

WASHINGTON COUNTY PLANNING COMMISSION REGULAR MEETING June 5, 2017

The Washington County Planning Commission held a regular meeting on Monday, June 5, 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: Chairman Clint Wiley, Drew Bowen, Dennis Reeder, David Kline, and Jeremiah Weddle. Ex-Officio Commissioner Leroy Myers was absent. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting – Tim Lung, Director/Zoning Administrator, Lisa Kelly, Senior Planner and Cody Shaw, 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 May 1, 2017 regular meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

OLD BUSINESS

Todd Mike Investments LLC (SP-14-015)

Mr. Shaw reminded members that a site plan was approved for Todd Mike Investments LLC on July 16, 2016 for an on-line auction and construction equipment storage yard. The property is located at 9222 Stottmeyer Road and is currently zoned RB (Rural Business). The Planning Commission is being asked to determine if the change in use from an on-line auction to an auction house is a major or a minor change. Mr. Shaw noted the following proposed changes: change in hours of operation from by appointment to 8 a.m. to dusk, 7 days per week with on-site auctions occurring periodically; a change in the number of employees from 2 to 12; change in deliveries from one truck daily to event related truck traffic and occasional off-hour deliveries; change in the total number of parking spaces from 9 to 25, based on one space per employee plus one space for projected auction attendees; increase in size of contractor's storage area; inclusion of a non-permanent event tent; inclusion of a new sign; and additional vegetative screening along Stottmeyer Road. The Board of Zoning Appeals reviewed the plan on April 19, 2017 and granted the applicant a variance from the requirement to provide a stable, dust-free surface for a parking lot. The BZA's opinion included a restriction that no more than 15 events per year would be allowed on-site.

Discussion and Comments: Mr. Bowen confirmed there would not be any night-time events on this site. He believes that the concerns of the neighbors have been addressed if no events are permitted on the site after dark. Mr. Weddle asked if the tree line could be extended to protect the neighboring properties. Members agreed, by consensus, that the tree line should be extended; Mr. Schreiber stated this would not be an issue and the applicant would comply with the request.

Motion and Vote: Mr. Bowen made a motion that the proposed changes should be considered a minor change and that no public hearing will be required. The motion was seconded by Mr. Kline and unanimously approved.

NEW BUSINESS

-SITE PLANS

Rosewood PUD, Phase II-B, Lots 71-105 (PSP-16-003)

Mr. Shaw presented for review and approval a preliminary site plan for Rosewood PUD, Phase II-B, Lots 71-105 located along the northeast side of Professional Drive. The developer is proposing 35 residential townhouse lots. The site is served by public water and public sewer from the City of Hagerstown. The site has .19 acre of open space broken up into three different areas; a large tot lot is proposed in Area #2 as shown on the plan. Required parking is 88 spaces; 89 parking spaces will be provided. Forest Conservation Ordinance requirements have been met via a Forest Conservation Plan approved in 2006. All agency approvals have been received. The applicant is requesting a reduction from the 10 foot rear yard setback requirement to 7 feet to allow the construction of covered entry porches on the end units only.

Motion and Vote: Mr. Bowen made a motion to approve the preliminary site plan with the reduction from the 10 foot rear yard setback requirements to 7 feet as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Med Express (SP-17-005)

Mr. Shaw presented for review and approval a site plan for Med Express located at 13527 Pennsylvania Avenue, Lot 1. The developer is proposing a medical office on 0.63 acres in the former Pizza Hut building. The hours of operation will be 8 a.m. to 7 p.m., 7 days per week. There will be 14 employees.

The total number of required parking is 25 spaces; 33 parking spaces are proposed. The existing impervious area is being reduced by 1.9%. The site is served by public water from the City of Hagerstown and public sewer from Washington County. Storm water management will be provided utilizing existing storm water management facilities in addition to new lawn and landscaping improvements. Landscaping and lighting plans have been reviewed and meet all County standards. Approvals from the City Water & County Sewer Departments are pending; all other agency approvals have been received.

Discussion and Comments: Mr. Bowen asked if all traffic issues have been reviewed. Mr. Shaw stated that the plan has been routed to the State Highway Administration and the Washington County Engineering Department and both agencies have given their approval. He also noted that Med Express will utilize the existing access between the former Pizza Hut and Martin's grocery store.

Motion and Vote: Mr. Kline made a motion to approve the site plan contingent upon approval from the City of Hagerstown Water & County Sewer Departments. The motion was seconded by Mr. Weddle and unanimously approved.

Bowman Cornfield (SP-16-005)

Ms. Kelly presented for review and approval a site plan for a proposed convenience store, restaurant and gas fueling station on a 13.3 acre parcel located at the intersection of Lappans Road and Spielman Road. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct an 11,180 square foot convenience store with a restaurant and drive-thru, gas pumps with canopy and a car wash. There will be 16 gas pumps located in front of the building. The diesel pumps with canopy will be to the rear of the store with a truck washing facility. Four truck parking spaces will be provided behind the convenience store. There will be two access points from Spielman Road. The truck and car fueling areas will be separated by the convenience store and landscaping areas. The site will be served by public water and public sewer. There will be 30 employees working 3 shifts. Hours of operation will be 7 days per week, 24 hours per day. Required parking is 95 spaces; 107 spaces will be provided. Lighting will be building mounted and pole mounted throughout the site. There will be a screened dumpster and compactor on the site adjacent to the store. Two stand-alone signs and building mounted signs are proposed; architectural details and profiles are still being developed and have not been reviewed by staff. All signs will meet Zoning Ordinance requirements. Landscaping will be located throughout the parking lot, around the building and dumpster, as well as plantings within the storm water management area. An existing storm water management facility is located on the site. Forest Conservation Ordinance requirements have been met by off-site retention of existing forest; an easement plat has been reviewed, approved and recorded. The State Highway Administration has reviewed and approved the site plan. SHA will require the following improvements to be finalized prior to the opening of the convenience store: the existing truck entrance must be relocated for better sight distance; construction of a new car entrance; widening of Spielman Road, west of centerline along the entire project frontage; mill and overlay Spielman Road west of centerline along entire project frontage; drainage pipe extensions to accommodate road widening; reconfigure lane striping at Spielman and Lappans Road intersection; single pole and light modification. All agency approvals have been received. Ms. Kelly noted that a specific business has not been selected for this site.

Discussion and Comments: Mr. Reeder asked if there would be overnight parking for trucks. Ms. Kelly stated there would be no overnight facilities for the drivers; therefore, no overnight parking will be permitted. Mr. Reeder asked how the parking will be monitored. Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, stated this is not a truck stop. He entered into the record, photos of 3 different truck stops in the county. He also entered into the record photos of 2 convenience stores with restaurants to show Commission members the difference.

Mr. Frederick stated that the convenience store will be approximately 4,200 square feet; there will be no seating for the restaurant; and there will be some office space. He explained that a specific business has not been selected because it was Mr. Bowman's original intent to locate his business at this location. Mr. Rob Ferree of Bowman Development, the developer, stated that Mr. Bowman had planned to use this site to supplement the fueling operation at the truck terminal on Governor Lane Boulevard; however, new fuel pumps have been installed at that location to meet MDE requirements. He stated that the approved site plan will be used as a marketing tool to market the site more efficiently.

Mr. Wiley asked if a convenience store operator is found and wants to make a change to the plan, would the Planning Commission again review the plan and the proposed changes. Mr. Frederick stated that it would come back unless the operator would conform his business to the proposed building layout being approved.

Mr. Bowen asked if the proposed convenience store is a permitted use in the HI zoning district. Mr. Lung stated that the proposed uses as shown on the site plan are permitted in the HI zoning district; however, a "truck stop" is a special exception use in the HI district. He stated that if the developer would want a "truck stop" at this location, a new site plan would be required. He also reviewed the definition of a "truck stop" as defined in the County's Zoning Ordinance, which includes the following criteria: "a structure or land use primarily for the sale of fuel for trucks and usually long-term truck parking; incidental service or repair of trucks, overnight accommodations or restaurant facilities open to serve the general public or a group of facilities consisting of such a use and attendant eating, repair, sleeping or truck parking facilities".

Mr. Weddle asked if a sign stating "no overnight parking" could be posted. Mr. Ferree stated that could be done. Mr. Weddle expressed his concern with regard to trucks exiting the site and the safety of other vehicles and drivers on Spielman Road. Mr. Frederick stated that traffic and safety issues have been vetted by the SHA and improvements will be required per SHA comments.

Mr. Wiley explained to the audience that this meeting is not a public hearing and typically audience participation is not allowed during regular meetings; however, to be fair to all who were present for this particular case, the Planning Commission would allow people to make very brief comments.

- Jimmy and Pam Black, 15942 Spielman Road: Mr. Black expressed his concern regarding safety issues and accidents in this area. He stated it is difficult to get out of their driveway.
- Deborah Bachtell, 15900 Falling Waters Road: Ms. Bachtell expressed her concern regarding traffic and the amount of time it takes to get through the intersection at MD Routes 63 and 68 due to tractor trailer traffic already in the area. She also expressed concern regarding the stacking of tractor trailers on the ramp to I-81. Ms. Bachtell believes this use will bring more traffic and crime to her neighborhood.
- Allan Donaldson, 15535 Natural Well Road: Mr. Donaldson expressed his concern with the site being near the railroad tracks, which has shown an increase in rail traffic. He believes there will be a problem with traffic sitting on the tracks.
- Toni Shrader, 15529 Natural Well Road: Ms. Shrader presented the Planning Commission members with written comments before the meeting began. She believes that Washington County does not need another fueling station or truck stop along I-81. Ms. Shrader stated she attended a public hearing for the truck stop recently constructed along I-81 at Showalter Road at which Mr. Ferree spoke and was adamantly opposed to the truck stop because it would lower the value of Mr. Bowman's property in that area. She also noted that Mr. Ferree pointed out how dirty a truck stop would be and that such a use did not belong close to the Airport. Ms. Shrader asked if school bus trips were taken into account on the traffic study for this property. She noted that Spielman and Lappans Roads are thoroughfares to the Williamsport school complex. Ms. Shrader believes there should be less gas pumps and there should not be a truck washing facility on this site.
- Paul Miner, 14938 Falling Waters Road: Mr. Miner expressed his concern with regard to the JFK Run that is held once a year in that area. He believes it will be extremely dangerous with people running and truck traffic on this road. Mr. Miner is also concerned about the intersection and its dangers to drivers.
- Ron Brais, 15740 Falling Waters Road: Mr. Brais expressed his concern for safety conditions at the intersection and the increased amount of truck traffic.
- Richard Davis, 14614 Falling Waters Road: Mr. Davis expressed his opinion that this site is not designed for the type of business that is proposed. He believes trucks will be waiting along the ramps of I-81 which will create a safety hazard.
- Robert Harsh, 15834 Falling Waters Road: Mr. Harsh explained that he has been a firefighter most of his life and expressed his concern for safety issues at the corner. He related several accidents that he has witnessed there. Mr. Harsh also expressed concern that no traffic lights are proposed.
- Barbara Hovermale, 16286 Spielman Road: Ms. Hovermale expressed her opinion that the type of business proposed should not be permitted. She believes that this type of development will negatively impact the cleanliness and historic value of Williamsport. She expressed her opinion that the traffic is a hazard to health, life and property. Ms. Hovermale also believes this business will negatively impact the business (feed store) across the road.
- Johann Wehrle, 13152 John Martin Drive: Mr. Wehrle stated that Elmwood Farm is less than one mile away from the proposed site and is a development that is growing rapidly. He noted there are many young families with school-aged children riding buses through this area and safety is a major concern.

Discussion and comments: Mr. Kline stated that following all the comments heard during the meeting regarding traffic and safety issues, he is uncomfortable making a decision. He expressed his opinion that the location of the property along I-81 makes it ideal for a gas station and fast food restaurant; however, he would like to make several site visits during various times of the day to observe traffic conditions.

Mr. Wiley requested that Commission members be given a copy of the traffic study. Mr. Bowen appreciated all the comments and safety issues that were expressed; however, he acknowledged that if the zoning allows this type of use and safety issues are addressed properly he would vote for this development. He also believes that the Commission should review the traffic study and visit the site before making a decision. Mr. Reeder stated that he lives on Spielman Road and he expressed his concern with regard to stacking of tractor trailers on the I-81 ramp and Spielman Road. There was a brief explanation from Mr. Frederick and Mr. Ferree on data that was used and collected during the traffic study.

Motion and Vote: Mr. Kline made a motion to table this item until the July meeting. The motion was seconded by Mr. Weddle and unanimously approved.

Daley Drive Auto Sales (SP-16-034)

Ms. Kelly presented for review and approval a site plan for a proposed used car sales business in an existing garage located along the west side of Daley Drive just north of its intersection with Reiff Church Road. The property is zoned A(R) – Agricultural Rural with a Rural Business floating zone over 1.3 acres of the site. The Planning Commission and Board of County Commissioners approved the RB overlay (RZ-16-002) in 2016. The remaining 1.44 acres is zoned A(R). There is an existing access from Daley Road. The gravel sales lot will be 3,500 square feet in size. There will be one employee on the site. Hours of operation will be 9 a.m. to 5 p.m., Monday thru Friday and 9 a.m. to 2 p.m. on Saturday. Three parking spaces are required; four parking spaces will be provided. The site is served by individual well and septic. Lighting and signage will be building mounted. Solid waste will be collected in an inside receptacle. The site is exempt from Forest Conservation Ordinance requirements because there is no disturbance. The existing tree line will provide screening from the adjacent farm. All agency approvals have been received.

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

NTB Tire & Service Center (SP-17-004)

Ms. Kelly presented for review and approval a site plan for property located at the Valley Mall adjacent to Massey Boulevard. The property is 1.04 acres in size and is currently zoned PB (Planned Business). The developer is proposing to construct a 7,100 square foot tire, battery, brake sales and service center, which will include 8 service bays. A modification was granted in February 2016 to allow this lot to be created without public road frontage. Access to the site will be from the interior cul-de-sac. The site will be served by public water and sewer. The number of employees will be 10. Hours of operation will be Monday thru Friday, 7:30 a.m. to 8:00 p.m., Saturday 7:30 a.m. to 7:00 p.m., and Sunday 9:00 a.m. to 6:00 p.m. Parking required is 26 spaces; 32 spaces will be provided. In 1999, a variance was granted for the parking setbacks when the Valley Mall was expanded and additional parcels were added. Sidewalks will be installed around the building. An enclosed dumpster will be used for solid waste disposal. Freight and delivery services will be two times per week. There will be one monument sign located in the northeast corner of the site. Lighting will be pole and building mounted. Lighting will be directed downward with no glare onto Massey Boulevard. Landscaping will be provided on the site with various trees, shrubs, daylilies and ornamental grasses. Forest Conservation Ordinance requirements were met in 1999 with a payment-in-lieu. All agency approvals have been received.

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

-OTHER BUSINESS

Westfields Section 6

Chairman Wiley announced that this item has been withdrawn from the agenda per the consultant's request.

Update of Staff Approvals

Mr. Lung reported the following submittals for the month of April: Engineering/Permit review – 10 entrance permits; 12 grading permits; 4 utility permits; Plan Review – 2 two year updates; 5 standard grading plans; 1 site specific grading plan; 1 subdivision replat; 1 final subdivision plat for Westfields Section 6C; 1 minor residential preliminary/final subdivision plat; 6 traffic studies (scoping requests); and 1 site plan for the Resh Road Landfill (gas mitigation control project).

Mr. Lung reported the following submittals for the month of May: Engineering/Permit review – 11 entrance permits; 15 grading permits; 2 utility permits; Plan Review – 4 storm water concept plans; 1 PUD development plan (Rosewood revision); 1 forest conservation plan; 2 forest stand delineations; 2 site specific grading plans; 5 standard grading plans; 1 preliminary consultation for Bowman Development truck terminal improvements on Governor Lane Boulevard; 3 simplified plats; 1 final subdivision plat for Rosewood PUD, Phase IIB; 4 subdivision replats; 1 minor residential preliminary/final subdivision plat; 2 site plans (Meritus Health Clinic on Crayton Boulevard, CRS station off Oliver Drive).

Mr. Lung reported the following approvals for the month of May: 2 minor red-line revision site plans; a minor change of use site plan for Vine Church, Smithsburg; Fahmney-Keedy Bowman Center; 2 subdivision replats; 1 minor residential subdivision; and 2 forest stand delineations.

Rezoning Schedule

Mr. Goodrich explained that staff has been discussing the adequacy of the current rezoning schedule, which is two cycles per year. He asked Commission members for their feedback regarding a change in the number of cycles per year. There has been a claim by one individual that two cycles per year is slowing down development. Mr. Goodrich explained that the process has been changed over the years due to changes in State law and noted that the current cycles cannot be shortened due to certain procedures that must be followed. Planning Commission members expressed their opinions that while they are happy to accommodate the public, they don't feel there is a need to add additional rezoning cycles at this time.

Election of Officers

Motion and Vote: Mr. Bowen made a motion to nominate Mr. Wiley as Chairman. The motion was seconded by Mr. Kline and unanimously approved.

Motion and Vote: Mr. Kline made a motion to nominate Mr. Bowen as Vice-Chairman. The motion was seconded by Mr. Reeder and unanimously approved.

UPCOMING MEETINGS

1. Monday, July 10, 2017, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room #2000, Hagerstown, Maryland

ADJOURNMENT

Mr. Bowen made a motion to adjourn meeting at 8:45 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

Respectfully submitted,



Clint Wiley, Vice-Chairman