	BUS ROUTE WITHIN WALKING DIST....: N
TOTAL PARKING SPACES PLANNED.: 10	LOADING AREAS MEET REQUIREMENTS..: Y
PARKING SPACES-MINIMUM REQ'D.: 10	
PARKING SPACES/DWELLING UNIT.: 0	
RECREATIONAL VEHICLE PARKING.: N	

RESIDENTIAL AMENITY PLANS.....: N/A

SOLID WASTE DISPOSAL PLANS....: DUMPSTER/PRIVATE HAULER
 MATERIALS STORED ON SITE.....: NO OUTSIDE STORAGE OF MATERIALS

COMMUNITY FACILITIES

	ELEM	MID	HI
SCHOOL NUMBER CODE	4	3	3
PUPIL YIELD	0	0	0
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

PROPOSED NEW ROAD NAMES

1 N/A
 2 N/A
 3 N/A
 4 N/A
 5 N/A
 6 N/A
 7 N/A
 8 N/A
 9 NA/
 10 N/A

NUMBER OF ACCESS POINTS:1
 COUNTY HISTORIC INVENTORY SITE #: NOT HIST
 ON NATIONAL HISTORIC REGISTER : N

FIRE DISTRICT: 13 MILES TO STATION: .5
 AMBULANCE DIST: M7 MILES TO STATION: .5

COMMENTS:
 FULL SITE PLAN FOR COMMUNITY RESCUE SERVICE REV 1

FUNCTIONAL DESCRIPTION OF THE SITE IS LISTED AS AN
 AMBULANCE RESCUE STATION

FOREST CONSERVATION REQUIREMENTS HAVE BEEN MET BY A
 PAYMENT-IN-LIEU PER RECORDED PLAT 5563



Office of the Sheriff:
Washington County
500 Western Maryland Parkway
Hagerstown, MD 21740-5199
Sheriff Douglas W. Mullendore

OFFICE: 240-313-2101
FAX: 240-313-2105
Email: dmullendore@washco-md.net



July 27, 2015

Rob Slocum, Director
Division of Engineering & Construction
80 West Baltimore St.
Hagerstown, Maryland 21740

Dear Rob,

I wanted to let you know that upon review of the issues involving the Community Rescue Service building on Oliver Drive, Hagerstown, MD that I had the opportunity to go out to the various intersections involved on Maugans Ave. for a site visit. I discovered there are currently opticoms in place at the intersections on Maugans Ave. near I-81. I found out that the opticoms were installed at these intersections at least as far back as when Maugans Ave. was upgraded a few years ago.

Therefore, based on this new information I am revising my stance in regards to the new construction proposed by the Community Rescue Service on Oliver Dr., Hagerstown, MD. The relocation from the current station to a new station on Oliver Drive will not have any additional impact on these intersections than what already exists. The ambulance would be responding from west of the intersections whether they remain in the existing station or respond from a new station on Oliver Drive. There have been no observed issues with traffic tie ups as a result of the current situation on Maugans Ave. so nothing should change if the station moves to Oliver Drive.

I had based my previous comments on the assumption that no opticoms were currently in place at those intersections. I am sorry for any confusion this has caused, but since the Sheriff's Office doesn't use opticoms, I was not aware the opticoms were already in place and had been for some time. Please contact me should you have any questions.

Sincerely,

Sheriff Doug Mullendore



Washington County

M A R Y L A N D

DIVISION OF

ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW | PERMITTING | ENGINEERING | CONSTRUCTION

MEMO

TO: Washington County Planning Commission
FROM: Tim Lung, Deputy Director
DATE: Sept 1, 2015
SUBJECT: Kent & Wendy Thomas Subdivision

At its regular meeting on December 7, 1998, the Planning Commission approved a variance for Kenneth Thomas to create a new lot with a panhandle exceeding 400'. The Planning Commission granted the variance with a condition that there be no further subdivision of this lot. Subsequently a subdivision plat was approved to create this lot (lot 2). The plat included the no further subdivision note (note 11) and the plat was recorded.

Since that time, two dwellings have been constructed on lot 2. A second dwelling on a single lot was permitted at the time of construction. This is no longer the case.

The owner of Lot 2 now wishes to have each of the dwellings located on its own lot thus requiring a subdivision. Due to the note on the original plat that there shall be no further subdivision, the County is unable to accept an application for subdivision, thus the request to remove the condition.

Due to the fact that more than one principle dwelling on a single lot is no longer permitted, allowing these dwellings to be located on their own lot would correct a current non conforming condition. For that reason, the staff has no objection to the removal of the note. Further, the Director has the ability to grant a waiver from the requirement for public road frontage in those cases where the proposed subdivided lot contains an existing structure and an attempt is being made to comply with the Zoning Ordinance provision of one principle use on one zoning lot. (Planning Commission policy 13(d). Compliance with all other Subdivision Ordinance requirements would be necessary prior to approval of the plat.



August 25, 2015

Tim Lung
WCDPR&P
80 W Baltimore St
Hagerstown, MD 21740

RE: Kent & Wendy Thomas Subdivision
Existing lot 2 Plat 5989, Proposed lot 5

Hello Tim,

On behalf of our client, Mark Thomas, we are hereby request to be seen in front of the Planning Commission during the September meeting. The reason for this request is to ask that note number 11 be removed as a condition of the initial subdivision and that subdivision of lot 2 be permitted after being reviewed under normal procedures.

The condition was originally imposed due to a variance request to create a panhandle greater than 400 feet lot for existing lot 2 in December of 1998. Please see attached minutes.

Currently Lot 2 is improved with 2 dwellings and it is the owners desire to have each of the homes on its separate lot.

Should you have any questions, please feel free to contact me.

Thanks

Ed Schreiber
Project Development

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WCPC 12/7/98

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Mr. Lung stated that at the field meeting, he was asked to forward a copy of the concept plan to the town of Smithsburg. He said that the Town wanted the Planning Commission to be aware that there are some drainage problems at the intersection of Cave Hill and Itnyre Road. The County Engineer is aware of the situation and has indicated the possible need for storm water management. The Town also commented that when the corn is high, sight distance at the intersection can be a problem. In addition, the Town also asked for consideration for the extension of public water to this area. Mr. Lung stated that becomes a Water and Sewer Plan issue and that this particular subdivision is outside of the growth area. After further discussion it was the consensus of the Planning Commission to allow three accesses onto Itnyre Road and one access onto Cave Hill Road regardless of the final number of lots. Mr. Ernst abstained.

Variances:

Sandra Shay:

Mr. Lung presented the variance request for Sandra Shay. The request is from Section 405.11.G and 402 of the Subdivision Ordinance regarding panhandle lots and access separation. The property is located on the west side of Chestnut Grove Road and consists of 9.84 acres zoned Conservation. Mr. Lung stated that the subject site is Lot 3 of Woodfield Estates and that it will be the fifth panhandle lot in this subdivision (only 4 panhandles are permitted). Mr. Lung stated that the owner is proposing to create a 3 acre lot in the rear of the property and retain 7 acres in the front. He said that the panhandle to the new lot needs to be 900 feet long due to an intermittent stream that runs through the property and that Ms. Shay intends to keep the wetlands on her parcel in the front. Mr. Lung stated that the second issue is that this is the fifth panhandle lot out of the original parcel. He added that Lot 4 and the remaining lands have the potential to be subdivided the same way with panhandles. He stated that another issue is that the access points along a minor collector highway must be at least 300 feet apart. Ms. Shay is proposing to shift her existing entrance further south so it would become a shared entrance with the new lot. Moving the entrance will improve the sight distance. Mr. Lung stated that by doing that, the new entrance location would be approximately 50 feet from the approved entrance for Lot 4. He said that the final issue cannot be addressed by the Planning Commission. If this request were approved, the lot width of the remaining lands of Lot 3 would be reduced to 275 feet. The minimum lot width in Conservation zoning is 300 feet. Doing this would require approval of a variance from the Board of Zoning Appeals. A discussion followed regarding the building area being limited on Lot 3, the potential for further subdivision of panhandle lots in Woodfield Estates and whether the Planning Commission could put a condition that there would be no further panhandles allowed on the remaining lands of the subdivision. Mr. Lung stated that they could go on record as part of their motion that they will not consider any more variances for panhandle lots. Mr. Ardinger commented that in cases involving traffic and safety issues, the County Engineer should submit his comments to the Planning Commission in writing. A discussion followed regarding Chestnut Grove Road and getting written comments from the County Engineer on the proposed access. Mr. Ardinger made a motion to table the variance request until the January meeting in order to receive comments from the County Engineer, Terry McGee, regarding the proposed access. Seconded by Mr. Iseminger. So ordered.

Kenneth Thomas - Request from Panhandle Requirements:

Mrs. Pietro presented the variance request for Kenneth Thomas. The subject site is located on the south side of Mt. Aetna Road near its intersection with White Hall Road and is zoned Agriculture. The applicant is proposing to create a 6 acre lot with a panhandle length of 900 feet. The proposed access point has been reviewed by the County Engineer's office and has been approved by them. Mrs. Pietro stated that the applicant originally proposed to use Rock Bottom Road, an existing private lane, but the County Engineer's office felt that the sight distance was very poor. The County Engineer's office feels that the proposed access is adequate. Mrs. Pietro explained that the reason why the proposed panhandle exceeds the 400 foot maximum length is due to the fact there is an existing home to the front of the property and the topography. A discussion followed regarding the access and concern was expressed that the proposed 6 acre lot

could be subdivided in the future. Mr. Clopper made a motion to grant the variance request with the condition that there will be no further subdivision of the 6 acre lot. Seconded by Mrs. Lampton. So ordered.

Subdivisions:

Porterstown Meadows, Lots 1-4 Preliminary/Final Plat and Forest Conservation Plan:

Mrs. Pietro presented the preliminary/final plat. The property is located on the south side of Geeting Road near its intersection with Porterstown Road. The site consists of 14 acres and is zoned Agriculture. There are 95 acres remaining. The developer is proposing to create four single family lots ranging from two to seven acres in size. Mrs. Pietro stated that all of the lots will access Geeting Road and that Lot 4 will have a panhandle. The lots will be served by individual wells and septic systems. All agency approvals have been received. Mrs. Pietro stated that in order to meet the Forest Conservation requirements, the developer is proposing to put 2.48 acres in easement in the rear of the lots. A discussion followed regarding the adequacy of Geeting Road, the stripping of lots along Geeting Road and the fact that the 95 acres may be subdivided in the future. After further discussion it was the consensus of the Planning Commission that Mrs. Pietro should notify the consultant that if they come back with a fifth lot, they will be required to have a preliminary consultation and will need to build a road to serve the lots. Mr. Ardinger made a motion to grant preliminary/final plat approval and approval of the forest conservation plan subject to no further subdivision of Lot 4. Seconded by Mrs. Lampton. So ordered.

PUDs:

South Pointe PUD, Phase 2, Preliminary Plat:

Mrs. Pietro presented the preliminary plat for South Pointe PUD Phase 2. She stated this plan is a continuation of the development which the Planning Commission has seen before. The subject site is located on the north side of East Oak Ridge Drive and is zoned RS PUD. The developer is proposing 54 townhouse units along Southern Oak Drive and the minimum lot size will be 3,100 square feet on a total of 7.4 acres. The site will be served by public water and sewer and a storm water management drainage system runs through the properties. All agency approvals have been received and this site is exempt from the Forest Conservation Ordinance. Mr. Iseminger made a motion to grant preliminary plat approval for South Pointe Phase 2. Seconded by Mr. Ardinger. Mr. Ernst abstained. So ordered.

Preliminary Consultations:

Steve Sagi, PC-98-07:

Mrs. Pietro stated that in July, a site plan was presented and approved by the Planning Commission for this site, which is located at the intersection of Sharpsburg Pike and Col. Henry Douglas Drive. At that time, the plan was for a motel and the Planning Commission expressed concern with the parking and internal traffic. Mrs. Pietro stated that this concept plan is replacing the previously approved site plan. The proposed concept plan is for a motel, a Waffle House and a Cracker Barrel Restaurant and they will each be on individual lots. Mrs. Pietro proceeded to review the plan and noted that there will be 3 access points. She stated that the motel will have 98 rooms, will be on 2.78 acres and will have 104 parking spaces; the Cracker Barrel will be on 2.7 acres and will have 147 parking spaces; the Waffle House will be on .4 acres and will have 23 parking spaces. She reviewed the location of the bus parking area and stated that she discussed this plan with Paul Prodonovich of the Permits Department since he had previously expressed concern with the parking area during the Preliminary Consultation. Since that time, the plan has been revised and the traffic flow seems to be better. Mrs. Pietro stated that the only other item that came up at the consultation was that Mr. Prodonovich stated that the



ENGINEERS
SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS

981 Mt Aetna Rd
Hagerstown, MD 21740
Phone: 301-733-8503
Fax: 301-733-1853

September 1, 2015

Washington County Planning Commission
80 West Baltimore Street
Hagerstown, MD 21740

Attention: Lisa Kelly, Senior Planner

Re: Emerald Pointe PUD Concept Plan

Dear Lisa,

Pursuant to your request, I am writing this letter to accompany the revised PUD plan which was submitted to your office this morning. This plan was submitted for presentation at the Planning Commission meeting scheduled for September 14th. This presentation will allow the Planning Commission to determine if the plan revision will be handled according to the major revision procedures as set forth in the recently adopted Zoning text amendment.

This plan has not changed since the previous Preliminary/Final Development Plan submittal (FDP-14-001) with one exception, the convenience store has been removed from the commercial area in lieu of a bank/office building.

I plan to attend the hearing on September 14th and will be available to answer any question.

Sincerely,
FOX & ASSOICATES, INC.

Gordon Poffenberger, P.E.
Director of Engineering

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ASSOCIATES, INC.**



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August 17, 2015

Lisa Kelly
Washington County
Department of Plan Review & Permitting
80 W. Baltimore Street
Hagerstown, MD 21740

RE: Adkins Automotive SP-15-024

Dear Lisa,

On behalf of our client, Jason Adkins, we hereby request to be heard by the Washington County Planning Commission. Not for approval, however only to receive input and direction on the landscaping our client is proposing. As you are aware the property is fairly well surrounded by mature hardwoods and forest however we can't guarantee those trees will be there in perpetuity to obscure the view of the proposed shop and yard. With that being said Mr. Atkins has begun planting shrubs around his property to screen his use from adjacent properties. The shrubs are in good health and growing vigorously however they are not to the height indicated in the zoning ordinance. We need input from the Planning Commission before we proceed to the Board of Zoning Appeals on other variances that are necessary.

Thank you for your time and cooperation.

Best regards

Ed Schreiber
Project Development.

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**DIVISION OF PLAN
REVIEW & PERMITTING**

August 5, 2014

Case #: RZ-14-005

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	Gary L. Adkins
Applicant(s)	:	Jason M. Adkins/Adkins Automotive LLC
Location	:	9920 Crystal Falls Dr. Hagerstown, MD 21740
Election District	:	16 – Beaver Creek
Comprehensive Plan		
Designation	:	Rural Village and Environmental Conservation
Zoning Map	:	59
Parcel(s)	:	65
Acreage	:	2.3 Acres
Existing Zoning	:	RV – Rural Village
Requested Zoning	:	RB-N – Rural Business – New
Date of Hearing	:	

Background and Findings Analysis:

Location and Description of Subject Property

The subject parcel is located on the West side of Crystal Falls Drive just north of the intersection of Crystal Falls Drive and White Oaks Road. The property consists of 2.3 acres in a long rectangular shape. There is a single family dwelling at the front of the parcel built in 1956. A 40 x 60 foot Butler-type building was added in 2012 behind the residence. This building is being used as a garage for an existing auto service business on the property. The applicant is requesting the rezoning in response to a zoning violation to bring the use into conformance with the Washington County Zoning Ordinance. The remaining rear half of the parcel is wooded. There is a consistent 6% downward slope from the front of the parcel to the rear.

The parcel is located within the Bagtown Rural Village. The parcel is also within a Priority Funding Area due to the Rural Village Zone. There are no streams on the parcel and it is not within a flood plain.



Street view of Parcel



Current shop behind house

Population Analysis

To evaluate the change in population, information was compiled from the US Census Bureau over a thirty-year time frame. A thirty year horizon was picked to show long term population trends both in the election district of the proposed rezoning, as well as the overall trends of the County.

The parcel is located within the Beaver Creek Election District, # 16. As shown in Table 1 below, this district has shown large increases in population over the thirty year time frame between 1980 and 2010. The district grew at higher rate than the county with a gain in population of 41.4% compared to the county's gain of 30.4% over the 30 year time frame. Growth is expected to continue.

Table 1: Population Trends 1980 - 2010

Year	Area	Population	% change from previous decade
1980	District	2725	
	County	113086	
1990	District	3141	15.3%
	County	121393	7.3%
2000	District	3294	4.9%
	County	131932	8.7%
2010	District	3852	16.9%
	County	147430	11.7%

Source: US Census Bureau

Availability of Public Facilities Water and Sewerage

The adopted Water and Sewerage Plan for the County establishes the policies and recommendations for public water and sewer infrastructure to help guide development in a manner that helps promote healthy and adequate service to citizens. By its own decree, the purpose of the Washington County Water and Sewerage Plan is "...to provide for the continued health and well-being of Washington Countians and our downstream neighbors..."¹ This is achieved through implementing recommendations within the County Comprehensive Plan and the Water and Sewerage Plan to provide for services in a timely and efficient manner and by establishing an inventory of existing and programmed services.

The parcel has existing water service through the county and is within the Mt. Aetna service area. The parcel is served by on lot septic and is not within a planned sewer service area according to the 2009 Washington County Water and Sewerage Plan. The garage that is being used as the business is adequately served by the existing water service and septic system. The applicant does not predict any increases in the use of water or waste water with the approval of the RB-N.

This application was routed to the Washington County Health Department, City of Hagerstown Water Department, and the Washington County Department of Water Quality. No comments were received from any of the agencies regarding this request.

Emergency Services

The Volunteer Fire Company of Mt Aetna provides Fire Protection services for the subject parcel. The Smithsburg EMS provides emergency medical services to the parcel. The property is less than 1 mile away from the Mt Aetna Fire Station and 5 miles from the Smithsburg EMS stations. A copy of the application was sent to these agencies and no comments have been received.

¹ Washington County, Maryland Water and Sewerage Plan 2009 Update, Page I-2

Schools

The subject site is within the districts of Greenbrier Elementary, Boonsboro Middle and Boonsboro High schools. The requested change for the Rural Business-New zoning would not increase the residential use of the property and would therefore not have an impact on school capacities.

Present and Future Transportation Patterns

Highways

The property has access onto Crystal Falls Drive which is a county road. According to the Functional Road Classification Map of the Comprehensive Plan, The road class is local street. The primary purpose of a local street is to provide intra-community access for individual properties. In a rural setting, local streets can expect traffic below 1000 ADT (Average Daily Traffic).

Public Transportation

The County Commuter does not provide service to his area.

Compatibility with Existing and Proposed Development in the Area:

The Parcel is currently zoned Rural Village. The parcel is improved with a single family home and the garage/shop. The applicant is requesting a rezoning to add a floating zone to the parcel of Rural Business New District. The purpose of the Rural Business New District is to permit the development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, as well as establishing locations for businesses and facilities not otherwise permitted in the rural areas of the county. The Rural Business New District is established as a floating zone which may be located on any parcel in an Agricultural, Environmental Conservation, Preservation, or Rural Village Zoning District. The properties are surrounded by parcels with a Rural Village Zoning.

Residential uses dominate the area within a one half mile radius of the proposed rezoning. There is also a mix of agriculture uses and undeveloped wooded lots. The Highland View Academy is located 1000 ft. to the N.E. There is one business which is located .3 miles N.E. of the property on Crystal Falls Rd. The business is zoned Rural Business Existing.

Another important component of compatibility is the location of historic structures on and around the parcels being proposed for rezoning. The following historic sites listed on the Washington County Historic Sites Survey are located within a 0.5 mile radius of the proposed rezoning areas.

WA-II-231 Log House, Mt Lena Road located a half mile south on Crystal Falls Drive

Relationship of the Proposed Change to the Adopted Plan for the County:

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create a harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

According to the 2002 Comprehensive Plan for Washington County there are two general classifications listed for growth and development policy implementation. The two areas are the Urban and Town Growth Areas and the Rural Area. This distinction is made in order to encourage growth and development into areas where infrastructure is available or can be extended efficiently and economically. These areas are further broken down into land use policy areas. These policy areas are established on a generalized basis in an attempt to avoid possible compatibility issues between different land uses.

The subject property is located within the Rural Area and is further classified in the Rural Village land use policy area. The Land Use Plan chapter of the Comprehensive Plan elaborates on the policy area approach as follows, *“Future land use decision locations should be based on how well a land use fits into a policy area. Rezoning applications, comprehensive rezoning proposals, Water and Sewerage Plan revisions as well as other land use planning actions should take these policies into consideration. Many of the land use policy area classifications presented in the Land Use Plan parallel zoning ordinance classifications. However, the policy areas are not zoning districts as used in the Zoning Ordinance. The policy areas should be used as a guide to help formulate an overall structure to the community”*. (Chapter 12 Pgs. 231-232)

As stated previously, the property is located in the sub-policy area Rural Village. This policy area was derived from principles outlined in Maryland's Smart Growth Act of 1997. As part of the Smart Growth Act, designated Rural Villages are considered Priority Funding Areas (PFA's). In the Comprehensive Plan for the County it was recommended that Rural Villages be utilized as areas of in-fill development with specific reference made to new development conforming to maintain compatibility with existing development. Specific references to residential versus commercial development are not made.

This rezoning request involves a proposed zoning classification that would result in a change of use that is currently residential, to uses that are more commercial in nature.

Change in the Character of the Neighborhood or Mistake in Original Zoning Rule

The Rural Business-New zoning designation does not require compliance with the change or mistake rule due to the fact this is a "floating zone" rather than a traditional

Euclidean zone. Although the change or mistake rule is not applicable, the Planning Commission and the Board of County Commissioners are required in their deliberations to establish express findings that at a minimum consider the purpose of the proposed Rural Business-New zoning classification, the applicable policies of the Comprehensive Plan and the Zoning Ordinance, and the compatibility of the proposed RB-N district with neighboring properties.

Staff Analysis:

The rezoning request for this parcel to add the Rural Business New District is a unique case with the fact that the proposed commercial use is already in operation. The existing use on the parcel shall not be taken into consideration for the analysis of this rezoning request. The primary question to be answered is if the Rural Business District is appropriate for this location. If the parcel is given the Rural Business District Zoning, it will be permitted to have any use that is allowed in the District contingent upon site plan approval.

The Analysis will focus on the following evaluation criteria set forth in the Washington County Zoning Ordinance Section 5F.3, Section 5F.4, and 5F.5(c).

Section 5F.3

(a) The proposed RB-N District is not within any designated growth area identified in the Washington County Comprehensive Plan.

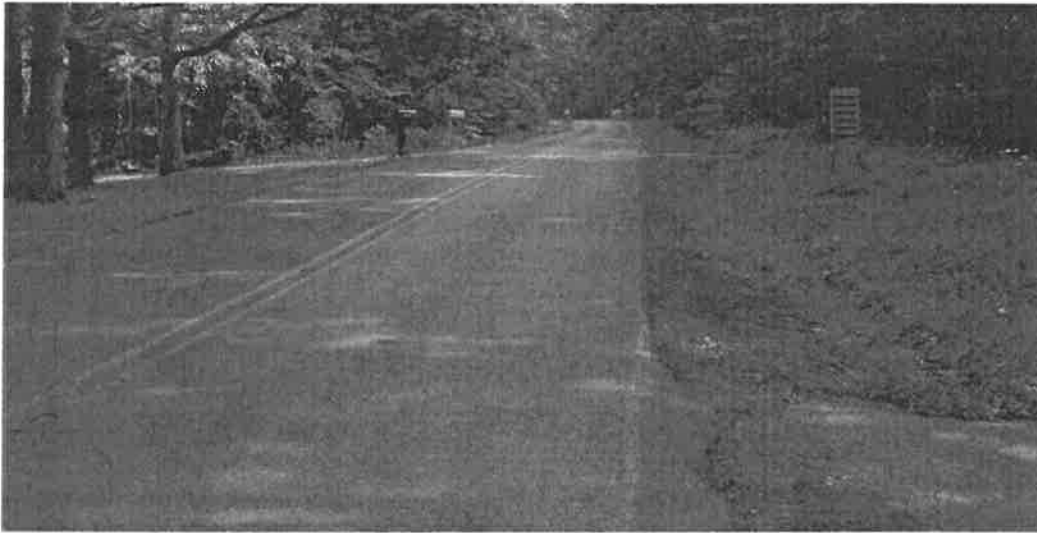
According to the 2002 Washington County Comprehensive Plan, the subject parcel is not located within a designated growth area and there for meets this the requirement of Section 5F.3(a).

(b) The Proposed RB-N District has safe and usable road access that meets the standards under the "Policy for Determining Adequacy of Existing Roads." In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial traffic.

The parcel is located off of Crystal Falls Drive which is under the jurisdiction of Washington County. The applicant claims that the proposed use will not generate 25 or more peak hour trips and the commercial traffic will be infrequent and less than 10% of the estimated vehicle trips which would not necessitate a traffic study to be conducted. The Washington County Engineering Department did not have any comments for the adequacy of the existing road. Any issues would be addressed during the site plan review process. At this point in the evaluation, the parcel meets the requirements of 5F.3(b).



Crystal Falls Drive Looking North



Crystal Falls Drive Looking South

(c) On site issues related to sewage disposal, water supply, storm water management, flood plains, etc. can be adequately addressed.

The applicant has stated that the water and septic system of the parcel is more than adequate for the proposed use on the parcel. The existing structure on the parcel which will be used for the business addressed grading, storm water management, and flood plain considerations during its construction. Any further requirements or evaluations would be determined during the site plan review for the commercial operations. There are no sensitive areas such as floodplain, streams, steep slopes, etc. that would indicate a problem with applicants ability to operate a business on this parcel.

- (d) The location of an RB-N District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the site.***

The existing land uses surrounding the parcel are rural residential. The addition of a commercial use at this property will change the character of the neighborhood and impact the surrounding residential parcels. There will now be a permitted commercial use allowed at the parcel. The requirements of the Section 5F.4 Lot Size and Bulk Regulations, are to buffer and lessen the impact of a business district surrounded by residential uses. The full impact of the type of use would be determined and evaluated during the site plan review. The location of the parcel is not within the immediate vicinity of cultural or historic resources or agricultural preservation efforts. If adequate buffering was provided and design elements of the site are in character with the existing community, than the impact of the Rural Business District for the parcel would be minimal on the neighboring land uses and would be compatible.

Section 5F.4 Lot Size and Bulk Regulations

The preliminary site plan meets all the requirements of the section except for the side yard setbacks and parking and access aisles. The side yard setbacks for a parcel neighboring residentially zoned parcels is 100 ft. The narrow shape of the parcel (131ft at the front narrowing to 80ft at the rear) makes it impossible to meet the side yard setbacks for any business related building. Parking and access aisles are only permitted in the front yard setback for parcels abutting a residential use. According to the preliminary site plan, the side setback for the garage is 12 feet. The parking and access aisles are currently on the property line. A variance to the side yard setbacks and the parking access aisles would be required for the parcel to permit the proposed use.

Section 5F.5(c) Criteria for Planning Commission

- (i) The proposed district will accomplish the purpose of the RB-N District; __**

Adding the RB-N to the parcel will accomplish the goals of the district by the facts that the parcel is located in a Rural Village Zoning District; the location will allow for development of a business to serve the needs of the local rural residential population.

- (ii) The proposed site development meets the criteria identified in Section 5F.3 of this Article;**

From the preliminary site plan, criteria (a) through (c) can be met. Criteria (d) would depend on the buffer and decision of Planning Commission on the impact of the RB-N to the neighborhood.

- (iii) The roads providing access to the site are appropriate for serving business related traffic generated by the proposed RB land use;**
-

From the preliminary review, Crystal Falls Drive is appropriate for amount of traffic that will be generated by the proposed business.

- (iv) **Adequate sight distance along roads can be provided at proposed points of access to the site;**

The site distance will be reviewed during the site plan review

- (v) **The proposed landscape areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity**

The preliminary site plan does not show any proposed landscape buffering areas. Due to the narrow constraints of this property and the need for a side yard setback variance, a visual buffer would be recommended to improve compatibility.



Looking south from the subject parcel to the adjacent residence

- (vi) **The proposed land use is not of a scale, intensity or character that would be incompatible with the adjacent land uses or structures.**

The preliminary site plan has the business located in garage behind the existing residence. The siting of the business behind the residence will help maintain the character of the existing residential neighborhood. There is currently only one other existing Rural Business District in the area which is located 1/3 mile North of the site on Crystal Falls Drive which is of similar configuration with a business located behind the primary residence. Any signs for the business located in the front yard will detract from the character of the neighborhood.

Recommendation:

The rezoning application meets most of the requirements for the RB-N District. Population in the area is planned to grow which will benefit from the development of local business. The addition of commercial uses within the neighborhood will lessen the travel for local residents needing goods and services. The roads in the area are adequate

for a business at the location. The site is served by public water. There are not any cultural, historical, or environmental concerns for the parcel.

Of concern are the side yard setbacks and the buffers for the neighboring residential uses. Due to the narrow lot size restrictions, adequate screening and buffering through the use of vegetation and fencing materials would mitigate the impact on the residential neighbors.

Staff recommends to the planning commission the approval of the rezoning application with the premise that the side yard buffers would be mitigated during the zoning appeal process and site plan review.

Respectfully Submitted,

Justin Lindley
Comprehensive Planner
