

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
March 6, 2017**

The Washington County Planning Commission held a regular meeting on Monday, March 6, 2017 at 7:00 p.m. at the Washington County Administration Building, 100 West Washington Street, Public Meeting Room 2000, 2nd Floor, Hagerstown, Maryland.

Commission members present were: Vice-Chairman Clint Wiley, Dennis Reeder, Andrew Bowen, and Jeremiah Weddle. 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. Newly appointed Commission member Robert Goetz, Jr. was present; however he did not participate in any discussions or votes because he has not yet been duly sworn by the Washington County Clerk of the Court.

CALL TO ORDER

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

MINUTES

Motion and Vote: Mr. Bowen made a motion to approve the minutes of the February 6, 2017 regular meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

NEW BUSINESS

-SITE PLANS

Breakaway 2 Event Center (SP-16-040)

Ms. Kelly presented for review and approval a site plan for the proposed Breakaway 2 Event Center located at 13730 Pennsylvania Avenue. The property is currently zoned BG – Business General. The developer is proposing to establish a tavern/events center (or spillover area for the existing restaurant/tavern) in an existing vacant concrete block building to the rear of the existing restaurant. The tavern/event center will be approximately 11,600 square feet and the existing restaurant is approximately 5,300 square feet. There is currently a subdivision re-plot being reviewed by the Department of Plan Review to remove an existing property line and combine the parcels. The site is served by existing public water and public sewer. The hours of operation for the restaurant will be 6 am to 2 am, Monday thru Saturday and Sunday 10 am to 12 am. The number of employees will be two per shift. Parking spaces required is 185 spaces; parking spaces provided will be 185 spaces. Ms. Kelly noted that 159 parking spaces are located on-site. The developer has a recorded easement agreement with the existing salon studio next door to use some of its parking as overflow parking for the tavern/event center during the salon studio's off hours, which would add an additional 26 parking spaces for a combined total of 185 parking spaces. Solid waste disposal will be provided by an existing dumpster. An appeal was granted by the Board of Zoning Appeals to allow the length of the parking spaces to be reduced from 20 feet to 18 feet. Existing signs are building mounted and will not change. Lighting will be provided using pole mounted and building mounted lights. The site is exempt from Forest Conservation requirements due to less than 20,000 square feet of disturbance. Approval from the City of Hagerstown Sewer Department is pending; all other reviewing agency approvals have been received.

Discussion and Comments: Mr. Reeder asked if any buffers would be required since there are neighboring residential properties. Ms. Kelly stated the owner is replacing an existing fence that meets all County requirements.

Motion and Vote: Mr. Bowen made a motion to approve the site plan, contingent upon receiving all approvals, as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Todd Mike Investments LLC (SP-14-015)

Mr. Lung presented for review a request for a change in use/density of an 18.85 acre parcel located at 9222 Stottmeyer Road, north of its intersection with US Route 40. The property is currently zoned RB – Rural Business. He gave a brief history of this property beginning with a site plan that was submitted in March 2014 for an on-line auction of construction equipment with a contractor's storage yard. In July 2016, a complaint was filed with the Department of Plan Review, from a neighboring property owner, that on-site auctions were being held on the property. Complaints were received regarding bright lights and a loud PA system being used until late at night. As a follow-up, the Department of Plan Review sent a warning letter to the owner followed by a citation because the approved site plan on file was for an on-line auction only and the listed hours of operation (on the site plan) were by appointment only with no night time use on the property. A revised site plan, or red-line revision, is required to address the needs for an on-site auction. Mr. Lung further explained that because this property is zoned RB, the Planning Commission must decide the intensity of the use and whether or not a public hearing is required for the requested change of use on the site. The following is a list of proposed changes as depicted on the revised site plan:

- a change in the functional description from an on-line auction of construction equipment to auction house

- change in hours of operations from "by appointment, no night time use" to 8 am to dusk, 7 days per week with auctions to occur periodically;
- change in the number of employees from 2 to 12;
- change in deliveries from one tractor trailer daily to event related truck traffic and occasional off-hours deliveries;
- change in total number of parking spaces provided from 9 to 25 (based on one space per employee plus one space for each expected auction attendee (the applicant believes there will be no more than 13 attendees on site));
- increasing the size of the contractor outside storage area;
- the inclusion of a non-permanent event tent;
- inclusion of a 4'x6' (6 feet high) sign close to the road;
- additional vegetative screen planting along Stottlemeyer Road (as required per the Zoning Ordinance);
- no new areas of disturbance or paving.

Mr. Lung noted that the revised site plan does not address the noise issue from the loud PA system. However, he believes the neighboring property owner's concerns can be addressed if the items listed above are addressed. Staff recommends this would not be a major change in the intensity/use of the property.

Comments and Discussion: Mr. Weddle expressed his opinion that more than 13 people will attend these types of auctions. He believes this issue needs to be addressed. Mr. Justin Doty of Frederick, Seibert & Associates, the consultant, explained that according to Todd Mike Investments only 7 people attended the previously held live auction; the majority of clientele use the on-line auction service. Mr. Bowen expressed his opinion that lights and a PA system are not necessary for 13 attendees. He stated that he has concerns with regard to this request due to the complaints received from neighboring property owners. Mr. Wiley does not like the 'piece-meal' approach being used. Mr. Reeder expressed his opinion that if the business grows and there are more people attending the live auctions there will be more complaints from the neighbors. Members suggested that the developer present a phasing schedule to address plans for future growth. Mr. Doty believes that notes could be added to the site plan to address concerns of the Planning Commission.

Mr. Doty announced that the developer has plans for an on-site auction on March 22nd, which was scheduled several months ago and has been advertised. He expressed his opinion that the developer intended to have on-site auctions from the beginning and there was a breakdown in communication as to what the County would require for such events. Mr. Doty was asked by the developer to request that the upcoming on-site auction be allowed to proceed as scheduled. All Commission members were supportive of the proposed business; however, they are concerned with the complaints from the neighbors and the lack of planning for future growth.

Motion and Vote: Mr. Bowen made a motion not to approve the site plan as presented. The motion was seconded by Mr. Reeder and unanimously approved.

Comments following the vote: Mr. Bowen stated that a phasing plan is needed. Mr. Lung clarified that the Planning Commission wants to see more information on the site plan and a phasing schedule before determining if the change of use/intensity will require a public hearing. Mr. Goodrich further clarified that the Commission would approve the plan if the developer stays within the confines shown on the current plan; however, the Commission is concerned about the ultimate growth of the business and would like to see a plan that shows the ultimate possibilities for growth and expansion of the business.

Second Motion: Mr. Bowen made a motion to allow the auction on March 22nd without the use of lights or a PA system. The motion was seconded by Mr. Reeder.

Comments: Mr. Weddle expressed his opinion that an updated plan and phasing schedule needs to be presented to the Planning Commission well in advance of the next on-site auction. All other members agreed.

Second Vote: The second motion passed unanimously.

-OTHER BUSINESS

Update of Staff Approvals

Mr. Lung reported the following submittals were received by the Department of Plan Review during the month of February. Submittals included the following: Engineering/Permitting review - 13 reviews for entrance, grading and utility permits; Development Plan review - 5 standard grading plans, 1 site specific grading plan and 1 town grading plan for Smithsburg; Land Use review - 2 minor subdivision plats, 2 subdivision replats; 1 simplified plat; and 3 site plans. Plan approvals were issued for the following: a Forest Stand Delineation, a final subdivision plat for 13 lots in Emerald Pointe, 2 simplified plats, 2 minor subdivision plats, 3 re-plats, and 3 site plans.

Proposed CIP (2018-2027)

Mr. Goodrich presented the proposed FY 2018 CIP (Capital Improvements Program) for review and recommendation for consistency with the 2002 Comprehensive Plan. The CIP is a long-term program for funding and scheduling capital projects over a 10 year period. The first year of the CIP is the capital budget (the amount of money that will be included in the overall budget for capital projects). A summary

of all projects was provided to the Commission members. Mr. Goodrich reminded members that CIP projects should be designed to encourage growth inside the Urban Growth Area and not in the rural areas as recommended by the County's adopted Comprehensive Plan.

Motion and Vote: Mr. Bowen made a motion to recommend that the proposed CIP as presented is consistent with the County's adopted 2002 Comprehensive Plan. The motion was seconded by Mr. Weddle and unanimously approved.

ADJOURNMENT

Mr. Bowen made a motion to adjourn meeting at 8:10 p.m.. The motion was seconded by Mr. Reeder and so ordered by the Vice-Chairman.

Respectfully submitted,



Clint Wiley, Vice-Chairman