

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
May 7, 2018**

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

Commission members present were: Chairman Clint Wilely, Andrew Bowen, Robert Goetz, Denny Reeder, and David Kline. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting – Tim Lung, Director, Cody Shaw, Deputy Director, and Lisa Kelly, Senior Planner.

**CALL TO ORDER**

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

**NEW BUSINESS**

**MODIFICATIONS**

**Pax-Edwards LLC [OM-18-001]**

Mr. Shaw presented for review and approval a modification request from Section 405.11.B of the Washington County Subdivision Ordinance to allow the creation of a lot without public road frontage. The property will be accessed by an easement which already exists. The property is located at 11204 Pepperbush Circle and is currently zoned RM (Residential, Multi-family). The proposed lot consists of 2.11 acres of a 6.20 acre parcel. The applicant's justification statement indicates that the lot in question is associated with the Hopewell Manor Apartment complex. The owners would like to build two more apartment buildings; however, financing requires that the new building be under a different entity than the current ownership. No reviewing agencies had any comment or objection to the approval of the modification request.

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

**Derek and Lisa Clark [OM-18-002]**

Ms. Kelly presented for review and approval a modification request from Section 402.A of the Washington County Subdivision Ordinance for property located along the north side of Fairview Road (MD 494), just east of the intersection with St. Paul's Road. The property is currently zoned A(R) – Agricultural Rural. The site is 1.36 acre in size and is currently undeveloped. The property was originally subdivided and approved as Lot 21 of Wild Flower Meadows. Access originally approved for this lot was part of a shared access with Lot 20. The applicant would like to relocate the proposed driveway to the opposite side of Lot 21 along the eastern property boundary. Section 402.A of the Subdivision Ordinance states that all new access points must conform to the County Highway Plan which classifies Fairview Road as a "major collector". The County Highway Plan requires a minimum of 300 feet between all access points on a major collector road. The proposed driveway is approximately 150 feet from Lot 20 and 160 feet from the property access located to the east. The State Highway Administration has visited the site and determined that the proposed site distance is good.

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

**SITE PLANS**

**The Shops at Sharpsburg Pike, Lots 2 and 3 [PSP-17-004]**

Ms. Kelly presented for review and approval a preliminary plat for Lots 2 and 3, a site plan for Lot 2, and a modification request for Lots 2 and 3 of The Shops at Sharpsburg Pike. The property is located along the east side of Sharpsburg Pike and the south side of Col. H.K. Douglas Drive and is currently zoned HI (Highway Interchange). Lot 2 is 1.28 acres in size and proposes the construction of a 2,348 square foot Dunkin Donuts with drive-thru window on the east side of the building. Hours of operation will be 5:00 a.m. to 10:00 p.m., 7 days per week. Required parking is 32 spaces; 34 spaces will be provided. There will be one delivery per week. Site lighting and signage will be building mounted and pole mounted. Landscaping will include plantings in the parking lot and in the bio-retention area. Lot 3 is 1.04 acres in size; no construction is proposed at this time. Both lots will be served by public water and public sewer.

Lots 2 and 3 do not meet the requirements of Section 405.11.B of the Washington County Subdivision Ordinance which requires that all lots have frontage and access to a road or street dedicated to public use. These lots will have access from a right in only entrance off of Sharpsburg Pike with a full access entrance and exit from H.K. Douglas Drive, which will be constructed by the County. The applicant disagrees with Staff's determination stating that the words "useable frontage" was cited many times in discussions with Staff; however, the term "useable frontage" is not used in the Subdivision Ordinance itself. In a letter to the Planning Commission, the applicant cited several examples of similar developments throughout the County in which lots meet the requirements of Section 405.11.B.

**Clarification:** Mr. Lung stated that staff has no objection to the proposed modification or layout of the site. He did, however, express concern with regard to the applicant's assertion that staff has misinterpreted the Subdivision Ordinance. He expressed his opinion that if the usability of the road frontage is not considered, the provision could be considered pointless. Mr. Lung noted that the similar cases cited by the applicant were presented to the Planning Commission for its approval in the form of a variance from the requirement. Mr. Reeder stated that he agreed with staff and that each situation is reviewed and considered by the Planning Commission on a case-by-case basis.

The developer is proposing to meet Forest Conservation Ordinance requirements using payment in lieu in the amount of \$94,163.11 (7.21 acres of mitigation) to cover the entire 17 acres owned by Mr. Shaool (the developer), which includes Lots 1, 2, 3 and the remaining lands.

All agency approvals have been received with the exception of the Health Department, which is waiting for allocation letters from the City of Hagerstown Water Department and the Washington County Department of Water Quality.

**Discussion and Comments:** Mr. Bowen asked if this section of Col. H.K. Douglas Drive currently exists. Ms. Kelly stated it does not currently exist. Mr. Gordon Poffenberger of Fox & Associates, Inc., the consultant, explained there is a note on the plat that states that a Use and Occupancy permit cannot be issued for this building until the road is completed. Washington County will be constructing the road.

**Motion and Vote:** Mr. Bowen made a motion to approve the preliminary plat for Lots 2 and 3, the site plan for Lot 2, the payment-in-lieu for all lots and the modification request for Lots 2 and 3 with the following conditions: approval must be received from the Health Department, the road must be constructed by the County prior to the issuance of the Use & Occupancy permit, and the payment in lieu must be paid by the developer. The motion was seconded by Mr. Kline and unanimously approved.

#### **The Shops at Sharpsburg Pike, Lot 1 [PSP-17-005]**

Ms. Kelly presented for review and approval a preliminary plat and site plan for Lot 1 of The Shops at Sharpsburg Pike located along the east side of Sharpsburg Pike and the south side of Col. H.K. Douglas Drive. The property is currently zoned H1 (Highway Interchange). Lot 1 is 2.89 acres in size and proposes the construction of a 21,998 square foot Aldi grocery store. The lot will have access from the newly extended Col. H.K. Douglas Drive which will connect with an access drive along the south side of the building. The property will be served by public water from the City of Hagerstown and County sewer. The hours of operation will be 9:00 a.m. to 8:00 p.m., 7 days per week. There will be 3 to 4 employees per shift. Parking spaces required is 110 spaces; 111 spaces will be provided. There will be three truck deliveries per day. Site lighting and signage will be building mounted and pole mounted. Landscaping will include plantings in the parking islands and adjacent to the retaining wall which will surround the lot. Ms. Kelly reiterated that Forest Conservation Ordinance requirements will be met using the payment in lieu as previously discussed. Approvals have not been received from the State Highway Administration (awaiting an access permit), Health Department (awaiting allocation letters) and the Engineering Department (awaiting revisions); all other agency approvals have been received.

**Discussion and Comments:** Mr. Bowen asked when the H.K. Douglas Drive extension would be constructed. Mr. Lung stated that funding has been secured for this project and construction should begin later this year.

**Motion and Vote:** Mr. Bowen made a motion to approve the preliminary plat and site plan for Lot 1 as presented with the following condition: H.K. Douglas Drive is constructed and all agency approvals have been received. The motion was seconded by Mr. Kline and unanimously approved.

#### **Stillwater Farm [SP-18-002]**

Mr. Shaw presented for review and approval a site plan for a seasonal event center located at 4040 Mills Road. The property is 32.63 acres in size and is currently zoned P (Preservation). On December 13, 2017 the Board of Zoning Appeals approved [with conditions] the establishment of a banquet/reception facility and a variance from the requirement to provide a stable, dust free surface for parking. Handicapped spaces will be provided in a paved area. Conditions for approval include: hours of operation shall be 4:00 p.m. to 10:00 p.m. Friday, noon to 10:00 p.m. on Saturday and noon to 8:00 p.m. on Sunday; there shall be no more than 100 attendees per event; uses must be restricted to the existing buildings and tents are permitted for outdoor events (no new physical buildings may be constructed on the site). Required parking spaces is 48; 50 spaces will be provided. The site will be served by well and septic. The site is exempt from stormwater management requirements because there is less than 5,000 square feet of disturbance and from Forest Conservation Ordinance requirements because there is less than 20,000 square feet of disturbance. Sight lighting will be provided by rented pole lights which will be used for the parking areas. All agency approvals have been received.

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

#### **Conservit Inc. [SP-18-012]**

Ms. Kelly presented for review and approval a site plan for Conservit Inc. to replace existing conveyance/stacking equipment with modern equipment used for the processing of recyclable materials. The property is located at 18656 Leslie Drive and is currently zoned IG (Industrial General). The site is

approximately 19.98 acres in size. No new access is proposed. The business is currently served by public water and public sewer. No new employees will be hired. Hours of operation will remain the same. No new signage or lighting is proposed. In March 2018, the Board of Zoning Appeals granted a request for the reduction of the side yard setback from the required 100 feet to 45 feet for the placement of the conveyor system. The site is exempt from Forest Conservation Ordinance requirements because there is less than 20,000 square feet of new disturbance. 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. Goetz and unanimously approved.

#### **-OTHER BUSINESS**

#### **Update of Staff Approvals**

Mr. Lung reported the following for the month of April: Land Development/Permit review – 15 entrance permits; 19 grading permits; 6 non-residential permits; and 1 utility permit; Land Development Plan Review – 2 preliminary/final subdivision plats; 1 simplified plat; 1 replat; 1 preliminary plat with site plan for Emerald Pointe, Phase 3, Section 2; 3 site plans – Elmwood Farm B & B, Bowman Airpark, John Alexander Storage Sales; 1 ordinance modification; 1 storm water concept plan for Vista Business Park; 1 PUD development plan revision for Emerald Pointe; 1 Forest Stand Delineation; 1 site specific grading plan for Vista Business Park; 5 standard grading plans; 1 standard storm water plan; and 2 storm water and maintenance agreements. Approvals issued: 3 simplified plats; 1 replat; 1 forest stand delineation; 2 preliminary plats for Westfields, Sections 6 and 7; 1 preliminary/final subdivision plat; 1 final plat for Emerald Pointe, Section 2, Phase 2B; 1 site specific grading plan; and 5 site plans – PNC Bank on Virginia Avenue, HCC parking lot addition, Mountainside Teleport, Love's Travel Center at Vista Business Park and Interstate Battery Warehouse.

#### **Rezoning Schedule**

Mr. Goodrich reminded members that a discussion was held several months ago regarding a change to the rezoning schedule. He stated that the County Commissioners have decided to go to an "as-needed" schedule for rezoning applications. He briefly reviewed a draft schedule with members and discussed time-saving measures that will be implemented.

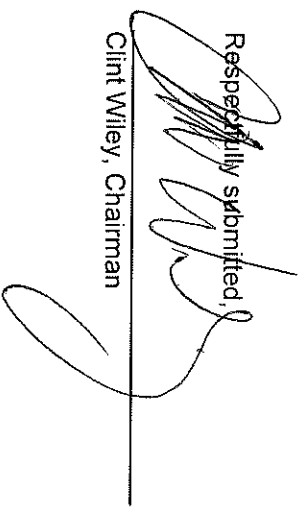
#### **UPCOMING MEETINGS**

1. Monday, June 4, 2018, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, Maryland

#### **ADJOURNMENT**

Mr. Goetz made a motion to adjourn the meeting at 8:05 p.m. The motion was seconded by Mr. Bowen and so ordered by the Chairman.

Respectfully submitted,



Clint Wiley, Chairman