

**Planning Commission
MINUTES – Regular Meeting**

**April 5, 2017
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, April 5, 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; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

Approval of Minutes:

March 29, 2017 – Regular Meeting.

The minutes were not ready for approval.

367 East Franklin Street – 339 Antietam LLC, Final Plat, Case No. S-2017-01.

Staff Report: (Copy of staff report in meeting file) This is a final plat for the consolidation of two parcels bisected by a “paper alley” right-of-way that has been quitclaimed to the applicant by the Mayor and City Council. The total lot area, after consolidating the two parcels and right-of-way, totals 2.69 acres, and fronts East Washington Street to the south, Osborne Avenue to the east, and East Franklin Street to the north. The property is zoned CG (Commercial General). Stormwater management access easements and drainage easements totaling 0.36 acres are recorded with this plat, in addition to a ten-foot wide street tree easement along East Washington Street and part of Osborne Avenue. Street tree credit was approved by the Planning Commission to meet Forest Conservation Ordinance requirements (four trees on Washington and four on Osborne), but they could not be planted in the street rights-of-way. Therefore, a ten-foot wide forest conservation/street tree easement is recorded with this plat to ensure that the City may maintain the trees.

This plat was circulated for review by all review agencies. All reviewers have approved, with the exception of the City Engineer who has one condition. Staff recommended approval, subject to the outstanding comment by the City Engineer.

Commission/Applicant Discussion: Gordon Poffenberger, Project Engineer, was present. Mr. Wright questioned the 20-foot wide sewer easement. Mr. Poffenberger explained that the longer easement is existing and the short spur is proposed; the developer will be allowed to place paving over the easements. (Mr. Stone arrived.)

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- MOTION:** (Thomas/Miller) I move that we accept this final plat with the conditions by the City Engineer.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**613 West Washington Street – Old Towne Development, LLC,
Rezoning, Case No. ZM-2017-01.**

Staff Report: (Copy of staff memo is in meeting file.) Following up from the public review meeting at last week’s meeting, Mr. Rohrbaugh stated that the record was left open until this meeting and no additional comments were received. The applicant’s argument contends there was a mistake in the existing zoning classification since the two properties (607-609 and 613 West Washington Street) have always been used together and have always been owned by the same entity. A resident of Madison Avenue spoke at the hearing and was not opposed to the rezoning but did have concerns that were outside the scope of the rezoning. Staff requested that the commission make a recommendation to the Mayor and City Council and include a rationale for the rezoning.

Commission Discussion: Commission members recalled that when the last comprehensive zoning was conducted, commission members were not aware that the two properties were under common ownership and that they had historically been used symbiotically. This information was not available to the commission and as a result it did not enter into its considerations during the comprehensive rezoning. Ms. Maher noted that the commission would have had to look at every property individually to pick up on this relationship.

- MOTION:** (Wheeler/Thomas) I’ll make the motion that we recommend rezoning based on mistake because the commission did not take into account that the two properties have been used together commercially for some amount of time and that we didn’t consider the use and how the two properties were used.
- DISCUSSION:** Mr. Rohrbaugh wanted to make sure that it was understood that the key is that the two properties were commonly owned since 607 West Washington Street does not need to be rezoned. Mr. Stone felt that common ownership should be mentioned, but it is common ownership combined with common usage for a period of 50 or more years. Mr. Rohrbaugh wanted to be certain the proper arguments were in place in case the rezoning is challenged in the future. Ms. Wheeler stated the commission looked at the properties during the last comprehensive rezoning based on a boundary, as opposed to ownership. Mr. Rohrbaugh

proposed alternate wording for the motion: “The Planning Commission would motion to make a recommendation to rezone the property at 613 West Washington Street to CL on the basis of mistake in the existing zoning classification because the City did not consider that the two properties were commonly owned and were historically commercially used and that was not taken into account in the last comprehensive rezoning in 2010.” Mr. Stone added that the two properties were commonly used commercially in conjunction with one another. The property on the west was a supporting, accessory property for the building on the east side of the alley. Ms. Wheeler observed that that would not have been a red flag to the commission because unless the commission looked at every property it could not determine how each property was used. It was residential and the two properties are separated by an alley which has traditionally been considered a natural zoning boundary line. Ms. Maher noted that the residential zoning was probably placed in the 1950s since it was being used residentially; then in 1977 after the house was demolished, that change was probably not picked up.

ACTION: APPROVED (Unanimous)

Comprehensive Plan – Mayor and City Council and Public Review Update.

Mr. Rohrbaugh went over the Comprehensive Plan survey results to date. As of April 5, over 1,000 surveys have been completed. Staff will share full results with the commission at a future meeting. Surveys will remain open until the Planning Commission’s public review meeting in a few months. So far, the common thread has been safety and trash issues. Mr. Wright asked if there are any trends that need to be addressed. To date staff has not detected anything but will bring written comments to the commission after they have been analyzed. Mr. Rohrbaugh stated that the survey questions were based on a template used in Asheville, North Carolina. Commission members commended Mr. Rohrbaugh on the survey.

Commission members and staff discussed a bill introduced in Annapolis during this legislative session that would pre-empt zoning from prohibiting mother-in-law cottages. Mr. Bockmiller offered to follow up to see how this bill fared.

Staff hopes to present the comprehensive plan to the Mayor and Council on April 18.

Planning Commission Business.

- Mr. Wright reported on the Chamber of Commerce breakfast presentation on Ft. Ritchie and the new owners’ plans for the complex. He described the new owners’ plans as “thinking out of a bigger box.” The plan is to create a university campus affiliated with Korean University that will include 23 different universities with 20 different disciplines. There will be dormitories and residences; a five-star hotel associated with promoting health and health issues; a retail and housing component; a small entertainment component; and an office complex.
- Mr. Wright questioned new banners that have been placed around town by “HomePathHagerstown.” Staff indicated that based on its research it has determined that this is a private company that is involved with private rental management (not public). Mr. Wright asked if this entity would be improving building stock at their buildings downtown. Mr. Rohrbaugh stated that the website contains very little information.
- Mr. Thomas asked about the Hamilton Hotel. Ms. Maher stated that the owners were approved for a \$2.7 million loan to help with renovations for student housing. When the economy took a downturn, the project was put on hiatus and now it is getting ready to restart.
- Concerning CortPark, Mr. Bockmiller noted that this project is coming down the homestretch and the developer is working to get things in place so staff can sign off on the site plan.

Adjourn. It was moved and seconded that the meeting adjourn (4:43 p.m.)

5/10/2017

Approved



Debra C. Calhoun - Secretary