

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, January 13, 2016, in the Council Chamber, Second Floor, City Hall. Also present were commission members R. Campbell, D. Miller, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

**Approval of Minutes: December 9, 2015 – Regular Meeting.**

On page 5, Mr. Miller pointed out that Mr. Campbell should be Ms. Campbell. Also, the minutes reference a “Mr. A. Stone” and a “Mr. J. Stone.” However, later in the discussion, there is a single reference to “Mr. Stone.” Mr. Wright clarified that there were two gentlemen present with the last name “Stone.” For consistency, that reference should be amended to “Mr. J. Stone.” On page 2, Mr. Wright questioned the word “ell,” and whether that word would be recognized in the future. Mr. Rohrbaugh stated that it is the phonetical spelling of the shape of the addition.

- MOTION:** (Campbell/Stone) I move for approval.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN – Miller, Thomas, Wheeler)

**Centre at Antietam – 7-15 Eastern Boulevard North – Pad Site Building, Site Plan, Case No. ZS-2015-08.**

Staff Report: (Staff report is in the meeting file.) The applicant proposes to construct a new one-story commercial building between the supermarket and Dual Highway, which will contain 5,200 square feet of retail and a 1,500-square-foot restaurant with drive-thru. Landscaping around the entire shopping center will be improved to bring the site more into conformance with current standards, including the installation of street trees along Eastern Boulevard, shrubs along the parking bay overlooking the stormwater management facility, and various “infill” plantings around the property. A planting plan has been included in this plan to address the removal of the mature trees between the Sunoco and the stormwater management facility. Staff previously informed the Planning Commission that the mature trees were removed approximately a year ago, yet they were identified on the original approved site plan to be retained as a buffer. Staff recommended that if the Planning Commission approves the site plan, installation of the landscaping in accordance with this plan would resolve the site plan compliance issue.

Forest conservation was addressed with the development of the parcel as a shopping center. Parking on the entire site exceeds minimum ordinance requirements by three spaces. Staff noted

that construction of the proposed improvements would appear to “max out” development of this site. Any additional construction, other than an approved addition to the supermarket—which is included in the calculations—would require net increases to parking provided in order to construct additional building space.

The applicant is requesting three waivers due to site conditions and the nature of the development. A copy of the engineer’s memo for the waiver requests are included in the staff report in the meeting file. Staff indicated that it had no objection to the requested waivers.

The site plan was reviewed by the Plan Review Committee in June 2015, and the Planning Commission approved a stormwater management sketch plan in March 2015. Approvals have been received from all review agencies with the exception of the Wastewater Division. Staff recommended approval of the site plan, subject to the following conditions:

- Applicant will obtain the requisite approvals from the State Highway Administration for work to be performed within the Dual Highway right-of-way; and
- Approval is subject to any conditions of approval that may be forthcoming from the Wastewater Division.

Mr. Bockmiller reviewed the photometric plan and the site lighting levels shown exceed ordinance requirements. The site plan also shows a connection from the pad site to the hotel property to the west, although details are still being worked out with the owner of the hotel site for this connection, which is not a requirement of the ordinance.

Commission/Applicant Discussion: Tony Taylor of Frederick, Seibert & Associates, Inc., pointed out that the drive-thru for the restaurant use will be on the left side of the building. Mr. Thomas asked about traffic volumes for the restaurant use. Mr. Taylor noted that the restaurant will be a coffee vendor-type use, and discussion followed about the restaurant use and potential impacts on the Dual Highway in this area.

Concerning landscaping design waivers, staff recommended approval of the waiver requests. The chair noted that by adopting this, it also includes adopting the plan for replacing the trees that were removed on another portion of the shopping center site. Mr. Bockmiller stated that shrubs are shown along the edge of the parking lot above the stormwater management facilities, street trees are being provided along Eastern Boulevard, and trees are being added to parking lot islands that currently do not contain trees. There will also be some landscaping along the back of the site. Planning Commission members had no concerns.

**MOTION:** (Campbell/Miller) I motion to approve the site plan, the waivers, reforestation of stormwater management area, and subject to the conditions for Wastewater.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Brethren Mutual Insurance Co. – 1547 Mt. Aetna Road – Parking Lot, Site Plan, Case No. ZS-2015-10.**

Staff Report: (Staff report is in the meeting file.) The applicant proposes to construct a 44-space parking lot to handle overflow staffing at the insurance office on adjacent property to the east. The office building is outside of the City’s jurisdiction. Access to the parking lot would be via a two-way driveway entrance near the western end of the site’s frontage on Mt. Aetna Road. Per the Planning Commission’s direction at the sketch plan review stage, the parking lot was repositioned to the south a few feet in order to avoid impacting an existing mature tree and to allow for grading necessary to install public sidewalk along Mt. Aetna Road when additional development of this site moves forward.

Forest conservation will be addressed for the entire site with this plan so that when future development moves forward no compliance will be necessary. Implementing the plan now will allow the buffer area to mature before future construction of an office building on the site.

There is no existing forest on the property. The reforestation requirement for this property is 0.60 acres. Planting areas will be located along the rear and western side property lines, including the area of existing mature evergreen trees which will serve as the planting for those spaces. The area reserved in forest conservation easements will be 0.69 acres which is 0.09 acres in excess of the ordinance requirements. The stormwater management facility will be located between the parking lot and the existing mature evergreen trees.

The site plan was reviewed by the Plan Review Committee in December 2015, and the Planning Commission approved a stormwater management sketch plan in November 2015. Approvals have been received from all review agencies; staff recommended approval of the site plan, subject to the following conditions:

- If required by Washington County, the applicant shall obtain an entrance permit; and
- Shrubs shown along the front of the site must be revised to comply with ordinance requirements of one per each four feet of frontage.

Staff recommended approval of the forest conservation plan.

Commission/Applicant Discussion: Stephen Cvijanovich of Fox & Associates, Inc., stated that the site plan under review is identical to the stormwater management sketch plan presented in November 2015, with the exception of revisions made as directed by the Planning Commission to shift the parking lot to the south to accommodate a future sidewalk. Bollard-style lights will be used along the walkway, rather than overhead lights. Mr. Bockmiller noted that the landscaping as shown on the site plan may need to be reworked once a plan comes in for the future office building. Mr. Cvijanovich stated that the site was designed in a way that minimal changes will need to be made to the landscaping and the stormwater management areas. Mr. Bockmiller pointed out that there will be a green buffer along most of the south side and the west side. Initial caliper of these trees will be two inches.

**MOTION:** (Stone/Thomas) I move that we approve this.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

Mr. Cvijanovich thanked the Planning Commission for reviewing the concept plan at the level of detail that it did. Those review comments made their job easier.

### **1009-1011 Pennsylvania Avenue – Groh – Pennsylvania Avenue Entrance.**

Staff Report: (Staff report is in the meeting file.) The owner of the stone house located on the northwest corner of Pennsylvania Avenue and North Burhans Boulevard has been negotiating with the City Engineer to construct a right-out exit and a two directional entrance in a paper right-of-way between their property and the former “County Market” shopping center located on the other side of that right-of-way. The paper right-of-way is identified as West Hillcrest Avenue.

The owner has unsuccessfully tried to arrange for an access easement through the shopping center property. In order to gain access to this property for potential redevelopment, the applicant desires access via the paper right-of-way. The property is zoned CG (Commercial General) and is located in a Landmark District. Changes to the exterior of the property are subject to review and approval by the Historic District Commission.

Since all work is within the paper right-of-way and the right-of-way of Burhans Boulevard, and appears to be less than 5,000 square feet of disturbance, the Planning Commission would not see a site plan for this project. However, staff thought the commission should see it and provide comments to the City Engineer’s office as they move forward working with the property owner.

Commission/Applicant Discussion: Mr. Wright observed that the drive lanes would be narrow, but felt the narrowness would have a traffic calming effect. He stated that he would like a note on the plan stating that the sidewalk would connect. He also suggested that the sidewalk be extended to the entrance. Fred Frederick of Frederick, Seibert & Associates, Inc. said there is no need for a sidewalk since pedestrians use the paved parking area of the former shopping center site. The parking lot is never full. Mr. Frederick stated that the shopping center is not under the ownership of his client. Mr. Bockmiller pointed out that if the property is purchased with the idea of establishing a business in the old house, a parking lot addition would require a site plan. When the site plan is submitted, the City would require sidewalks as part of the proposed improvements. The proposed use would determine the size of the required parking lot. Due to the shopping center being owned by another entity, Mr. Wright acquiesced and agreed to wait for a site plan to come in for development on the shopping center property. He asked that the sidewalk be tied to the entrance to the stone house property. Mr. Frederick noted that the sidewalk is shown on the plan.

Mr. Campbell asked if the developer would be required to install a sidewalk if the shopping center is ever redeveloped. Mr. Bockmiller replied yes, but added that there are different levels of site plans. It would not be out of the question since there have been inquiries about pad site development at this shopping center.

Concerning the paper alley between the stone house and the shopping center, Rodney Tissue, City Engineer, acknowledged that no one owns the paper alley. He added that in situations such as these (where the applicant only wants access), the City normally gives them a license agreement. Commission members felt the best course of action would be to convey the right-of-way to the owner of the stone house property.

Mr. Thomas asked the City Engineer how difficult it would be to research the ownership of the right-of-way. Mr. Tissue agreed that ownership should be researched to determine whether the right-of-way should be quitclaimed or whether a license agreement should be granted. Commission members felt that the strip should be quitclaimed. Mr. Frederick agreed that the ownership of this paper right-of-way should be addressed and cleared up.

### **A C & T – Garland Groh Boulevard and Broadfording Road – Landscaping Waivers.**

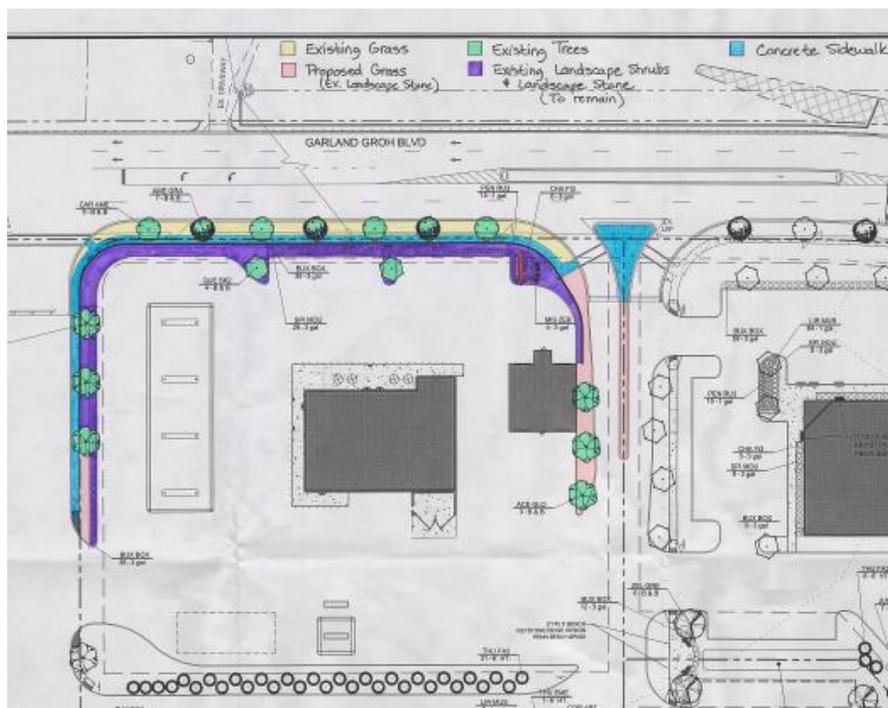
Staff Report: (Staff report, including site photos, is in the meeting file.) When staff conducted the final site plan inspection for this project it was discovered that all the lands outside of the street right-of-way that were supposed to be landscaped areas were covered with “river rock” landscaping stones, rather than the grass that was shown on the approved site plan. Staff contended that this is an excellent illustration of the need for landscaping standards and

ordinance direction that such areas be planted with grass or with flower beds. The current environment creates a very stark appearance.

Staff was initially going to require that all of the river rock be removed and with grass planted in place of the stone. However, after discussions with the applicant there may be some argument that some use of river rock as a landscaping element would be acceptable. Staff would like input from the commission regarding how much river rock may or may not be acceptable. After the commission has provided input, staff will then enforce a retrofit of grass in the landscaping areas consistent with what the commission determines to be an acceptable amount of landscaping rock.

Staff suggested that the areas above the retaining wall, the island in the “pork chop” traffic control divide to the north of the car wash, and the area along Middleway Drive and the private drive back a certain distance from Garland Groh Boulevard be returned to grass as shown on the plan.

Commission/Applicant Discussion: David Trostle of Frederick, Seibert & Associates, and Brad Fulton, developer, were present. Mr. Trostle discussed the “as-built” plantings on the site and referenced a color-coded drawing (see meeting file). Areas in the public right-of-way have been planted with sod. Referencing the exhibit, the areas in orange were originally proposed to be grass, but the developer put down landscape stone. Areas shown in purple contain existing landscape and river stone. The developer would like permission from the commission to leave



the purple areas as they are. In the orange areas the stone will be removed and replaced with grass.

Mr. Trostle noted there is a four-foot tall retaining wall along Garland Groh Boulevard, which elevates the plantings on top of the wall. Mr. Miller asked if the number of shrubs was reduced from what was approved on the site plan. Mr. Trostle explained that there are the same number of shrubs, however, the three-gallon shrubs were spread out more. In approximately five years they should be at the mature size of about four feet wide. The shrubs were planted five feet on center, so a four-foot width only leaves about a foot between the mature shrubs. There are three different staggered rows of shrubs. The result of this deviation is that the entire front of the site is a landscaped bed instead of just in front of the parking lot.

Purple area is planted with shrubs and stone and this is the area they want to leave as it is. Mr. Trostle indicated that it was never the developer's intention to plant grass in the purple area. Mr. Miller stated that the site plan shows grass. Mr. Bockmiller explained there is a tree requirement and a shrub requirement, with the ground planted in grass. According to Mr. Trostle, grass would be difficult to grow and maintain in this area because of the slope. Mr. Miller stated that the shrubs that have been planted are boxwoods which are slow to grow and will not reach their full width in five years as suggested by Mr. Trostle.

Mr. Stone said one of his concerns, is that if the commission agrees to allow the stone to remain, it will be establishing a precedent for the future. Ms. Wheeler stated that she drove to the site and as she left the site, looking at the island, the area shown in orange should have grass or something more welcoming. The site is currently very stark. At a minimum the other areas should have more green improvements (grass, shrubs, etc.). It was noted that the original site plan included large planters/containers and on the site there is a complete lack of anything. Several waivers have already been approved for deviating from the landscaping requirements. Mr. Trostle noted that the planters are seasonal and are not on site now and added that the stone will not be as visible once the trees have matured. Ms. Wheeler stated that it does matter that the Planning Commission approved a site plan that prescribed landscaping in certain areas. Other commission members were concerned about the work being done contrary to what was approved. Mr. Wright said it was a "smack in the face" particularly because the commission agreed to let the developer install a larger sign. He said he would not be inclined to agree to any more waivers. Mr. Miller wanted the rock replaced with grass as originally approved. Mr. Trostle stated that it will be impossible to have grass grow with the shrubs.

Brad Fulton, the developer, stated that he was not trying to cut corners. He was concerned about liability for pedestrians walking along the sidewalk next to the four-foot wall. A weed whacker will throw debris at persons using the sidewalk. He offered to compact the shrubs and replace the river stones with brown mulch.

Mr. Bockmiller noted that the commission did not discuss the lack of grass at the rear of the site. There is no grass in the back. The overall intent of the landscaping requirements is to green up sites and that was not achieved at this location. Ms. Wheeler said the overriding issue is to have this set as the aesthetic standard along this corridor and other sites in the city. Mr. Stone was not convinced that the developer could not do both grass and shrubs, however, he did not have any concerns about the compromised proposed by Mr. Fulton. Ms. Maher suggested that another option would be to add perennials to reduce the amount of “mulch” (or stone) in the strips.

Commission members suggested continuing this matter; however, Mr. Fulton wanted to wrap it up so he can get his final use and occupancy permit. He said he would remove the stones in the purple area and replace it with mulch. It was noted that a revised plan must be submitted showing mulch instead of grass. Mr. Bockmiller indicated that he would like to meet with Mr. Trostle to coordinate the changes and then bring it back to the Planning Commission with a recommendation. For the most part, Planning Commission members were agreeable with the compromise suggested by Mr. Fulton. Mr. Bockmiller will discuss it with Mr. Trostle and bring it back to the commission for review. There were no concerns by the Planning Commission with river stone next to the propane tank at the rear of the site.

### **Concept Review of A & E Walking Trail.**

Staff Report: (Assistant City Engineer’s report is in the meeting file.) Jim Bender, Assistant City Engineer, presented the conceptual design of the Arts & Entertainment Trail. The trail has been identified as one of eight catalytic projects in the *2013 Community’s City Center Plan*, prepared by Urban Partners. The trail will provide a multi-use connection between the downtown core and City Park. Long-range plans show extensions of the trail further into the downtown area, however, this concept is for Phase I only.

The northern end of the initial phase begins on West Antietam Street near the District Court building and ends south of Park Circle (see drawing attached to memo for details on the trail route). Some of the affected properties include the Antietam Paper Company property, the Herald Mail property, the Hagerstown Housing Authority property, and the Ellsworth Electric property. The trail will be ten feet wide and constructed of concrete paver blocks, and will include decorative elements such as contrasting color bands, embedded granite centerline markers, and crosswalk pavement markings. New pedestrian lighting will be installed the length of the trail, and security cameras will be installed at various locations to monitor activities along the trail. It is anticipated that the City’s Department of Parks and Engineering will be responsible for maintaining the trail once it has been constructed.

A landscape architect and art design consultant have been retained to develop features that will enhance the trail and to reinforce its relationship to the Arts & Entertainment District. At two

locations along the trail small “park” areas will be developed to serve as gathering places for users of the trail. The final design for these spaces is still being developed but it is anticipated that these “park” spaces will incorporate public artwork in various genres. A public meeting was conducted on January 11 to collect input from citizens on the art component of the trail. The landscape architect is now incorporating the feedback from that meeting into the plan.

Construction of the trail will require the acquisition of rights-of-way, easements, and fee simple transfers of land to the City. City staff have been working with the four main property owners along the trail route (listed above) to obtain the necessary agreements. Successful completion of these negotiations will most likely occur in the next two or three months.

At the direction of the Mayor and City Council, staff have completed the preliminary design of the trail, and advertised the project for construction bids so that the Mayor and Council can determine whether to proceed with the project. After conceptual review by the Planning Commission, the design drawings will be submitted for site plan approval. Assuming the Council authorizes the project, the goal is to obtain all necessary approvals and commence construction in April 2016, with completion in the fall.

Commission comments on Mr. Bender’s presentation included:

- Regarding conflicts between bikers and walkers, the trail will be marked. Mr. Bender suggested that the commission check out examples such as the Indianapolis (Indiana) Cultural Trail. That trail uses insignia and signage at various locations to encourage bicycles on one side of the trail and pedestrians on the other. Mr. Rohrbaugh pointed out that the A & E Trail will have many curves that will slow bike traffic down.
- Crosswalk markings will be located mid-block in most instances. Along with decorative inlays, there will be flashing beacons to remind drivers they need to be aware of pedestrians. Mr. Wright was concerned about the crossing at Summit and Virginia Avenues and site distances. Mr. Bender stated that a stop sign will be added at that intersection.

Another component of the catalyst project is to incorporate housing in some of the existing parking lots along the trail that will serve to knit the areas together.

Ms. Maher stated that Cochran Studios is nearing completion of the art master plan. When it is finished, that plan could be presented to the Planning Commission.

**Comprehensive Plan Update: Housing and Neighborhoods Element.**

Staff Report: (Staff report is in the meeting file.) At the direction of the Planning Commission, Mr. Rohrbaugh presented revisions made to the Housing & Neighborhood Element of the City's Comprehensive Plan based on Planning Commission input. Included in the report are housing comparisons (owner occupied vs. renter occupied) with Hagerstown and eight other communities. Regarding the map showing "Proposed Neighborhood Region Designations," staff developed two alternatives to the initial proposal for the commission to consider. Commission members preferred Alternate 2 which has larger, more general boundaries. The boundaries on Alternate 2 are oriented to institutions such as schools. Another major change from the original draft is revisions to Map 7-1 which reflects homeownership rates across the City by census tract. Under the Housing & Neighborhoods Policies list, staff added language that encourages access to neighborhood community facilities.

Commission members were satisfied with the revisions made by staff.

**Board of Zoning Appeals Agenda – January 20, 2016 Docket.**

The owner of 920 West Washington Street filed variance requests for a security fence along the perimeter of the property. Planning Commission members met with the representative of the LLC several months ago in a workshop to discuss waivers that would be necessary for the project. Commission members directed staff to prepare a memorandum in support of the application to be presented to the Board of Zoning Appeals. Mr. Wright commented that the requested variances will allow an appropriate development to move forward for this building.

**Adjourn.**

It was moved and seconded that the meeting adjourn (6:10 p.m.).

1/27/2016

Approved



Debra C. Calhoun - Secretary