

MINUTES OF A MEETING OF THE PLANNING COMMISSION
TUESDAY, OCTOBER 23, 2018

PRESENT: Chairman Rob Maricle, Rico Aiello, Doug Moore, David Ambrose, Steve Jamison, Carvel Wright, Mayor and Council Liaison Rick Byrd

Staff Member(s): Town Planner / Zoning Administrator Ethan Strickler

Mayor & Council Present: Howard Long, Marilee Kerns, Terri Hollingshead, Anthony Nally, Ricky Weaver

BMUC Present: Elton "Jake" Jones

Guests: Eric Kitchen, Tracy Carr, Steve Oder, Ruff Fant, John Mazelon, John McConnell, Edward Rude, Trevor Frederick, Todd Easterday, Jim Draper

NOT PRESENT: Vice-Chairman David Parmelee

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

Before presentations began, Rob Maricle stated that, with the number of guests in attendance that the commission would try to keep each presentation and/or speaker to 15 minutes.

APPROVAL OF MINUTES

Rob Maricle asked the commission if they had any questions or comments on the September 25th minutes, and hearing none declared the minutes from the September 25th, 2018 Planning Commission meeting approved as presented.

UNFINISHED BUSINESS

EASTERDAY RE-ZONING REQUEST – Initial Review of Zoning Map Amendment Request, BNRZ18-01 – STATUS AND UPDATE – Application Incomplete

Trevor Frederick of FSA (engineering firm) gave an update on the Easterday Map Amendment Request Application. He stated that his client met with the Town's Attorney and the Town Planner and has since adjusted his (re-zoning) map amendment request to re-zone less land and to show a proposed water tower on the property.

The Town Planner stated that the original zoning map amendment request was found to be both incomplete and inaccurate. He stated that the amended map and amended concept presented at this meeting were the first two components of an amended application that is not official yet. The updates were for informational purposes only, and the Town still needs to receive the updated application and narrative to complete the request.

Ed Rude noted that the water tower was placed at the highest point on the property. The Town Planner stated that the location of the proposed water tower is about the same elevation as the town reservoir on Boonsboro Mountain Road. The Water Tower infrastructure would also likely need to include a 50 gallon per minute well, a small well house, and a booster pump station all onsite (according to Brian Hopkins, former Town Engineer). Mr. Easterday stated that there was a well already on the property.

Ed Rude stated that the current developer is not planning on putting the water tower on the property. They stated that they would provide the land and access to the place where the water tower would be, but that they were not going to be paying for the infrastructure. Trevor stated that they revised the scope in an effort to tackle the re-zoning request one step at a time. Ed Rude said that the application would be completed and in to the Town next week.

NEW BUSINESS

FLETCHER'S GROVE – Future Development, Follow-Up after Request to Amend Annexation Agreement was Denied and Initial Discussion for Next Steps

Jim Draper spoke at the meeting on behalf of Fletcher's Grove. Jim Draper spoke about the staging of Dean North, Dean South, and the extension of Chase Six Boulevard. He acknowledged that the Mayor & Council did not approve his request to amend his annexation earlier this year, and that it has become more apparent over time that he needs to complete the

extension of Chase Six as a priority. He requested that the Planning Commission allow the development to move forward with Dean North first in conjunction with the necessary infrastructure improvements. He stated his desire is born out of concerns about construction traffic and the ability to get a temporary access permit once Chase Six Boulevard is completed. With regard to Dean South, Mr. Draper stated they would offer targeted senior housing, a mixture of one and two story duplexes with master bedrooms on the first floor.

Chairman Maricle stated that no formal approvals could be given at this meeting because no formal application was received (this agenda item was for discussion purposes only). He reiterated that he has heard that the on-going back and forth between SHA and the developer has been an issue, to which Jim Draper stated that Traffic Concepts responded back to SHA on October 5th. Jim also stated that his engineers state that the proposed extension meets all of the warrants (per the traffic study). The Town Planner stated that he has yet to hear back SHA regarding Traffic Concepts latest letter.

Jim Draper summarized the following:

- 1) Move forward with Dean North first (concurrently with public improvements placed on Dean North)
- 2) Build the Extension of Chase Six second
- 3) Dean South is built with one and two story duplex housing with a targeted design for seniors (third)

Jim Draper stated he recognizes he needs Planning Commission approvals and Board of Zoning Appeals approvals. Rob Maricle stated that the alignment of Chase Six Boulevard might be an issue for the State (SHA), to which Jim Draper stated that there is no issue, and that "they pass." Town Planner Strickler asked Jim if SHA was ok with the 365 foot proposed distance between intersections, and Mr. Draper said that they were.

Town Planner Strickler stated that the developer is still bound to having senior housing be a part of the first site plan submitted for development, per their annexation agreement. If they would like to move forward with Dean North first, with no senior housing component, they would need to submit a new request to amend their annexation agreement. Mr. Draper stated that the entire Dean South area would be planned, in the future, for duplexes. Strickler stated that Dean North as a concept was already approved by the Planning Commission, but that it still needs BZA approval for single family homes. However, he noted that the Annexation Agreement still applied to the entire annexed area from 2006, which takes precedence and states that the owners shall provide for senior level housing as a part of the first site plan submitted to the Town.

Jim Draper stated he believed SHA would approve the extension of Chase Six Boulevard as it was currently proposed. He stated that traffic lights were not required, but that a left turn lane at Chase Six Boulevard is.

KING ROAD ASSOCIATES – Future Development, Initial Discussion and Presentations by King Road Associates, Fox & Associates, and Ryan Homes

King Road Associates representative Ruff Fant began the discussion on future development for this developer. Mr. Fant began his presentation by stating that King Road would like to resubmit a DRRA request, but that they want to do it in a manner that would be acceptable for the Town. Mr. Fant stated that all of his remaining property is zoned Town Center (Residential), that they are required to build Warrior Boulevard from Route 67 to Route 34 phased with the development of the property, and that their agreements states the Town supports and encourages the creation of a special taxing district. He stated that the audited financial statements of the Town have indicated that not all of the annexed land owners have prepaid their allocated sewer taps for pre-payment, and that King Road prepaid for 102 of their allocated 656 sewer taps (with a corresponding water tap) on schedule for a total of \$1,120,000. He stated that King Road has 554 reserved sewer taps left, and that they cannot use any more than this number, per their annexation agreement, unless additional taps become available to the Town or other landowners who did not pay for their taps are reallocated to King Road. He stated King Road is asking for a development to use its remaining 554 taps, which would bring in \$6,000,000 to the BMUC. He stated that King Road tailored its development request to the 2009 Comprehensive Plan, including beginning the construction of Warrior Boulevard at MD-67. Mr. Fant stated that the 2009 Comprehensive Plan identifies a need for Senior Housing and affordable workplace housing. He stated that Ryan Homes presentation would focus on these housing types. King Road owns and develops the land, while Ryan Homes buys the finished lots and builds the homes.

John McConnell of Ryan Homes was the next person to speak. He spoke about Land Bays B and C, which represent the areas of the concept plan with different housing types, specifically Lifestyle (age-targeted, senior housing) and Simply Ryan (affordable workforce housing). He spoke about the current rental, home buying, and housing dynamics in Washington County. He stated that many of the buyers in Sycamore Run have come from Frederick County, but also that

the increasing senior population in Washington County demonstrates a need for age-targeted housing in this area. The projected price range for these new homes would be at or below the FHA conventional loan limit for Washington County (\$294,515). John stated that average home price in Sycamore Run has been around \$325,000. He stated with the Simply Ryan product that Ryan Homes would target households at or below the median household income level for Washington County, which is \$56,000/year (targeting educators, law enforcement, etc.). The Lifestyle homes would be low-maintenance, age-targeted for seniors, and have an HOA for significant maintenance. John stated that Ryan Homes has built similar communities in Hedgesville, Bunker Hill, and Martinsburg, where they have averaged 4 to 4.5 homes sales per month per housing product.

Ruff Fant pointed out more features of the land area, which provided a concept for open space in the form of parks, dog parks, community gardens, and walking trails. Mr. Fant said that they were still unsure as to what the costs of all of the Adequate Public Facilities (water/sewer) would be, but that they had an estimate for the cost to build Warrior Boulevard (\$600/foot, overall \$4,000,000). He stated they had two engineers at the meeting, Jon Mazelon of Fox & Associates and Steve Oder of Cavalier Development Group. Mr. Fant did state that the unused land on the concept map would be reserved for future development if they were able to acquire more sewer taps after 5 or 10 years. He stated the reason the concept plan showed development on both sides of Warrior Boulevard, leaving a large chunk (88 acres) of undeveloped land between the proposed new development and Town, was that they wanted to use the land closest to Highway 67 where Warrior Boulevard would be started.

The conversation and discussion then shifted to the size of the proposed lots, Sycamore Run, the DRRA, the Special Taxing District, the annexation agreement, and the first amendment to annexation agreement. The developer made it clear that the negotiation of an appropriate DRRA would be the first step in the process. He stated that he has been in touch with Washington County about the designation of a site for an Elementary School on part of the property, but that recently he has been a "lonely advocate" for the land donation. The developer said he and his attorneys planned to edit down the DRRA request in the near future. The Town Planner stated that there needed to be some discussion of needed water and sewer improvements before DRRA negotiations. The developer said they want to know where the best place to connect to Town water and sewer would be, and the Town Planner stated that this could be found through a water study that an engineering firm is currently doing for the Town. Rob Maricle suggested that King Road should meet with the BMUC to get the information they need on the water and sewer side of things.

Chairman Maricle made a motion to recommend that King Road Associates meet with the BMUC at their next meeting. Carvel Wright seconded the motion. The Motion carried unanimously.

PLANNING AND ZONING UPDATES

Designate Planning Commission Member(s) for MD Open Meetings Act Training (Online Course)

Town Planner Strickler stated that the Planning Commission needs to have one person designated to have a current MD Open Meetings Act Training Certificate. The certificate can be earned after the completion of an online course. To date, Town Planner Strickler, Chairman Maricle, Vice Chairman Parmelee, and Rico Aiello all have taken the course and received the certification.

Rob Maricle stated he thought it should be a requirement that the chairman and vice-chairman hold a current certificate.

Rob Maricle made a motion to designate the chairman and vice-chairman of the Planning Commission to always have a current certification for MD Open Meetings Act Training. Doug Moore seconded the motion. The Motion carried unanimously.

Comprehensive Plan Review and Potential Update

The Town Planner stated that the Commission should review the Comprehensive Plan to see if we need to do a full scale update of the plan or if we only need to do a less comprehensive update (in house). Chairman Maricle stated that the Commission should review the plan and then meet to talk about what they think is needed for an update.

Carvel Wright suggested that we look into getting a contractor to help in our Comprehensive Plan Update, and that the Planning Commission should have a special meeting to review the comprehensive plan as a commission, so that they know what type of update the commission may need to do.

The Town Planner stated that the Commission has until February or March of 2019 to decide what type of update they would like to do with the Comprehensive Plan.

Other Development Updates (Sycamore Run, Lyles (Flook))

The Town Planner stated the roundabouts in Sycamore Run are now built to plan. The development is almost complete, and the developer only has a few more lots to sell, while Ryan only has a few more homes to build.

The Town Planner gave an update on the Flook property after he received a phone call from David Lyles. Mr. Lyles called the Town asking if they could re-zone the Flook property to move the MR zoning they have off of Route 68 and put all of the GC (commercial) development along the road (MD-68). The Planning Commission requested to see a drawing of what the re-zoning would look like. They also said that the Town Planner should review the Flook annexation agreement. The commission spoke about their past experience with this property.

The Town Planner gave a brief update on the Easterday development and roundabout. The commission stated that it would be smart for the Easterdays to present all of their permits to the Town. They also stated the Town should send an official letter to the Easterdays requesting they provide information to the Town on all of their permits, so that we have it on record that we asked for them.

CITIZEN COMMENTS

Tracy Carr – 4 Knode Circle. Tracy came in and spoke about her neighbor, who parks his commercial truck cab in the driveway next to her property. She expressed concerns over the lack of an HOA in Knode Circle to protect these residents from these types of commercial uses. She stated she has subsequently found out that no Town ordinances prevent these types of vehicles parked (on private properties) in residential neighborhoods. She stated that Knode Circle was finally blacktopped for the first time in over 60 years in 2017. She stated the truck has already left tire marks on the road, and that she fears road damage from the vehicle. The Planning Commission asked for pictures and for a letter of concern from the resident. The Commission stated that, if a new ordinance were to be passed, this particular landowner would have to be grandfathered in. Council Liaison Byrd brought up the fact that people have campers on private property in town. The Commission stated their concerns would be centered on road damage and damage to person property. The Town Planner stated that he thought he remembered this tractor cab was 16,000 lbs.

Eric Kitchen – Eric stated that the Town has no idea how lucky they are to have a Planning Commission to tackle issues such as a Special Taxing District. He stated that those types of decisions are very difficult, and he thanked the Planning Commission for their work.

COMMISSION MEMBER COMMENTS

None.

ADJOURN

Chairman Maricle declared the meeting adjourned at 8:46 pm.

Respectfully submitted,

Ethan Strickler,
Town Planner / Zoning Administrator