

**Planning Commission  
MINUTES – Regular Meeting**

**March 8, 2017  
City of Hagerstown, Maryland**

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Douglas S. Wright, Jr., chair, called the meeting to order at 4:04 p.m., on Wednesday, March 8, 2017, in the Conference Room, Fourth Floor, City Hall. Also present were commission members D. Miller, 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; and D. Calhoun, Secretary.

**Approval of Minutes:**

February 22, 2017 – Regular Meeting.

**MOTION:** (Wheeler/Stone) I will move approval of the minutes.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**Kind Therapeutics/Mari Holdings MD LLC – 504 East First Street –  
Parking Lot Improvements, Site Plan, Case No. ZS-2017-01.**

Staff Report: (Copy of staff report in meeting file) Mr. Bockmiller thanked the commission for agreeing to consider this case with just a short period of time to review the plans. The next meeting is March 29 so a special meeting would have been necessary. Mr. Wright stated that he would not have been inclined to grant the request had the commission not studied the project in detail at a previous meeting. This site plan is for a parking lot, fencing, landscaping, and other site improvements associated with the reuse of the former Statton Furniture Company building as an “indoor plant cultivation and processing facility.” This use was recently added to the Zoning Ordinance and it is a permitted use at this location, which is in the IG (Industrial General) zoning district.

The developer is proposing the following improvements to the site:

- Paving and marking of a handicapped parking area (all other parking areas will be gravel except for the existing concrete area in front of the building);
- Fencing of the entire site.
- Addition of landscaping along East First Street and Oak Street and conversion of several gravel areas in the rear to sod;
- Removal of debris and rubble;
- Narrowing of the front driveway apron, centering it on proposed parking;

- Installation of 71 parking spaces in gravel areas using wheel stops to identify parking spaces.
- Marking the front loading dock area for 12 parking spaces

The plan is substantially the same as what was presented to the commission in concept. The applicant has requested a waiver to use an alternative landscaping plan as shown on this plan instead of full compliance with all of the requirements of Article 5. Staff recommended approval of the waiver given the existing developed nature of the site, the City's interest in seeing this very large complex rehabilitated and put into use, the industrial nature of the use, and the nonexistence of public access to or need to visit the site.

The plan was routed for review and all agencies have approved the plan, with the exception of the Water and Wastewater Divisions. Water and Wastewater recommended approval, subject to the developer's engineer addressing a few minor plan drawing details. Staff recommended approval of the waiver request and approval of the site plan, subject to remaining comments from the Water and Wastewater Divisions being addressed.

(Ms. Maher arrived.) Mr. Bockmiller reviewed the plan. The fencing has begun, but a note has been placed on the site plan that a pile of debris in the northeastern corner of the lot must be removed.

Commission/Applicant Discussion: Michael Renn, Project Engineer, was present. Ms. Wheeler asked about exterior lighting. Mr. Bockmiller noted that technically these are existing parking lots for employee parking. In lieu of pole lighting in the parking lot, staff asked the applicant's engineer to add wall-pack lighting units around the building to shine into the parking lot. Ms. Wheeler also had a question about how trucks will access the loading area at the rear of the property. Mr. Bockmiller replied that the type of truck that will be used will be along the lines of an armored vehicle. Access to the site for product pick up will be to the right of the building on East First Street. Mr. Miller asked if the alternative landscaping plan is what is shown on the site plan. Mr. Bockmiller confirmed that the alternate landscaping is what is shown on the site plan.

Mr. Stone questioned the width of the drive lane in the rear. Mr. Renn indicated that the gravel drive is about 16 feet wide and will accommodate the types of vehicles that will be using the loading dock area. In answer to a question by Mr. Stone, Mr. Bockmiller stated that fencing on the perimeter of the property will consist of six-foot tall chain link fencing with ornamental metal, vertical picket fencing along East First Street. Mr. Wright noted that the site plan shows some of the chain link fencing at six feet, eight inches tall; however, Mr. Bockmiller stated that the Zoning Ordinance allows fences up to ten feet tall in the IG zoning district.

- MOTION:** (Stone/Miller) I make a motion to approve the site plan with the alternative landscaping as shown on the site plan, subject to the comments of Water and Wastewater.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

Mr. Bockmiller confirmed with Mr. Renn that he will be the project manager for this site. He wanted to make sure that the developer understood that the site plan is not a “suggestion.” Any changes to the design need to be approved by the Planning Commission. Mr. Wright reiterated that if the applicant wants to change anything on the site plan, it must be approved by this body.

### **Comprehensive Plan – Public Review Update.**

Ms. Maher updated the Planning Commission on where the draft *visionHagerstown 2035* Plan currently stands. She also requested feedback from the commission on a proposed timeline for the Plan’s public review and ultimate adoption.

Planning staff and the City’s Communications staff have been working to develop an online survey to gather community input for the broad themes that *visionHagerstown 2035* address. Five online surveys have been created through the SurveyMonkey® platform based on the following themes: Downtown, Economic Development, Transportation & Water Resources, Urban Design & Sustainability, and Housing & Neighborhoods. The format and questions of each survey were modeled after a similar Comprehensive Plan survey out of Asheville, North Carolina, and include a series of guided questions and statements that allow for interval-style answers (i.e. Strongly Agree, Agree, Disagree, Strongly Disagree) with one open-ended feedback question.

The first survey is expected to be released the week of March 6 and will be distributed through the City’s social media platforms (Facebook, Twitter), a City-maintained electronic mailing list that should reach over 500 citizens, through the Neighborhoods 1<sup>st</sup> and Main Street groups, a *visionHagerstown 2035* plan webpage on the City’s website, as well as a media press release. Each subsequent survey will be released at a rate of one per week and all will continue to be made available through the public review period.

Staff proposed the following timeline for the *visionHagerstown 2035* public review and adoption:

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<b>Proposed <i>visionHagerstown 2035</i> Timeline Date</b>	<b>Action</b>
Beginning the week of March 6	Launch of Public Feedback Survey and Go Live with <i>visionHagerstown 2035</i> Update webpage
March 14 and 21	Initial presentation of draft Plan recommendations to Mayor and Council
March 29 and April 12	Planning Commission review of Mayor and Council feedback
April 17 – June 16	Mandatory 60-day review Public Review period. Draft plan made available on City website and, by state law, sent to MD Department of Planning, Washington County, and Funkstown
June 28	Planning Commission Public Review Meeting
July 11	Joint meeting of Mayor and Council and Planning Commission to review public input
July 26 and August 9	Planning Commission deliberation on revisions arising out of input (this could be extended depending on input)
August 9	Planning Commission recommendation of draft plan to Mayor and Council
August 15 or 22	Planning staff update to Mayor and Council
August 29	Mayor and Council Public Hearing
Within 90 days after August 9	Per state law, Mayor and Council action to either: adopt the plan; reject the plan; or remand the Plan back to Planning Commission. Mayor and Council has the option to approve for itself one 60-day review extension. If Mayor and Council take no action within this timeframe, the Plan is deemed approved by state law.
Fall 2017 and beyond	If Plan is remanded back to Planning Commission, the Commission must hold another Public Hearing on revisions before sending back to Mayor and Council with recommended “new plan.”
Fall 2017 and beyond	Mayor and Council action to approve or reject Plan.

Staff has received approval from the City Administrator to hold a joint meeting with the Planning Commission and the Mayor and Council. Mr. Stone wants to make sure the public is aware of the public comment period and the public meeting opportunities. Staff will make sure the public comment information is placed in a prominent location on the City's home page.

Mr. Wright observed that at the State of the City, four out of the five council members who spoke expressed support for repairing the Edgemont Reservoir to keep it as an emergency water source.

### **613 West Washington Street – Olde Towne Development, Rezoning from RMED to CL, Case No. ZM-2017-01.**

This rezoning is scheduled for a public review meeting on March 29. Staff gave a brief overview of the proposal since the applicant did not request a preliminary consultation.

Staff has been working with the property owner for some time. The applicant also owns the property across the alley at 609-607 West Washington Street ("609-607"). The subject property is being used as a parking lot for the property at "609-607" which is zoned CL (Commercial Local). The two properties have historically been used in conjunction with each other. In 1964 a house was demolished on the front portion of 613 West Washington Street ("613"); an accessory building at the rear of the property was constructed sometime between 1940 and the 1960s. The City recently amended the Zoning Ordinance to allow car dealerships in the CL zoning district as long as the vehicles are stored completely indoors. It was noted that any nonconforming uses on the property at "613" have likely expired.

The property owner filed a rezoning application for the property, mostly focusing on the building located to the rear of the lot; the ongoing parking use of the front portion of the lot is considered a nonconforming use. Improvements have been made to the rear building at the developer's risk. The applicant is considering a service operation associated with a proposed car sales business at "607-609." The area in the front would continue to serve the parking needs of the large brick building at "607-609." The alley is the zoning district line. Staff believed that CL zoning will protect the community from adult bookstores and other uses that are not conducive to neighborhoods.

It was noted that the property at "607-609" is under common ownership with the property at "613." Ms. Maher stated that the applicant will be using the "mistake" argument, which was recommended by staff. The applicant has contacted an attorney to assist with their argument for mistake in the original zoning. Commission members observed that the two parcels appear to

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have a long history of supporting each other and looked forward to hearing the applicant's argument for mistake based on that relationship.

**Adjourn.** It was moved and seconded that the meeting adjourn (4:45 p.m.)

3/29/2017  
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Approved

  
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Debra C. Calhoun - Secretary