

**Planning Commission
MINUTES – Regular Meeting**

**August 30, 2017
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:07 p.m., on Wednesday, August 30, 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 MEETING

Comprehensive Plan – visionHagerstown 2035.

Mr. Wright noted that no one was present to offer testimony on the proposed comprehensive plan update. The staff presentation was entered into the record and comments received prior to the hearing were entered into the record (Maryland Department of Planning, Maryland Historical Trust, State Highway Administration, and a request from Bowman Development Corp. with regard to expansion of the Medium-Range Growth Area near Huyetts Crossroads). The Planning Commission’s file and the certificate of advertisement were also entered into the record.

MOTION: (Miller/Thomas) I make a motion 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 were not ready for approval.

Development Review:

HBP – 952 Frederick Street – Addition and Stormwater Management Upgrade, Site Plan, Case No. ZS-2017-07.

Staff Report: (Staff memo, which was read into the record, is included in the meeting file) In 2010 the Planning Commission approved a site plan for a 14,000 square-foot addition to the HBP facility and a forest conservation plan that approved compliance with the Forest Conservation Ordinance through the use of a fee-in-lieu contribution of \$1829.40 (at a rate of 30 cents per square foot for 6,098 square feet of required planting). The developer received a variance from the Board of Zoning Appeals to place the addition within a side setback. As part of the original approval of the site plan, the commission approved a waiver to the requirement to plant street trees along Frederick Street (Article 5). The commission also advised the applicant that sidewalks would be required along Frederick Street when they requested site plan approval of any further development.

The following has occurred since the original approval in 2010:

- The developer did not initiate the project, and grandfathering to the current stormwater management ordinance expired. The developer is required to process a new site plan that addresses stormwater quality management. For this particular site, few if any changes were required to the site plan. Due to the passage of time and adoption of updated codes, the Fire Marshal required the addition of a new fire hydrant to this plan.
- Sidewalks have been installed across the property's frontage on Frederick Street, so this is no longer an issue.
- The Forest Conservation Ordinance was amended to increase the fee-in-lieu rate per-square-foot and to require payment to be made at the rate due at time it is remitted. As a result of that change, the current contribution for this project shall be \$1,884.28 (30.9 cents per square foot).

Staff noted that the new site plan is very similar to the plan filed under ZS-2010-02, with minor stormwater management changes. Since the sidewalk has been installed, the applicant has shown street trees along Frederick Street and part of Bowman Avenue. The trees were planted outside of the right-of-way, however, the applicant is requesting to stay with the fee-in-lieu contribution for forest conservation since the cost to prepare an easement plat and associated documents would exceed what they would pay into the City's tree planting fund. Staff had no objection to this approach citing the City will receive both the benefits of the presence of street trees and receive a fee-in-lieu payment for planting elsewhere in the city. Due to existing parking bays, utilities and stormwater management areas, installation of additional street trees on Bowman Avenue is not practical and a waiver is necessary.

The site plan was routed to the City review agencies. The City Engineer, Hagerstown Police Department, and Planning and Code Administration have provided approvals; Water and Wastewater have provided conditional approval, subject to correcting a signature block. The Light Department provided conditional approval, subject to a revision to the site plan showing the actual location of the transformer. Fire Marshal approved the site plan contingent upon provision of verification of the fire flow test.

Staff recommended approval of the site plan, and the forest conservation plan with a fee-in-lieu payment of \$1,884.28, and a waiver for street trees along a portion of Bowman Avenue subject to the conditions cited by the Fire Marshal and the Water, Wastewater and Light Departments.

Engineer/Commission Discussion: Tony Taylor of Frederick, Seibert & Associates was present on behalf of the developer. Mr. Thomas questioned the transformers that were located in front of the property. Mr. Taylor stated that the transformers were relocated by City Light. There was concern among commission members about the use of oak trees under the power lines. Mr. Taylor will work with Jason Bachtell and City Light with regard to the trees. Since the trees are not part of the project’s forest conservation calculations, any species could be used.

MOTION: (Miller/Thomas) I move to approve following staff’s recommendation, subject to further discussion of location and species of trees.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business:

Comprehensive Plan Presentation with Mayor and Council – Tuesday, September 19.

Ms. Maher indicated that a copy of the PowerPoint presentation has been forwarded to the Mayor and City Council. The purpose of the meeting on the 19th is to allow an opportunity for the Planning Commission and the Mayor and Council to discuss any input received during the 60-day review process and at the Planning Commission’s public hearing.

Ms. Maher added that the Mayor and Council would also like to discuss the Planning Commission’s decision on the Cortpark site plan. At the City Administrator’s request staff has compiled a timeline, including the annexation that led to the private street system.

Mr. Bockmiller stated that since the annexation the City amended its ordinances to no longer permit private streets in developments. Mr. Stone stated that the discussion also needs to include the changes that were initiated and approved by the Mayor and Council that fixed the hole that this development was able to get through. Mr. Bockmiller indicated that staff is currently wrestling with the definition of a private street vs. a driveway. Commission members and staff

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talked about driveways vs. private streets. Also discussed was the history of the Cortpark development, including recent approvals and when the window for appeals of the site plan approval would close.

Returning to what will be expected from the Planning Commission at the September 19 meeting, Ms. Maher stated that the main goal of the joint meeting is to obtain feedback from the Mayor and Council on issues they want to change since there is a short window between the time the Planning Commission recommends the comprehensive plan to the legislative body and the Mayor and Council must take action. The Mayor and Council have to either accept the plan, reject it or remand it back to the Planning Commission. If action is not taken within a certain time, the plan is deemed approved.

Commission members requested full copies of the comprehensive plan and requested that this matter be placed early on the Mayor and Council’s agenda.

Adjourn. It was moved and seconded that the meeting adjourn (7:40 p.m.)

9/27/2017

Approved



Debra C. Calhoun - Secretary