

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
November 4, 2019**

The Washington County Planning Commission held its regular monthly meeting on Monday, November 4, 2019 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, Drew Bowen, David Kline, BJ Goetz, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review; and Lisa Kelly, Senior Planner.

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 October 7, 2019 meeting as presented. The motion was seconded by Mr. Goetz and unanimously approved.

OLD BUSINESS

Recommendation - WS-19-003 – City of Hagerstown

Mr. Goodrich presented for recommendation a proposed text amendment to the Washington County Water and Sewerage Plan submitted by the City of Hagerstown. He reminded Commission members that a public information meeting was held on October 5th for the proposed amendment. Mr. Goodrich distributed copies of the proposed text amendment with Staff's recommendations for a few minor changes. He briefly reviewed the proposed changes which would serve to further clarify certain language and definitions.

Motion and Vote: Mr. Bowen made a motion to recommend to the Board of County Commissioners approval of the proposed text including the recommended changes made by staff. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

-NEW BUSINESS

MODIFICATIONS

Lot 5 – Valley Mall – Golden Corral [OM-19-006] and Lot 1 – Valley Mall – Olive Garden [OM-19-007]

Ms. Kelly presented for review and approval two modification requests for Lots 1 and 5 at the Valley Mall. Two preliminary/final plats have been submitted to the Department of Plan Review & Permitting, one for Golden Corral and one for Olive Garden. The request is for shared parking for these two establishments because when subdividing these parcels, a portion of the parking for each site will remain on the Valley Mall parcel. Therefore, these two sites would not meet the parking requirements set forth in the Zoning Ordinance.

There will be 97 parking spaces on the Golden Corral site with 61 parking spaces on the adjacent parcel. The parking for Olive Garden, with the exception of a few spaces in the front and to the side of the building will be provided on the remaining lands of the Valley Mall.

Discussion and Comments: Mr. Steve Cvijanovich of Fox & Associates, Inc. and Ms. Julie Rohm of the Valley Mall were present at the meeting. Mr. Cvijanovich stated that the Golden Corral site plan was approved in July 2008. At that time, the site plan did not propose a subdivision; Golden Corral was built on an outparcel of the Valley Mall. The Valley Mall is now proposing to subdivide a 1.67 acre lot for Golden Corral. The purpose of the subdivision is to create a separate lot of record that could be offered for sale to net lease investors. The proposed acreage would include 97 of the 158 required parking spaces. The balance of needed parking spaces (61) would be provided for on the adjacent main mall lands. A Declaration of Easement for Shared Access and Parking would be recorded in the Washington County Land Records for both the Golden Corral and Olive Garden.

Mr. Kline expressed his concern about the shared parking agreement due to a similar agreement that was approved for the Noodles and Starbucks businesses. He noted that when the site plan for those businesses was approved, there were discussions about shared parking and walking across Valley Mall Road. The site plan originally showed a fence in the island of Valley Mall Road and a crosswalk for pedestrians. At that time, the Valley Mall requested the use of a hedge instead of a fence to stop people from crossing except at the crosswalk. Mr. Kline noted that the hedge is too low to stop people from crossing. He believes the Valley Mall did not meet the requirements set forth in the approval. Ms. Rohm stated that the plants were the size required by the site plan; however, they have not grown as expected. Mr. Kline recommended that the Valley Mall should correct this issue by installing a fence or planting larger vegetation for a hedge. Mr. Cvijanovich explained that an overall parking analysis was done and there are more parking spaces for the entire Valley Mall than are currently needed. He noted that the developer will be seeking a variance from the Board of Zoning Appeals because the 5.0 per thousand of gross leasable area is an antiquated regulation.

There was a brief discussion about the shared parking easement staying with the properties if they are sold. Mr. Cvijanovich stated the easement would stay with the parcels.

Motion and Vote: Mr. Reeder made a motion to approve the shared parking request for Lot 5 – Golden Corral contingent upon the easement remaining with the land and recorded in the land records of Washington County. The motion was seconded by Mr. Goetz and unanimously approved.

Motion and Vote: Mr. Reeder made a motion to approve the shared parking request for Lot 1 – Olive Garden contingent upon the easement remaining with the land and recorded in the land records of Washington County. The motion was seconded by Mr. Bowen and unanimously approved.

Mr. Wiley requested that the Valley Mall address the issue of the hedge from the Noodles/Starbucks parcel to the shared parking lot across Valley Mall Road due to safety concerns.

SITE PLANS

Holcim Solar Plant [SP-19-030]

Ms. Kelly presented for review and approval a site plan for a proposed solar energy generating system on 70 acres located along the north side of Jefferson Boulevard near Security Road. The property is currently zoned AR (Agricultural, Rural) with an IM (Industrial Mineral) floating zone. The developer is proposing to construct a system that will include arrays of panels approximately 10 feet in height arranged in rows 5 to 15 feet apart. The total number of modules is 35,775. Each array will be enclosed by a 6 foot fence. The system will be screened with vegetation along the borders that are adjacent to residences. The system will be unmanned and remotely monitored. Access to the site is by way of private lanes on Holcim property. A special exception was approved by the Board of Zoning Appeals on October 6, 2017 to allow for the placement of this solar plant. The total area of forest to be retained is above the breakeven point and therefore no mitigation is required. All agency approvals have been received with the exception of the Soil Conservation District.

Discussion and Comments: Commissioner Wagner noted that the plant will service Holcim only. Mr. Justin Ficka, representing the owner of the solar project, stated the energy generated will be sold to the cement plant to offset their energy usage under a 20 year contract. The system will have the ability to tie into the grid; therefore, if the cement plant would ever close for any reason, the power could be exported to the grid.

There was a brief discussion regarding the lines to collect the energy. Mr. Todd Dodson, consultant, stated that everything within the solar array will be below ground. Overhead lines will be used across the Antietam Creek in order to stay out of the floodplain. Lines will go underground at the CSX rail spur and the physical tie-in with Potomac Edison will be above ground on Holcim property.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to give final approval pending receipt of approval from all reviewing agencies. The motion was seconded by Commissioner Wagner and unanimously approved.

FOREST CONSERVATION

Ms. Baker reminded Commission members that during the October 7th meeting the Commission was notified of new legislation [Senate Bill 234] which states that any County that administers a Forest Conservation Ordinance must submit to DNR a detailed accounting procedure of its payment-in-lieu (PIL)

of funds. At that time it was noted that the County has approximately \$500,000 in its PIL account. She introduced Mr. Elmer Weibley of the Washington County Soil Conservation District.

Mr. Weibley briefly described several sites that were being considered for a Forest Conservation Easement. These sites were evaluated and scored using a newly adopted ranking system; a written summary was provided to the Commission. There were six properties to be considered; Mr. Weibley recommended four of those properties to be approved for an easement as follows: William and Heidi Bumbers, 17.7 acres; James Osen and Ann Aldrich, 22.5 acres; CR Semler LLC, 50.8 acres; and Gary and Brenda Beachley (Shantown Road) 30.7 acres.

Motion and Vote: Mr. Goetz made a motion to recommend to the Board of County Commissioners approval of the four properties as described by Mr. Weibley for a Forest Conservation Easement. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

OTHER BUSINESS

Update of Staff Approvals

Mr. Holloway distributed a written report to Commission members and presented a summary as follows: Land Development Approvals – 3 preliminary plats; 8 county storm water management concept plans, 7 inspection and maintenance agreements; 7 standard grading plans; 5 storm water standard plans; and 2 redline revisions.

Proposed Text Amendment Discussion

Mr. Holloway stated that currently AirBnB type lodging is not a permitted use in the County. He noted that the AirBnB is for temporary, short-term lodging in a residential structure. He reviewed the terms and definitions that are needed and the zoning districts where these types of uses would be permitted or where a special exception would be needed. Mr. Holloway also explained the next steps needed to proceed with a text amendment.

Discussion and Comments: There was a brief discussion regarding taxes and regulations in other jurisdictions. Commission members expressed their opinions that this type of use should not be over regulated. Ms. Baker noted that the amendment may address some noise concerns and parking issues.

-ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 8:25 p.m. The motion was seconded by Mr. Goetz and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, December 2, 2019, 7:00 p.m., Washington County Planning Commission public information meeting and regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,


Clint Wiley, Chairman