

**Planning Commission  
MINUTES – Regular Meeting**

**September 30, 2015  
City of Hagerstown, Maryland**

---

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, September 30, 2015, in the Council Chamber, Second Floor, City Hall. Also present were commission members R. Campbell, 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.

**REGULAR MEETING**

**Roll Call.**

Commission members M. Brubaker and D. Miller were absent.

**Approval of Minutes:**

**September 9, 2015 – Workshop Meeting.**

**MOTION:** (Thomas/Wheeler) I make a motion we approve the minutes as submitted.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN – Campbell, Stone; ABSENT – Brubaker, Miller)

Mr. Wright announced the Maryland Planning Commissioners Association 2015 Annual Conference on October 29 and October 30, at the Maritime Institute in Linthicum, Maryland. He will be attending both days and offered to share a ride if any other commission members wanted to attend.

**Development Review:**

**Twiggy Cycles – 200 South Edgewood Drive – Expansion, Site Plan, Case No. ZS-2015-09.**

Staff Report: The applicant proposes to construct a 6,122 square-foot warehouse extension on the back of the Twiggy Cycles building, and a 1,435 square foot canopy addition on the front and side of the building. Existing parking is more than adequate to meet ordinance requirements.

Existing landscaping will be augmented to address current landscaping requirements. A row of shrubs will be installed along Edgewood Drive, and landscaping plantings will be installed along the northern side property line as well. Given that this site is at what will be a prominent intersection in the future when Paul Smith Boulevard is extended and properties are improved,

the applicant proposes to install significant landscaping upgrades along its Paul Smith Boulevard frontage, on both sides of its internal driveway, and install dumpster enclosures to screen its trash receptacles. This area is currently used for a small amount of outdoor storage but this practice will end with the implementation of the site plan improvements. Forest conservation for this site was addressed with the original development of the site in the 1990s, including a state-reviewed forest conservation plan.

The applicant is requesting a waiver from the requirement to install street trees along Edgewood Drive. The applicant cites the location of overhead power lines and desire to maintain visibility of the building as justification for the waiver. Staff concurred with the former justification, but not the latter. Waivers are justified on unique circumstances of property and the general impact of street trees is not addressed by this. General visibility of businesses cannot be used as justification unless the commission is willing to do away with the requirement for all commercial properties. There is nothing particularly unique about the situation on this property. However, due to the presence of the overhead lines, coupled with the extensive additional landscaping being provided at other locations around the site, it will be a substantial improvement to this site. As proposed, it meets the intent of this provision. Staff recommended approving the waiver.

Commission/Applicant Discussion: Mr. Wright objected to the staff’s justification for not recommending the waiver request based on visibility of the business. He felt that business viability is an important consideration and believes not considering it is wrong. Staff pointed out that this is an ordinance requirement and will require a change to the ordinance to remove it as a requirement. The applicant will be installing a row of shrubs so it will meet current landscaping standards.

Mr. Bockmiller asked if the Water and Wastewater Division comments were addressed by adding notes on the site plan. Adam Hager, of Frederick, Seibert & Associates, indicated that the notes have been added. Mr. Bockmiller stated that the only remaining comment is from the Police Department and whether the proposed lighting meets IES standards.

Staff recommended approval subject to the conditions described by staff.

Concerning the waiver request:

**MOTION:** (Stone/Campbell) I’ll make a motion that we approve the requested landscaping waiver.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

Concerning site plan approval:

**MOTION:** (Stone/Campbell) I make a motion to approve the site plan, subject to the Police Department comment.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

### **Planning Commission Business:**

#### **Workshop: 806A-806B-808 Marshall Street – Proposed Subdivision.**

Staff Report: The property owner owns two adjacent lots. Lot 11 contains a single-family dwelling and almost all of a two-family dwelling. Lot 10 contains only a corner of the two-family dwelling. The owner would like to separate the two buildings by resubdividing Lots 11 and 10 to put each building on its own lot.

Staff identified three zoning variances for setbacks that will need to be approved by the Board of Zoning Appeals prior to subdivision. In addition the Planning Commission would need to grant a waiver to reduce the required width of a panhandle lot from 25 feet for a single-family dwelling to 15 feet for a duplex. If the variances are approved, neither lot will meet the minimum lot area and setback requirements of the Zoning Ordinance.

At this point a driveway is not proposed for the duplex property. The property owner believes there is adequate parking on the street. Staff will require that a sidewalk be constructed from the public sidewalk to the duplex in the back. Unless the City Engineer will not permit it, a driveway could be constructed on the panhandle to serve the duplex in the rear.

Commission members felt subdivision of these buildings would be advantageous creating the possibility of owner-occupied housing on the front lot. It was also noted that this is an existing condition.

#### **Preliminary Consultation: 702 West Washington Street/Alex Kreyn – Local Conversion District Overlay.**

Staff Report: (See staff report in the meeting file.) The building in question is at the corner of West Washington and Winter Streets. The current use is multi-family residential with two vacant storefronts. The purpose of the proposed Local Conversion District Overlay is to stimulate the adaptive reuse of existing, nonresidential and mixed-use structures embedded within densely

developed residential districts. Staff has preliminarily scheduled this case for a public review meeting on October 28.

This property meets all the criteria for a Local Conversion District Overlay. The property has two storefronts, both of which were closed in years ago. Mr. Kreyn is proposing several uses in his application, including continuing the use of the four residential units, and reuse of the commercial space for either artist live-work space, retail, catering kitchen, ambulatory health care, business offices, restaurant, or retail/wholesale. The 1956 Polk Directory identified the Rosen Department Store at this location.

With regard to the storefronts, the Winter Street side storefront will be reopened. In exchange for not requiring that the corner storefront be opened up, staff would not oppose bricking in the storefront windows. However, the existing boarded condition needs to be replaced with windows or brick façade. The corner storefront is not being considered for opening because the owner is not sure how the interior space will work out. The room in the corner could become a “back room area” for his own business. Mr. Stone felt the flexibility would be advantageous because the best thing that could happen is that there would be two businesses on the first floor.

Mr. Wright had concerns about allowing a business in this location that ultimately turns out to be incompatible with the surrounding residential neighborhood. Mr. Stone disagreed and felt that within the range of uses listed on the application, the proposed uses would be compatible. Mr. Bockmiller stated that any deviation from the approved uses would need to be approved by the Mayor and City Council. In addition, a change of use building permit and a zoning certificate would be necessary.

Mr. Wright continued to have concerns with the fact that use is not known, and therefore, we cannot be assured that we will not be fostering a use that is incompatible or inappropriate for a residential area.

Staff will also be recommending a condition that window graphics be limited to no more than 50% of the storefront which would be similar to what is allowed in the CC-MU zoning district. Mr. Stone was not in favor of the condition proposed by staff. Mr. Bockmiller explained that limiting signage to that which is in scale with the surrounding area would be advantageous because this use is in an established residential neighborhood. Ms. Wheeler was concerned about windows outlined in LED lights and asked if that would be prohibited. Mr. Bockmiller said he would need to research that further. Mr. Wright did not believe that glaring lights would be appropriate in a residential district. Mr. Rohrbaugh stated that building codes will figure in to this proposal as well.

Commission members were interested in having the corner storefront opened up as well as the Winter Street storefront. There should be a time limit for opening up the corner storefront.

Mr. Rohrbaugh stated that the applicant will be able to provide more information at the public review meeting, especially details about the proposed uses. Mr. Wright stated that the applicant must be more concrete about his proposal for the public review meeting.

The apartments on the upper floors are occupied. Staff was directed to check with the City Attorney about how far the commission can go as far as imposing conditions on the Local Conversion District Overlay. Mr. Stone and Mr. Campbell indicated that if Mr. Kreyn goes with the uses listed on the application, they would not have any issues with the rezoning request.

Ms. Maher informed the commission that the new signage regulations were adopted by the Mayor and Council, which in this situation would be one square foot of signage area per linear foot of building frontage. Mr. Wright wanted to rethink the amount of signage allowed in residential districts. Mr. Rohrbaugh stated that the Planning Commission can impose a condition on the amount of signage permitted. Commission members were in favor of limiting signage but also wanted staff to let Mr. Kreyn know that they will be expecting a full presentation on his proposal at the public review meeting.

#### **City Comprehensive Plan Update – Transportation Element.**

Staff Report: (See staff report in the meeting file.) Mr. Rohrbaugh has been working on the Comprehensive Plan update which was adopted in 2008. Issues and opportunities will be identified for each topic and then corresponding policies and recommendations will be formulated to address them. Staff is not planning a complete overhaul of the Comprehensive Plan—it will be more of an update and the structure will be very similar to the 2008 plan. All plans and studies completed since the 2008 plan was adopted will be incorporated, such as the The Community’s City Center Plan, the 2012 Sustainable Communities Plan, the 2012 County Urban Growth Area rezoning, etc.

The last plan was written in a different time both locally and nationally, with most of it written during the housing boom, therefore, it was very aggressive toward growth. The other focus of the 2008 plan was new suburban developments outside the city and how they could be captured. The updated plan will focus more on revitalizing existing housing stock. As mentioned, the updated plan will incorporate all other plans. This will not be another study. The plan will be updated to reflect new census data and development reality for our area. There will be some new content, but most of the changes will be to update existing content.

Washington County is also working on an update to their Comprehensive Plan and this affords an unprecedented opportunity to have those discussions with the County regarding how the area outside the City should grow. Mr. Stone recalled that the 2008 Comprehensive Plan had high hopes for growth and annexation. He hoped that the new plan will look at strategies to grow the

corporate boundaries. We can do more as a planning organization to get past these walls to annexation, and the commission needs to accomplish more in that direction than we did in the last comprehensive planning cycle.

Lastly, the Plan update will allow staff to address current issues in the city such as quality of life with regard to housing and neighborhoods, poverty, economic development, (re)development of underutilized and vacant properties, downtown revitalization. In addition, the plan will address emerging issues such as environmental sustainability, future parks and open spaces needs, telecommunications, and alternative transportation, including bicycling. The City will have help from the Maryland Department of Planning and the Maryland Department of the Environment on the Water Resources Element since it is very technical.

Currently Planning staff is seeking input from City departments on matters relevant to those departments; there have been discussions with the faith community and nonprofit community, and the bicycle advisory committee. Input will be solicited from Neighborhoods 1<sup>st</sup> and there will be an online platform to collect comments, as well.

Mr. Rohrbaugh hopes to have all nine elements reviewed by March 30, 2016. Once the draft has been reviewed, the City will put the updated plan out for the required 60-day review period and hold the public review meeting. Once the Comprehensive Plan draft goes to the Mayor and Council, that body has 90 days to act on it with a possible extension of 60 days. If the Mayor and Council recommends any changes the plan will be remanded back to Planning Commission for another public review meeting.

Planning staff worked closely with Engineering staff and the Bicycle Advisory Committee to develop the draft Transportation Element. While some of this element remains unchanged from the 2008 Plan, it does incorporate relevant data and recommendations chiefly from the Hagerstown-Eastern Panhandle Metropolitan Planning Organization's (HEPMPO) 2040 Long-Range Transportation Plan, the City's 2010 Bicycle Master Plan, Livable Streets Policy, and Long-Range Transportation Plan.

Concerning "Policies" Mr. Wright disagreed that the City is encouraging sidewalks with new developments since sidewalks were not required for the Harbor Freight development on Wesel Boulevard. There is no policy. Mr. Bockmiller noted that at the time there was no requirement for sidewalks on site plans. That omission was remedied with the 2014 Land Management Code Amendments. Mr. Wright stated that the plan should read "generally" or "encourages." Staff noted that with residential subdivisions staff has been very aggressive in requiring sidewalks. Mr. Rohrbaugh stated that language could be added to the Plan; the matter should also be re-evaluated.

Mr. Campbell indicated that he was disappointed with Washington County Planning's response to his question at the joint meeting with the Washington County Planning Commission about public transportation. He requested that the recommendations for public transportation be beefed up since "Millennials" and "Gen-Xers" are very interested in public transportation. The City's Comprehensive Plan should strengthen the language on page 5 that encourages mass transit. Pages 5-3 (Public Transit) and 5-9 (Transportation Policies, 5-5) should be modified to incorporate Mr. Campbell's comments.

Mr. Campbell asked if the Hub City Bike Loop will be expanded. Mr. Rohrbaugh stated expansion is planned only to the extent of locating connections from outer areas into Downtown (i.e., east-west connections across the city). The Livable Cities initiative will address that. Mr. Campbell stated that that is not mentioned and asked if it should be included. Mr. Rohrbaugh stated that the network will be reviewed as part of the Bicycle Plan Update. Mr. Thomas pointed out that there are sections of the bike loop where the road is not wide enough for vehicles and bicycles. Also, there is not a continuous connection in some places. Mr. Wright directed staff to provide that input to the Bicycle Advisory Committee.

Concerning the widening of Interstate 81 (page 5-6), Mr. Stone asked if that was not a "done deal." Mr. Wright explained that the widening does not include the entire length of I-81 from the West Virginia state line to Pennsylvania.

Concerning Professional Boulevard, Mr. Stone had questions about the design shown on the map. Ms. Maher indicated that the proposed design has changed over time. Mr. Rohrbaugh stated that it is currently shown as an "X" on the map—it is no longer a loop road. Mr. Rohrbaugh was instructed to investigate whether the bridge is included in the data contained in Table 5-1.

Staff noted that overall, the policies in the Transportation Plan are the same as the 2008 Comprehensive Plan. Mr. Campbell's comments will be added concerning public transportation. In addition a review of the Mayor and Council's sidewalk policy will be added.

Planning Commission members asked to see a copy of the revised report with the corrections highlighted.

**Adjourn.** It was moved and seconded that the meeting adjourn (9:19 p.m.)

10/28/2015  
Approved

  
Debra C. Calhoun - Secretary