

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
March 7, 2022**

The Washington County Planning Commission held its regular monthly meeting on Monday, March 7, 2022 at 7:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: Clint Wiley, Chairman, David Kline, Teresa Shank, Robert Goetz, Jr., Jeff Semler, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jennifer Kinzer, Deputy Director; Lisa Kelly, Senior Planner, and Debra Eckard, Administrative Assistant.

CALL TO ORDER

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

MINUTES

Motion and Vote: Mr. Kline made a motion to approve the minutes of the February 7, 2022 Planning Commission public rezoning information meeting and regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved with Ms. Shank abstaining from the vote.

OLD BUSINESS

RZ-21-005 – Sharpsburg Pike Holdings LLC Recommendation

Ms. Kinzer reminded members that a second public information meeting was held on February 7, 2022 for the proposed rezoning of 9.92 acres of property located at 10319 Sharpsburg Pike. The applicant is requesting the establishment of a Mixed-Use Commercial (MXC) floating zone atop the current HI (Highway Interchange) zoning district. The second meeting was held to consider additional information provided by the applicant concerning a plan to make this development age restricted. This information was not presented to the Planning Commission during the first public information meeting; therefore, the Board of County Commissioners remanded the application back to the Planning Commission for further review and public input. All other elements of the application remain the same. Outside agencies did not review or comment on the new information.

Discussion and Comment: Mr. Kline expressed his opinion that the HI zoning is the appropriate zoning for this property. He is hesitant to change the zoning based on the lack of adequate public facilities and infrastructure in this area. Mr. Kline expressed concern regarding the enforcement of the age restricted units and how the County could enforce the restriction. He does not believe the applicant has proven there was a change in the neighborhood or a mistake was made in the original zoning of the property. Mr. Kline voiced his concerns that the developer will change his mind at a later date or will not follow through with the restrictions that are placed on the property once the Planning Commission approves the final plat. He noted that this has happened several times in the past.

Commissioner Wagner believes that the age restriction is usually recorded in the deeds and the HOA or management company would monitor the age restriction requirement. He stated he would be hesitant to approve the proposed change without more information on the types of units to be built and how the restrictions would be enforced and by whom.

Mr. Zachary Kieffer, legal counsel for the applicant, clarified that there would be commercial uses on the first floor and multi-family dwellings on the top two floors. There will also be a few townhomes to meet the requirement of two types of residential dwellings in the mixed-use development. He stated that the County would have legal repercussions against the developer if the age restriction requirement is not adhered to. Mr. Kieffer stated this application is for an overlay zone; and therefore, does not need to prove a change in the neighborhood or mistake in the zoning.

Mr. Goetz expressed his opinion that if the units above the commercial uses are apartments, there will not be an HOA to monitor the age restriction or deeds for the rental units. He noted that another concern with this development is increased traffic cutting through Cross Creek and onto Poffenberger Road. He expressed his opinion that if a commercial use, such as a hotel, were to be placed on the property, most of the traffic would flow back onto Sharpsburg Pike for easy access to the interstate. Mr. Goetz believes the HI zoning is the most appropriate for this property.

Mr. Wiley expressed his concern that demographics in the area could change and we would have more age restricted units than are needed. Therefore, the developer would come back to ask that the requirement be lifted which would affect schools serving the area.

Motion and Vote: Mr. Kline made a motion to recommend denial [to the Board of County Commissioners] of the rezoning application as presented based on the lack of adequate public facilities and infrastructure. The motion was seconded by Mr. Goetz and unanimously approved with Ms. Shank and Commissioner Wagner abstaining from the vote.

RZ-21-007 – 19817 Beaver Creek LLC Recommendation

Ms. Kinzer reminded members that a public information meeting was held on February 7, 2022 for the rezoning of two parcels of land consisting of 131.28 acres of property located at 19817 Beaver Creek Road and along the west side of Dual Highway. The applicant is requesting a change in zoning from RM (Residential, Multi-family) to HI (Highway Interchange) and contends that a mistake was made during the Comprehensive rezoning of the Urban Growth Area in 2012.

During the public information meeting, development constraints were discussed with regard to the inability of these properties to connect to public water and sewer. This site will not have access to public water and/or public sewer any time in the near future.

Discussion and Comments: Mr. Goetz asked how the property could be zoned HI without public water and sewer services. Ms. Kinzer stated that the Planning Commission could waive that requirement if the Health Department approves the site for well and septic.

Mr. Semler expressed his concern regarding the need for a well and septic on this site and how it could affect groundwater in the area. He believes a smaller, less intensive use, such as a garage or auto dealership, would be a good fit for the site.

Mr. Kline expressed his opinion that HI zoning would be appropriate for the site. He noted that any type of residential use on the site would affect schools in the South Hagerstown High School district, which is already over capacity.

Motion and Vote: Mr. Goetz made a motion to recommend approval [to the Board of County Commissioners] of the proposed rezoning as presented. The motion was seconded by Mr. Kline and unanimously approved with Ms. Shank and Commissioner Wagner abstaining from the vote.

NEW BUSINESS

ORDINANCE MODIFICATIONS

Sharpsburg Pike Holdings LLC [OM-22-002]

Ms. Kelly presented for review and approval a modification request from Section 405.11B of the Subdivision Ordinance. The applicant is proposing the creation of 4 commercial lots on a preliminary plat/site plan for property located along the east side of Sharpsburg Pike, south of HK Douglas Drive. The property is currently zoned HI (Highway Interchange). The proposed access which will serve the 4 lots is owned and maintained by the developer. There will be no direct access from Lots 4 and 5 onto Sharpsburg Pike. The interior access layout is preferable to eliminate additional access points onto Sharpsburg Pike, which is not favored by the State Highway Administration, and could not meet the 500' access spacing requirement.

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

Cascade Towne Center Development LLC [OM-22-003]

Ms. Kelly presented for review and approval a modification request from Section 405.11B of the Subdivision Ordinance. The applicant is proposing the creation of two lots (Lots 1 and 2) which contain existing semi-detached and multi-family dwelling units. The subject site is located on Hart Avenue and Boyd Street in the former Ft. Ritchie military base. The property is currently zoned SED (Special Economic Development). Lot 1 has 8 existing buildings that will contain a total of 27 dwelling units on 6.8 acres of land. Lot 2 will have 11 buildings that will contain a total of 22 dwelling units on 2.7 acres of land. Both lots will have frontage on existing private roads.

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

SITE PLANS

Emerald Pointe, Phase 4, Sections 2-6 [PSP-21-001]

Ms. Kelly presented for review and approval a site plan for property located along Marsh Pike and Longmeadow Road. The property is currently zoned RT(PUD) (Residential Transition with a Planned Unit Development overlay). The developer is proposing a total of 86 semi-detached units on 18.49 acres; open space will contain 1.21 acres. All lots will be served by public water and sewer. There will be 172 parking spaces provided, not including the garage on each unit. Streetlights and sidewalks will be provided. There will be .42 acres of forest planted behind Lots 102 and 104 to complete the overall Emerald Pointe development requirements. All agency approvals have been received.

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

JT Repairs [SP-21-029]

Ms. Kelly presented for review and approval a site plan for property located along the east side of Oak Ridge Place, south of Oak Ridge Drive. The property is currently zoned IR (Industrial Restricted). The developer is proposing a 15,000 square foot truck terminal on 4.7 acres of land. The building will have office space, storage and garage space. There will be two access points off Oak Ridge Place. The site will be served by private well and septic, which was approved by the Planning Commission on August 2, 2021. Hours of operation will be 7am to 5 pm, Monday through Saturday. There will be 6 employees. Lights and signage will be building mounted. Sixteen parking spaces are required; 16 spaces will be provided. There will be 5 large openings along the side of the building for trucks to pull into and drive thru to the other side. Forest conservation requirements were met in 2010 under a previous site plan for this site via a forest retention area and a payment-in-lieu of planting fee. All agency approvals have been received.

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

Update of Staff Approvals

Ms. Kinzer stated that a written report of development activity for the month of February 2022 was sent to members in the agenda packet.

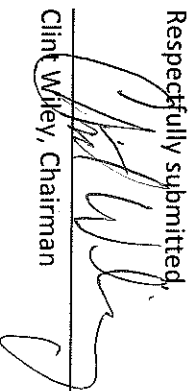
UPCOMING MEETINGS

1. Monday, March 21, 2022, 6:30 p.m. – Washington County Planning Commission Rezoning Public Information Meeting, Washington County Circuit Court House, 24 Summit Avenue
2. Monday, March 28, 2022, 6:30 p.m. – Washington County Planning Commission workshop meeting
3. Monday, April 4, 2022, 7:00 p.m. – Washington County Planning Commission regular meeting

ADJOURNMENT

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

Respectfully submitted,



 Clint Wiley, Chairman