

WASHINGTON COUNTY PLANNING COMMISSION
April 18, 2016

The Washington County Planning Commission held a public rezoning meeting on Monday, April 18, 2016 at 7:00 p.m. at the Washington County Court House, Court Room #1, 24 Summit Avenue, Hagerstown, Maryland.

Commission members present were: Vice-Chairman Clint Wiley, Dennis Reeder, Jeremiah Weddle, David Kline, and Ex-Officio Leroy Myers, Jr. Staff members present were: Washington County Department of Planning & Zoning Stephen Goodrich, Director; Jill Baker, Chief Planner; and Debra Eckard, Administrative Assistant.

CALL TO ORDER

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

RZ-16-002 Carlin and Cheryl L. Martin

Staff Presentation

Mr. Goodrich presented a map amendment request from Carlin and Cheryl Martin for property located at the intersection of Daley Road and Reiff's Church Road. The applicant is requesting the RB (Rural Business) floating zone be applied to 1.3 acres of the 2.74 acre parcel that is currently zoned A(R) – Agricultural Rural. This parcel contains the Martin's dwelling and a 3-bay residential garage. The Rural Business zone is being requested to allow the establishment of an auto sales and service business. The business will be conducted from a proposed 1,200 square foot office building that would be connected to the existing garage which will be incorporated into the RB zoning district. A paved area will be provided to park the vehicles for sale. A new paved access onto Daley Road will be constructed. The Martin dwelling as well as the remaining 1.4 acres of property will remain in the A(R) zoning district. The parcel is located in the rural agricultural area of the County as designated by the County's Comprehensive Plan which is an appropriate location for the Rural Business zoning designation; however, the Urban Growth Area boundary is approximately 700 feet to the east of the parcel. Mr. Goodrich noted there has been growth in this area over the past 30 years. The property is currently served by a private well and septic system; there are no plans to extend water and sewer services to the property. Daley Road has an average daily traffic count of 348 vehicles and on Reiff's Church Road the average daily traffic count is between 525 to 1,000 vehicles. The applicant is predicting only 1 or 2 [with a maximum of 5] daily trips per day in addition to the current daily traffic.

Mr. Goodrich noted there are nine other Rural Business zoning designations within a one mile radius of the property. The Rural Business District was created as a result of the 2002 Comprehensive Plan recommendations to accommodate small business in the rural areas to meet the needs of the rural population. The RB zone has been requested for a specific use [auto sales and service business] and, if the zoning is approved, a site plan will be required. However, in the future, the use could change. If the use does change, the Planning Commission would have the opportunity to review the change and determine if the new proposed use would be more or less intensive than the currently proposed use. If the Commission would determine that the proposed use is more intense, a public information meeting and a public hearing would be required before the use could be approved.

When reviewing this application, the Planning Commission should consider the following criteria: 1) the proposal is not in a designated growth area; 2) there is safe and adequate road access; 3) the sewage disposal, water supply and storm water management requirements can all be met on the property; and 4) that the location is not incompatible with other existing uses in the area. The Planning Commission should consider the following questions when making its recommendation to the County Commissioners: 1) Will the application accomplish the purpose of the Rural Business zoning designation? 2) Are the roads serving the site appropriate for this particular use? 3) Does the application meet the previously stated criteria? 4) Does the property have adequate sight distance for traffic coming and going to the parcel? 5) Is the landscaping adequate and does it provide adequate buffers? and 6) Is the use of a scale and intensity that is not incompatible with the surrounding land uses?

Applicant's Presentation

Mr. Zachary Kieffer of Divelbiss & Wilkinson, 13424 Pennsylvania Avenue, Suite 302, Hagerstown, attorneys for Mr. and Mrs. Carlin Martin, introduced Mr. Martin and also noted that Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, was present at the meeting. He noted that the property is currently zoned A(R) and the applicant is requesting the RB floating zone designation be applied to 1.3 acres of the property. The proposed use is an auto sales and service business. The service portion of the business would be limited to the prepping, detailing, and repairs necessary to get cars ready for sale. Mr. Martin will be the sole employee and will use this business as a supplemental income to his farming operation. Proposed hours of operation will be Monday thru Friday, 9:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 1:00 p.m. and closed on Sunday.

Mr. Kieffer noted that signage will be in accordance with the Zoning Ordinance, which limits the size of the sign in the RB zone to 200 square feet. Proposed lighting will be two pole mounted, dusk to dawn, downward facing lights as required by the Zoning Ordinance.

Discussion and Comments: Mr. Kline made an inquiry regarding the other rural businesses in the area. Mr. Kieffer and Mr. Martin stated that other businesses include a small appliance repair shop, a metal fabricating business, and Horst Meats. Mr. Goodrich added that there is a shoe repair shop, a convenience store, an awning shop, storage building construction and sales business, and an auction venue within 1 mile of this property.

Commissioner Myers asked how many cars would be on the property at one time. Mr. Martin anticipates 5 to 10 vehicles for sale at any given time. Commissioner Myers asked if Mr. Martin anticipates the business expanding in the future. It is Mr. Martin's hope that the business will expand in the future. Mr. Kieffer stated that five parking spaces are required on the preliminary site plan and 30 spaces are currently shown.

Citizen Comments

There were no citizens present at the meeting either in support of or in opposition to the rezoning request.

RZ-16-001 WASHCO Arnett Farms, LLC

Staff Presentation

Ms. Baker presented a map amendment request for property located along the south side of proposed Arnett Drive, west of Sharpsburg Pike. The applicant is requesting a change in the current zoning of RU – Residential Urban to RM – Residential Multi-family. There are two parcels associated with this rezoning case that totals approximately 5.1 acres. One parcel currently contains a residence; however, this parcel will be subdivided so the house will sit on its own parcel. The second parcel is located to the east of the first parcel. Both parcels are generally flat and have no environmentally sensitive areas.

Ms. Baker stated there are six criteria that will be considered for this application: 1) population; 2) public facilities; 3) transportation patterns; 4) compatibility with existing development; 5) relationship to the Comp Plan; and 6) the Planning Commission's recommendation that will be evaluated as part of the Board of County Commissioner's public hearing.

Ms. Baker stated these parcels are located in the Funkstown Election District (#10), which has seen an increase of 56.07% in population over the last 30 years. The County's total population has increased by approximately 30% over the last 30 years. There is currently no water or sewer service existing to this site; however, the property is located in a planned water and sewer service area. The subject site is immediately adjacent to the new Walmart Super Center. It is assumed that once the Walmart is constructed, water and sewer services will be extended to the subject site. The Funkstown Volunteer Fire Company and Community Rescue Services provide emergency services to the subject site. No comments were received from either of these agencies. This property is located in the Rockland Woods Elementary, E. Russell Hicks Middle and South Hagerstown High school districts. Currently, the elementary and middle schools have some capacity available; however, the high school is currently over capacity by approximately 28 students. Ms. Baker briefly reviewed the analysis performed for the pupil generations.

The parcels will front on the proposed Arnett Drive; therefore, no development can occur until the road has been constructed. Historic traffic volumes along Sharpsburg Pike were used from traffic information gathered from just south of the intersection of I-70. It was noted that traffic counts have steadily increased by approximately 120% over the past 30 years. Numerous commercial and residential developments along MD Route 65, south of I-70, have contributed to the increase in traffic. When traffic volumes warrant, a new signal will be installed at the new intersection of MD Route 65 and Arnett Drive. Walmart has agreed to install the below-grade infrastructure for this proposed signal and Washington County has earmarked approximately \$250,000 in the current CIP. A copy of the proposed rezoning was sent to the State Highway Administration; no comments have been received. A copy was also sent to the Washington County Department of Plan Review – Land Use and they have submitted the following comments: 1) the site should access proposed Arnett Drive rather than Rensch Road; 2) a traffic study will likely be required for any residential development that generates 7 or more peak hour trips (this will be determined by the SHA); and 3) proposed Arnett Drive will be classified as a minor collector road and any future site plan should provide a 100 foot separation between access points. There is currently no public transportation in this area.

Ms. Baker noted that the subject site is bounded on the north and east by properties zoned HI (Highway Interchange), on the south by properties zoned RU (Residential Urban), and on the west by properties zoned RM (Residential Multi-family) zoning. There are a few historic structures located near the subject site; however, none of these structures are on the subject parcels.

The current Comprehensive Plan (adopted in 2002) places these properties in a commercial sub-policy area. The County rezoned these properties as part of a comprehensive rezoning of the Urban Growth Area (adopted in 2012). Maryland State law requires, for piecemeal rezoning, that the applicant prove a change in the character of the neighborhood or a mistake in the original zoning of the property. The applicant is claiming that the County erred in its rezoning of these parcels. Staff believes there is justification for the applicant's claim based on the justification statement submitted by the applicant.

Applicant's Presentation

Mr. Bruce Dean of Linowes & Blocher, 31 West Patrick Street, Suite 130, Frederick, Maryland is the attorney representing the applicant. Also present at the meeting was Mr. Gordon Poffenberger of Fox & Associates, Inc., 981 Mt. Aetna Road, Hagerstown, Maryland, the applicant's consultant. Mr. Dean stated that the applicant is claiming a mistake in the zoning of this property during the Comprehensive Rezoning of the Urban Growth Area in 2012. He believes the request is consistent with both the historic zoning and development decisions in this area, that it is consistent with the County's plans for the Urban Growth Area, and that it meets the purpose and intent of the RM zoning district.

Mr. Dean and Mr. Poffenberger began a question and answer exchange. Following is a summary of that exchange. It was again stated that the two subject parcels will front only on proposed Arnett Drive and will not have frontage on any other streets; therefore, the proposed development is dependent on the construction of Arnett Drive. Prior to the comprehensive rezoning of the UGA in 2012, the subject parcels were zoned HI-2, which allowed business and high-density residential uses. The current RU zoning allows only single-family and two-family dwellings; therefore, the zoning density is lower than allowed under the previous zoning. The current RU zoning would allow 8.7 units per acre (40 dwelling units) and the proposed RM zoning would allow 12 units per acre (60 dwelling units); thereby a modest increase in the density in the consultant's opinion.

It was stated that existing properties to the north and east are zoned HI which allows commercial uses, existing properties to the west are zoned RM and properties to the south are zoned RU. The applicant believes that the requested zoning would provide an appropriate transition between the commercial uses to the north and the lower density single family residential development to the south. It was noted that these parcels are located inside the Urban Growth Area where the County encourages the maximum, most efficient use of land.

Mr. Dean asked if there have been other properties in the neighborhood that were rezoned from RU to RM. Mr. Poffenberger stated there is a large development (Carriage Hills) to the south which was rezoned from RU to RM.

Mr. Dean reiterated his applicant's position that there was a mistake in the rezoning of this property when it changed from HI-2 to RU instead of RM. He explained that a mistake in zoning means that there were facts and conditions that existed at the time of the rezoning that were not properly considered, such as: 1) the property was previously zoned HI-2 which allowed a range of commercial uses and high and medium density residential units; 2) the property is adjacent to the existing and proposed commercial development and is much closer to the interchange of I-70 than the RU properties to the south; 3) the HI-2 to RU zoning was a down-zoning that failed to follow the UGA principles for increasing residential density and converting HI-2 to RM including high density as you get closer to I-70 and lower density as you go further south; and 4) the density that is being requested is not new, it was permitted and encouraged under the previous HI-2 zoning.

Discussion and Comments

Mr. Reeder asked if Walmart currently has egress to Rench Road. Ms. Baker stated that it does not have egress to Rench Road.

Commissioner Myers asked why the applicant is requesting the RM zoning and not the HI zoning designation. Mr. Dean stated that the applicant believes the transition from the commercial uses to the north and lower density residential development to the south is appropriate. Commissioner Myers asked if Walmart will have access to Arnett Drive. Ms. Baker stated they will have access. She noted that Arnett Drive is not being built specifically for Walmart. There have been long-term plans by the County to realign Rench Road to the north in order to improve an existing dangerous intersection. Therefore, regardless of who developed this land, they would have been required to build/contribute to this road alignment.

Public Comment

Mr. Larry Keplinger, 10218 Sharpsburg Pike, Hagerstown – Mr. Keplinger expressed his concern with regard to the type of multi-family housing that is being proposed (i.e. low income housing). He is not opposed to multi-family housing if they are nice homes. He believes it would create a buffer between the single-family residential use and the commercial uses.

Mr. Earl Grove, 18429 Valentia Farm Road, Hagerstown – Mr. Grove expressed his opinion that single-family residential uses would be more appropriate. He noted that south of the properties is a nursing home, to the west is approximately 600 acres of farmland, and on Poffenberger Road approximately 196 acres of land. Mr. Grove expressed his concern regarding safety issues on Rench Road. He believes that existing traffic issues need to be addressed before adding more traffic in this area.

Mr. John Louderback, 10418 Sharpsburg Pike, Hagerstown – Mr. Louderback expressed his concern with the change in zoning, impacts on the schools and traffic issues. He is opposed to the rezoning of these properties.

Commissioner Comments: Commission Myers asked when the traffic signal would be warranted –at the opening of the new Walmart, after the residential development opens or somewhere in between. Ms. Baker stated that would be determined by Mr. Rob Slocum of the Division of Engineering and Construction Management. It will be based on the volume of peak hour trips.

Mr. Chris Omps, 18326 Rench Road, Hagerstown – Mr. Omps is adamantly opposed to the rezoning of these properties. He expressed his concern with regard to school capacity issues and traffic and road issues.

Ms. Annamarie Wise, 10304 Cold Harbor Drive, Hagerstown – Ms. Wise expressed her opinion that a light is warranted now because there is so much traffic. She stated there are times she must turn right out of the development onto Sharpsburg Pike then make a U-turn to go south on Maryland Route 65. She noted there are commercial pad sites ready and available for development along Sharpsburg Pike and adding a high-density residential development would only create more traffic issues. Ms. Wise stated she is opposed to the rezoning of these properties.

Applicant's Rebuttal

Mr. Dean and Mr. Poffenberger began another question and answer exchange with Mr. Dean asking the questions. A summary of that exchange follows. It was noted that as part of the Walmart approval, extensive road improvements were required (at the expense of the developer) and must be in place before Walmart opens. The future Arnett Drive will be five lanes which will include two thru-lanes in each direction and a center turn lane. Existing Rench Road is currently a two lane, 18 foot road, which will dead end after Arnett Drive is constructed. The applicant believes this will improve traffic issues in this area whether there are 40 houses or 60 houses built.

Mr. Dean stated that the proposed residential development will not have any access or impact on Rench Road. He expressed his opinion that there are numerous sites currently available for retail uses along Sharpsburg Pike. Therefore, the applicant does not believe that adding additional commercial uses on these two parcels would be beneficial to the County. Mr. Dean reiterated that the HI-2 zoning previously on these parcels allowed high density residential housing and many improvements in this area have been made which would alleviate concerns associated with this proposed development.

ADJOURNMENT

Vice-Chairman Wiley adjourned the meeting at 8:20 p.m.

Respectfully submitted,



Clint Wiley, Vice-Chairman