

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
October 4, 2021**

The Washington County Planning Commission held its regular monthly meeting on Monday, October 4, 2021 at 7:00 p.m. in the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: Clint Wiley, Denny Reeder, Jeff Semler, David Kline and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Comprehensive Planner; Wyatt Stitley, Comprehensive Planner; Lisa Kelly, Senior Planner; Scott Stotelmyer, Planner; and Debra Eckard, Administrative Assistant; and Washington County Division of Engineering: Rebecca Calimer, Chief of Plan Review.

CALL TO ORDER

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

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the August 16, 2021 Planning Commission workshop meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

Motion and Vote: Mr. Kline made a motion to approve the minutes of the August 30, 2021 Planning Commission regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

OLD BUSINESS

Sharpsburg Pike Holdings, LLC [RZ-21-005]

Mr. Allen reminded members that a public rezoning information meeting was held on August 30, 2021 for a map amendment request for 9.92 acres of property located at 10319 Sharpsburg Pike. The applicant is requesting to establish a new MXC (Mixed Use Residential and Commercial) floating zone atop the existing HI (Highway Interchange) base zoning. Areas of concern cited during the public rezoning meeting were the potential for future availability of public water related to the City of Hagerstown's Medium Growth Range Area and capacity in the South Hagerstown High School district. Public comments during the meeting focused on traffic impacts and circulation patterns. All verbal and written comments submitted to date have been opposed to the rezoning request.

During the public meeting, the matter of adequate public facilities concerns were discussed and the question was raised when these concerns should be addressed – during the rezoning phase or during the site plan phase. The applicant's attorney cited case law (James Cremins, et. al. v. County Commissioners of Washington County, Maryland et al.) from the Maryland Court of Special Appeals that says that adequate public facilities issues do not need to be addressed at the rezoning stage unless the issues are "highly unsolvable". Members asked staff to contact the County Attorney's office for their input on this matter. A copy of the written opinion was provided to the members prior to the meeting. Ms. Baker clarified that the APFO requirements are dealt with during the development phase of a project. However, when reviewing a rezoning application, County staff are required to look at the infrastructure and whether the current infrastructure can handle the development in accordance with the plans submitted with the rezoning application. This review includes a determination of whether the impacts of the development on existing infrastructure are "highly solvable" through potential improvements. In this particular case, the submitted plans showed a significant impact to public school capacity, however, the applicant did not include information that would lead Staff to believe that the impacts were highly solvable. Ms. Baker noted that the applicant did suggest, during the public meeting, that the residential units could be age-restricted; however, this was not part of the original application.

In conclusion, the written opinion of the County Attorney's office states, "If the infrastructure is clearly and wholly insufficient, and is not likely to be able to be improved to a point of adequacy, that is, if the infrastructure issues are 'highly unsolvable', then the Planning Commission should recognize the circumstance and take it into consideration when it renders its recommendation on the rezoning."

Ms. Baker then spoke to the issue of the availability of public water for the development. She stated that while public water is currently in the vicinity of the property and is currently available (according to the City of Hagerstown) that the City has also asked the County to evaluate the long-term impacts of new

development requests on the overall public water capacity. She noted that this particular property is located within the Urban Growth Area and the City designated Medium Range Growth Area making it a candidate for public water. However, in the City's long term growth analysis, this property is modeled for a smaller number of equivalent dwelling units (EDUs) under the current zoning than would be permitted under the proposed zoning. This creates an imbalance in the model that the City has asked the County to be cognizant of for long term planning purposes. Including this information in the Staff report was intended to notify members of the potential impacts of increasing density on this property.

Discussion and Comments: Mr. Kline expressed his opinion that this area should be expected to be busy because it is at an intersection along a busy interstate. He believes there are traffic issues that could be resolved now. As for the availability of water, Mr. Kline stated that is an issue for the City of Hagerstown. He does not believe the developer can solve this problem on his own. Of utmost concern is the school capacity issues, which affect not only this developer but any developer that wants to build in this school district. Mr. Kline believes this issue is highly unsolvable and he could not support the rezoning request because the infrastructure cannot support the development. Mr. Kline is not opposed to the concept and believes that the proposed apartments are needed due to the number of warehouses coming to the County and the number of jobs they will create.

Commissioner Wagner asked staff to elaborate on the water issue. Ms. Baker stated there is water available and there is currently enough capacity. However, there is a limited water supply and any changes that are made to the County's zoning or growth areas will impact the long-term water ability of the City. The City has asked the County to acknowledge the issue and work with them on a Medium Range Growth Area plan. A plan has been developed where the City and County have agreed on areas in which to prioritize water service. This specific property is in a prioritized area, but not at the density the developer is requesting. If the property is rezoned, the additional water above and beyond what is available for the current zoning, the prioritized areas will need to be shifted in order to accommodate this request.

Mr. Reeder concurred with Mr. Kline's comments.

Motion and Vote: Mr. Kline made a motion to recommend denial of the rezoning request based on the inadequacy of school facilities in this area. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner abstaining from the vote.

NEW BUSINESS

SITE PLANS

McKee Solar Energy Generating System [SP-21-012]

Ms. Kelly presented for review and approval a site plan for the McKee Solar Energy Generating System located north of Hollow Road and south of Weller Road near Hancock. The property is currently zoned EC (Environmental Conservation). The developer is proposing a two megawatt Solar Energy Generating System on a 10-acre leased parcel that will be surrounded by an 8 foot security fence and utilize a lockable gate for access. Access will be via a 40 foot ingress easement connected to Hollow Road. The developer has a lease agreement with the owner for 20 years with two 10 year extensions for a possible total of 40 years. The site is designed so that everything can be removed upon lease termination. A PV switchboard and transformer pad will also be on-site. The Board of Zoning Appeals granted a special exception for the establishment of a solar field on December 30, 2020. Forest Conservation requirements will be met by retaining 1.75 acres of existing forest on-site. All agency approvals have been received.

Ms. Baker added that the developer does not need approval from the Public Service Commission because the proposed SEGS is only two megawatts. Therefore, a certificate of public necessity is not required. She clarified that the zoning and public comments were handled during the Board of Zoning Appeals process; no public comments were received.

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

Gateway Business Park [SP-21-010]

Ms. Kelly presented for review and approval a site plan for Gateway Business Park located at the northwest corner of Arnett Drive and Supercenter Drive west of the Sharpsburg Pike. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct two warehouses with offices totaling 80,000 square feet, commercial retail space totaling 9,800 square feet, and a fast food restaurant totaling 2,550 square feet. There will be multiple access points from Arnett Drive and

Supercenter and Bentonville Drives. Public water and public sewer will serve the site. Hours of operation will be 24 hours per day, 7 days per week. The proposed commercial space will be open 8 am to 9 pm, Sunday thru Saturday. The restaurant will be open 7 days per week, 24 hours per day. Total employees for all buildings will be 68. Deliveries will be daily to several times per week. All buildings will have mounted lights and pole lights in the parking area. Parking spaces required is 142 spaces; 323 spaces will be provided. All buildings will have mounted signs with one 25 foot by 6 foot pylon sign. Landscaping will be located throughout the parking lot and along Arnett Drive. Forest conservation requirements were partially met with the development of adjacent businesses. A remaining payment-in-lieu in the amount of \$5,619.24 will be required. All agency approvals have been received.

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

Fix 'N Go Truck Repair – Nursery Road [SP-21-008]

Mr. Stotelmyer presented for review and approval a site plan for Fix 'N Go Truck Repair located at 16925 Bentwood Drive. The property is currently zoned H1 (Highway Interchange). The developer is proposing to construct a 21,500 square foot facility for tractor trailer repairs. There will be one access point to the site from Bentwood Drive. Required parking is 25 spaces; 25 spaces will be provided. On-site well and private septic will serve the site. Hours of operation will be Monday thru Friday, 9 am to 5 pm. Lighting will be building mounted, full shielded. There will be no signage. Forest Conservation requirements will be met by retaining 2.73 acres of on-site forest, including an existing area that screens the neighboring residential properties. All agency approvals have been received.

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

Walgreens [SP-21-016]

Mr. Stotelmyer presented for review and approval a site plan for Walgreens located at 13415 Pennsylvania Avenue. The property is currently zoned BG (Business General). The developer is proposing a new 2,558 square foot building for a pharmacy, replacing the existing structure. There will be one access from Pennsylvania Avenue. Required parking is 13 spaces; 24 spaces will be provided. Hours of operation will be 7 days per week, 9 am to 10 pm. Lighting will be pole and building mounted. Signage will be building mounted and pole mounted. The pole mounted sign is existing and will be refaced. All agency approvals have been received.

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

FOREST CONSERVATION

Fix 'N' Go Truck Repair – Lappans [SP-21-003]

Mr. Allen presented for review and approval a request to remove one (1) specimen tree from property located at 16001 Lappans Road. Specimen trees are prioritized for retention under Section 8 of the Forest Conservation Ordinance (FCO) ; therefore, a variance for removal is required under Article 15 of the FCO. The applicant must demonstrate the conditions of hardship that exist to warrant removal of the specimen trees and show that their removal would not adversely affect water quality. According to the applicant's justification letter, the specimen tree cannot remain because access to the site cannot be adjusted due to constraints of stormwater management and the septic area.

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

Trammell Crow – Downsville Pike [GP-21-016]

Mr. Allen presented for review and approval a request to remove five (5) specimen trees from property located along the north side of Sterling Road, south of the I-70 interchange. Nearly all of the site will be developed and the site design cannot be adjusted to accommodate retention of these trees. The developer is proposing on-site planting along the eastern portion of the site to mitigate a portion of the forest being removed and off-site retention of a 78 acre easement at the Potomac Fish and Game Club to meet Forest Conservation Ordinance requirements.

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

OTHER BUSINESS

Update of Staff Approvals

Ms. Calimer explained that the written report sent to members has been revised per discussions during last month's meeting. The report will now reflect the previous month's activities. A written report was sent to the Commission members in the agenda packet.

Announcement

Ms. Baker announced that the Board of County Commissioners have made some organizational changes involving four departments. The Division of Plan Review & Permitting is being eliminated and the employees within that Division are being moved into other departments: the Department of Planning & Zoning (will receive 5 staff members); the Division of Engineering (will receive 3 staff members); and the Division of Permitting and Inspections (will receive the remaining staff members). This change became effective today.

Comprehensive Plan Update

Ms. Baker began a review and discussion of Chapter 10 (Community Facilities).

Discussion: There was a brief discussion regarding school capacity issues. Ms. Baker stated that school capacity is currently being evaluated at all schools – elementary thru high schools. Staff is developing fact sheets for each school which will include projected enrollment growth. Currently, South Hagerstown High School is at 120% state-rated capacity, North Hagerstown High School at 100%, Williamsport High School at 85 to 87%, Clear Spring High School at 70%, Smithsburg and Boonsboro High Schools at 80%. When these evaluations are completed, staff is planning to meet with the Board of Education to discuss possible solutions and/or redistricting plans.

Mr. Wiley suggested changes in the Community Communication Facilities section as follows: under Services Offered (2nd paragraph) remove the reference to DSL connections; add "fixed" to wireless; add a reference to cable/co-axil services; (last paragraph) either mention there is more than one gigabit provider in the county or eliminate the reference altogether. Under Other Museums and Cultural Facilities section: add the number of museums in Washington County.

Ms. Baker then discussed Chapter 11 (Historic Resources). As part of our input meetings at the beginning of the Comp Plan process, many comments were received regarding historic resources. There was a brief discussion regarding Demolition by Neglect. Ms. Baker stated that the Implementation Plan will address some of these issues. Commissioner Wagner stated that a Workshop is proposed with the Historic District Commission, Historic Advisory Committee and the Board of County Commissioners.

The next chapters we will review and discuss the Agriculture and Forestry Resources (Chapter 12), Sensitive Areas (Chapter 13), and Mineral Resources (Chapter 14). These chapters were sent to the members in the agenda packets.


UPCOMING MEETINGS

1. Monday, November 1, 2021, 7:00 p.m. – Washington County Planning Commission regular meeting

ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Commissioner Wagner and so ordered by the Chairman.

Respectfully submitted,


Clint Wiley, Chairman