

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
March 6, 2023**

The Washington County Planning Commission held its regular monthly meeting on Monday, March 6, 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, 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, Lisa Kelly, Senior Planner; Travis Allen, Comprehensive Planner; Heather Williams, Planner; and Debra Eckard, Administrative Assistant.

CALL TO ORDER AND ROLL CALL

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

MINUTES

Motion and Vote: Ms. Shank made a motion to approve the minutes of the February 6, 2023 meeting as presented. The motion was seconded by Mr. Semler and unanimously approved with Mr. Goetz abstaining from the vote.

MODIFICATIONS

James Barrett [OM-23-003]

Ms. Williams presented a Subdivision Ordinance (Section 405.11.B) and an Adequate Public Facilities Ordinance (Article IV) modification request to allow the creation of a lot that does not meet the 25-foot road frontage requirements of both Ordinances. The property is located adjacent to 12107 Rosenberg Lane. The owner is proposing the re-creation of a 3.06 acre lot by adding the boundary line that was vacated on Plat Folio 5951 back to its original location. The purpose of creating the lot is to resolve estate and clouded title issues and to convey the lot for the development of a single-family home. The property currently fronts on Rosenberg Lane, which is a private 30-foot right-of-way. The current owner of the right-of-way has verbally agreed to allow access over the right-of-way to the proposed 3.06 acre lot.

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

SITE PLANS

Mid-Atlantic Crossroads II [SP-22-039]

Ms. Kelly presented for review and approval a revised site plan for Mid-Atlantic Crossroads (formerly approved in June 2022). The original plan proposed two warehouse buildings, 1,237,140 square feet and 797,500 square feet, separated with a distance of approximately 200 feet between them. The revised plan is proposing two buildings, 1,234,240 square feet and 909,444 square feet, adjoined with a common wall. The 134 acre property is located at the intersection of Downsville Pike and Sterling Road and is currently zoned HI – Highway Interchange. The Board of Appeals granted a reduction in parking from the required 1,452 spaces to 764 spaces. Hours of operation will be 7 days per week, 24 hours per day with a total of 1,078 employees over three shifts. Solid waste will be handled by a trash compactor in the bay area. The site will be served by public water from the City of Hagerstown and public sewer from the County Department of Water Quality. Lighting will be building mounted and pole mounted throughout the parking lot. One monument sign will be located at the Downsville Pike entrance. There will be three access points onto the site – one from Downsville Pike where a traffic signal is proposed and two from Sterling Road. Forestation requirements were addressed on the previous site plan and approved final plat.

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

Meritus School of Osteopathic Medicine [SP-22-033]

Ms. Kelly presented for review and approval a site plan for a proposed 40,000 square foot, 5-story medical college located at 11120 Health Drive, just south of the Robinwood Medical Center. The property is

currently zoned ORI – Office, Research & Industry. Access to the building will be via Heath Drive which is an existing interior street serving the Robinwood Medical campus. One main entrance on the northwestern side of the building and a secondary entrance on the southeastern side facing Robinwood Drive is proposed. Hours of operation will be 6 days per week, 12 hours per day from 8 a.m. to 8 p.m. with 100 faculty and staff, 360 students are projected. Freight and delivery will be approximately 3 trucks per week. Public water and sewer services will be provided by the City of Hagerstown. Lighting will be pole mounted throughout the parking lot as well as building mounted. Signs will be building mounted only. Solid waste will be handled by a screened dumpster. Landscaping will be provided throughout the parking lot and around the building. Forestation requirements will be met by retaining existing forest on-site.

Motion and Vote: Mr. Semler made a motion to approve the site plan as presented. The motion was seconded by Ms. Shank and unanimously approved with Mr. Goetz abstaining from the vote.

55 West Oak Ridge Drive Phase II [SP-22-030]

Ms. Kelly presented for review and approval a site plan for a proposed 589,127 square foot warehouse with office at 55 West Oak Ridge Drive. The site is currently zoned HI – Highway Interchange. The developer received a variance from the Board of Appeals in 2021 for a reduction in the number of required parking spaces for both warehouses on this site. Proposed parking for this phase will be 304 spaces. The site will be served by public water and public sewer from the City of Hagerstown. The hours of operation and number of employees are unknown at this time because there no tenant has signed on. Lighting will be building mounted and pole mounted throughout the parking lot. A monument sign will be placed at the entrance on Oak Ridge Drive. Solid waste will be handled by a trash compactor in the bay area. Landscaping will be placed around the building and within the parking lot. Forest Conservation requirements were met during the Phase I approval process with on-site retention, afforestation and payment in lieu.

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

FOREST CONSERVATION

ACE Hardware [TWN-22-004]

Mr. Allen presented for review a request to utilize the payment-in-lieu of planting (PIL) to meet forest mitigation requirements for the proposed ACE Hardware along Old National Pike in Boonsboro. He explained that the property was subdivided in March of 2022 which generally triggers forest conservation review of a property; however, the Town of Boonsboro approved the subdivision so this is the first time the County is seeing the proposed site plan. The subdivision created Lot 1 which is 5.18 acres in size with a remaining lands of 5.19 acres in size. The amount of disturbance on Lot 1 for the proposed development would constitute a 0.75 acre area of forest to be planted to meet mitigation requirements. Mr. Allen reminded members that Article 10.1 of the Washington County Forest Conservation Ordinance describes the Preferred Sequence of Techniques for Mitigation ranging from on-site retention or planting at the top of the list to the least preferred method of mitigation which is the payment-in-lieu fee.

Mr. Allen noted there is a stream buffer on a portion of Lot 1 and also on the remaining lands. Stream buffers are prioritized for protection in several of the County ordinances. He stated that the fundamental intent of the Forest Conservation Ordinance is to preserve existing forest or create new forest where it is lacking. In order to use the payment-in-lieu of planting option, the developer must demonstrate that the higher methods of conservation techniques cannot be met. Because a stream buffer exists on this property where trees could be planted, staff is recommending denial of the payment-in-lieu method of forest mitigation.

Mr. Travis explained that the Chesapeake Bay States, as part of the Chesapeake Bay Initiative adopted in 2014, have committed to a 70% forest cover along streams; the State of Maryland currently has only 58% coverage. He noted that stream buffer areas are not developable and will not cause an undue hardship on the developer.

Mr. Allen reminded members that during the last meeting, there was a discussion regarding the large amount of monies (\$411,000) currently in the PIL account. Funds in this account must be spent within 2 years of being deposited. The State is scrutinizing the collection and spending of these monies more closely each year.

Discussion and Comments: Commissioner Wagner asked if the payment-in-lieu is spent to purchase easements to protect more lands. Ms. Baker stated that the objective of the Forest Conservation

Ordinance is to protect priority preservation areas such as stream buffers; however, many times purchased easements are not within the same watershed that development is affecting and often it is not along a stream buffer. She also stated that the PIL monies can only be used to purchase forest easements and may not be used for other land preservation efforts. Mr. Goetz asked if we have a list of people waiting to participate in the forest conservation preservation program. Ms. Baker stated there are very few people who are willing to participate in the forest conservation programs; however, efforts to make citizens more aware of the programs are on-going.

Mr. Goetz expressed his opinion that plantings along a stream often cause more problems because the trees cause erosion along the sides of the stream, trees fall into the stream beds, and roots grow into the stream.

Mr. Trevor Frederick of Frederick, Seibert & Associates, the consultant, was present at the meeting. He stated that there is not .75 acres along the stream buffer that can be planted on Lot 1 and the developer is not going to disturb the stream buffer but let it grow naturally. Mr. Kline asked how much the payment-in-lieu would be for the site. Mr. Allen stated it would be \$9,800. Mr. Kline expressed his opinion that the natural regeneration would be better for the stream buffer in this case.

Motion and Vote: Mr. Goetz made a motion to approve the request to make the payment-in-lieu of planting to satisfy the forest mitigation requirement. The motion was seconded by Mr. Semler and unanimously approved.

OTHER BUSINESS

Update of Projects Initialized

Ms. Kinzer provided a written report for the land development plan review projects initialized during the month of January including 3 site plans and 5 forest stand delineations. She also noted that 31 of the 86 permits submitted last month were for Comcast's expansion in our area.

Proposed Text Amendment

Ms. Baker distributed copies of the proposed text amendment for warehouses and truck stops. She explained that an injunction hearing was held in February regarding the text amendment adopted by the last Board of County Commissioners in November 2022. She gave a brief summary of what transpired at that hearing. These proposed amendments, if adopted, would replace those adopted in November.

Members began with a review of the proposed amendment dealing with warehouses. Members discussed the concept of requiring large, non-residential structures equal to or greater than 200,000 square feet and not exceeding 75 feet in height to be solar ready. The proposed amendment includes definitions for solar ready buildings and solar ready zones. Members discussed alternatives for developers if reasonable documentation can be provided as to why a structure cannot be established as a solar ready building. Alternatives would be reviewed and approved/denied by the Planning Commission as part of the site plan approval process. Members also discussed the reduction of customer/visitor parking requirements that is being proposed. Ms. Baker explained that many of the warehouse developers have requested and been granted a variance by the Board of Appeals to reduce the number of required parking spaces.

Members reviewed the proposed amendment dealing with truck stops. Ms. Baker noted that per discussions with the Planning Commission, truck stops have been added as a principal permitted use in the HI district. Members then discussed the definitions of a convenience store and a truck stop. Several changes are being proposed for each definition. Members discussed truck parking permitted in association with a convenience store.

Ms. Baker will make the changes as discussed and we will hold a public information meeting as soon as possible.

Comprehensive Plan Update

Ms. Baker noted that copies of the draft of chapters 1-4 were distributed this evening. She has asked that members review these chapters and contact staff with any changes. We anticipate having the entire draft document ready in May to begin public meetings.

ADJOURNMENT

Mr. Goetz made a motion to adjourn the meeting at 8:50 p.m. The motion was seconded by Mr. Semler and so ordered by the Vice-Chairman.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Kline", written over a horizontal line.

David Kline, Vice-Chairman