

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
May 2, 2016**

The Washington County Planning Commission held a regular meeting on Monday, May 2, 2016 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, Jeremiah Weddle, Dennis Reeder, Andrew Bowen, David Kline and Ex-Officio County Commissioner Leroy Myers, Jr. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review - Tim Lung, Deputy Director and Lisa Kelly, Senior Planner.

**CALL TO ORDER**

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

**MINUTES**

**Motion and Vote:** Mr. Reeder made a motion to approve the minutes of the March 21, 2016 workshop meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

**Motion and Vote:** Commissioner Myers made a motion to approve the minutes of the April 4, 2016 regular meeting as presented. The motion was seconded by Mr. Wiley and unanimously approved.

**Motion and Vote:** Mr. Wiley made a motion to approve the minutes of the April 11, 2016 workshop meeting as presented. The motion was seconded by Mr. Weddle and unanimously approved.

**Motion and Vote:** Commissioner Myers made a motion to approve the minutes of the April 18, 2016 public rezoning meeting as presented. The motion was seconded by Mr. Weddle and unanimously approved.

**OLD BUSINESS**

**WASHCO-Arnett Farms LLC (RZ-16-001)**

Ms. Baker presented for review and recommendation a map amendment request for property located along the south side of Arnett Drive, west of Sharpsburg Pike. The 5.18 acre parcel is currently zoned RU (Residential Urban); the applicant is requesting the RM (Residential Multi-family) zoning designation. Ms. Baker reported that no citizen comments have been received following the rezoning public meeting; however, a letter of rebuttal was received from the applicant's attorney. During the public meeting discussions focused on the transportation network serving this area and questions were asked about proposed improvements for the project and when these improvements would come on-line. Ms. Baker stated that Mr. Rob Slocum, Director of Engineering & Construction Management has confirmed that all improvements required for the construction of Walmart, including the signalization of the intersection of Poffenberger Road and proposed Arnett Drive will be completed prior to the opening of Walmart. Other improvements will include the construction of Arnett Drive and widening along areas of Sharpsburg Pike.

**Discussion and Comments:** Mr. Kline expressed his opinion that if the previous HI-2 zoning, which was changed to RU during the comprehensive rezoning of the Urban Growth Area (UGA), permitted the use that is currently proposed for the property, the applicant should have requested the RM zoning during the UGA comprehensive rezoning approved in 2012. Mr. Reiber concurred with this statement.

Mr. Bowen asked what the zoning designation was when the current applicant purchased the property. Ms. Baker stated it was and currently is RU.

Commissioner Myers stated that he is not opposed to the additional density of the RM zoning; however, he expressed concern for residents accessing Sharpsburg Pike and the traffic issues in this area. He believes that Arnett Drive should be extended to Rench Road to help alleviate some of the traffic issues in this area.

Mr. Wiley stated his concerns are more with traffic issues than the proposed density on this property. The timing of solving these issues needs to be addressed prior to this development. He believes the proposed use would create a nice transition from the commercial uses to the single-family residential development in the area.

Mr. Weddle expressed his opinion that the higher density residential development next to the Walmart makes sense. He asked what would be required to connect Arnett Drive and Rench Road and who would assume the monetary responsibility for this connection. Ms. Baker stated that the connection would be developer driven; however, the current property owner to the west of the proposed development is not interested in selling or developing his property to make that connection. At this point in time, there are no plans for the County to initiate construction of this portion of the road. Mr. Weddle asked if a traffic signal is planned at Rench Road. A signal at the current Rench Road intersection is not planned. However, a signal at the new Arnett Drive intersection is planned and the cost of the signal will be borne by the Walmart developer.

Mr. Reeder also expressed concern with regard to traffic issues in this area.

Mr. Reiber stated in July 2013, a plat was presented to the Planning Commission showing several parcels. He asked which parcel delineated on that plat is the 5.18 acre parcel currently being discussed. Mr. Sassan Shaoool, the applicant, was present during the meeting and explained this is parcel 114 as previously shown on the plat in question.

**Motion and Vote:** Mr. Kline made a motion to recommend to the Board of County Commissioners approval of the map amendment request. The Planning Commission also recommends that the traffic issues as discussed need to be investigated further. The motion was seconded by Commissioner Myers and unanimously approved.

**Carlin D. & Cheryl L. Martin (RZ-16-002)**

Mr. Goodrich presented for review and recommendation a map amendment request for property located at 14204 Daley Road. The applicant is requesting that the RB (Rural Business) floating zone be applied to 1.73 acres of a 2.74 acre parcel. The applicant is proposing an auto sales and service facility on the site. There is currently a 3-bay residential garage that would be incorporated into the development of the site. No comments or supplemental materials have been received since the public rezoning meeting.

**Discussion and Comments:** Mr. Reiber expressed his opinion that this should be considered "spot zoning" and expressed his concern that it will cause problems in the future. Mr. Goodrich stated that the Rural Business floating district was designed to be applied in rural areas where services are needed.

**Motion and Vote:** Mr. Wiley made a motion to recommend to the Board of County Commissioners approval of the map amendment request. The motion was seconded by Mr. Kline and unanimously approved.

**NEW BUSINESS**

**SITE PLANS**

**Rosewood Village Phase IIA, Lot 16 Revision (SP-16-002)**

Mr. Lung presented for review and approval a site plan for a revision at Rosewood Village, Phase IIA, Lot 16. He stated that the development of Lot 16 was originally approved in 2004, which included 4 apartment buildings as well as a community center/club house, a swimming pool, and various recreational facilities. All of these improvements have been constructed with the exception of one apartment building, the tennis court, and the basketball court. Mr. Lung noted that several revisions are being requested as follows:

- The amenity plan has been revised to eliminate the proposed tennis court and to re-design the basketball court from a full court to two half courts, to add an additional "water feature" to the swimming pool area and to add a 20' x 40' pavilion. Mr. Lung stated that staff has no objection to these proposed changes.
- The original site plan included a detailed landscaping plan to include landscaping around the apartment buildings as well as within the open space areas. Over the past 10 years, three of the proposed apartment buildings, parking lots and community center have been constructed; however, landscaping shown within these areas has not been installed. A phasing schedule was not provided on the original site plan; however, there was a reasonable expectation that the landscaping associated with these improvements would be installed concurrently with the completion of each improvement. Staff recommends that all of the landscaping proposed as part of the existing buildings and improvements that are not located within the limits of disturbance be installed before the end of this year's planting season.
- The Zoning Ordinance requires play areas to be constructed within Planned Unit Developments (PUD) and multi-family developments. The original site plan proposed a tot lot and a pre-teen lot directly adjacent to one of the 12-unit apartment buildings. The building was constructed; however, the play lots were not installed. The revised plan proposes consolidating all of the play areas in the center. If the Planning Commission approves this part of the revision, Staff recommends traffic calming measures to be put in place.

**Discussion and Comments:** Commissioner Myers asked why the landscaping has not been completed. Mr. Sassan Shaoool, the developer, stated that the landscaping was postponed so it would not be disturbed during construction. Mr. Lung noted that a temporary Use and Occupancy permit was issued for the last apartment building that was constructed with notations that there was landscaping yet to be installed. A final occupancy permit was issued with notations that outstanding items were to be addressed by the Plan Review Department. Mr. Shaoool stated that a meeting was held with County representatives and it was decided that the landscaping would not be completed until the final building was constructed. Mr. Ben Shaoool, the developer, stated that the landscaping around each building has been completed. The only landscaping that has not been completed is a row of trees in front of the parking area.

Mr. Bowen stated that he is not opposed to any of the revisions; however, he recommends that the developer be required to give the County a letter of credit for the amount of landscaping that is outstanding.

Mr. Wiley stated that he is not opposed to the relocation of the tot lots to a centralized location; however traffic calming measures need to be addressed. Other Commission members were also not opposed to the location change, but suggested that painted crosswalks be provided from each apartment building to the play lots.

**Motion and Vote:** Mr. Bowen made a motion to approve the revisions subject to the following conditions: crosswalks for each apartment complex to the centralized play areas must be provided and a letter of credit must be executed by the developer to Washington County to cover the remaining landscaping (specific details to be negotiated between the developer and staff). The motion was seconded by Mr. Kline and unanimously approved.

#### **Fahrney-Keedy Home & Village (SP-16-004)**

Ms. Kelly presented for review and approval a site plan for a community center and an adult day care facility at Fahrney-Keedy Home & Village. The property is located along the east side of Mapleville Road, north of Boonsboro and south of Route 40. The property is currently zoned RB-E (Rural Business Existing). The applicant is proposing to construct a 6,500 square foot day care/community center for the residents of Fahrney-Keedy. A proposed round-about will be constructed in front of the building and existing streets will be used to access the site. Sidewalks will surround the building and there will be parking for golf carts. Water and sewer will be provided using the well and treatment plant located on the property and owned by Fahrney-Keedy. The hours of operation will be 9:00 a.m. to 9:00 p.m., 7 days per week. The proposed building height is 30 feet. There will be five employees. Parking spaces required for this addition is 24 spaces and 24 spaces will be provided. There are 15 existing parking spaces and 9 new spaces will be constructed. An existing dumpster will handle solid waste. Building mounted and pole mounted lights will be provided on the site. Building mounted letters will be installed to identify the structure; no new signage is proposed. Landscaping will surround the building and include laurel, cherry trees and shrubs. Forest Conservation Ordinance requirements were previously addressed by retention of existing forest on lands of Fahrney-Keedy. All agency approvals have been received.

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

(Commissioner Myers left the meeting at 8:15 p.m.)

#### **Pen-Mar Regional Association of Realtors – Lot 4 – Breezehill Drive (SP-14-049)**

Ms. Kelly presented for review and approval a site plan for Pen-Mar Regional Association of Realtors. The property is located along the south side of Breezehill Drive, west of Pennsylvania Avenue near the Hagerstown Regional Airport. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct a 6,000 square foot office building on a 2.3 acre parcel. There will be one access from Breezehill Drive. The property will be served by public water and public sewer. Storm water management will be handled by a bio-retention pond on the site. There will be 3 employees; the hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday. Total parking required is 37 spaces and 65 spaces will be provided. Projected daily use is 25 cars per day; freight and delivery will be 1 or 2 per day. An enclosed dumpster will serve the site. Lighting will be building mounted and pole mounted throughout the parking lot. There will be one sign at the proposed entrance. A subdivision plat for Lot 4 was approved in 2013. Forest Conservation Ordinance requirements have been addressed through the use of credits from an off-site retention area owned by and located within the Town of Hancock, which was previously approved by the Planning Commission. There will be landscaping surrounding the building and at various locations around the site and will include Pin Oak, Red Maple, Dogwood and Cherry trees, as well as ornamental grasses and shrubs. All agency approvals have been received.

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

### **FOREST CONSERVATION**

#### **Shifler Forest Bank (FBK-16-002)**

Mr. Goodrich presented a request for approval of a proposed forest bank on 18.60 acres of property located along the south side of Swinging Bridge Road. He reminded members that in 2014 an amendment was approved by the Board of County Commissioners to the Forest Conservation Ordinance to allow and create a procedure to establish forest mitigation banks. Mr. Goodrich stated that there is a residence on the property. The 18.60 acres includes most of the existing forest on the 36.8 acre parcel. The property will be put under a permanent easement with Washington County as the beneficiary. The easement area covers existing forest, areas of stream buffers and steep slopes.

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

## **OTHER BUSINESS**

### **Update of Staff Approvals**

Mr. Lung reported that the Department of Plan Review issued approvals for 2 Forest Stand Delineations, a subdivision re-plat, 6 subdivisions (1 and 2 lots), a subdivision plat for 17 lots at Emerald Pointe, Phase III, Section I and a final record plat for 18 lots for Phase I, Section IV of Emerald Pointe. The Department received 41 new submittals, 23 of which are permit related, such as grading permits, entrance permits, etc. There were 8 stand-alone grading plans, 2 subdivision plat submittals, 5 site plans, a preliminary plat/site plan and a Subdivision Ordinance modification request. Site plan submittals included: the Emerald Pointe Commercial Area and the Community Center, and an expansion at Xerxes.

### **Capital Improvements Plan Recommendation**

Mr. Goodrich presented for review and recommendation the County's proposed Capital Improvements Plan (CIP). The Planning Commission traditionally reviews the CIP to evaluate consistency with the County's adopted Comprehensive Plan. Mr. Goodrich noted that one of the ways the Comp Plan gets implemented is through funding of projects that support the Plan's policies of focusing growth in areas where infrastructure exists or can economically be improved to support it. Staff has reviewed the list of projects and has determined that projects that will encourage growth are located in the designated Growth Areas. The projects proposed for the rural areas are for safety improvements, maintenance, or improvements to structures that are no longer functioning property.

**Motion and Vote:** Mr. Bowen made a motion to recommend to the Board of County Commissioners that the Capital Improvements Plan is consistent with the County's adopted Comprehensive Plan. The motion was seconded by Mr. Kline and unanimously approved.

### **Ag Advisory Board Recommendation**

Mr. Goodrich reminded members that Mr. Weddle initiated a discussion during a previous Workshop meeting of a proposed method to increase local funds dedicated to the agricultural preservation program. This concept was presented to the Ag Advisory Board at its March 31<sup>st</sup> meeting. At that time, the Ag Advisory Board voted unanimously to recommend development of a program to dedicate the increased property tax revenue that results from an increased assessment on commercial land uses on Agriculture zoned land as additional contribution to the County's share of the 60/40 matching formula for agricultural preservation. Mr. Goodrich noted that he has drafted a description of the proposal to forward to the County Administrator's office to discuss with the County Commissioners.

**Motion and Vote:** Mr. Bowen made a motion to support the Ag Advisory Board's proposal. The motion was seconded by Mr. Wiley and unanimously approved.


### **UPCOMING MEETINGS**

1. Monday, May 23, 2016, 7:00 p.m., Washington County Planning Commission workshop meeting, Washington County Administration Building, 100 W. Washington Street, Room 255, Hagerstown, Maryland
2. Monday, June 6, 2016, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 255, Hagerstown, Maryland
3. Monday, June 20, 2016, 3:00 p.m., Washington County Planning Commission workshop meeting, Washington County Administration Building, 100 W. Washington Street, Room 255, Hagerstown, Maryland

### **ADJOURNMENT**

Mr. Wiley 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.

Respectfully submitted,

  
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 Terry Reiber, Chairman