

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, June 28, 2017, in the Council Chamber, Second Floor, City Hall. Also present were commission members D. Miller, J. Stone, and R. Thomas. The following staff members were present: K. Maher, Director of Planning and Code Administration Department; S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary.

PUBLIC REVIEW MEETINGS

The chair explained the public review meeting procedure.

Proposed Text Amendment: Car Repair in I-MU (Industrial-Mixed Use) Zoning District, Case No. ZT-2017-01.

Staff Presentation: (A copy of the staff report is in the meeting file.) The City received a zoning text amendment application requesting that Article 4, Section Z (Land Use Chart) of the Land Management Code be amended to permit automobile repair in the I-MU District. This came about after staff was approached for a zoning certificate for the property at 327 East Wilson Boulevard for a car repair business. Since it is not a permitted use in the I-MU Zoning District, staff was unable to provide the certificate. The applicant had recently purchased the property with the intent of using it for automobile repair. Automobile repair is permitted in the CG, CR, IR, IG districts by right and by special exception in the CL District and permitted in the Conversion Overlay district.

The proposed language would add a new line to the use chart for I-MU as follows:
“Auto(motive) Repair & Maintenance (8111) in buildings constructed prior to 2010 with outdoor storage and service areas screened with opaque fencing and landscaping in accordance with Article 5.”

This language was developed after discussion with staff. Staff did not view this use as being conducive to the planned nature of I-MU Districts which is essentially POM (office park) zoning with some limited retail, restaurant, warehousing, and indoor light manufacturing. None of the uses in the category of “Automobile and Transportation-Related Use” in the use chart are permitted in the I-MU District. There are two existing I-MU Districts in the city: a large portion of the Harrison Tract (off of Edgewood Drive) is unimproved and a 7.25-acre area on the south side of Wilson Boulevard consisting of several already developed properties.

The proposed language with this amendment would permit the use within the Wilson Boulevard district. Since there are no buildings constructed prior to 2010 on the larger, unimproved portion of the Harrison Tract on Edgewood Drive, this text amendment would not impact the current array of use options for the development of that tract.

Mr. Bockmiller entered into the record the Certificate of Advertisement and the Planning Commission’s file by reference.

Commission members and staff discussed the different performance standards written into the ordinance. Unregistered vehicles would have to be stored in an opaque fencing enclosure; there is an existing definition in the ordinance which defines a junkyard as three or more vehicles. There are currently two auto repair businesses on East Wilson Boulevard in the I-MU zoning district: one is nonconforming and another appears to be operating illegally. If this amendment becomes effective, both will become permitted uses.

Public Testimony:

Allan Decker, 44 Philadelphia Avenue, Waynesboro, Pennsylvania. Mr. Decker recently purchased a property in the I-MU zoning district. After a cursory review of the Land Management Code amendments from 2010, automotive repair is the only use that was left out. He believed it was odd that the City allows trucking companies to locate in this zoning district but not auto repair.

There was no additional testimony in favor of or against this proposed text amendment.

The public testimony portion of the meeting was closed.

MOTION: (Miller/Stone) I make a motion to keep the record open for ten days.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Proposed Text Amendment: Process to Abandon Existing Subdivision Lines for Simplified Plats Recorded to Divide Nonconforming and/or Noncomplying Townhouse Developments, Case No. ZT-2017-02.

Staff Presentation: (Copy in the meeting file) Recently a 7,500-square-foot tract of land on Pope Avenue, zoned RMOD, was donated to Habitat for Humanity. The tract had a nonconforming three-unit block of townhouses on two 25-foot-wide lots. A few years ago, it was subdivided by simplified plat to place each house on its own lot. The existing interior property line was vacated and no longer exists. The resulting lots are narrow, and drawn irregularly to conform to irregular party walls between the units. Several years ago, the units burned and the building was demolished. Since townhouses are not permitted in the RMOD District, and the requirement for reconstruction was not implemented to keep the nonconformity viable, the nonconforming use status was lost. As a result, Habitat owns three narrow, irregular lots that cannot be built upon because simplified plats are “not for development purposes.” Any property in the past that was

recorded by simplified plat and later came in for development was required to process a final plat.

Habitat planned to construct two semi-detached dwellings on the property (two units total in one building) along the previously abandoned interior lot line. Staff analyzed the Land Management Code in depth in an attempt to find a solution; however, within the current Code, there is no way to do this. This also raises the issue of what to do with such properties in the very rare occurrence that this happens. Another example of such a situation is the condemned block of narrow townhouses on East Franklin Street, which were subdivided in the past, but likely could not be reconstructed within the existing property lines. Staff noted that the East Franklin Street example is in an RMED District which permits townhouses, so there is no “use” issue here, but lot width and area problems created by a simplified plat to subdivide existing conditions.

As it currently exists, the Code would permit the property to be re-platted to create one single-family detached dwelling lot to be improved with a single-family detached dwelling. The only way to address this issue and not create new issues within the ordinance is to create an exemption that would allow a simplified plat to be abandoned and re-establish the previously existing interior property lines that were in place prior to the simplified plat. In the Habitat example, a new final plat would be processed that would abandon the existing two interior property lines and re-establish the previously existing interior lot line between two 25-foot-wide lots. With this condition recreated, Habitat could apply to the Board of Zoning Appeals for setback variances to construct single-family detached dwellings on each lot, or apply for variances to lot area and width requirements to construct semi-detached dwellings on each lot.

Staff believed that the method described above would address the unique condition of abandoned substandard and expired nonconforming use townhouse lots created by a simplified plat without opening a “Pandora’s Box” of issues. It will avoid creating regulations that allow developers to get around current requirements that otherwise only permit single-family detached dwellings from being constructed on undersized lots. The current regulations only permit single-family dwellings to be built on undersized lots to avoid Constitutional “takings” claims. The proposed approach allows the previously existing lots to be recreated through the subdivision process and avoids the existing regulations that prohibit the Board of Zoning Appeals from approving lot area and width variances in order to increase permitted density. Only property lines that existed when the simplified plat was created may be re-created.

Mr. Bockmiller entered into the record the Planning Commission’s file by reference and the legal advertisement certification for this hearing.

There were no questions by the commission.

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Public Testimony:

No one was present either in favor of or in opposition to the proposed text amendment.

The public testimony portion of the meeting was closed.

MOTION: (Miller/Stone) I move to keep the record open for ten days.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

REGULAR MEETING

Roll Call.

The chair noted that commission members R. Campbell, P. Corderman, and J. Wheeler were absent. Commission members Thomas, Miller, Stone, and Wright were present.

Approval of Minutes:

Minutes from the June 14 meeting were not available for approval.

Development Review:

Oak Ridge Mills – 1362 South Potomac Street – Site Plan, Case No. ZS-2017-02; and Forest Conservation Plan, Case No. FC-2010-03.

Staff Report: (Staff memo is included in the meeting file) This site plan is for the construction of a paved driveway through the subject property connecting the approved and improved driveway entrance along South Potomac Street to the back portion of the adjacent Sheetz Convenience store and automobile repair facility.

A site plan for mass grading was approved by the Planning Commission on August 10, 2011, in Case ZS-2008-03. This was to prepare the site for marketing for a shopping center use. The approved grading plan did not commit the developer to only such a use. Preliminary approval of the forest conservation plan for the site was also provided at that time. The approved approach called for street tree credit along South Potomac Street in the amount of 0.91 acres and a 1.12-acre reforestation area on a slope along the east side of the property facing the adjacent railroad

tracks. The Commission agreed to defer the installation of the street trees until site plans were submitted for development of the site or two years, whichever came first. The approvals sat without implementation until the site was mass graded in 2016.

This proposal will result in the construction of a driveway as described above. Curbing will be installed and saw cut and removed as necessary when site plans are processed for the development. This L-shaped driveway will leave a pad of 405 feet by 315 feet in the southwest corner of the property adjacent to South Potomac Street. Since no buildings or parking are proposed, few of the design elements of the Land Management Code apply. That will come when proposals for buildings and parking lots are submitted.

The applicant will install the 1.12-acre reforestation area in the fall of 2017. The developer is requesting approval to delay the street tree installation as discussed in 2011—two years or until such time as site plans are submitted for areas along South Potomac Street. At the meeting in 2011 staff stated that the applicant would be required to install the required buffer along the northern residential side property line early in the process in order to allow it to begin maturing in advance of development of buildings on site. Since the mass grading plan was completed last year this has not happened.

Mr. Bockmiller noted that the forest conservation plan and plat included with the site plan is consistent with the preliminary forest conservation plan approved by the Planning Commission in August 2011.

The plan was routed to all review agencies. Planning, Water, and Wastewater have outstanding comments. The Water and Wastewater comments are redline revisions. Planning staff's comments include:

- correction of minor notation issues on page 1, “General Notes”;
- forest conservation reforestation area be installed in the fall of 2017; and
- landscaped buffer along the northern side property line be installed this fall in conjunction with the installation of the forest conservation area.

Staff recommended that this plan and the applicant's request to defer installation of street trees along South Potomac Street for up to two years (May 15, 2019) be approved, unless a site plan is approved before then for development along South Potomac Street. Approval is subject to satisfaction of the outstanding Planning and Wastewater comments. Staff added that there should be no expectations by the developer for design waivers on the southwest corner lot since it is large, regularly shaped, and any constraints on this area would be created by the location of this driveway. Mr. Wright wanted the developer to be aware that sidewalks will be required on both sides of the new wide access road. On the access road that is parallel to South Potomac Street,

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sidewalks will be expected on at least on one side. This is all one parcel with a lease pad, therefore, cross easements will not be necessary.

Engineer/Commission Discussion: Dave Trostle of Frederick, Seibert & Associates, engineers for the project, stated the access road is the only development on the property at this point. He presented a draft concept for the overall development. Mr. Bockmiller asked if the concept allows enough room for the two fast food restaurants next to Sheetz without site design waivers, Mr. Wright cautioned that there needs to be room on both sides of the road for sidewalks. Mr. Trostle stated that a traffic signal is proposed but will not be installed until the use becomes dense enough. Once the light is installed, a crosswalk will be provided. Mr. Wright questioned the impact of stormwater from this site on the Doub View development. Mr. Trostle stated there is a storm drain that directs the water away from the housing development.

- MOTION:** (Stone/Miller) I move approval of the site plan, subject to the outstanding comments shown: 1) correction of minor notation issues on page 1, “General Notes”; 2) Forest Conservation reforestation area be installed in the fall of 2017; and the landscaped buffer along the northern side property line be installed this fall in conjunction with the installation of the forest conservation area.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

Planning Commission Business:

None.

Adjourn. It was moved and seconded that the meeting adjourn (7:36 p.m.)

7/19/2017

Approved



Debra C. Calhoun - Secretary