

**Planning Commission  
MINUTES – Regular Meeting**

**November 9, 2016  
City of Hagerstown, Maryland**

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Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, November 9, 2016, in the Conference Room, Fourth Floor, City Hall. Also present were commission members R. Campbell, 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; and D. Calhoun, Secretary.

**REGULAR MEETING**

**Roll Call.**

Mr. Brubaker, Mr. Miller, and Mr. Stone were absent.

**Approval of Minutes:**

October 5, 2016 – Workshop Meeting.

**MOTION:** (Campbell/Thomas) I will move approval.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN – Wright)

**Development Review:**

**Coinop Warehouse – 365 East Franklin Street – ESD Concept Plan.**

Staff Report: (Copy of staff report in meeting file) The site consists of two parcels bisected by a paper alley right-of-way. The property owner is in the process of obtaining a quitclaim from the Mayor and City Council in order to consolidate the site. The northern parcel is improved with a more than 33,000 square-foot former warehouse building which is an expired nonconforming use. The intent is to operate a store for the owner’s business of buying and selling jukeboxes, large curiosities (such as antique gas pumps), and video arcade games, among other items. The applicant is also considering purchasing another expired nonconforming warehouse building to the east across Osborne Avenue with the intent of operating the business from one building and an antique mall from the other in the future.

In order to accommodate the parking needed for these uses and any future uses permitted in the CG (Commercial General) zoning district, the applicant is proposing to improve the vacant lot to the south of the building and alley right-of-way fronting on East Washington Street with a

parking lot designed for as many as 91 spaces. However, the lot may not ultimately be this large once parking demand has been determined. An existing loading area on the west side of the building would be striped to provide 19 parking spaces.

The applicant has also discussed purchasing all properties along Osborne Avenue and seeking quitclaim of Osborne Avenue in order to provide additional parking. All properties fronting on Osborne Avenue, including two nonconforming dwellings, are zoned CG. However, this is provided only for information purposes and is not part of this proposal.

Storm Water Management Approach

The City Engineer has provided a number of comments and advisories related to the general site design that the applicant should be aware of during the development of a site plan (meeting file). These are issues that are too specific to address at the ESD sketch plan stage.

Site Features

The properties are regularly shaped and have no shortage of frontage on public streets. A forest stand delineation has determined there is no forest on these properties. A 42-inch City-owned storm drain runs under the building and bisects the lot where the parking is proposed.

Waivers and Forest Conservation

No waivers have been requested at this time and none appear to be necessary based on a preliminary review. Provision of street trees along East Washington and East Franklin Streets on the subject property should be priorities for forest conservation ordinance compliance. If street trees are used for compliance along Osborne Avenue, it is possible that easements may have to be obtained from the applicant should that street be quitclaimed to the applicant by the City in order to protect the trees and maintain their status for compliance with the Ordinance.

Staff recommended approval.

Applicant/Commission Discussion: Lloyd Thoburn and Gordon Poffenberger were present on behalf of Coinop Warehouse. Mr. Poffenberger explained the stormwater management plan and the existing storm drains. Mr. Bockmiller indicated that the owner has submitted an express procedure for forest stand delineation. Mr. Poffenberger stated that once the alley is quitclaimed, a consolidation plat will be filed to combine all the lots into one.

**MOTION:** (Campbell/Wheeler) I'll move for approval of the ESD concept plan.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**1034 West Washington Street – Consultation for Alternate Compliance (Car Sales Facility).**

Staff Report: (Copy of staff report in meeting file) The potential purchaser of this property plans a two-phase development of this site. The first phase involves repairing the building and tidying the borders of the front parking area which is proposed for inventory display. Customer and employee parking will be behind the building and accessed by a driveway along the right side of the building. During this phase they are proposing an alternative compliance plan that shows an approximate five-foot wide landscaping area between the two driveway aprons along West Washington Street. This landscaping area will be mostly or entirely within the street right-of-way. Staff noted that the Engineering Department has no objections to the location of the planting bed in the right-of-way. A similar landscaping area will be installed at the intersection of West Washington Street and North Mont Valla Avenue. Paving is proposed for a small amount of grassed area and reinstatement of a grass and a five-foot wide landscaping strip along the sidewalk. The display area would accommodate approximately nine vehicles. Staff indicated that given the circumstances, this approach appears reasonable and a substantial improvement of the current conditions on the site.

A second phase would include installation of an additional inventory display area for approximately 12 vehicles along North Mont Valla Avenue. This would comply with all of the City's design standards (i.e., ten feet of landscaping from the North Mont Valla Avenue right-of-way and ten feet from the rear property line). There is a paper alley with mature trees to the north which combined with the ordinance requirements should provide a sufficient amount of buffering from the residential property to the north. This area is separated from the front display area by a small area of rock outcrops and extreme topography. Each area will have a sidewalk connection to the public sidewalk along North Mont Valla that will allow customers to move between the two display areas. A driveway entrance will be needed along North Mont Valla for the new display area which will be used for delivery and removal of inventory as it is sold. This area will be used for display of "for sale" vehicles only and not for customer parking. Staff suggested a privacy fence be installed behind the building that fronts on Nottingham Road.

Earth disturbance is anticipated to be less than 5,000 square feet so the site plan would be processed as a minor site plan; however, because of the waivers being requested staff will bring the minor site plan to the commission for approval.

Applicant/Commission Discussion: Margaret Yaukey, realtor, was present to answer questions by the commission. Ms. Campbell asked if the proposed improvements to this site will result in additional traffic at the intersection. Based on her observations, this intersection can be busy at times. Mr. Bockmiller indicated that the service repair bays will be used for cleaning up vehicles that will be offered for sale. Ms. Yaukey stated that this site was selected because of its proximity to I-81. At this point, the Planning Commission had no concerns about the proposal.

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

Staff Report: (Copy of staff report in meeting file) The applicant in this case is nearing completion of this expansion project but has encountered some unforeseen difficulties before beginning construction. Indian Motorcycles demands more interior space than originally planned. As a result, vehicles on site for service are being stored outdoors during the day along Paul Smith Boulevard. Also they have not been successful in locating effective dumpster enclosures along Paul Smith Boulevard.

To address these concerns the applicant proposes to construct a solid fenced enclosure along the south side of the site approximately three-quarters of the length of the building. The fence will be made of the same siding material as the building, and will be eight feet tall. There will be gates at the eastern and western ends of the enclosure where the existing driveway enters on each side. The dumpster pad will be relocated farther west on the south side of the building. The fenced area will serve as a screen to block view of material stored within it and will block view of the dumpster from public ways, rather than having a dumpster enclosure around just the dumpster itself. The fence will be just outside of the existing driveway.

The ordinance requires that ten feet of landscaped buffering be installed outside of fences that are adjacent to public street rights-of-way. The applicant seeks a waiver to reduce this distance as the area between the driveway and the right-of-way is of varying distances of less than ten feet. Landscaping shrubbery would be installed outside of the fence within the three- to five-foot wide area between the fence and the right-of-way.

Staff made no recommendation for or against this proposal. Staff’s primary concern is that the fence/wall be constructed so that it appears to be part of the construction of the building (i.e., no chain link or similar fencing material) and be completed in a professional and workmanlike manner. Ultimately, when Paul Smith Boulevard is completed and connected, this façade will be facing a major intersection and heavily traveled road and will appear as a “front” of a building, and not a service area. This requires balancing the future through-nature of Paul Smith Boulevard with the existing condition that this area has been unofficially used as the “back area” of this facility in order to meet the applicant’s needs.

Applicant/Commission Discussion: Mr. Thomas cautioned that the fence structure needs to be constructed so it can withstand heavy winds. Mike Twigg of Twigg Cycles stated that the photograph provided is of an existing fence—they stored the material when it was removed. The fence was up for 20 years and withstood wind without an issue. Mr. Wright noted that according to the drawing provided the applicant will be fencing off a water meter. Mr. Bockmiller stated that the worst case scenario would be that the applicant would be required to provide a key to the gate so City meter readers can access the meter. Adam Hager of Frederick, Seibert & Associates, Inc., indicated that the intent was to screen the appearance. Mr. Thomas pointed out that they

need to keep ten feet of clearance around the transformer for safe operation and provide an opening wide enough for utility trucks to access the area. Mr. Wright pointed out that the transformer is not a City concern. That would be between the applicant and Potomac Edison.

- MOTION:** (Campbell/Thomas) I move for approval with the contingency that they check with the Utilities Department to ensure that everything meets their requirements.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**Planning Commission Business:**

**901 Pope Avenue – Jeffrey N. Crampton, Amendment to Conversion District,  
Case No. ZM-2016-03.**

Staff Report: (Copy of staff report in meeting file) The public review meeting for this proposal was held on October 26, at which time the record was held open for ten days. During that ten-day period, no additional comments were received. During the public review meeting, the Planning Commission took testimony from the applicant; however, no testimony was provided by others either in favor or against the rezoning.

Staff recommended approval of the rezoning, with a condition that any trash dumpsters located along the Pope Avenue side of the building be provided with dumpster enclosures in accordance with the requirements of the Ordinance. The properties across Pope Avenue are predominantly residential and located in a residential zoning district.

- MOTION:** (Wheeler/Campbell) I will make the motion to recommend approval to the Mayor and Council with the dumpster comments.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**Board of Zoning Appeals Agenda – November Hearing.**

Staff Report: (Copy of staff report in meeting file) Commission members discussed the appeal filed for 1400 Potomac Avenue; however, on a request by the applicant’s attorney, that case was postponed to the December hearing. Staff also provided the commission with background information on the appeal for the property at 1743 Dual Highway.

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The Planning Commission had no comments to pass on to the Board of Zoning Appeals for their November docket.

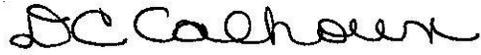
**Other Business:**

Mr. Wright indicated that he drove by the building on the corner of Virginia Avenue and South Burhans Boulevard and had concerns about why this building was approved under a minor site plan. It is a three- to four-story building built close to Virginia Avenue. He felt staff needs to look at that again. In his opinion, this project should not have been considered a minor site plan. It is a massive building—it is not minor. He believed staff should have brought this project to the commission for approval.

**Adjourn.** It was moved and seconded that the meeting adjourn (7:53 p.m.)

12/14/2016

Approved



Debra C. Calhoun - Secretary