

**Planning Commission  
MINUTES – Regular Meeting**

**September 28, 2016  
City of Hagerstown, Maryland**

---

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, September 28, 2016, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker (late), R. Campbell, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

**REGULAR MEETING**

**Roll Call.**

Mr. Miller was absent.

**Approval of Minutes:**

August 31, 2016 – Workshop Meeting.

**MOTION:** (Wheeler/Campbell) I will move to approve.

**DISCUSSION:** Mr. Thomas pointed out errors on page 10. In the third paragraph, last sentence, change “is contemplated” to “will be provided.” Ms. Wheeler and Ms. Campbell agreed to the corrections.

**ACTION:** APPROVED (Unanimous)

**Development Review:**

**301 West Howard Street – Waiver Request from Parking Lot Design Standards.**

Staff Report: (Copy of staff report in meeting file) This property was originally developed as a church; 20 years ago, the Board of Zoning Appeals granted a special exception to convert the building to a meeting facility for the Odd Fellows organization. The current owner has been using the building as a dwelling, but would like to sell it as a church. The Board of Zoning Appeals approved a special exception to allow a religious facility. The special exception was approved along with variances with the condition that occupancy be limited to the number of persons that the onsite parking lot can accommodate in accordance with the City’s parking requirements in Article 5. In addition, a maximum of 49 persons are permitted in the building per the Fire Marshal.

The Zoning Ordinance requires one space per every five persons in the sanctuary. There are seven parking spaces in the existing parking area which face the adjoining property; there are three parallel parking spaces along the rear of the church building. Once the parking spaces are striped, the drive aisle will not meet the minimum 24-foot width requirement, missing the mark by approximately one or two feet.

The applicant has requested a waiver to the design requirements to reduce the width of the drive aisle to the minimum necessary (22 or 23 feet) to permit the three parallel spaces to be included on the existing paved area which would allow the occupancy to increase from 35 persons to the maximum allowed (49).

Staff had no objections to the requested waiver, with the following conditions:

- Before the special exception use commences, all parking spaces will be striped with paint in accordance with current parking requirements (nine feet wide by 18 feet long for perpendicular spaces and nine feet wide by 22 feet long for the parallel spaces); and
- Before the special exception use commences, a six-foot privacy fence made of wood, composite or vinyl, be installed along the property line between the parking spaces and the adjacent house.

Applicant/Commission Discussion: James Gross, realtor, and Hamdy Farag, owner of the property, were present.

Mr. Stone asked if anyone consulted the owner of the adjacent residence where staff is recommending the six-foot tall fence. He felt it would be useful to ask the owner about the privacy fence and whether they want the fence. Commission members discussed the height of the fence and were generally in favor of shielding the parking lot. Most felt a shorter fence, such as a four-foot tall fence, would achieve the desired protection. Mr. Stone said he had no objections to a fence as long as it is not taller than four feet.

**MOTION:** (Campbell/Wheeler) I will move approval, pending the condition that the fence be at least four feet (tall), but not greater than six feet, and striping if in fact it is used as a church.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Proposed Amendments to Water and Wastewater Policy – Recommendation to Mayor and Council.**

**Staff Report:** (Copy of staff report in meeting file) Ms. Maher presented the proposed policy amendments to the commission. Staff is requesting a recommendation from the commission to the Mayor and City Council. Changes to the policy include clarifying the Preamble and Exception #3; and adding an eighth exception for affordable housing projects recommended by the Washington County Commissioners and other officials where the project would be limited to households with incomes up to 80% of area median income and where the project is located in close proximity to economic development target areas and other areas of concentrated employment.

Staff recently received a request to expand an existing affordable housing development onto an adjacent lot which is located outside the Medium-Range Growth Area (MRGA). It seemed beneficial to be able to allow affordable housing projects near employment centers. The development in question is Hopewell Manor which is located near the County's economic development target area of Hopewell Valley. With regard to consistency with the Comprehensive Plan, the 2008 plan has two action items that relate to this: Action 4-10 encourages development of cooperative agreements with the County on appropriate situations and conditions for provision of water and/or wastewater outside the MRGA; and Action 7-1, promotes working with the County to create a balanced regional housing approach with emphasis on a fair share distribution of the region's rental and affordable housing.

Mr. Rohrbaugh added that both of these action items are being retained in vision Hagerstown 2035.

Jeff Paxon, of Pax Edwards, owner of Hopewell Manor, and their attorney, Jason Divelbiss, were present. Mr. Paxon stated they are planning to upgrade Hopewell Manor next year. They also control the land to the north and plan to add additional units on that tract. Hopewell Manor was built under an old Farmers Home Program through USDA. The new units would be a mix of market rate and affordable rentals. Mr. Stone was not in favor of limiting water service to projects with certain income caps. Mr. Paxon stated that 90% of the units would be restricted to residents earning between \$30,000 and \$50,000 per year. Mr. Divelbiss noted that the existing Hopewell Manor is served by City water and the infrastructure exists and the site of the new development is adjacent to the MRGA. Mr. Wright said he would be willing to allow this exception because it is very restrictive. It was his belief that water service should not be extended beyond the MRGA and the City needs to be zealous about keeping water service within the MRGA and concentrating on infill development within that area.

Mr. Brubaker stated that the Mayor and Council will be voting on these amendments. Ms. Maher noted that in looking at the County's Zoning Ordinance and Zoning Map there is a limited

amount of RM zoning in Washington County. Multi-family and townhouses are only permitted in RM zoning or a PUD.

Mr. Divelbiss raised concerns about the number of additional approvals for the proposed new exception. The structure of this project’s financing needs a certain level of certainty.

Mr. Brubaker stated that the Mayor and Council regularly approves these types of exceptions. According to Ms. Maher, the review agencies provide recommendations only. The Mayor and Council have the ultimate authority to approve exceptions.

Ms. Maher reviewed the clarifications and the amendments to the text.

Page 1:

- In the first sentence of the Preamble, added “will not extend *or expand* water or wastewater . . .”
- Last sentence of Preamble, since another exception was added, the sentence should read: “The following *eight* exceptions may be granted:”
- No. 3, title of paragraph, for clarity, added “Connection to an Existing Lot of Record *for a Single-Family or Two-Family Dwelling.*”
- Mr. Thomas pointed out typographical errors in No. 3: sixth line from the bottom should read: “. . . shall not exceed two hundred (200) gallons per day ~~or~~ *for* one dwelling unit . . .”; and the last word in the fifth line from the bottom should be “it.”

Page 2:

- No. 6, in the third line, added “. . . Development Directors, and the *City* Director of Utilities . . .”
- No. 8. This section is new. Staff asked for assistance in wording the last sentence to tighten up the new language based on Mr. Wright’s earlier comments about restricting water service to the MRGA. After discussion, commission members agreed on “Affordable Housing Project. Service approval using this exception is contingent upon recommendation of the County Commissioners, the City Administrator or her designee, the County Administrator or his designee, and the City Director of Utilities to, and approval by, the Mayor and City Council, for an affordable housing project restricted to households with annual incomes up to 80% of AMI (Area Median Income) and located in close proximity to economic development target areas ~~and other areas of concentrated employment~~ *and adjacent to properties currently served by City water and/or wastewater.*”
- Last paragraph, first sentence, added a reference to the new eighth exception: “The granting of exceptions one through five *and eight* above is contingent . . .”

**Planning Commission  
MINUTES – Regular Meeting**

**September 28, 2016  
City of Hagerstown, Maryland**

---

- MOTION:** (Stone/Wheeler) I move that we recommend to the Mayor and Council the changes to the Water and Wastewater Policy with the proviso that we change #8 along with Mr. Wright’s suggestion and Mr. Thomas’s corrections to #3.
- DISCUSSION:** None.
- ACTION:** APPROVED (ABSTAIN - Brubaker)

The Mayor and Council will be considering this proposal on Tuesday, October 4, and a special session may be scheduled the following week to adopt it.

**Comprehensive Plan Update: Economic Development Element (Continued from September 14).**

Staff Report: (Copy of staff memo and revised Economic Development Element is in the meeting file) Mr. Rohrbaugh reported that the commission’s recommendations from the last meeting were incorporated. Additional comments by the commission included:

- Page 3-6 – correct grammatical errors in the second full paragraph; and
- Page 3-8, Figure 3-7 – Flip-flop the labels “Located in city” and “Located in MRGA (outside city)”

**Adjourn.** It was moved and seconded that the meeting adjourn (7:55 p.m.)

10/26/2016  
Approved

---

  
Debra C. Calhoun - Secretary

---