

**Planning Commission
MINUTES – Regular Meeting**

**March 30, 2016
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:02 p.m., on Wednesday, March 30, 2016, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Planning and Code Administration Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary. (NOTE: Planning Commission revisions are indicated in red text.)

REGULAR MEETING

Roll Call.

Commission member D. Miller was absent.

Approval of Minutes:

March 9, 2016 – Workshop Meeting.

Ms. Wheeler noted a typographical error on page 5 (last paragraph, second sentence). The word “beaded” should be changed to “be added.”

MOTION: (Wheeler/Campbell) I’ll move approval of the minutes with the correction.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Development Review:

160 Hood Street – Hagerstown Cultural Trail, Final Plat, Case No. S-2016-02.

Staff Report: (Copy of staff report can be found in the meeting file.) This subdivision will facilitate the donation of 0.809 acres of land from the Herald Mail to the City of Hagerstown for the pending “Cultural Arts Trail.” This narrow strip of land is a former railroad spur and is located between the Herald Mail property to the west and the Antietam Paper Company building and the Baltimore Street Car Wash on the east side. The strip of land extends from West Antietam Street to Hood Street and is zoned CC-MU (City Center-Mixed Use). A small sliver of land along the side of the Antietam Paper Company building is located in the Downtown Historic District.

All review agencies have provided approvals. Planning staff recommended approval of the plat. Commission/Applicant Discussion: Mr. Wright questioned whether several items, which are well out of the scope of the project, should be shown on the drawing. It struck him as odd because of the distance from the lands being subdivided. Rodney Tissue, City Engineer, explained that the City’s surveyor added them because this area has been a point of contention between the two adjoining property owners. The surveyor wanted to show that the owner of Antietam Paper still had the necessary recorded easements to access their property.

Mr. Tissue noted there is an additional easement that runs along West Antietam Street which was conveyed to the City of Hagerstown by the Herald Mail. In addition, the owner of the Antietam Paper Company gave the City a quitclaim so there is clear title to the property.

MOTION: (Stone/Thomas) I’ll move for approval.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – Brubaker)

Hagerstown Cultural Trail, Phase I – West Antietam Street to Park Circle, Site Plan, Case No. ZS-2016-01.

Staff Report: (Copy of staff report can be found in the meeting file.) This site plan covers improvements associated with a linear walking trail development, including improvements located within public street rights-of-way and narrow strips of land on properties. The first phase of the project extends from West Antietam Street, near the District Court building to Park Circle (see drawing in meeting file for specific locations of the trail). The trail will typically be ten feet wide, with smaller, looping parallel trails in some locations. A focal point (with improvements to be determined later) will be located in the widened area between Hood Street and the car wash on West Baltimore Street.

This plan is mainly for paving and identification of planting and landscaping areas. None of the public art has been settled upon yet, nor would the nature of the art selected for installation be within the purview of the Planning Commission under most circumstances. Forest conservation does not apply to this project because all elements fall within one of the three following areas:

- Improvements strictly within the public street right-of-way.
- Improvements on a property that already has a standing forest conservation plan.
- Redevelopment project on previously paved surface within the Revitalization Area.

A small section of the project area is in the Downtown Historic District. This area varies in width from six to 12 feet along the west wall of the Antietam Paper Company building. The Historic District Commission (HDC) reviewed these conceptual paving and landscaping improvements at

its March 24 meeting and had no comments. The City Engineer will return to the HDC at a later date for official approval of the materials once they have been selected.

Staff noted that the City's landscaping standards are triggered by requirements to buffer uses and parking. Based on the work proposed in the project, the landscaping standards do not apply to this project.

The plan was routed for review and all agencies have approved the site plan. Staff recommended approval of the site plan.

Commission/Applicant Discussion: Rodney Tissue, City Engineer, did not have anything to add to the staff presentation. The art master plans are on the City's website. The goal of the trail is to make it more about a sense of place and a place for engagement rather than a means of getting from Point A to Point B. There will be items of interest along the trail tied into the history of Hagerstown, an art component, and a family component. For security, the lighting level along the trail will be four times the amount of lighting required by the Land Management Code. Also in support of security along the trail there will be nine poles and 18 cameras that will be connected to the Hagerstown Police Department to record all activities. Amenities, besides the public art, include landscaping and benches. Crosswalks at all public streets will be identified by bands of colored thermoplastic which will call attention to the trail. Beacons will be placed at each crosswalk to alert motorists of pedestrians crossing the road.

The idea for this trail came out of the Urban Partners Plan and this project is the first step of implementation of Catalyst Project #5. In the next ten years the City hopes to have a housing component underway.

Commission members had questions about the security cameras and trail lighting and whether the cameras would be able to notify the police if vandalism was occurring. Mr. Tissue did not believe the cameras would be capable of sensing motion and alerting the police. Pedestrians will be notified via signage that the area is under surveillance. Mr. Stone pointed out that existing public art displays have not been disturbed.

Lighting along the trail will be contemporary, consisting of a straight pole with light emanating from the pole. These poles will be similar to what was used along the same type of trail in Indianapolis, Indiana. LED lights will be used and the Hagerstown Housing Authority property will be shielded from any glare. The remainder of the trail is not adjacent to residential properties so the lights should not be a problem. If the amount of light becomes an issue elsewhere along the trail, the lights can be shielded.

In response to a question by Ms. Wheeler, a section of plain concrete sidewalk will be installed along Hood Street in an area where there is no sidewalk. This segment of sidewalk is outside the

scope of the project. Ms. Campbell asked if drivers will know about the pedestrian crossings ahead of time. Mr. Tissue stated that radar will trigger strobe lights and signs will announce that drivers should be on the lookout for pedestrians. Mr. Wright had concerns about sight angles at the intersection of Summit and Virginia Avenues. Mr. Tissue indicated that striping will change the angle at which vehicles approach the intersection which will make it a 90° angle. Stop signs will be added all around so it becomes a stop condition rather than a yield. They are also working to reduce the amount of vegetation and eliminate several parking spaces to clear up the sight distance at this intersection.

MOTION: (Campbell/Wheeler) I'll make a motion to approve the site plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business:

Preliminary Consultation: 400 Jonathan Street – Local Conversion District Overlay Request.

An application for a Local Conversion District Overlay has been filed for 400 Jonathan Street. This property has traditionally been used for commercial purposes. In the 1950s and 1960s it was a confectionary, and later it was used as a general convenience store. The nonconforming use expired in the 2000s. The applicants are proposing to convert the building to a restaurant. The lot contains approximately 2,800 square feet; the building consists of 640 square feet. A photograph of the existing condition was included in the packet material, along with a letter of explanation from the owner, and three architectural drawings depicting the layout and the Jonathan Street elevation. Proposed improvements to the building include moving the building entrance from the center of the building to the corner of building closest to the street. A handicap accessible entrance will be installed on the opposite corner. The Local Conversion District language requires that existing parking spaces be retained; however, this lot is not striped. There will be a dumpster enclosure, so the most parking that could be achieved on this site will be about two or three spaces.

On the Jonathan Street elevation, the former storefront windows will be exposed and signage will be mounted on this side of the building. A flower bed is proposed for the Jonathan Street frontage. On the West North Avenue elevation, several windows will be added along with signage above the new front entrance and the first window. The applicants are proposing only one use rather than a variety of desired uses.

Staff suggested two conditions: removal of the existing metal sign pole and striping the parking area per the City's standards for parking space size.

Commission members and staff discussed the dumpster location. The consensus was that the most logical place for the dumpster would be next to the handicap entrance. Staff agreed this would be a good place for it since it is proposed to be a gravel area. Ms. Maher raised a concern about vehicle lights and the neighboring property on West North Avenue. There is an existing four-foot tall chain link fence; a solid fence would shield the residence to the east. Commission members suggested that the neighbors provide input as to the need for a solid fence next to their property. It was noted that the neighboring properties will be notified of the public review meeting. If they have concerns, they can provide comments at that meeting.

Ms. Wheeler pointed out a typographical error on page 3 (Compatibility of Existing and Proposed Zoning—the text appears to be left over from the last Local Conversion District Overlay request).

Mr. Wright asked about the requirements for a dumpster enclosure on this property since it is a limited site. Mr. Bockmiller stated that the same requirements would apply, but the applicant could request a waiver from the Planning Commission. Mr. Wright pointed out that since the proposed dumpster will be small (one-yard capacity), the enclosure does not need to be as roomy as an enclosure for a 12-yard dumpster.

The commission advised staff to proceed with the public review meeting on April 27.

Alley Quitclaim Request – 700 Block West Washington Street.

The City Engineer told the commission that he received a request from Leslie Allen, who owns the former Corderman’s Hardware building on West Washington Street. Ms. Allen is renovating this building but is concerned that if in the future the alley becomes unavailable to her, her parking lot will become useless. She does not want to lose the opportunity to use the alley to access her parking lot; and she does not want the City to convey the alley to someone else. She would like the alley quitclaimed to her which would also eliminate pedestrian traffic **and manage the traffic** on the alley.

Commission members observed that the alley in question connects to many other alleys in the neighborhood. Based on that observation, commission members were not in favor of closing it since many other residents use the alley to access their properties in other parts of the neighborhood. It is an integral part of the neighborhood. Mr. Tissue stated that Ms. Allen also is concerned that the neighborhood uses her lot for public parking. A solution discussed by commission members was to post signs and begin towing vehicles that do not heed the signs. Ms. Wheeler asked if emergency vehicles use this alley. Mr. Tissue replied that the Fire Department is neutral on the quitclaim request. A ladder truck cannot use the alley but an engine can use this alley.

Commission members advised Mr. Tissue that they were not inclined to make a recommendation to the Mayor and Council in favor of quitclaiming the alley to Ms. Allen. Members asked staff to assist Ms. Allen as much as possible with her project and to advise her on the commercial practice of posting property.

MOTION: (Thomas/Stone) I'll move that we recommend that we do not quitclaim based on the discussion.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Brubaker)

2016 Land Management Code Text Amendments Package.

(Packet memo is in the meeting file.) Mr. Bockmiller announced that a representative from the state agency that regulates day-care will be at the next meeting to answer commission members' questions which arose during discussions about proposed changes that affect home day-care providers.

Mr. Bockmiller pointed out several new amendments that were added at the end of the packet memo. Amendment 27 clarifies that neon tube lighting is permitted as decorative architectural elements (exempts them from the "bare bulb" prohibition). Mr. Bockmiller noted that the section should be separated into different sections (old text and new text). Another change to this section would add a new provision that exempts gas price signs, up to the minimum required by Maryland law, for the purposes of calculating maximum sign area (both amendments are to Article 4, Section I.2.b). The commission had no concerns with this proposed amendment.

The second new amendment (Amendment 28) would extend the ability to stop site plan processing as an enforcement tool, similar to what is permitted with subdivision review. This amendment would be added in Article 5, Section I.2.h. The commission had no concerns with this proposed amendment.

Following is continued discussion on amendments that have already been reviewed:

Page 5 – Amendment 7 (Forest Conservation Fees). Mr. Wright noted that at the last meeting he requested that anything to do with rates be included in the section on rates. He said that it appeared to him that the language in Packet 4 on fee-in-lieu rates was unchanged in both subsections 1.b and 1.e since the last meeting. These sections are very cumbersome. Mr. Bockmiller said his understanding from the last meeting was that he would leave the language as it is but also add it to the other section. Mr. Wright stated the sections are still

confusing and need to be rewritten for clarity. He was concerned about making sure the language is in the right spot.

Page 11 – Amendment 23. Mr. Bockmiller asked if it should be mandatory that staff cannot pursue work that was approved under a permit in error, or whether staff would have discretion to pursue a project that was approved in error. Commission members agreed it should not be discretionary. In the first line, Mr. Wright said that the words “in error” should be inserted (“When a site plan is approved *in error* by the responsible . . .”) Safety issues would be addressed under “(4) Failure to enforce the violated provision is not contrary to the public interest;”. Mr. Stone stated that “public interest” covers everything adequately.

Page 12 – Amendment 25. At the last meeting staff was asked to provide the Board of Zoning Appeals file from the fence variance case on Eastern Boulevard in 2015. Commission members wanted to review this BZA case before making a determination that the language should remain as it is currently written. Mr. Bockmiller pointed out that this situation will not come up frequently, and Mr. Stone added that each circumstance will be unique. This was included in the list of amendments because the Mayor and Council asked staff and the Planning Commission to look at it again. Commission members believe the language should remain as published in the 2015 Land Management Code.

Comprehensive Plan.

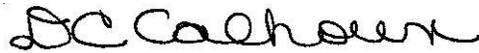
On the revised draft sent out by Mr. Rohrbaugh via email, there is a typo on page 9-2, under “Fire Department,” line 3: “compliment” should be “complement.”

At the request of the commission, the Community Facilities element revisions will be on the April 13 agenda for discussion.

Adjourn. It was moved and seconded that the meeting adjourn (8:38 p.m.)

4/13/2016

Approved



Debra C. Calhoun - Secretary