

WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
March 3, 2025

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The Washington County Planning Commission held its regular monthly meeting on Monday, March 3, 2025 at 6:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

**CALL TO ORDER AND ROLL CALL**

The Chairman called the meeting to order at 6:00 p.m.

Planning Commission members present were: David Kline, BJ Goetz, Jeff Semler, Denny Reeder (arrived at 6:20), Terrie Shank, Jay Miller, and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill, Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Senior Planner; Kyla Shingleton, Comprehensive Planner; Scott Stotelmyer and Misty Wagner-Grillo, Planners; and Debra Eckard, Office Manager.

**NEW BUSINESS**

**MINUTES**

**Motion and Vote:** Mr. Semler made a motion to approve the minutes of the February 3, 2025 Planning Commission regular meeting as presented. The motion was seconded by Ms. Shank and unanimously approved.

**ORDINANCE MODIFICATIONS**

**Brookes House [OM-25-001]**

Mr. Stotelmyer presented an ordinance modification request to allow a residential lot to be created without fully functional road frontage. The property is located at 19986 Beaver Creek Road and is currently zoned EC (Environmental Conservation). The property owner wishes to subdivide a one acre parcel, not for an immediate family member, from the 119 acre landlocked parcel. The owner has met with the adjoining property owner, Lynn Kendle, who has signed an agreement to allow access to Beaver Creek Road from the new lot.

**Discussion and Comments:** Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, stated this will be a residence for patients of Brookes House as part of their on-going rehabilitation process.

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

**Nelson and Eileen Harbaugh [OM-25-002]**

Mr. Stotelmyer presented an ordinance modification request to allow the stacking of three panhandle lots, allow a panhandle length of more than 400-feet and to create a lot without usable road frontage. The property is located at 16200 Broadfording Road and is currently zoned EC (Environmental Conservation). The new lot will be for an immediate family member. There is 25-feet of road frontage shown for the new lot; however, it is not usable road frontage due to its proximity to existing entrances. The proposed panhandle would be 550-feet in length. The three lots include one lot with an existing residence, one proposed lot with a residence and the remaining lands of approximately six-acres which is not for development.

**Motion and Vote:** Mr. Semler made a motion to approve the ordinance modification request as presented. The motion was seconded by Mr. Miller and unanimously approved.

**SUBDIVISIONS**

**Arborview Cluster Development Plan [CL-25-001]**

Ms. Wagner-Grillo presented the Arborview Cluster Development Plan which will be located on Sasha Boulevard and Mt. Aetna Road. The developer is proposing 334 single-family and 314 duplex lots in five phases on 219 acres. The property is currently zoned RT – Residential Transition with a Planned Unit Development (PUD) overlay. A brief history was given noting that the Planning

Commission approved the cluster development provision at its regular meeting on May 6, 2024. The developer then submitted a concept plan and a preliminary consultation was held in June, 2024. A summary of the preliminary consultation as well as the concept plan was presented to the Planning Commission on August 5, 2024. The developer then submitted a cluster development plan for review and approval. Ms. Wagner-Grillo explained that the PUD must be removed before the developer can take the next step in the process which is the submittal of a preliminary plat for subdivision.

The developer is proposing to complete this project in five phases as follows: Phase 1 would consist of 91 single-family and 100 duplex lots; Phase 2 would consist of 37 single-family and 138 duplex lots; Phase 3 would consist of 76 duplex lots; Phase 4 would consist of 63 single-family lots; and Phase 5 would consist of 143 single-family lots. Approximately 76.38 acres of open space is proposed; 69.76 acres is required. There is a forest conservation easement located on the property which will be retained. A water tower will be constructed during Phase 1 of the development. The developer has been working closely with the City of Hagerstown's Water Department on the basic design of the water tower. The developer is also working with the Washington County Engineering Department on road connectivity design. Approvals are pending from the County Engineering Department and Soil Conservation District; however, neither department has any objections to the plan.

**Discussion and Comments:** Mr. Miller asked about the smaller lot widths for the proposed plan. Ms. Wagner-Grillo explained that lot sizes may be reduced because this is an approved cluster development. Ms. Baker noted that the developer cannot get more density with a clustering plan than what is permitted by the current RT zoning which would be 880 (by right) dwelling units. She further explained that the development plan formalizes what has already been approved for the layout, lot sizes, lot widths, open spaces, potential storm water management areas, etc. If the developer wants to deviate from this plan, an updated plan would be required.

Mr. Goetz asked how the PUD overlay would be removed. Ms. Baker explained that the PUD overlay was put on as part of a rezoning process and will need to be removed in the same manner which will require a public input meeting with the Planning Commission and a public hearing before the Board of County Commissioners. Mr. Gordon Poffenberger of Fox & Associates, Inc. (the consultant) noted that the PUD plan contained townhouses and apartment complexes while this plan is proposing single-family and duplex units. He also noted that the clustering plan is part of the "Smart Growth Initiative" which means there will be fewer streets and fewer water and sewer lines to maintain and less impervious area; thereby, allowing for more open space and recreational areas.

Commissioner Wagner asked if the water tower will benefit the existing homes in Black Rock Estates. Mr. Poffenberger stated it would benefit those homes with added water pressure and flow.

Mr. Kline expressed his opinion that another access onto Robinwood Drive would be very beneficial.

**Motion and Vote:** Mr. Goetz made a motion to approve the development plan as presented contingent upon approval from all outstanding agencies and that the PUD overlay is removed. The motion was seconded by Mr. Miller and unanimously approved with Mr. Kline and Commissioner Wagner abstaining from the vote.

**OTHER BUSINESS**

**Discussion of proposed text amendments**

- **Accessory Dwelling Units [ADUs]**

Mr. Allen presented information regarding a potential text amendment dealing with accessory dwelling units. The term "accessory dwelling units" is known by several different names and applies to both attached and detached dwelling units subordinate to the principal dwelling unit on any given parcel of land. The purpose of creating this amendment is due to the nationwide need for more affordable housing. According to the 2020 census data contained in the draft Comp Plan, nearly 30% of homeowners and almost 50% of renters devote more than 30% of monthly household income to housing costs. The 30% figure is a standard measure for determining the affordability of housing to households in a given jurisdiction. ADUs will be permitted in both the rural and urban areas in the County including all residential zoning districts that allow single-family housing as well as some commercial areas. Commercial ADU opportunities is one of the strategies discussed in the Comp Plan to allow more mixed-use opportunities in select target areas around the County. Size limitations and other bulk standards will be used to minimize the impacts of ADUs on neighborhood character and infrastructure. Staff noted that amendments would be brought forward at the next planning commission meeting for a public input meeting.

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- **Manufactured Homes**

Ms. Baker explained that Maryland legislature enacted a law on January 1<sup>st</sup> mandating that manufactured homes be permitted in any zoning district that allows single-family residences. Modular homes are also required to be permitted in any district that allows single family homes. A modular home is different from a manufactured home in that modular homes are considered stick-built, must be placed on a fixed foundation, and must meet all building code requirements. Manufactured homes are built upon a chassis and have different building code standards that must be met.

Ms. Shingleton briefly reviewed several changes that are being proposed to language in the County's adopted Zoning Ordinance in order to be compliant with the new State regulations. Manufactured homes will be permitted in the EC, A(R), P and RV zoning districts as well as all residential zoning districts that permit single-family dwellings. Ms. Shingleton noted that changes will be made to Article 22, which deals with Special Provisions and definitions will be added to Article 28A. The manufactured home definition will be written to be consistent with the new State definition. Staff noted that amendments would be brought forward at the next planning commission meeting for a public input meeting.

- **Non-Conforming Uses**

Ms. Baker explained that a non-conforming use is established prior to zoning or prior to a recent rezoning of a property. The County's current Ordinance states that once a use ceases to exist for a period of six months, the use loses its non-conforming use status. Recently, case law has been brought to staff's attention that you must determine whether or not the "intent" is to cease the current operation. Ms. Baker cited several examples, such as the marketing of a property, upgrades to the property, etc. which would show intent that the business would reopen or not cease its operations. Ms. Shingleton briefly reviewed the proposed changes in the current Zoning Ordinance. Staff noted that amendments would be brought forward at the next planning commission meeting for a public input meeting.

### **Update of Projects Initialized**

Ms. Kinzer provided a written report for land development plan review projects initialized during the month of January including four preliminary/final plats and three site plans.

### **Discussion of Comprehensive Plan**

Ms. Baker introduced the overall Land Use Map for the Commission's review. She noted that following last month's discussions, that a Preservation Policy Area was reinstituted with similar boundaries to the existing policy area in the 2002 Comprehensive Plan. She noted that staff generally followed the existing policy area with changes made to incorporate additional areas of land preservation and conservation obtained since the last plan. Another change noted were changes made to the Environmental Conservation policy area. Previously, the draft recommended that significant streams in the Hagerstown Valley area should be included in the policy area due to their environmental sensitivity. Based upon the discussion of the planning commission at the last meeting, the buffer areas around the streams were reduced from 500 ft. on either side, to using the floodplain boundary plus 100 ft. for riparian buffers. Added to the map are the Airport overlay districts and the Antietam overlay districts. They are shown and discussed in other areas of the plan, however, it seemed prudent to show them on the land use map due to their recommendations for land use policies.

**Consensus:** No further changes are needed.

The next point of discussion was the individual land use requests that have been received. A map showing each individual property was distributed and staff shared their recommendations.

- **Downsville Pike Land LLC** – This property is located at the southeast corner of Downsville Pike and Halfway Boulevard. This property has been the subject of several rezoning applications for a commercial zoning, which have all been denied. Staff recommends that the land use for these properties remain medium-density residential based upon the dividing line of commercial on Downsville Pike, it is immediately adjacent to one of the County's regional parks, and there is a significant amount of residential development on that side of the road. Access from the subject parcels onto Halfway Boulevard would exacerbate traffic issues in this area.

- **Consensus:** The Commission agrees with staff's recommendation of medium-density residential.

- **Dan Hockman** – This property is located on the south side of Poffenberger Road, immediately east of Claggett's Mill. The owner is requesting a higher-density residential use; however, staff is

recommending a lower-density residential use. Staff is proposing a change to the current density in residential zoning districts; therefore, no loss of density would be incurred on this property.

- **Consensus:** The Commission agrees with staff's recommendation of low-density residential with the understanding that zoning densities will change.

- **2008 Lappans LLC** – This property is located at the corner of Lappans Road and Sharpsburg Pike. Ms. Baker explained that AC&T purchased the parcel to the south and incorporated it into the existing AC&T. The owner is requesting the extension of the Rural Village policy area to cover this parcel with the intention of rezoning the property to Rural Village. Staff is opposed to the proposal because the intent of the Rural Village is to support the context as it exists today with no expansion to the Priority Funding Area. If the Rural Village policy area is expanded and public improvements are needed in the future, the County would not be eligible for Priority Funding.

- **Consensus:** The Commission agrees with staff's recommendation because nothing has changed since the owner purchased the property and he will still have the same rights to develop the property that he had when he purchased it (the property had an agricultural use when it was purchased and remains an agricultural use today).

- **Clyde Ebersole** – This property is located along Kendle Road (Parcels 142 and 456); Parcel 142 is currently within the Urban Growth Area. The property owner wants to be outside the boundary of the Urban Growth Area so he may continue his farming operations and potentially be eligible for an agricultural preservation district.

- **Consensus:** The Planning Commission is not opposed to this request.

- **Thomas Britner** – This property is located along Edward Doub Road. Mr. Britner spoke at the public hearing and requested that the property remain within the Urban Growth Area. Originally, staff recommended that the property be removed from the UGA because it has failed to develop within the last 20 years and no public services were available. However, during the public hearing, Mr. Britner stated that the recently built warehouse down the road has extended public water services. He also noted that there is a pre-annexation agreement for services with the City of Hagerstown. Therefore, staff is now recommending that the property remain in the UGA.

- **Consensus:** The Planning Commission recommends leaving this property in the UGA.

- **Fast Gas Company (aka AC&T)** – This property is located along Virginia Avenue next to I-81 and across the road from Homewood. AC&T has been operating a convenience store on Parcels 193 and 316 for several years. They have purchased Parcels 195 and 309 and also wish to purchase Parcel 314 in order to expand the existing business. AC&T is requesting that the commercial land use area be extended to include all of these parcels. Staff recommends approval of the request.

- **Consensus:** The Planning Commission recommends approval of the request.

Ms. Baker asked Commission members if they had any comments or concerns regarding the public comments that have been received or if there are any additional changes they would like to recommend in the draft Comp Plan.

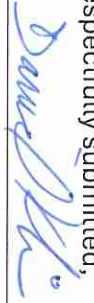
**Motion and Vote:** Mr. Goetz made a motion to recommend the draft Comp Plan with the changes discussed this evening to the Board of County Commissioners. The motion was seconded by Mr. Miller and unanimously approved with Commissioner Wagner abstaining from the vote.

**UPCOMING MEETINGS**

1. March 17, 2025, 6:00 p.m. – Washington County Planning Commission Workshop meeting (Forest Conservation Ordinance)
2. April 7, 2025, 6:00 p.m. – Washington County Planning Commission regular meeting

**ADJOURNMENT**

Mr. Reeder made a motion to adjourn the meeting at 7:45 p.m. The motion was seconded by Commissioner Wagner and so ordered by the Chairman.

Respectfully submitted,  
  
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David Kline, Chairman