

Douglas S. Wright, Jr., chair, called the meeting to order at 4:03 p.m., on Wednesday, September 9, 2015, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Miller, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary.

### **Approval of Minutes:**

August 26, 2015 – Regular Meeting.

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

### **Centre at Hagerstown – Lot 6, ESD Concept Plan.**

Staff Report: (Staff report is in the meeting file.) Mr. Bockmiller noted that for a raw-land build the concept plan that was submitted is more detailed than what would normally be expected by the process. The applicant proposes to construct a shopping center with the following improvements:

- 65,000 square-foot sales facility in the center rear portion of the property (shown as a single-use building);
- 10,150 square-foot sales facility in the northern portion of the property (shown as a single-use building);
- 10,100 square-foot sales facility in the southern portion of the property, adjacent to Wal-Mart (shown as a single-use building);
- Convenience store with gas pumps and a car wash along Garland Groh Boulevard north of Bulldog Federal Credit Union; and
- 8,400 square-foot building containing two restaurants to the south of the bank.

Access to the site will be accomplished via the following locations:

- Full-movement, four-way intersection aligned with the driveway entrance to the Shoppes at Hagerstown south of the Starbucks building;
- Right-in-right-out access from Garland Groh Boulevard to the convenience store/gas station;
- Driveway entrance across the adjacent Groh property providing direct access to Hager's Crossing Drive;

- A drive aisle through this property connected to the Wal-Mart parking lot if Wal-Mart is willing to cooperate. Mr. Bockmiller noted that there are easements in place that will require connection.

*Stormwater Management Approach:* The Stormwater Management Approach is addressed in a narrative from the applicant's engineer and the City Engineer provided comments and advisories related to the general site design that the applicant needs to take into consideration during development of the site plan (attached to staff report in meeting file).

*Site Features:* This triangular-shaped property is 12.741 acres in size with a notch out of the base where the existing bank building is located. It is adjacent to floodplain area on the property to the west and north. The site is relatively flat as a site plan was approved for mass grading the site in order to make it more marketable for development. There is no forest area on the property. Other than the site's shape, there are no unique physical features on the property.

*Waivers:* No waivers have been requested. Given the large size of the property no waivers to the required design standards should be expected, nor would they be appropriate. Staff noted that six-foot planting beds are not shown around the buildings; however, this omission can be addressed at site plan review.

Staff indicated that this property is zoned CR (Commercial Regional). It was noted that any of the single-use buildings could be divided into smaller units at a later date. The largest building proposed is 65,000 square feet; therefore, the "Big Box" design standards do not apply. The Planning Commission previously approved a mass grading plan for the property to make the site more marketable to potential tenants; the future site plan is being developed for the same reason. Several potential tenants are interested in the buildings.

Staff recommended approval, with the caveat that some modifications may be necessary in the site plan process.

Applicant/Commission Discussion: Mr. Wright noted that for quantitative management, there is an existing stormwater management pond; the applicant is proposing a variety of on-site water quality measures but those measures have not been fleshed out for the concept plan. Mr. Bockmiller introduced Eric Iser, of Triad Engineering. Mr. Iser stated that they are considering the use of permeable pavement in the parking lanes (not drive aisles where heavy truck traffic will occur). Green areas will be bio-retention areas. The area of the fuel station would also contain bio-retention areas that would help filter runoff.

In response to a request for clarification on the process from Mr. Brubaker, Mr. Bockmiller explained that the Planning Commission approved the site plan for mass grading. Mr. Brubaker continued that this concept plan is for the stormwater management plan, however, what is shown

on the concept plan is a general approach for stormwater management. Until the specifics are brought to the commission on a site plan those details are unknown. Mr. Bockmiller indicated that the concept plan is part of the official review process mandated by the state stormwater regulations. Mr. Brubaker was concerned about the level of detail on concept plan. He did not want the applicants to misconstrue the process in the event the applicants ultimately appeal the Planning Commission's decision on the site plan to Circuit Court under the belief its presence on the approved concept plan implied approval for the detailed site plan. The City Engineer provided a whole page of general site design comments and Mr. Brubaker felt they are relevant. The Planning Commission will be looking to see how they are addressed on the site plan.

Mr. Miller asked Mr. Iser when the site plan will be submitted for review. Mr. Iser felt it could be ready fairly quickly. Mr. Brubaker asked if there has been any indication whether Wal-Mart will be cooperative and allow the shared entrance to the Wal-Mart property. Mr. Iser stated that he has not discussed the entrance with Wal-Mart. Mr. Brubaker asked whether the commission should ask the developer to plan for an access to the next property over on the west. Commission members decided this access might not be appropriate in this instance because it would encourage crossovers and cut throughs from Hager's Crossing Drive.

Mr. Bockmiller stated that due to the size of this project he will bring any waivers requests to the commission in advance of site plan approval.

**MOTION:** (Brubaker/Thomas) I'll move approval of the general concept plan for stormwater management.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

### **North Market Plaza – Northeast Corner of Salem Avenue and Broadfording Road, Site Plan Amendment, Case No. ZS-2013-03.**

Staff Report: (Staff report is in the meeting file.) The AC&T building at North Market Plaza is nearing completion and building permits have been filed for wall signage. The planned signage will exceed the current three-foot height limitations currently in effect. The signs and the potential for other signs otherwise fall well within the anticipated limits that are proposed in the current sign regulations amendments for which the commission recently held a public review meeting. The ordinance does allow the Planning Commission to consider exceptions on a case-by-case basis for projects subject to a site plan if an established logo does not fit within the dimensions. The proposed combination of signs is well below the revised regulations currently in the process of being adopted by the Mayor and City Council and on track to become effective on October 30. There will be a total of seven signs on two buildings. The retail building fronts two public streets. The AC&T sign over the entrance door will be four feet tall. There is currently a

height limitation of three feet for signage and a limitation of one sign per public street frontage. This building has street frontages on Garland Groh Boulevard and Market Way. Technically this sign does not meet current sign regulations but it would once the proposed sign ordinance goes into effect later this year, assuming there are no changes.

This case is similar to one heard by the commission in February regarding the Anne Arundel Dermatology building in the Light Business Park. Staff has suggested in this case that the applicant invoke the existing exception language and process an amendment to the existing site plan to add a “wall-mounted signage plan” for the buildings which will allow them to move forward with sign installation in advance of the new regulations taking effect. The proposed plan does not clutter the site with excessive signage and staff did not believe it was unreasonable to use this approach.

The proposed ordinance will permit up to two square feet of wall-mounted signage for each linear foot of the front and back of this building which has two entrances. The proposed plan falls well below the maximum limitations proposed in the pending amendments. Staff recommended approval of the site plan amendment.

**MOTION:** (Miller/Wheeler) I make a motion to approve.

**DISCUSSION:** Discussion about discrepancies in height of the signs. Brad Fulton said the correct height is four feet. Mr. Brubaker asked if there are any freestanding signs. Mr. Fulton indicated there will be one freestanding sign for the gas pricer. Mr. Thomas suggested an amendment that all the dimensions be corrected to be consistent. Staff will require revised plans be submitted. Mr. Miller and Ms. Wheeler agreed to the amendment.

**ACTION:** APPROVED AS AMENDED (Unanimous)

### **Workshop: 920 West Washington Street – Jalil Zarrabi – Proposed Ornamental Security Fencing/Potential Landscaping Waivers.**

Staff Report: (The complete staff memo is in the meeting file.) The owner of the above property is considering installing eight-foot tall ornamental metal fencing around the entire property for the purpose of site security, specifically for a data management business that he plans to recruit to the site which requires security measures. The fencing would be black ornamental metal. Height is okay but needs landscaping buffers adjacent to streets. The proposed fencing will be similar to the ornamental fencing at the County Commuter next door, but taller.

The existing configuration of the perimeter of the site with narrow areas between public sidewalk and on-site sidewalk, the retaining wall along West Washington Street, steep sloping areas along

Wakefield Road, and other factors cause difficulty in achieving compliance with the fence landscaping requirements of the Zoning Ordinance.

Using Google StreetView, Mr. Bockmiller made a presentation on the location of the proposed fencing for the entire property, with the following items highlighted:

- Fence would extend across the front of the property just behind the stone wall.
- Along West Washington Street there would be an entrance gate at the top of the existing stairs.
- A 25-foot setback will be required from the corner(s) of the property.
- It is recommended to quitclaim an odd-shaped piece of City-owned right-of-way along Devonshire Road.
- Landscaping will be placed behind the fence for security reasons.
- Ornamental fencing will replace the existing chain link fencing along Wakefield Road.
- Along Devonshire Road, the fence will be located along the right-of-way or in the right-of-way if a license agreement can be obtained from the City Engineer.
- Landscaping may not be possible along Devonshire Road due to the site conditions.
- Existing chain link fencing will be removed.

The applicant will be requesting waivers to the buffering requirements (to reduce or eliminate landscaping in certain areas and to allow landscaping on the inside of the fence). A license agreement will also be necessary from the City Engineer for any fencing in the right-of-way.

Commission Discussion: Commission members questioned the eight-foot height of the fence. Jalil Zarrabi, developer of the site, stated that the neighborhood is a security risk and the potential tenants will not relocate without the taller fence. Mr. Bockmiller noted that staff would be concerned about the height if it was anything but an ornamental metal fence. Mr. Miller asked about the style of the fence top. Mr. Zarrabi said the fence will have sharp points on the top.

Mr. Wright asked if it would be possible to remove some macadam on the Devonshire Road side to achieve a planting behind the fence. Trees could be planted to achieve a uniform effect. Mr. Bockmiller noted that care would need to be taken to ensure that the drive aisle widths are maintained. Mr. Wright said he has no concerns with any of it, but suggested getting more room on the Devonshire Road side for plantings. Mr. Thomas had emergency access concerns. Mr. Bockmiller noted that the Fire Marshal will most likely require a Knox box on the gate. Mr. Brubaker wanted to make sure that attention is given to the residential transition. Mr. Bockmiller stated that the zoning district line is the rear property line so the entire property line will be brought up to current standards (10-foot buffer and a buffer consisting of a combination of trees and shrubs). Ms. Wheeler stated that some type of landscaping buffer should be included on the West Washington Street frontage to soften the view.

Mr. Zarrabi responded that there is not much room for landscaping near the pedestrian gate on Devonshire Road. Mr. Bockmiller concurred that for security reasons, landscaping might need to be kept to a minimum around the pedestrian gate. Mr. Zarrabi stated that steps along Devonshire Road will not be used and that gates will not be installed in front of the steps. Mr. Bockmiller indicated that staff will require that the parking lot be striped and that trash enclosures be added.

### **Highway Central Section Fuel Center Upgrades – 601 Northern Avenue, Site Plan, Case No. ZS-2015-01.**

Staff Report: (Staff report is in the meeting file.) The applicant proposes to reconstruct the fuel island and storage tanks located near the main entrance to the facility. The property is almost entirely in the floodplain. This plan was also reviewed for compliance with the Floodplain Ordinance. As long as the County obtains all the necessary permits, the site plan complies with the Floodplain Ordinance.

The existing tank is underground. The new tank will be elevated above the 100-year flood level (approximately four feet above ground). Total disturbed area will be approximately 15,000 square feet. The area along the property line is heavily wooded due to the presence of Hamilton Run which runs through the front of this site and through the adjoining property. Given the course of the run through the adjoining property, that area in the southwest corner of that property adjacent to the proposed use area is undevelopable. No new landscaping would be required.

The site plan was submitted and routed for review. All agencies have approved the site plan. Although not required by the ordinance, Planning staff asked the applicant's engineer to look into the removal of the aging chain link fence that bisects the front lawn area, or relocating it closer to Hamilton Run. Given the distance of this work from the road it was difficult to justify street trees, however, staff recommended that the applicant look to supplementing existing street trees as necessary.

Staff recommended approval, subject to the following conditions:

- Applicant shall obtain all necessary Maryland Department of the Environment permits for construction in the floodplain;
- The chain link fence across the front of the site be removed, and the streetscape be evaluated for the installation of additional street trees as necessary.

Applicant/Commission Discussion: Scott Hobbs and Brad Nicer from Washington County Engineering, were present. The Washington County representatives indicated that they do not have any issues about the requirement to remove the fence. Landscaping has been planted.

Mr. Thomas asked if there will be security measures around the tank. The representatives said there will be security measures. The tank will be ten-foot tall on top of the four-foot piers. Mr. Wright suggested that the fence that follows the path to North Hagerstown High School on the west side of the property remain. Representatives from Washington County indicated that the Director of Highways wants to keep the side fence as well. Fuel from the tank will travel above ground and then below ground before it gets to the pumps.

**MOTION:** (Brubaker/Miller) I'll recommend approval subject to staff conditions.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**Text Amendment: Indoor Plant Cultivation and Processing Facilities,  
Case No. ZT-2015-01.**

Staff Report: (Staff report is in the meeting file.) The Planning Commission held a public review meeting on August 26, 2015. At the hearing one individual spoke in favor of the amendments; there was no opposition. In the ten-day comment period, staff received no additional testimony either in favor or against the proposed amendments.

Staff recommended the commission make a positive recommendation to the Mayor and City Council.

Commission Discussion: For the record, Mr. Thomas stated that he is opposed. Just because the state has made it legal to cultivate medical marijuana it is not necessary for the City to make it legal to cultivate it inside Hagerstown City limits.

**MOTION:** (Miller/Wheeler) I make a motion to recommend adoption.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN – Brubaker; YES – Miller, Wheeler, Wright; NO – Thomas; ABSENT – Campbell, Stone)

**Board of Zoning Appeals – September Hearing.**

The commission had no concerns to pass on to the Board of Zoning Appeals.

**Adjourn.**

It was moved and seconded that the meeting adjourn (5:13 p.m.).

9/30/2015  
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Approved

  
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Debra C. Calhoun - Secretary