



WASHINGTON COUNTY PLANNING COMMISSION  
ORDINANCE TEXT AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY  
Rezoning No. RZ-23-001  
Date Filed: \_\_\_\_\_

Washington County Planning Commission

Applicant

747 Northern Avenue, Hagerstown, MD 21742

Address

Jill Baker

Primary Contact

same

Address

☐ Property Owner ☐ Contract Purchaser

☐ Attorney ☐ Consultant

☐ Other: \_\_\_\_\_

240-313-2430

Phone Number

jbaker@washco-md.net

E-mail Address

- ☐ Adequate Public Facilities Ordinance  
☐ Forest Conservation Ordinance  
☐ Subdivision Ordinance  
☐ Solid Waste Plan

☐ Water and Sewer Plan

☒ Zoning Ordinance

☐ Other \_\_\_\_\_

Articles 7, 8, 9, 10, 11, 12, 22, & 28A

Section No. \_\_\_\_\_

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

Jill A Baker  
Applicant's Signature

Subscribed and sworn before me this 1<sup>st</sup> day of March, 2023.

My commission expires on 4-11-25  
Debra Sue Eckard  
Notary Public

FOR PLANNING COMMISSION USE ONLY

- ☐ Application Form  
☐ Fee Worksheet  
☐ Application Fee

- ☐ Proposed Text Changes  
☐ 30 copies of complete Application



DEPARTMENT OF PLANNING & ZONING  
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

RZ-23-001

March 20, 2023

WASHINGTON COUNTY ZONING ORDINANCE  
STAFF REPORT AND ANALYSIS

ARTICLES 7, 8, 9, 10, 11, 12, 22, 28A

**Proposal:** Application is being made to amend several sections of the Zoning Ordinance to change the definition of a convenience store (aka C-Store), provide districts in which said use shall be permitted and provide options for tractor trailer/heavy duty truck parking facilities at these types of facilities.

**Staff Report:** According to the National Association of Convenience Stores (NACS) there are approximately 150,174 convenience stores operating in the US as of January 2023. After several years of stores closing due to the restrictions of COVID-19, C-Stores are again increasing in number. The necessity and demand for this industry is illustrated in its title, convenience.

Convenience from these types of facilities can be present at both the local and regional level. Local patrons use convenience stores mostly for fueling purposes. There are few facilities that exist as merely a stand alone fueling station at this time. In addition to being used for fueling facilities, many convenience stores carry minimal household supplies and basic food needs such as bread, eggs and milk.

Regional convenience is mostly provided to interstate highway users travelling to or through the area. C-stores provide the convenience of a fueling center as well as providing restrooms, pre-packaged foods, and drinks so that travelers can rest and refresh before continuing on their journey.

In addition to changes in the definition of these uses, the Planning Commission has recognized a growing need and demand for truck parking facilities at some of these C-store locations. Similar to automobile traveling, truck drivers also need fast on and off facilities to maintain their delivery times. Parking for trucks at these facilities provides opportunities for truck drivers to quickly fuel up, use a restroom, and possibly get some food before getting back on the highway.

**Proposed Amendments:**

Below are the proposed text amendments for this rezoning case.

## ARTICLE 7 “RT” RESIDENTIAL, RURAL DISTRICT

### Section 7A.7 Parking Requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

~~The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 8 “RS” RESIDENTIAL, SUBURBAN DISTRICT

### Section 8.7 Parking Requirements

(a) Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

~~(b) The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 9 “RU” RESIDENTIAL, URBAN DISTRICT

### Section 9.7 Parking Requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

~~The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 10 “RM” RESIDENTIAL, MULTI-FAMILY DISTRICT

### Section 10.7 Design Standards

(h) Parking requirements Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable in compliance with Washington County's adopted Road and Street Design Standards.

~~The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 11 “BL” BUSINESS, LOCAL DISTRICT

### Section 11.1 Principal Permitted Uses

(a) Local retail goods and service shops, including:

Clothing stores

Convenience Stores

Dairy Products Stores

## ARTICLE 12 “BG” BUSINESS, GENERAL DISTRICT

### Section 12.1 Principal Permitted Uses

(a) Retail trades, businesses and services, including but not limited to the following and any use permitted in the BL District, subject to the use regulations specified in that district.

Conference Centers

Convenience Stores

Department Stores

## ARTICLE 22 SPECIAL PROVISIONS

### DIVISION I OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

#### Section 22.15 Truck Parking Requirements

- (a) Truck parking is permitted in association with a convenience store in accordance with the following:
1. The maximum allowable number of truck parking spaces cannot exceed 3.5 spaces per 500 sq. ft. of the gross leasable area of the convenience store.
  2. Truck parking facilities shall maintain an independent internal circulation pattern on the site apart from normal automobile traffic. This provision does not pertain to immediate access to the property which may be shared by both truck and automobile traffic.
  3. Truck parking facilities may not be permitted in association with a convenience store in a Rural Business district.

## ARTICLE 28A - DEFINITIONS

**Convenience Store (aka C-Store):** Any retail establishment offering for sale: prepackaged or pre-processed food products, household items, and other goods commonly associated with the same ~~and having a gross floor area of 5,000 square feet or less.~~ Such establishments may also sell gasoline petroleum products at retail prices and made to order food associated with the marketing of the proprietor. Chain or branded restaurants shall be considered a separate use from the convenience store. ~~The area utilized for the sale of gasoline shall be considered as part of the gross floor area.~~

### **Analysis:**

The size of convenience stores has changed significantly over the last decade. According to the National Association of Convenience Stores (NACS), traditional C-stores averaged between 2500-3000 square feet in size. They provided very basic necessities to the traveling public including fueling stations, restrooms, household items, and some pre-packaged food item. Currently, the average size of a new C-Store is averaging about 5000-6000 square feet. The reason for the larger sized stores primarily results from new service models where food made fresh options and in-store dining areas are offered. The increase in C-Store sizes can likely also be attributed to the overall increase of population and vehicular traffic across the country.

Acknowledging these new trends in the size and function of C-store operations, the current definition of a convenience store in the Zoning Ordinance is outdated and overly restrictive. Further, the use designation of a convenience store is only listed explicitly in the Rural Business



Floating Zone. To correct the issue of an outdated definition, the Planning Commission is recommending changes to include eliminating a size limitation of such a structure. They are also recommending explicit inclusion of these types of uses in the Business Local and Business General zoning districts.

In addition, the Planning Commission believes that there is a significant demand and corresponding need to allow for limited truck parking for C-Store uses. Increases in population, traffic, and freight demands have created an increased demand for expedient freight and goods movement that has proportionally impacted the amount of truck traffic nationwide. These trends have impacted the demand for truck parking facilities as a consequence.

Finally, while the Comprehensive Plan is silent about specific design standards or locations of these types of uses, the importance of the interstate system to the economy of our County and the nation as a whole is discussed within the Transportation Element. It can be deduced from the discussion of the importance of maintaining our transportation facilities that we should also prepare for ancillary uses that provide support to that industry.

**Staff Recommendation:** Based upon the above analysis, previous public input, and Planning Commission discussions, Staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations.

Respectfully submitted,



Jill L. Baker, AICP  
Director



DEPARTMENT OF PLANNING & ZONING  
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

RZ-23-001

April, 2024

WASHINGTON COUNTY ZONING ORDINANCE  
STAFF REPORT AND ANALYSIS – Revision 2

ARTICLES 7, 8, 9, 10, 11, 12, 22, 28A

**Proposal:** Application is being made to amend several sections of the Zoning Ordinance to change the definition of a convenience store (aka C-Store), provide districts in which said use shall be permitted and provide options for tractor trailer/heavy duty truck parking facilities at these types of facilities.

**Staff Report:** According to the National Association of Convenience Stores (NACS) there are approximately 150,174 convenience stores operating in the US as of January 2023. After several years of stores closing due to the restrictions of COVID-19, C-Stores are again increasing in number. The necessity and demand for this industry is illustrated in its title, convenience.

Convenience from these types of facilities can be present at both the local and regional level. Local patrons use convenience stores mostly for fueling purposes. There are few facilities that exist as merely a stand-alone fueling station at this time. In addition to being used for fueling facilities, many convenience stores carry minimal household supplies and basic food needs such as bread, eggs and milk.

Regional convenience is mostly provided to interstate highway users travelling to or through the area. C-stores provide the convenience of a fueling center as well as providing restrooms, pre-packaged foods, and drinks so that travelers can rest and refresh before continuing on their journey.

In addition to changes in the definition of these uses, the Planning Commission has recognized a growing need and demand for truck parking facilities at some of these C-store locations. Similar to automobile traveling, truck drivers also need fast on and off facilities to maintain their delivery times. Parking for trucks at these facilities provides opportunities for truck drivers to quickly fuel up, use a restroom, and possibly get some food before getting back on the highway.

**Proposed Amendments:**

Below are the proposed text amendments for this rezoning case.

Key of changes:

Planning Commission Recommendations

BoCC additional changes

## ARTICLE 7 “RT” RESIDENTIAL, RURAL DISTRICT

### Section 7A.7 Parking Requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

~~The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 8 “RS” RESIDENTIAL, SUBURBAN DISTRICT

### Section 8.7 Parking Requirements

(a) Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

~~(b) The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 9 “RU” RESIDENTIAL, URBAN DISTRICT

### Section 9.7 Parking Requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

~~The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 10 “RM” RESIDENTIAL, MULTI-FAMILY DISTRICT

### Section 10.7 Design Standards

(h) Parking requirements Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable in compliance with Washington County's adopted Road and Street Design Standards.

~~The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.~~

## ARTICLE 11 “BL” BUSINESS, LOCAL DISTRICT

### Section 11.1 Principal Permitted Uses

(a) Local retail goods and service shops, including:

Clothing stores

Convenience Stores

Dairy Products Stores

## ARTICLE 12 “BG” BUSINESS, GENERAL DISTRICT

### Section 12.1 Principal Permitted Uses

(a) Retail trades, businesses and services, including but not limited to the following and any use permitted in the BL District, subject to the use regulations specified in that district.

Conference Centers

Convenience Stores

Department Stores

## ARTICLE 22 SPECIAL PROVISIONS

### DIVISION I OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

#### Section 22.15 Truck Parking Requirements

(a) Parking of tractor-trailers, either separately or in tandem, shall be prohibited on publicly owned County streets unless expressly approved as an on-street parking space for trucks.

(b) Truck parking is permitted in association with a convenience store in accordance with the following:

1. The maximum allowable number of truck parking spaces cannot exceed 3.5 spaces per 500 sq. ft. of the gross leasable area of the convenience store. Truck parking in the BL, BG, and RB districts shall be limited to a maximum of 10 parking spaces.
2. Truck parking facilities shall maintain an independent internal circulation pattern on the site apart from normal automobile traffic. This provision does not pertain to immediate access to the property which may be shared by both truck and automobile traffic.
3. Overnight parking of trucks is prohibited.
4. Truck parking facilities may not be permitted in association with a convenience store in a Rural Business district.

(c) Truck parking facilities that are located adjacent to any lands zoned for or containing dwellings, hospitals, nursing homes, schools, or other institutions for human care shall provide screening in accordance with Section 22.11.2(b).

## ARTICLE 28A - DEFINITIONS

**Convenience Store (aka C-Store):** Any retail establishment offering for sale: prepackaged or pre-processed food products, household items, and other goods commonly associated with the same, ~~and having a gross floor area of 5,000 square feet or less.~~ Such establishments may also sell gasoline petroleum products and/or alternative fueling products at retail prices and made to order food associated with the marketing of the proprietor. Chain or branded restaurants shall be considered a separate use from the convenience store. ~~The area utilized for the sale of gasoline shall be considered as part of the gross floor area.~~ Convenience stores may also include self-service auto-fuel (including gasoline, auto-diesel, flex-fuel and other petroleum products), electric vehicle charging stations, car washes and restaurants that provide indoor and/or outdoor seating. High-flow diesel fueling stations are permitted as part of the use but shall be limited to a maximum of 3 fueling stations in the BL, BG, and RB districts. Additional



amenities delineated in the definition of a truck stop installed on a property shall be deemed a truck stop and not a convenience store (see definition of Truck Stop). Convenience stores are generally characterized by a rapid turnover of customers, unlimited hours of operations and high-traffic generation. Overnight parking of trucks is prohibited under this definition.

### **Analysis:**

The size of convenience stores has changed significantly over the last decade. According to the National Association of Convenience Stores (NACS), traditional C-stores averaged between 2500-3000 square feet in size. They provided very basic necessities to the traveling public including fueling stations, restrooms, household items, and some pre-packaged food item. Currently, the average size of a new C-Store is averaging about 5000-6000 square feet. The reason for the larger sized stores primarily results from new service models where food made fresh options and in-store dining areas are offered. The increase in C-Store sizes can likely also be attributed to the overall increase of population and vehicular traffic across the country.

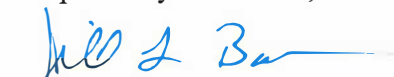
Acknowledging these new trends in the size and function of C-store operations, the current definition of a convenience store in the Zoning Ordinance is outdated and overly restrictive. Further, the use designation of a convenience store is only listed explicitly in the Rural Business Floating Zone. To correct the issue of an outdated definition, the Planning Commission is recommending changes to include eliminating a size limitation of such a structure. They are also recommending explicit inclusion of these types of uses in the Business Local and Business General zoning districts.

In addition, the Planning Commission believes that there is a significant demand and corresponding need to allow for limited truck parking for C-Store uses. Increases in population, traffic, and freight demands have created an increased demand for expedient freight and goods movement that has proportionally impacted the amount of truck traffic nationwide. These trends have impacted the demand for truck parking facilities as a consequence.

Finally, while the Comprehensive Plan is silent about specific design standards or locations of these types of uses, the importance of the interstate system to the economy of our County and the nation as a whole is discussed within the Transportation Element. It can be deduced from the discussion of the importance of maintaining our transportation facilities that we should also prepare for ancillary uses that provide support to that industry.

**Staff Recommendation:** Based upon the above analysis, previous public input, and Planning Commission discussions, Staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations.

Respectfully submitted,

  
Jim L. Baker, AICP  
Director



DEPARTMENT OF PLANNING & ZONING  
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

June 16, 2023

RZ-23-001

APPLICATION FOR TEXT AMENDMENT  
PLANNING COMMISSION RECOMMENDATION

**RECOMMENDATION**

On April 3, 2023, the Washington County Planning Commission held a public input meeting to consider a text amendment to Articles 7, 8, 9, 10, 11, 12, 22, and 28A of the Washington County Zoning Ordinance to change the definition of a convenience store, provide districts in which said use shall be permitted, and to provide options for tractor trailer/heavy duty truck parking facilities at these types of facilities.

At its June 5, 2023 meeting, the Planning Commission took action to recommend approval of the proposed text amendment to the Board of County Commissioners. A copy of the application, the Staff Report and Analysis prepared by the Department of Planning & Zoning, and minutes of the April 3, 2023 public input meeting are attached.

Respectfully submitted,

Jill L. Baker, AICP  
Director, Washington County Department of  
Planning & Zoning

JLB/dse

Attachments

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
April 3, 2023**

The Washington County Planning Commission held a public input meeting and its regular monthly meeting on Monday, April 3, 2023 at 7:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: David Kline, Vice-Chairman, Denny Reeder, BJ Goetz, Jeff Semler, Teresa Shank and Ex-officio Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; and Debra Eckard, Administrative Assistant.

**CALL TO ORDER AND ROLL CALL**

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

**PUBLIC INPUT MEETING**

**RZ-23-001 – Text Amendment (Convenience Stores)**

Ms. Baker presented a proposed text amendment to amend several sections of the Zoning Ordinance to change the definition of a convenience store, provide zoning districts where said use shall be permitted and to provide options for tractor trailer/heavy duty truck parking at these types of facilities. She noted that the 5,000 square foot minimum associated with the square footage of the structure and square footage of the canopy has been eliminated in the definition of a convenience store. Convenience stores were not included as a specific permitted use in the urban area zoning districts during the comprehensive rezoning of the Urban Growth Area in 2016. Therefore, to correct this oversight, the use is being included in the BL (Business Local) and BG (Business General) districts and will also be permitted in the HI (Highway Interchange) zoning district by cross-reference.

Ms. Baker explained that many new convenience store models include a request for truck parking. These requirements will be addressed in the parking section of the Zoning Ordinance and is proposed as follows: the maximum allowable truck spaces cannot exceed 3.5 spaces per 500 square feet of gross leasable area of the convenience store; truck parking facilities must maintain an independent internal circulation pattern separate from automobile traffic; and truck parking facilities will not be permitted at a convenience store located in a Rural Business district.

**Public Comment**

- Michael Tedrick, 11423 Ernstville Road, Big Pool – Mr. Tedrick expressed his opinion that the County is losing its historic integrity by allowing more convenience stores and large warehouses. He believes the County should preserve more of its land and historic elements. He expressed concern for citizen's safety because of trucks parking along the ramps and interstates and emergency vehicles being unable to use the shoulder of the roadways if needed. Mr. Tedrick stated that public safety should be the County's first priority.
- Robert Harsh, 15834 Falling Waters Road, Williamsport – Mr. Harsh is opposed to allowing the amendment citing safety concerns due to the number of accidents in the County since I-81 was constructed.
- Ron Brais, 15740 Falling Waters Road, Williamsport – Mr. Brais is opposed to tractor trailer parking on public or private streets in any residential district. He believes this would cause a lot of safety issues.
- Barbara Hovermill, 16286 Spielman Road, Williamsport – Ms. Hovermill expressed her opinion that the Planning Commission needs to carefully consider these changes and continue to keep the public informed of any and all proposed changes.
- Brenda Shane, 16168 Spielman Road, Williamsport – Ms. Shane expressed concern regarding the proposed parking requirements to allow tractor trailer parking on public or private streets in residential districts. She believes there needs to be specific restrictions for truck parking before this amendment moves forward.
- Jason Divelbiss, 11125 Bemisderfer Road, Greencastle – Mr. Divelbiss explained that he represents several convenience store owners in Washington County and is speaking on their behalf. He expressed his opinion that the requirement for independent internal circulation patterns for trucks is not appropriate for all sites and could be counterproductive. Mr. Divelbiss does not believe that truck parking facilities should be prohibited in association with a convenience store

in the Rural Business district. He noted that the sale of fresh foods was omitted from Article 28A and he recommended deleting "petroleum products" and changing the text to read "gasoline, diesel fuel and other alternative fuels". In regard to the last sentence in Article 28A, Mr. Divelbiss recommended changing the language to "food products marketed or sold within the store using a separate name brand restaurant" and should indicate a separate sales area.

- Rob Ferree, 16235 Shaffer Road, Sharpsburg – Mr. Ferree is an employee of Bowman Development. He thanked the Commission for following procedures and holding the public input meeting and for proposing language to clarify convenience stores. He noted that convenience stores are getting larger and truck parking areas are in demand because truck drivers need a place to get fuel, food and to rest. Mr. Ferree noted that if a convenience store is located along a State highway, it will meet and possibly exceed all requirements set forth by the State Highway Administration making the roadway safer for everyone.
- Ginger Griffith, 17103 Tower Drive, Williamsport – Ms. Griffith expressed concerns regarding truck parking issues. She believes that truck drivers need a place to rest; however, she believes truck parking facilities should be located separately from a convenience store. She also believes there should be different levels of convenience stores; however, we need to maintain the historic integrity of the County. Ms. Griffith is opposed to trucks parking along private and public streets.

The public input meeting was closed at 7:30 p.m.

**Discussion and Comment by Planning Commission:** There was a brief discussion regarding the removal of the following text from the residential zoning categories: "The parking of tractor trailers, either separately or in tandem, shall be prohibited on public or private streets in this District". Ms. Baker stated this language should have been moved to Article 22.15 as item (b) and was simply an oversight by staff. By moving the text to Article 22.15, truck parking on public or private streets would be prohibited from all zoning districts. There was a brief discussion regarding the enforcement of this regulation. Short-term parking along private or public streets can be enforced through the Zoning Ordinance; however, long-term parking or parking along ramps or State highways is a police matter if "no parking" signs are installed. The County cannot enforce these types of situations.

Mr. Goetz expressed his opinion that "alternative fuel sources" should be added to Article 28A. There was a brief discussion regarding the chain or branded restaurants text included in the definitions. Mr. Goetz expressed his opinion that the text should remain as proposed and not changed per Mr. Divelbiss's comments.

**Motion and Vote:** Ms. Shank made a motion to make the formal recommendation on the proposed amendment at the May Planning Commission meeting when all proposed changes as discussed this evening have been included in the amendment. The motion was seconded by Mr. Semler and unanimously approved with Commissioner Wagner abstaining from the vote and all discussions held during this meeting.

## **MINUTES**

**Motion and Vote:** Ms. Shank made a motion to approve the minutes of the March 6, 2023 meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

## **OTHER BUSINESS**

### **Update of Projects Initialized**

Ms. Kinzer provided a written report for 54 land development plan review projects initialized during the month of February including 3 site plans and 5 preliminary/final plats. She also noted there were 70 permits submitted in February.

### **Comprehensive Plan Update**

Ms. Baker noted that copies of the draft of Housing and Mineral Resources chapters of the Comp Plan were distributed this evening. She asked members to review these chapters and provide staff any comments. We will begin discussions during the May meeting the schedule of public meetings to be held. Members will need to decide dates, times and where they would like public meetings to be held.

## **UPCOMING MEETINGS**

1. Washington County Planning Commission meeting, May 1, 2023 at 7:00 p.m.



**Consensus:** Following discussions of members' schedules, it was decided that the Planning Commission would hold its regular meeting on Monday, May 8 beginning at 6:00 p.m. to accommodate a public input meeting regarding truck stops and an extensive agenda.

**ADJOURNMENT**

Mr. Goetz made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Ms. Shank and so ordered by the Vice-Chairman.

Respectfully submitted,



---

David Kline, Vice-Chairman

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
May 8, 2023**

The Washington County Planning Commission held its regular monthly meeting on Monday, May 8, 2023 at 6:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: BJ Goetz, Denny Reeder, Teresa Shank and Ex-officio Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Lisa Kelly, Senior Planner; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant.

**CALL TO ORDER AND ROLL CALL**

In the absence of the Chairman and the Vice-Chairman, Mr. Goetz called the meeting to order at 7:00 pm.

**MINUTES**

**Motion and Vote:** Ms. Shank made a motion to approve the minutes of the April 3, 2023 meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

**OLD BUSINESS**

**RZ-23-001 – Text Amendment – Convenience Stores – Recommendation**

Ms. Baker noted that due to the lack of availability of Commission members at this evening's meeting, staff recommends that the discussion and vote regarding the text amendment for convenience stores be tabled until a later date.

**Motion and Vote:** Mr. Reeder made a motion to table the discussion and vote on the proposed convenience store text amendments. The motion was seconded by Ms. Shank and unanimously approved with Commissioner Wagner abstaining from the vote.

**NEW BUSINESS**

**PRELIMINARY CONSULTATION**

**PC-23-002 – 13610 Pennsylvania Avenue**

Ms. Baker presented for review and comment a concept plan for a proposed 5,900 square foot convenience store with 8 pumps and canopy. The site is located along Pennsylvania Avenue next to the Sprint/T-Mobile store located at the northwest corner of Pennsylvania Avenue and Maugans Avenue. The developer is proposing 57 parking spaces on the site. Most of the storm water management and sediment and erosion control elements have been addressed. A traffic scope needs to be finalized for the State Highway Administration as well as the County Engineering Department. Two entrances are proposed including a flagstaff panhandle on the west side of the Sprint/T-Mobile store and a new entrance will be created off of Pennsylvania Avenue. The developer is planning to address most of the forest mitigation on-site. Public water and public sewer are available in the area.

**SUBDIVISIONS**

**Gateway Business Park – Lots 5, 6 and 3R [S-23-003]**

Ms. Kelly presented for review and approval a preliminary and final plat for Gateway Business Park, Lots 5, 6 and 3R. The subject site is located west of Sharpsburg Pike, adjacent to Arnett Drive and is currently zoned HI (Highway Interchange). The developer is proposing to subdivide the existing Lot 3R (11.75 acres) to create Lot 5 (1.94 acres), Lot 6 (.60 acres) and Lot 3R will contain the remaining 9.22 acres. The lots will have access onto Arnett Drive and will be used for commercial purposes. The site is served by public water and public sewer. Forestation requirements were previously met in 2015 when the original lot was created under the Arnett Farms subdivision. All agency approvals have been received.

**Discussion and Comments:** Commissioner Wagner asked if the remaining lands could be further subdivided. Mr. Trevor Frederick of Frederick, Seibert & Associates, the consultant, stated that it could be further subdivided because it will have road frontage on the proposed new road going behind the site.

**Motion and Vote:** Mr. Reeder made a motion to approve the preliminary/final plat as presented. The motion was seconded by Commissioner Wagner and unanimously approved.

### **SITE PLANS**

#### **Shops at Sharpsburg Pike – lots 4-8 [PSP-21-002]**

Ms. Kelly presented for review and approval a site plan for Lots 4-8, Shops at Sharpsburg Pike. The site is located along the east side of Sharpsburg Pike and is currently zoned HI (Highway Interchange). The developer is proposing to create 5 commercial lots: Lot 4 will be 1.0 acres with a proposed car wash; Lot 5 will be .81 acres with proposed retail/auto parts store; Lot 6 will be 1.70 acres with a proposed restaurant; Lot 7 will be .78 acres with retail uses; and Lot 8 will be 7.84 acres with nothing currently proposed. A modification was approved by the Planning Commission in 2022 that permitted the creation of 5 commercial lots without public road frontage. All lots will have access to a private roadway to be constructed and maintained by the developer. The road will access Sharpsburg Pike and Col. H.K. Douglas Drive. All lots will be served by public water and public sewer. Based on the proposed uses, 86 parking spaces are required; 118 parking spaces will be provided. All lots will have building-mounted and pole mounted lighting; signage will be building mounted with pole mounted signs on Lots 4, 5 and 7. Trash will be collected inside with a dumpster on-site. Hours of operation will vary depending upon the proposed use: Lot 4 – car wash, 24 hours/day, 7 days/week; Lot 5 – auto parts store, 7:30 am to 10 pm, Monday thru Saturday and 8 am to 9 pm on Sunday; Lot 6 – restaurant, 6 am to 10 pm; and Lot 7 – retail, 6 am to 10 pm. Landscaping will be provided throughout the parking lots and along the border of the site. Forestation requirements were met when Lots 1-3, Sharpsburg Pike Shops, was approved several years ago using the payment-in-lieu of planting method.

**Discussion and Comments:** Ms. Shank asked if any improvements are proposed for Sharpsburg Pike. Mr. Frederick stated that the State Highway Administration has indicated that Sharpsburg Pike will become a five-lane road from Col. HK Douglas Drive south to at least Poffenberger Road. Widening will occur as both sides of Sharpsburg Pike develop and will include acceleration lanes and turning lanes.

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

#### **Virginia Avenue LLC [SP-22-032]**

Ms. Kelly presented for review and approval a site plan for a 489,000 square foot warehouse with office located along the southeast side of Virginia Avenue adjacent to the I-70 overpass. The site is 33.7 acres in size and is currently zoned IR (Industrial Restricted). There are 354 parking spaces required; 354 parking spaces will be provided. The site will be served by public water and public sewer. Hours of operation will be 24 hours/day, 7 days/week. There will be approximately 200 trucks per day for freight and delivery. The estimated number of employees is 25 for the office and 75 maximum per shift in the warehouse. There will be a trash compactor in the bay for refuse. Lighting will be pole and building mounted; one ground mounted sign is proposed. Landscaping will be located throughout the parking lot, along the property line that borders the single-family residences and in the storm water management ponds. Forestation requirements will be met by on-site retention and off-site retention of existing forest at a 2 to 1 ratio for a total of 27.24 acres.

**Discussion and Comments:** Ms. Shank asked what accommodations will be made for the additional truck traffic coming through the residential area. Mr. Frederick stated that a Traffic Impact Study was conducted and no off-site traffic improvements are required with the exception of widening across the frontage of the site. He explained that most of the traffic will be coming from I-81, north on Virginia Avenue turning right onto the site via a dedicated decel lane; trucks will not have to wait to cross traffic. Heading south on Virginia Avenue, a dedicated left-turn lane will be installed. Ms. Shank asked if a traffic signal will be installed for trucks leaving the site and turning left to return to I-81. Mr. Frederick stated that a traffic signal is not warranted at this time per SHA guidelines. Members expressed concern regarding the increase in traffic through the residential areas.

Mr. Reeder asked if the roof is being constructed to accommodate solar arrays in the future. Mr. Frederick did not know.

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

### **FOREST CONSERVATION**

#### **Virginia Avenue LLC [SP-22-032]**

Mr. Allen presented for review and approval two requests to meet Forest Conservation requirements for the above referenced site plan. The first request is to utilize off-site retention to satisfy part of the 14.75 acre planting requirement and the second request is to remove 10 specimen trees from the site proposed for development. The developer is proposing to retain 2.26 acres of forest on-site and retain a forest buffer off-site along Licking Creek which will positively affect water quality in that area.

**Motion and Vote:** Mr. Reeder made a motion to approve the two requests as presented. The motion was seconded by Ms. Shank and unanimously approved.

### OTHER BUSINESS

#### Forest Conservation Annual Report Summary

Mr. Travis explained that per Article 17 of the Maryland Annotated Code – Natural Resources, a Forest Conservation Annual Report is required each year. He briefly reviewed data from FY 2021 and FY 2022 reflecting development activity in the County. During the past fiscal year, approximately 195 acres of forest was permanently retained as part of the program. There was an increase of 31.3% of bond money posted from FY 2021 to FY 2022. Approximately \$299,441 was collected in payment-in-lieu fees with approximately \$152,527 being expended from the fund. About \$65,636 were expended in implementation costs for the program. A graph was presented showing a summary of the PIL program since its inception in FY 1995. Mr. Allen noted there was no activity in the forest banking program or enforcement activities during the past fiscal year.

#### Update of Projects Initialized

Ms. Kinzer provided a written report for the land development plan review projects initialized during the month of March including 3 site plans and 5 preliminary-final plats. She noted that activity has remained fairly consistent and there has been more non-residential activity than residential activity.

#### Comprehensive Plan Update

Ms. Baker noted that copies of the draft of the water resources element and the historic element were included in the agenda packets. The water resources element explores our water quality resources, public water and sewer infrastructure, and storm water resources as well as the impacts of development on our resources. We anticipate additional chapters being finalized and sent to members throughout the next few weeks. The goal is to have the draft document ready by the first week in June. We will be having a 90 day comment period with public meetings throughout the County.

### UPCOMING MEETINGS

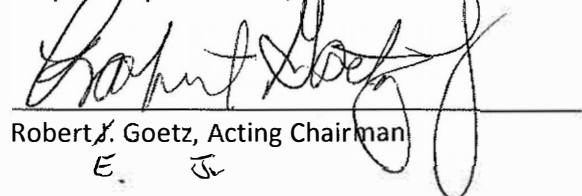
1. Washington County Planning Commission regular meeting, June 5, 2023 at 6:00 p.m.

Members held a brief discussion concerning the public input meeting that was postponed this evening regarding the truck stops text amendment. It was decided that we try to hold the public input meeting on June 5<sup>th</sup> at 6:00 p.m. Ms. Baker stated that the members that cannot be present at the meeting could listen to the public input meeting and participate in the discussion and vote at the July meeting. Mr. Goetz expressed his opinion that at least four voting members (this does not include Commissioner Wagner) should be present at the public input meeting. Staff will be in contact with members to verify who can and cannot attend the June meeting.

### ADJOURNMENT

Ms. Shank made a motion to adjourn the meeting at 6:55 p.m. The motion was seconded by Commissioner Wagner and so ordered by Mr. Goetz.

Respectfully submitted,

  
Robert J. Goetz, Acting Chairman  
E. J.



**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
September 11, 2023**

The Washington County Planning Commission held its regular monthly meeting on Monday, September 11, 2023 at 7:00 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 7:00 pm.

Planning Commission members present were: Clint Wiley, Chairman, David Kline, BJ Goetz, Denny Reeder, and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; and Scott Stotelmyer, Planner; and Washington County Division of Engineering: Heather Williams, Senior Plan Reviewer;

**MINUTES**

**Motion and Vote:** Mr. Kline made a motion to approve the minutes of the August 7, 2023 meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

**OLD BUSINESS**

**Crosspoint Residential – Townes at Rockspring [PSP-22-001]**

Mr. Stotelmyer presented a preliminary site plan for the Townes at Rockspring townhouse development located along the west side of Massey Boulevard and east side of Hickory School Road. The property is currently zoned RS (Residential Suburban) and RT (Residential Transition). The developer is proposing a 123 unit townhouse development on 17.23 acres. The average lot size will be 2200 square feet. All lots will have access to newly constructed streets. There will be one access to Massey Boulevard and one access to Hickory School Road. Each unit will have two parking spaces and there will be a common parking area with 329 parking spaces available. All lots will be served by public water and public sewer. Open space area will be 4.77 acres in size and will include two play areas. Lighting will be provided along the streets and in common areas. Landscaping will be provided in the open space areas and along the boundary.

Mr. Stotelmyer reminded members that this item was tabled at the August 7, 2023 meeting pending further information regarding several issues as follows: impacts to the school, traffic concerns, road and intersection improvements, and specific clearances for the neighboring explosives business. The approval letter from the State Highway Administration was provided to members that indicates due to the closure of the Hickory Elementary School, no traffic improvements will be needed due to the timeline of this development. From a land use perspective, it was determined that this development has no negative impacts on adjacent properties. All agency approvals have been received.

**Discussion and Comments:** Members continued to express concern regarding the number of traffic exchanges (approximately 500 per day) going onto Virginia Avenue. Mr. Gordon Poffenberger of Fox & Associates, Inc. stated that the original development approved in 2010 had 136 units proposed. With the decrease in the number of units now being proposed, the State Highway Administration did not feel any traffic improvements were needed. However, SHA included language in its approval letter that indicates this issue could be revisited depending upon the timeline of the development and the closure of the school. Ms. Kinzer noted that the Engineering Department also stated in its approval letter that the traffic study performed in 2021 was only valid for a period of 3 years (2024) and that the study will be re-evaluated depending upon timelines.

**Motion and Vote:** Mr. Kline made a motion to approve the preliminary site plan as presented. The motion was seconded by Mr. Goetz.

**Discussion:** Commissioner Wagner asked if a stipulation could be placed on the approval that the roads are re-evaluated by the Engineering Department during each phase of development.

The motion was withdrawn by Mr. Kline.

**Discussion:** Mr. Kline asked how many units are proposed. Mr. Poffenberger noted that the developer is proposing 123 units which will be platted in 3 phases. The first phase contains 59 units. Mr. Poffenberger reiterated that the developer is seeking approval now for only the preliminary site plan.

Ms. Baker noted that the developer is aware that SHA and the Engineering Department have approved the preliminary site plan; however, road improvements and a traffic study may be re-evaluated when the final plats are submitted. She advised members that the motion could include language that the final plats must be reviewed by the Planning Commission prior to approval.

**Motion and Vote:** Mr. Goetz made a motion to approve the preliminary site plan with the condition that the final plats for Phases 2 and 3 must be reviewed by the Planning Commission prior to approval. The motion was seconded by Mr. Kline. Mr. Kline voted in favor of the motion; Mr. Reeder voted in opposition of the motion. Mr. Reeder called for a vote by show of hands.

**Discussion:** Mr. Reeder again expressed his concerns regarding the amount of traffic that will be accessing Virginia Avenue and Hickory School Road without any road improvements. He reminded members that a new warehouse was recently approved on Virginia Avenue and Hickory Elementary School will not be closed until 2027.

Mr. Goetz expressed his opinion that professionals have reviewed the traffic study and do not believe that road improvements are currently needed. He noted that the zoning is appropriate for the development and by denying the approval, the Planning Commission is infringing upon the developer's rights.

Mr. Poffenberger presented the following statement of facts to be considered by the Planning Commission: the project was approved in 2010 for more units; the school was not proposed for closure at that time; following the completion of a traffic study, SHA and County Engineering are not requiring any traffic improvements at this time; the Planning Commission is requiring the final plats to come back before them for Phases 2 and 3; and the property has been zoned residential for more than 20 years and the proposed use is a permitted use for the property.

Commissioner Wagner agreed with the consultant's statement of facts. He believes that Virginia Avenue is not adequate; however, the professionals from SHA and the County have given their approval.

**Vote:** The motion passed with Mr. Goetz, Commissioner Wagner and Mr. Wiley voted in favor of the motion; Mr. Reeder and Mr. Kline voted in opposition.

## **NEW BUSINESS**

### **PRELIMINARY CONSULTATION**

#### **Greencastle Pike – Eby Property [PC-23-003]**

Mr. Stotelmyer presented for review and comment a preliminary consultation for a proposed 717,000 square foot warehouse and surrounding infrastructure located directly east of the intersection of Resh Road and Greencastle Pike. The property is currently zoned PI (Planned Industrial). The total disturbed area is 67.8 acres.

**Comments:** Mr. Reeder highly encouraged the developer to consider putting solar arrays on the roof and spoke of the benefits of doing so. Mr. Wiley and Mr. Goetz concurred.

Mr. Wiley asked if SHA is requiring any road improvements. Mr. Stotelmyer stated a representative from SHA was present at the consultation and had no comments at that time.

### **SITE PLANS**

#### **Arnet Lot 1 C-Store Revised Site Plan [SP-22-041]**

Ms. Williams presented for review and approval a site plan for a proposed C store at 10335 Supercenter Drive on 2.15 acres of land. The property is currently zoned HI (Highway Interchange). This site was previously occupied by H&H Well Drilling. The developer is proposing a Wawa convenience store. Hours of operation will be 7 days per week, 365 days per year. Public water will be provided by the City of Hagerstown; public sewer will be provided by Washington County. The proposed lighting plan meets all requirements of the Zoning Ordinance. Forest Conservation requirements were previously met using the payment-in-lieu option on the previously approved site plan. There will be a right-in only from Sharpsburg Pike. All traffic will exit on Supercenter Drive.

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

## OTHER BUSINESS

### Update of Projects Initialized

Ms. Kinzer provided a written report for the land development plan review projects (54 total) initialized during the month of July including 5 site plans and 10 preliminary-final plats.

### Comprehensive Plan Update

Ms. Baker reported that the public input meetings around the County are going well. Staff is receiving a lot of feedback from citizens regarding all of the warehouses and increased traffic around the County. The upcoming meetings will be held on September 21<sup>st</sup> at Boonsboro Community Center and September 25<sup>th</sup> at the Library in Hagerstown.

**Comments:** Mr. Goetz reported that Greater Hagerstown has formed a committee to review the Comp Plan and will be providing comments sometime in October. Ms. Baker stated that comments have been received from the City of Hagerstown.

Ms. Baker noted there are two meetings scheduled in October. Following these meetings, staff will provide all comments to the Planning Commission and discussions will begin on proposed revisions to the Plan.

### Discussion of RZ-23-001 – Convenience Stores Text Amendment

Ms. Baker explained that this text amendment has been remanded back to the Planning Commission following a BOCC public hearing. She noted the Commissioners believe there were concerns that had not been expressly discussed by the Planning Commission. Ms. Baker distributed a map showing truck stops, gas stations and convenience store locations in the County, excluding anything within a municipality. There are a total of 36 fueling stations across the County; eight are in the BL/BG zoning district; 10 in the RB zoning district; and 17 in the HI zoning district. Only nine of the 36 fueling stations includes truck parking. Of the nine with truck parking spaces only three have more than 100+ spaces; two have 75 to 80 spaces; one has 40 spaces; and the remainder have 10 spaces or less.

**Discussion and Comments:** Commissioner Wagner expressed his opinion that the BL and BG zoning districts should not allow truck parking spaces. Mr. Goetz believes that disallowing truck parking in BL and BG zoning districts could have unintended consequences for businesses in those districts that want to expand. He cited public safety concerns when trucks don't have a place to park except along the roadways or ramps. Mr. Goetz expressed his opinion that the Planning Commission has done its due diligence in defining a truck stop by calculating the number of truck parking spaces needed based upon the size of the convenience store and requiring the sale of diesel fuel.

**Consensus:** The text amendment should not be changed because the Planning Commission has done its due diligence in defining a truck stop; has considered public comments received at public input meetings; and has considered public safety by getting trucks off the shoulder of roadways and along ramps.

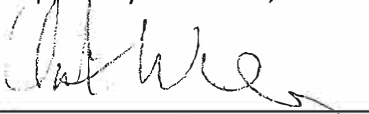
### UPCOMING MEETINGS

1. Washington County Planning Commission regular meeting, October 2, 2023 at 7:00 p.m.

### ADJOURNMENT

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

Respectfully submitted,




---

Clint Wiley, Chairman