

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
October 1, 2018**

The Washington County Planning Commission held its regular monthly meeting on Monday, October 1, 2018 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Andrew Bowen, Jeremiah Weddle, Denny Reeder, David Kline and Robert Goetz, Jr. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Tim Lung, Director; and Lisa Kelly, Senior Planner.

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

-OLD BUSINESS

RZ-18-003 – P Overlook LLP

Presented for discussion and recommendation was a map amendment application for P Overlook LLP. The property, which is currently zoned RV (Rural Village) is located at the intersection of MD Route 340 and Keep Tryst Road and is 24.32 acres in size. The applicant is requesting that a condition (9 lot density restriction) placed on the property by the Board of County Commissioners as part of a previous rezoning application (2003) be lifted. This request was heard at a public information meeting on September 10, 2018 by the Planning Commission at which time public comment was taken.

Discussion and Comments: Mr. Kline stated that he is opposed to lifting the 9 lot density restriction and explained his reasons for the objection. During the public information meeting, one citizen reminded Commission members that the 9 lot density restriction has been the subject of multiple appeals and has had several reviews by a number of legal entities including the Planning Commission, the Board of County Commissioners, and the courts. The original restriction was upheld by both the Circuit Court for Washington County and the Maryland Court of Special Appeals. Mr. Kline believes the developer knowingly made the agreement with the County in order to get the zoning that he wanted for the property in 2003. He expressed his opinion that the applicant has not made any compelling argument that would warrant a change.

Mr. Reeder and Mr. Weddle both concurred with Mr. Kline's comments.

Motion and Vote: Mr. Kline made a motion to recommend denial of the request to remove the 9 lot density restriction to the Board of County Commissioners because there has been no convincing evidence that it should be removed and the multiple evaluations of the case have never indicated that the restriction is improper. The motion was seconded by Mr. Weddle and unanimously approved.

-NEW BUSINESS

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the September 10, 2018 meeting as presented. The motion was seconded by Mr. Kline and unanimously approved with Mr. Goetz abstaining from the vote.

SUBDIVISIONS

Hunter's Green Business Park, Lots 11 thru 13 [S-18-031]

Ms. Kelly presented for review and approval a preliminary/final plat for Hunter's Green Business Park, Lots 11 thru 13. The site is located east of Williamsport Pike, north of I-70 and adjacent to French Lane. The property is currently zoned HI (Highway Interchange). The developer is proposing to subdivide 3 lots for commercial purposes. Service Truck and Tire currently exists on Lot 11. Lot 12 contains .804 acres of land and Lot 13 contains 2.9 acres of land, both of which are currently undeveloped. Public water and public sewer service all three lots. Any development on Lots 12 and 13 would require a site plan. Forest Conservation Ordinance requirements were address previously during the development of Hunter's

Green Business Park. All agency approvals have been received with the exception of the City of Hagerstown Water Department and the Health Department.

Motion and Vote: Mr. Bowen made a motion to grant staff the authority to approve the preliminary/final plat upon receipt of all pending approvals. The motion was seconded by Mr. Weddle and unanimously approved.

SITE PLANS

Sharpsburg Elementary School [SP-18-031]

Ms. Kelly presented for review and approval a site plan for the proposed Sharpsburg Elementary School located on the south side of Shepherdstown Pike (Route 34). The existing school will remain open and in service until the new school is constructed. The old school will be demolished once the new school opens in 2020. The site is 11.54 acres in size and is currently zoned Preservation with Antietam Overlay 2. The proposed school will be one story at the front and two stories will be exposed at the rear elevation due to the sloping site. The building will be approximately 502,776 square feet in size. There will be a center courtyard and several play areas. The existing access from Shepherdstown Pike will remain in service and will be extended and redesigned to provide individual staff/visitor parking and bus parking/ student pickup. Ten bus parking spaces will be provided and 100 staff/visitor parking spaces will be provided (99 spaces are required). Public water and public sewer will be provided by the County systems that serve the Town of Sharpsburg. The existing sign at the entrance will remain. Lighting will be building mounted and pole lighting will be provided throughout the parking lot. Dumpsters will provide solid waste disposal. Sidewalks will be installed around the school and a new sidewalk will connect with an existing one along Shepherdstown Pike. The Board of Appeals granted a variance in November 2017 from the minimum 100 foot left side yard setback to 89 feet and from the 50 foot rear yard setback to 42 feet. Landscaping will include many species of trees, shrubs, grasses and perennials. Forestation requirements will be met by retaining existing forest off-site at the Fairview Outdoor School. An easement plat is currently being reviewed. A conditional approval has been received from the Soil Conservation District. The Washington County Department of Water Quality is currently reviewing revisions. Forest Conservation review is on-going. All other agency approvals have been received. A Forest Stand Delineation has been prepared for the site.

Discussion and Comments: Mr. Reeder asked if there would be any changes to the entrance on Shepherdstown Pike. Mr. Robert Rollins with the Board of Education stated there are no plans for a traffic signal; however, the entrance will be widened to allow for two lanes exiting the site and one lane coming into the site.

Mr. Bowen asked how many students will be attending the new school when it opens. Mr. Brad Otto with the Board of Education stated that the maximum capacity at the school will be 471 students; however, upon opening there will be approximately 420 students. There was a brief discussion regarding the stacking of vehicles when parents are dropping off or picking up students.

Mr. Goodrich gave a brief presentation regarding the Forest Conservation Plan that has been submitted. He noted that three specimen trees have been identified on the site: a 32" Oak tree, a 34" Locust tree, and a 40" Mulberry tree. The site plan indicates that most of the site will be affected by grading; therefore, the specimen trees will need to be removed. The State Forest Conservation Act and the County's Forest Conservation Ordinance require that specimen trees of 30" or greater must be kept on the site unless the Planning Commission grants a variance to allow their removal. Mr. Goodrich stated that the applicant provided justification for why the trees need to be removed. The applicant's consultant that prepared the Forest Stand Delineation noted that the Locust and Mulberry trees were nearing the end of their expected lifespan and in a state of decline. Protective measures would be expensive and would not guarantee survival. The Oak tree would be negatively impacted by the required ADA accessible sidewalk and protective measures may or may not insure survival. The justification also noted that these trees were not present during the Civil War. Mr. Goodrich stated that the landscaping plan for this project shows 77 new trees to be planted on the site, which will be 8 to 10 feet tall upon installation.

Motion and Vote: Mr. Reeder made a motion to grant staff the authority to approve the site plan upon receipt of all agency approvals. The motion was seconded by Mr. Goetz and unanimously approved.

Motion and Vote: Mr. Bowen made a motion to approve a variance from the Forest Conservation Ordinance to allow removal of the specimen trees. The motion was seconded by Mr. Weddle and unanimously approved.

Motion and Vote: Mr. Weddle made a motion to approve the Forest Conservation Plan. The motion was seconded by Mr. Kline and unanimously approved.

-OTHER BUSINESS

Update of Staff Approvals

Mr. Lung reported the following for the month of September: Land Development/Permit reviews: 5 entrance permits; 12 grading permits; 1 non-residential construction permit; 1 non-residential agricultural certificate and 2 utility permits. New submittals for Subdivision/Land Development: 1 storm water concept plan; 1 standard grading plan; 3 Forest Stand Delineations; 1 subdivision replat; 3 Preliminary/Final subdivision plats; 1 Simplified plat; 1 redline revision for Fahney-Keedy Bowman Addition; and 1 site plan for the former Sears re-use. Approvals for Land Development: 2 Ordinance modifications (both reviewed by the Planning Commission); 1 simplified plat; 1 Preliminary/Final plat for Emerald Pointe, Phase 3, Section 2; 1 Preliminary/Final plat for a single lot residential subdivision; 1 minor site plan for Potomac Playmakers; 1 site plan for Long Delite Farm; and 1 red line revision.

Mr. Lung explained that the site plan for the reuse of the Sears building meets the criteria for a staff approved site plan. The former Sears anchor store had a footprint of 124,000 square foot. The developer is proposing a 25,521 square foot expansion on the west side of the existing building that will house four separate retail spaces consisting of one 59,992 square foot space, one 45,100 square foot space, one 29,763 square foot space and one 6,101 square foot space. The entire Valley Mall is under a cross parking easement agreement established when the Mall was first developed. Parking spaces provided is 5,027 spaces including 119 handicap spaces; 5,006 parking spaces are required per the County's Zoning Ordinance. No additional water or sewer allocation will be needed for this development. As part of the plan, are improvements to the existing parking islands.

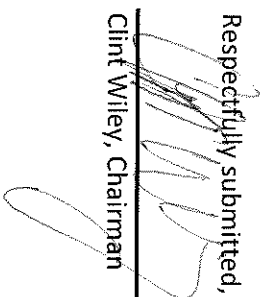
-ADJOURNMENT

Mr. Goetz made a motion to adjourn the meeting at 7:40 p.m. The motion was seconded by Mr. Bowen and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, November 5, 2018, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,


Clint Wiley, Chairman