

WASHINGTON COUNTY PLANNING COMMISSION

November 2, 2015

The Washington County Planning Commission held its regular meeting on Monday, November 2, 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, Dennis Reeder, Clint Wiley, Andrew Bowen and Ex-officio Leroy E. Myers, Jr. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director; Jill Baker, Chief Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review –Tim Lung, Deputy Director.

CALL TO ORDER

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

MINUTES

Motion and Vote: Commissioner Myers made a motion to approve the minutes of the October 5, 2015 Planning Commission regular meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved with Mr. Wiley abstaining from the vote.

Motion and Vote: Mr. Bowen made a motion to approve the minutes of the October 19, 2015 Planning Commission public rezoning meeting as presented. The motion was seconded by Commissioner Myers and unanimously approved with Mr. Wiley abstaining from the vote.

OLD BUSINESS

RZ-15-002 – Heritage Huyett LLC

Ms. Baker presented for review and recommendation a zoning map amendment request for property located at 16422 National Pike, which consists of two parcels totalling approximately 90 acres in size. The property is currently zoned RT (Residential Transition). The applicant is requesting the back portion of the property to be zoned PI (Planned Industrial) and the front portion of the property to be zoned BL (Business Local). The applicant is claiming a mistake in the zoning of the property during the last comprehensive rezoning of the Urban Growth Area that was adopted by the Board of County Commissioners in July 2012.

Discussion and Comments: Mr. Bowen expressed his opinion that most of the interested parties who appeared at the public rezoning information meeting seemed to have questions about traffic issues, but were not opposed to the proposed rezoning.

During the public information meeting, Kyle Waters of 16400 National Pike, stated that his driveway is currently a County owned right-of-way. Commissioner Myers stated that he has discussed this issue with staff and was told that the right-of-way is not owned by the County; it is owned by Mr. Groh.

Motion and Vote: Mr. Bowen made a motion to recommend approval of the map amendment request as presented to the Board of County Commissioners. The motion was seconded by Mr. Reeder and unanimously approved with Mr. Wiley abstaining from the vote because he was not present at the public rezoning information meeting.

RZ-15-004 – Bob and Mary Rotz

Mr. Goodrich presented for review and recommendation a zoning map amendment request for property located at 9729 Garis Shop Road. The applicant is requesting a change in the zoning on their 1 acre parcel of land that contains their home from A(R) – Agricultural Rural to A(R) with the RB (Rural Business) floating zone. The adjacent 31 acre parcel containing Antietam Recreation [also owned by Mr. and Mrs. Rotz] is currently zoned A(R) with the RB floating zone. During the public rezoning information meeting, Mrs. Rotz stated that she has always considered the two parcels part of the business and believes that both properties should be zoned AR with the RB floating zone. She noted that many camp related activities take place on the 1 acre parcel. Mr. Goodrich stated there are specific criteria in Sections 5E.4 and 5E.6(c)1-6 of the Zoning Ordinance that should be considered when evaluating this request and they were enumerated in a memo to the Planning Commission provided with the agenda.

Discussion and Comment: Commissioner Myers asked if Mrs. Rotz's claim that there was an oversight on the zoning of this property during the comprehensive rural rezoning of 2005 was accurate. In response Mr. Goodrich stated that during the comprehensive rezoning, staff contacted all property owners by letter that were identified as having a business on their property and would be affected by a zoning change. Owners were asked to verify the use of their property. He stated that the Rotzs were contacted and no response was received indicating that the house was on a separate parcel and being used as part of the business. Commissioner Myers asked if the Rotzs had responded, would both parcels have been zoned Rural Business. Mr. Goodrich stated that if the County had known that both parcels were being used for the business, both would have probably been zoned RB. Commissioner Myers asked if there is a mechanism in place to help citizens, in cases like this one, through the process without spending a lot of money. Mr. Goodrich explained an abbreviated process that the County has for a Map Line Adjustment; however, this is a case where this process would not have been appropriate. He noted that staff worked with Mrs. Rotz throughout the process; however, he noted he lacked authority to waive the

application fee. Mr. Goodrich said he advised Mrs. Rotz that a request to waive the application fee could be presented to Mr. Murray, County Administrator, but she chose not to pursue it.

Motion and Vote: Mr. Bowen made a motion to recommend approval of the application request to the Board of County Commissioners. The motion was seconded by Mr. Reeder and unanimously approved with Mr. Wiley abstaining from the vote because he was not present at the public rezoning information meeting.

RZ-15-005 – Emerald Pointe, Inc.

Mr. Goodrich presented for review and recommendation an amendment to the concept and development plan for Emerald Pointe PUD. He noted that written correspondence from the public was included in the agenda packets and additional correspondence was distributed just prior to this evening's meeting. Mr. Goodrich discussed the traffic counts and letter from the traffic consultant submitted by Mr. Divelbiss. He also briefly reviewed the history of the PUD concept and development plan and the proposed changes.

Discussion and Comments: Mr. Bowen expressed his concern with regard to safety at the intersection of Gentry Drive and Marsh Pike. He believes there will be a dramatic change in traffic at this intersection. Mr. Goodrich stated that the traffic study indicates that a traffic signal is not warranted when the commercial development begins but will be warranted when it is completed. Mr. Reiber expressed his opinion that traffic issues are a major concern in this area and that improvements to alleviate these issues should be addressed at the beginning of the commercial construction. Commissioner Myers suggested that the Planning Commission, as part of its approval, recommend that access to and from Marsh Pike be prohibited and traffic only be permitted access onto Leitersburg Pike until the increase in traffic from the commercial development warrants the light at this intersection. Mr. Reiber pointed out that by restricting access from Marsh Pike, traffic counts would be skewed on Marsh Pike and therefore, the traffic light would not be warranted. Mr. Bowen expressed his opinion that a flashing beacon is probably warranted at this time, which would require the infrastructure to be put in place now. Commissioners Myers believes that the developer would be willing to install the infrastructure at this time. Mr. Lung stated that in January 2015, the Planning Commission reviewed the revised development plan, at which time Mr. Rob Slocum, Director of the Division of Engineering and Construction Management, expressed his opinion that when Eastern Boulevard is relocated and connects to Maryland Route 60 across from Marsh Pike, a traffic signal will be needed at that intersection. He does not believe that a second signal will be beneficial only 650 feet away at Gentry Drive. This issue has been discussed with the State Highway Administration, the consultant and the developer. Both the County and SHA believe that the traffic study needs to identify a definitive threshold that would warrant where and when traffic signals are needed. The flashing beacon was also discussed and Mr. Slocum expressed his opinion that this is not a good idea; however, he recommends that the developer install the below grade wiring and mechanisms so when the signal is warranted, it can be installed quickly. Mr. Reeder shares the same concerns for traffic issues in this area and expressed his opinion that the infrastructure for the traffic signal should be put in place now.

Motion and Vote: Mr. Reeder made a motion to recommend approval of the concept and development plan amendment to the Board of County Commissioners. The Planning Commission also recommends that the underground infrastructure for the traffic signal at Gentry Drive and Marsh Pike be installed at the onset of the commercial development. The motion was seconded by Mr. Bowen and approved with Mr. Reeder, Mr. Bowen and Mr. Reiber voting "Aye", Commissioner Myers abstaining from the vote and Mr. Wiley abstaining from the vote because he was not present at the public rezoning information meeting.

OTHER BUSINESS

Staff Approvals

Mr. Lung reported that Staff received 44 new projects during the month of October, which included grading plans, grading permits and entrance permits. A 74 lot single-family residential subdivision, Harper Park on Paradise Road, was received. Staff approved the following projects:

- Site plan for Crosspoint Shopping Center (Bob's Furniture)
- GTI
- Section 17, Van Lear Manor (14 lots)

He also noted that a minor site plan for a car wash at the old Sharrett Auto site was received. There will be a major re-development of the site.

Mr. Lung stated that on November 9th an open house will be conducted at the Hagerstown library from 6-8 p.m. for review of the updated flood plain maps. Approximately 4,400 postcards have been mailed to property owners who will be affected by the changes.

Planning Commission Member Recommendation

Mr. Goodrich reminded members that at the end of the October 19th public rezoning information meeting, the Planning Commission recommended two applicants to fill the vacant position on the Planning Commission. This is a ratification of that recommendation.

Motion and Vote: Mr. Bowen made a motion to recommend Jeremiah Weddle and Dr. Edward Wurmb, IV to the Board of County Commissioners to fill one vacancy on the Planning Commission. The motion was seconded by Mr. Reeder and unanimously approved.

WORKSHOP

Ms. Baker introduced Alex Rohrbaugh, planner for the City of Hagerstown Planning Department. The City is in the process of updating its Comprehensive Plan and has developed amendments to the land use maps. The City has updated its census information, population projections, housing projections, etc. Ms. Baker noted that the City is adjusting its Land Use Plan to the County's Land Use Plan so there is consistency between the two.

Ms. Baker stated that there were approximately 166 individual amendments proposed by the City as part of their update to their Land Use Plan. Ms. Baker noted that all but 3 of the proposed changes were consistent with the County's current Land Use Plan. Members began with a review of the areas found to be inconsistent with the County Plan. First is an area of land along the east side of Eastern Boulevard, south of Maryland Route 64 that currently contains Ewing Oil. A portion of the property is zoned BG (Business General) and a portion is zoned IG (Industrial General) by the County. The City, in its Comprehensive Plan, is recommending a Commercial General classification for this property. It is likely that this parcel will be annexed into the City at some point in time; therefore, County staff has no objection to the proposed classification. Mr. Rohrbaugh expressed his opinion, that if the property is annexed, commercial development would occur on this site in keeping with the surrounding neighborhood along Eastern Boulevard.

Discussion and Comments: Mr. Reiber stated that he does not want to impede the current owners of the property from expanding their business.

The next area discussed was Robinwood Drive between JFK Drive and Rosebank Way (listed as #132 on the City packet). This amendment consists of two parts, one on the north side of Robinwood Drive and another that spans Robinwood Drive to the North and South. The part on the north side of Robinwood Drive is currently zoned RS (Residential, Suburban). There are currently 5 houses located in the area but are completely surrounded by commercial uses. While this is inconsistent with the County Plan, the increased pressure from new commercial development in the area will likely cause these parcels to eventually be used commercially. The other part that spans Robinwood Drive is zoned RS and BL (Business Local). The City's proposal to apply a commercial land use is partially inconsistent. While the portion on the northside of Robinwood and part of the area across the road are currently commercial, the two parcels that lie on the East and West side of Rosebank Way contain apartment complexes. The City is recommending this area to be designated as commercial general; however, the County believes that a high density residential designation is more appropriate.

Discussion and Comments: Mr. Rohrbaugh believes this recommendation was an oversight and the City should re-evaluate its recommendation. He believes the recommendation should be changed to a high-density residential classification in order to accommodate the existing uses.

The last area to be discussed is along Virginia Avenue, in the vicinity where a property was recently rezoned by the County. The City is expanding the width of commercial zoning along Virginia Avenue where commercial development would be appropriate. The property is currently being used for agriculture; however, both the City and the County anticipate that this area will eventually develop as a residential use and would be annexed into the City. Staff has no objection to this recommendation.

Ms. Baker started a review of proposed changes to the City's Medium Range Growth Area (MRGA). Mr. Rohrbaugh noted that all municipalities are required by the State of Maryland to establish a growth area. The first MRGA area proposed to be amended is a portion of the Holcim property which consists of two parcels, approximately 120 acres in size. The City is recommending to expand the MRGA to include these two parcels. This would also provide annexation potential for the City. Mr. Rohrbaugh noted that an area on the west side of Eastern Boulevard will be designated as Parks, Rec and Open Space by the City due to proposed plans for a County park in the future.

The next area reviewed was in the Friendship Technology Park area along Downsville Pike. This area contains 14 parcels and approximately 465 acres, which are currently used for commercial and institutional businesses. The City is proposing this expansion due to existing water agreements between the City of Hagerstown and Potomac Edison [now the Board of Education property]. Ms. Baker noted there are 3 parcels along the west side of Maryland Route 63 containing approximately 142 acres of vacant land which is currently zoned HI (Highway Interchange) and 4 parcels along the east side of Maryland Route 63 containing approximately 94 acres of vacant land currently zoned ORI (Office, Research, and Industry). Staff has no objection to the proposed boundary line expansion.

The next area reviewed was in the vicinity of Sharpsburg Pike and Poffenberger Road and is also proposed for expansion of the MRGA boundary. This area contains numerous parcels of land consisting of approximately 630 acres of land that is currently zoned for low and high density residential, general commercial and institutional development. The City is proposing this expansion due to numerous pre-annexation agreements with developments such as Carriage Hills, Cross Creek, Claggett's Mill and the proposed Walmart. There is a large area of vacant land with development potential which fronts I-70 behind Carriage Hills and Claggett's Mill.

The last area under review is broken up into two different parts. First, Ms. Baker discussed an area consisting of 3 parcels of land, approximately 255 acres, along Broadfording Road, Salem Road and Cearfoss Pike, which the City of Hagerstown is planning to retract from its MRGA. The property is currently zoned RT (Residential Transition) and is used for farming. There is currently no public water or public sewer service in this area. Development potential on these three parcels would be limited due to limited access, flood plain issues, etc.

The second part proposed to be retracted from the MRGA is approximately 1100 acres of land at the northeast quadrant of Maryland Route 63 and US Route 40 (aka Hopewell Valley North). This area contains several parcels of land and is predominantly used for agriculture with a moderate amount of residential development. The

property is currently zoned PI (Planned Industrial) and acts as an industrial reserve area for future development. The City proposes to keep approximately 490 acres of "Hopewell Valley North" inside the MRGA boundary as an industrial reserve area. The City is proposing this retraction because this area is unlikely to develop in the 20 year horizon period of both Comprehensive Plans. The City believes the expansion of the MRGA in the Sharpsburg Pike/ Downsville Pike area is more likely to develop in the same time period. Mr. Rohrbaugh explained that properties outside the MRGA would still be eligible for water and sewer services. Under the annexation process, exceptions can be granted to allow properties to receive water from the City, such as a failing well, projects that could make improvements to City's system or major economic development projects as agreed on by the City and County. Mr. Rohrbaugh explained that the lack of infrastructure, conditions of Broadfording Road and the fact that the properties are used for agriculture and likely to remain that way for the next 20 years influenced the City's recommendation to retract this area from the MRGA boundary. He also explained that the City needs to keep its MRGA basically the same size due to water resource concerns. He noted that the Wilson plant in Williamsport is close to breaching its permitted capacity as set by MDE. There was a brief discussion regarding sewer service in this area. Ms. Baker and Mr. Rohrbaugh explained that the County and City, respectively, will be updating the Water Resources element of both Comprehensive Plans. Mr. Rohrbaugh noted that the City constantly monitors and limits its waste water allocations each year.

Discussion and Comments: Mr. Wiley expressed his opinion that good economic development decisions are needed to insure we are allocating our capacity to its fullest potential and getting the "most bang for the buck". Mr. Rohrbaugh stated that the City is encouraging the re-development of vacant and under-developed properties.

Planning Commission members thanked Mr. Rohrbaugh for the City's cooperation and the opportunity to review the proposed changes. Mr. Rohrbaugh thanked Commission members for their review and comments.

ADJOURNMENT

Mr. Bowen made a motion to adjourn the meeting at 8:55 p.m. The motion was seconded by Mr. Reeder and so ordered by the Chairman.

UPCOMING MEETINGS

1. Monday, December 7, 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