

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
June 5, 2023**

The Washington County Planning Commission held a public input meeting and its regular monthly meeting on Monday, June 5, 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: David Kline, Vice-Chairman, Denny Reeder, Teresa Shank, Jeff Semler and Ex-officio Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director, Jennifer Kinzer, Deputy Director, Scott Stotemyer, Planner I; Heather Williams, Planner; and Debra Eckard, Administrative Assistant.

**CALL TO ORDER AND ROLL CALL**

Vice-Chairman Kline called the public input meeting to order at 6:00 pm.

**RZ-23-003 – Text Amendment – Truck Stops**

**Staff Presentation**

Ms. Baker presented a text amendment application submitted by the Washington County Planning Commission relating to the definition of a truck stop and truck stop uses. The proposed amendment intends to clarify the definition of a truck stop versus a convenience store and other similar uses. The amendment also proposes truck stops as a principal permitted use in the HI (Highway Interchange) zoning district and not a special exception use as currently established in the Zoning Ordinance. Several written comments were received and provided to the members prior to the meeting.

**Public Comment**

- Jefferson Boyer, 68 South Main Street, Smithsburg – Mr. Boyer is opposed to the proposed amendment and expressed his concern with regard to making truck stops a principal permitted use. He believes a special exception gives the public its right to express their concerns. Mr. Boyer expressed his opinion that this proposal is bad for “smart” growth planning and we are selling out for economic gain.
- Rob Ferree, 16235 Shaffer Road, Sharpsburg – Mr. Ferree is an employee of Bowman Development and he supports the proposed amendment. He noted that MD SHA reports a serious lack of facilities for truck drivers to stop, rest and eat.
- Jimmy Black, 15942 Spielman Road – Mr. Black expressed his concern regarding truck stops and the lack of public input if they are made a principal permitted use in the HI district. This amendment would only benefit developers and would not give the public the opportunity to voice their concerns.
- Barbara Hovermill, 16286 Spielman Road – Ms. Hovermill expressed her opinion that the proposed amendments will affect the safety and well-being of properties and lives in the County as well as historic integrity. [Ms. Hovermill spoke more specifically about a proposed truck stop at the corner of Spielman Road, which is not the subject of this proposed amendment.]
- Michael Tedrick, 11423 Ernstville Road, Big Pool – Mr. Tedrick is opposed to the proposed amendment citing health and safety concerns. He believes the County supports developers at all costs but does very little to protect its citizens and historic properties. He expressed his opinion that the proposed amendment will bring more noise, air pollution, and light pollution to the County.
- Paul Miner, 14938 Falling Waters Road, Williamsport – Mr. Miner expressed his concern regarding pollution, health and safety concerns as well as the disappearance of farmland throughout the County.

The public input meeting closed at 6:28 p.m. and the regular meeting was called to order.

**MINUTES**

**Motion and Vote:** Ms. Shank made a motion to approve the minutes of the May 8, 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 reminded members that a public input meeting was held in April for a proposed text amendment relative to convenience stores. One change was made as part of the testimony given at that meeting: the statement regarding parking of tractor trailers either separately or in tandem on public or private streets has been removed from the residential zoning districts text and moved to Section 22.15 Truck Parking requirements. Members were sent a copy of the amended language for review. Ms. Baker noted that convenience stores are not currently listed in the Zoning Ordinance; therefore, the definition will now be clarified. Convenience stores will be a principal permitted use in the Business Local (BL) and Business General (BG) zoning districts which will also carry over to the Highway Interchange (HI) zoning district. The public comment period will remain open until the Board of County Commissioners' public hearing closes.

**Motion and Vote:** Mr. Reeder made a motion to recommend approval, to the Board of County Commissioners, of the text amendment as presented. The motion was seconded by Mr. Semler and unanimously approved with Commissioner Wagner abstaining from the vote.

**NEW BUSINESS****PRELIMINARY CONSULTATION****PC-23-001 – Diversified Capital-Martin Property**

Mr. Stotelmyer presented for review and comment a concept plan for Diversified Capital. A preliminary consultation was held on April 26, 2023 for a proposed 1 million square foot warehouse at 12440 Burkholder Lane; the property is currently zoned P1 (Planned Industrial). Comments from the reviewing agencies were included in the Commission's agenda packets. Mr. Connor McManus of Dynamic Engineering was present at the meeting.

**Discussion and Comments:** Mr. Reeder asked how Forest Conservation would be met if a portion of the property is sold back to Mr. Martin. Mr. McManus stated that Forest Conservation would be met on-site along the access road and within the storm water management area.

Mr. McManus explained that the entire parcel will be purchased from Mr. Martin and then subdivided with approximately 50% of the property going back to Mr. Martin for farmland. The floodplain area will be shared by both the developer and Mr. Martin.

Existing water and sewer services are currently available and will be extended to the site.

**SUBDIVISIONS****Potomac Overlook [PP-22-001]**

Mr. Stotelmyer presented a preliminary plat for the Potomac Overlook subdivision located along Keep Tryst Road in Knoxville. The developer is proposing a seven lot subdivision with lots ranging in size from .39 acre to 14.89 acres. The property is currently zoned RV (Rural Village). There will be one access point from Sandy Hook Road. Water and sewer will be provided by private individual wells and septic systems. Forest Conservation will be met by retaining 8.97 acres of forest on-site. A modification was previously approved by the Planning Commission to allow lots without public road frontage. All agency approvals have been received.

**Discussion and Comments:** Mr. Poffenberger of Fox & Associates, Inc., the consultant, explained that Lots 1 and 2 would have the option to access Keep Tryst Road and Lots 3 and 4 have the option to access Sandy Hook Road if they do not want to use the shared access. He also clarified that the lots would be served by public water and public sewer, not individual well and septic.

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

### **Emerald Pointe PUD [DP-23-001]**

Mr. Stotelmyer presented a change to the final development plan for the Emerald Pointe PUD to remove the asphalt pathway connecting the residential portion of the Emerald Pointe neighborhood to the commercial area known as Emerald Square. The proposed pathway would begin on the south side of Sapphire Drive and extend through the Forest Conservation area ending at the commercial area. The pathway was proposed for use by pedestrians and light vehicles. This change is being requested by the Emerald Pointe HOA for the following reasons: security of the neighborhood, damage to the pathway because of tree roots, costs for repair and upkeep of the pathway, and potential for nefarious and noisy, disruptive activities affecting the neighborhood.

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

### **SITE PLANS**

#### **Morningside East Trailer Parking Area [SP-22-035]**

Ms. Williams presented for review and approval a site plan for the Morningside East Trailer Parking Area located at 231 East Oak Ridge Drive. The property is currently zoned HI (Highway Interchange). The parcel is 17.64 acres in size with a proposed disturbance area of 3 acres. The developer is proposing the addition of trailer parking and a storm water management area, both located at the front of the property. Fifty-five new truck parking spaces are proposed on the site. Hours of operation will be limited to daylight hours Monday thru Friday. There will be no additional employees and no additional water or sewer usage is anticipated. No new lighting or additional signage is proposed. Tractor trailers will be using the existing entrance. Forest Conservation requirements have been met through on-site retention and payment-in-lieu of planting which has been approved (FP-22-003).

**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.

### **OTHER BUSINESS**

#### **Annual Report**

Ms. Kinzer presented the draft Annual Report which is required to be submitted to the Maryland Department of Planning for the prior calendar year under Section 1-207E of the Land Use Article. Ms. Kinzer gave a brief overview of the draft highlighting various sections of the Report. She stated there were 242 new residential permits issued, 188 inside the priority funding area and 54 outside the priority funding area. There were four rezonings, one water and sewer amendment, two annexations and one de-annexation that occurred throughout the County. Ms. Kinzer noted that 1222.80 acres were permanently preserved in the County with a value of \$4,482,403.21. She also noted that 90.4% of development occurred within the growth area and only 9.6% of development occurred in the rural area. Thirty-one commercial site plans were approved in 2022, with 660 acres being developed in the priority funding areas.

**Motion and Vote:** Mr. Semler made a motion to approve the Annual Report as presented and submit it to the Maryland Department of Planning. The motion was seconded by Ms. Shank and unanimously approved.

#### **Update of Projects Initialized**

Ms. Kinzer provided a written report for the land development plan review projects initialized during the month of April. A total of 54 submissions were received including 2 ordinance modifications, 2 preliminary consultations and 3 site plans.

#### **Capital Improvements Plan**

Ms. Baker presented a list of line item projects approved by the Board of County Commissioners for the next 10 years. Each project must be consistent with the County's adopted Comprehensive Plan. Staff has reviewed the projects and found them to be consistent with the Comprehensive Plan. Having the Planning Commission's concurrence for consistency helps the County to receive funding for projects.

**Motion and Vote:** Mr. Semler made a motion to recommend to the Board of County Commissioners that the projects are consistent with the County's adopted Comprehensive Plan. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner abstaining from the vote.

#### Comprehensive Plan Update

Ms. Baker noted that four more chapters of the Comp Plan will be forthcoming in the next two weeks. We anticipate having the Plan available for a 90-day public comment period at the beginning of July. We are currently working on distribution lists which we will use to send e-mails to our stakeholders and other interested parties letting them know when the Plan is available for review as well as working with our Public Relations office on social media postings. Hard copies of the Plan will be distributed to libraries around the County and our GIS staff has created a website dedicated solely to the Comp Plan. Ms. Baker anticipates having public meetings with Planning Commission members in attendance in August or September to gain public input. We will discuss dates and locations for public meetings with the Planning Commission at the July meeting.

#### UPCOMING MEETINGS

1. Washington County Planning Commission regular meeting, July 10, 2023 at 7:00 p.m.

#### ADJOURNMENT

Mr. Semler made a motion to adjourn the meeting at 7:20 p.m. The motion was seconded by Mr. Reeder and so ordered by the Vice-Chairman.

Respectfully submitted,



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David Kline, Vice-Chairman