

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, September 13, 2017, in the Council Chamber, Second Floor, City Hall. Also present were commission members R. Campbell, P. Corderman (late), D. Miller, J. Stone (late), R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration (late); S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary.

Approval of Minutes:

July 19, 2017 – Special Meeting.

MOTION: (Thomas/Wright) I make a motion to accept the minutes as presented.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN – Campbell, Miller)

August 9, 2017 – Workshop Meeting.

Minutes were not ready for approval.

McCleary Hill – Concept Plan, Case No. C-2017-01.

Mr. Wright explained the process and procedure. This review will include examination of the stormwater management plan and consideration of the concept plan. This review is not final approval of the site plan. The Planning Commission will allow public testimony (Mr. Stone arrived).

Staff Report: Mr. Bockmiller explained the process. Property is located on the south side of Maryland Route 144, east of Hopewell Road. The sketch plan is the first of three steps and is not subject to detailed engineering review. (Mr. Corderman arrived.) Due to the length of the staff report, the following are high points of the staff’s presentation (the complete staff report and PowerPoint presentation are included in the meeting file):

- Project will ultimately consist of 174 units on 26.9 acres, zoned RMED (Residential – Medium Density). RMED zoning permits single-family, semi-detached, townhouse and two-family dwellings. Lot areas are based on the type of dwelling proposed.
- Phases I and II will include 155 dwelling units on five lots without interior lot lines.
- Phase I is the first Hagerstown Housing Authority component and has potential to comply with all lot area requirements.

- Phase I will consist of 51 townhouses, six over-under two-family dwellings, two side-by-side two-family dwellings, and one single-family detached dwelling for a total of 68 units.
- Phase II proposes a mix of housing types up to 87 units (the planning for this phase will be more fully developed at the development plan and site plan stages).
- Phase II is subject to change—what is shown is a general concept and could be re-arranged in a future site plan.
- Phase III contemplates 13 single-family detached dwellings with rear access and six semi-detached dwellings all on fee simple lots.
- Density of the development will be 6.46 units per acre which is low for RMED zoning.
- The development will be served by a central open space area that will include a community center.
- Open space is not required per the ordinance for this development but the developer is providing open space areas. Open space is required when density exceeds 10 units per acre.
- Three hundred fifty-one parking spaces will be provided. Parking could be beefed up with on-street parking.
- Development proposal includes the extension of Insurance Way to Hopewell Road.
- Improvements to the frontage of Maryland Route 144 (Route 144) to meet State Highway Administration (SHA) requirements.
- Currently the subject property is a mix of woodland and cropland.
- There is a significant amount of street frontage on Route 144 and Hopewell Road; Insurance Way dead ends into this property.
- One issue to be evaluated is the turning radius for trucks at the intersection of Hopewell Road and Route 144. Washington County will require that this issue be addressed.
- Neighborhood lore suggests there may have been a cemetery on this property; the developer provided a copy of the title report and both the consulting engineer and planning staff walked the site. No evidence of a cemetery was discovered; however, a note will be placed on the plan that there is anecdotal evidence of a cemetery. According to the City's ordinance (Article 5 of the Land Management Code), if evidence of a cemetery is discovered during construction, work must stop and the Planning and Code Administration Department and the State's Attorney's Office must be notified.
- Public sidewalks and private alleys will be provided.
- The City of Hagerstown's Comprehensive Plan recommends decentralizing public housing.

Commission members and staff discussed the definition of townhouses and apartments and whether the definition in the Zoning Ordinance could be interpreted to identify the townhouses in this project as apartments. The ordinance defines a townhouse as three or more units, side by side, separated by a party wall. If the townhouse units are not on their own lots, some argued that

they could be construed as apartments. Staff believed that “townhouse” is the correct definition of what these units will be in that they could be sold as one large lot, turned into condos, or possibly subdivided, and the definition makes no reference to them being required to be on their own lots.

Forest conservation was handled when this property was part of the Hunt Ridge subdivision prior to being annexed into the City. The City inherited the forest conservation plan approved by Washington County. This allows the City to help Washington County enforce the existing forest conservation plan. The forest conservation easement plat was never recorded, but the plan is still active. Washington County will require that a new plat be drawn and recorded. In addition to the forest conservation plan, streets in this development will be required to have street trees.

There are no floodplain areas within this property. Stormwater management will be subject to the City’s requirements.

Mr. Bockmiller reviewed the sketch plan drawing requirements (page 8 of the staff report in the meeting file). The impervious area of this development is 8.8 acres out of 26.9.

Concerning the Subdivision Design Standards, the developer’s engineer designed this development to City’s standards.

According to Mr. Bockmiller, concerns have been raised that members of the McCleary Hill community would cross the Cedar Lawn Cemetery in order to get to the Hager’s Crossing shopping center. Even though most of the Hagerstown Housing Authority (HHA) residents have vehicles, they will work with Washington County Transit to add stops for public bus transportation at McCleary Hill (see page 10 of the staff report). The HHA will also inform residents that it is unlawful to trespass.

With regard to “Street Focus” (page 11 of the staff report), all existing and proposed streets will be lined with houses that front the street. However, there is one area at the west end of the development where three “sticks” of townhouses face a central area that fronts on Insurance Way. All of the residents of these houses will be able to see Insurance Way from their front windows, and the fronts of the homes will be located between 60 and 150 feet from Insurance Way. Staff asked the commission to determine whether this configuration (and the plan as a whole) meets the intent of the ordinance.

The proposed stormwater management ponds will be shallow and planted and the developer will be encouraged to incorporate them into landscaping features. When calculating open space requirements, staff’s inclination is to deduct the ponds out if they are designed to hold substantial amounts of water and including the smaller areas in the calculations if they are able to be used

for passive recreation. Staff discussed what parts of the development can be included and what cannot be included in the open space calculations.

Mr. Bockmiller read the following into the record: The Planning Commission shall review the Sketch Plan and the findings and recommendations and any other reports pertaining to the Plan, and provide comments, recommendations, and requirements as appropriate. The Planning Commission shall approve, approve with conditions, or disapprove the Sketch Plan. Approval of sketch plan does not incur any vesting rights.

Mr. Thomas asked if the 13 lots that front on Route 144/West Washington Street are accessed from Washington Street or the alley behind the lots. Mr. Bockmiller stated that access will be via the alley. The homes will front on Route 144/West Washington Street and will have sidewalks. Mr. Thomas also asked how the units will be metered for water and electric. Mr. Bockmiller stated that every unit will have its own water and electric meters.

Ms. Wheeler was concerned about the sequence of the development's phases and what the project will look like from West Washington Street if the homes along West Washington Street are not built. She asked if there are any assurances that Phase III will be built. Mr. Bockmiller explained that a development plan will be required for all three phases. Individual site plans will not be approved. Phase III will be ready to go after the development plan. The houses along Route 144 are designed to have frontages to match the existing homes on Route 144. The subdivision plat for the five lots will come in after the development plan; the subdivision for the single-family lots will come in later.

Mr. Corderman noted that this has been contentious. When the property was annexed it was not envisioned as this type of use. Concerning the comments about pedestrians on page 10, he believed there would be heavy foot traffic similar to the east end of town. He disagreed with the description of townhouses vs. apartments. He did not believe these units would ever be sold individually.

Commission/Applicant Discussion: Mike Hicks of EcoLand Solutions, engineer for the project, made a presentation on the proposed stormwater management plan which meets the requirements of the Environmental Site Design (ESD) stormwater management ordinance. Landscaped bio-retention areas will collect storm water from the site and release it off site. Stormwater will be discharged to the low point at the 100-year storm and will follow natural contours. Rodney Tissue, City Engineer for the City of Hagerstown, stated that the ESD concept plan is in general compliance and is acceptable in order to move on to next step in the development process.

Glen Worgan, Delaware Valley Development Company, stated that the City's Comprehensive Plan calls for a reduction in density for subsidized housing and this proposal is consistent with the plan. The funding source is steering projects to communities of opportunity and is consistent

with the state's desire for high-quality developments, incorporating good architecture. McCleary Hill will be modeled after the Gateway Crossing development. HHA will be the property manager of this development. Mr. Worgan contended that if this was a proposal for a market rate rental development, there would no neighborhood opposition.

Mr. Thomas questioned the composition of the stormwater management areas marked in red and whether they will include vegetation. Mr. Hicks stated that the stormwater management areas will be one to two feet in depth and will be planted with trees, brush, bushes, grass, and mulch. Stormwater will percolate down through the media (a special mix that takes away pollutants that come out of streets, roads, etc.). A barrier will be installed to protect children from drowning in the water. Mr. Tissue indicated that the City of Hagerstown's ordinance does not require a fence, but relies on developers and insurance companies. Mr. Worgan concurred with Mr. Hicks that a fence will be installed around the stormwater management areas/ponds if they will hold water. Based on this conversation, Mr. Bockmiller indicated that it sounds like these would be areas that would be taken out of consideration when calculating open space requirements.

Public Testimony:

Tina Roles, 12205 Delwood Avenue, Hagerstown, Maryland. Ms. Role questioned whether RMED was the best zoning choice for this area and wondered whether RMOD (Residential – Moderate Density) would have been a better choice to blend in with the existing neighborhood. Mr. Wright stated that when the property was annexed, the applicant requested R2 (now RMED) zoning. Even though the Comprehensive Plan recommends RMOD zoning, the two do not have to match. Mr. Bockmiller recalled that the original request was for RMED for the entire tract; however, the final zoning designation was split with R1 (RMOD) north of Route 144 and a mix of RMED and POM (Professional Office Mixed) on the south side.

Ms. Roles asked if the Planning Commission considers whether or not the City has the ability to provide emergency services and the stress on City services when approving a development. Mr. Wright stated that the Planning Commission takes provision of services into account if the application before it is for a rezoning. The Hagerstown Police Department provides comments for site plans. Ms. Roles asked if the City Council has any input on these developments since providing services to this development could be more taxing on City services because it is isolated from the rest of the city.

The foot traffic issue is a concern that was raised by neighbors in Cedar Lawn. Based on experience, neighbors believe this type of development would generate more foot traffic, and Cedar Lawn Cemetery is along the way if McCleary Hill residents wanted to access Hager's Crossing Shopping Center. She suggested the developer could build a pedestrian walkway through the Snook land on the north side of Route 144 (it was noted that HHA does not own this property). Current Cedar Lawn residents are trying to be proactive and there should be a way to

address this before someone gets hit by a vehicle when trying to cross Route 40. Mr. Wright agreed this needs to be addressed; however, if the Planning Commission does not have the “tools” to do so at this time it may have to address the matter at a later date.

Ms. Roles’ last concern was trying to understand the distinction between different types of housing, in particular what the difference is between a row of townhouses and an apartment building. She asked the Planning Commission to take into consideration the intention of the ordinance because the definitions seem “fuzzy” to her. She felt the definition of “townhouse” could also be interpreted to be an apartment building and apartments are not permitted in the RMED zoning district.

Harold Brandenburg, 17528 Woodlawn Drive, Hagerstown, Maryland. Mr. Brandenburg asked if there was a mechanism to require the developer to construct the entire development, including the single-family homes along Route 144. He was concerned that if the single-family homes are the last phase, the developer could opt not to build them. Mr. Brandenburg noted that this development is going into the middle of a single-family area not in a “Hagerstown Rental Area.” He did not believe that the statements made by the Hagerstown Police Department on page 6 are accurate.

Developer’s Rebuttal:

Mr. Worgan addressed concerns raised by neighborhood residents. He indicated that the Hagerstown Housing Authority is determined to build the single-family homes. Habitat for Humanity has been contacted about developing some of the homes. Home ownership and rentals will be built at the same time. There is no stipulation in HHA’s funding that requires the single-family must be built. Concerning the discussion about the lots, HHA could redesign for single lots, however, it is more efficient for HHA to manage a development with fewer lots.

Mr. Bockmiller stated that after re-reading the definitions for “courtyard apartments” and “townhouses” his analysis is that the stick townhomes are clearly not apartments. The City has always allowed blocks of townhouses in the RMED zoning district. The ordinance does not require individual lots for each unit.

Mr. Bockmiller read Washington County Plan Review & Permits’ (PR&P) comments into the record (see meeting file).

- The traffic impact study for this project is currently under review; comments have been received; however, approvals have not been issued. (City Planning staff noted that the traffic study is not a requirement at this point in the process.)
- PR&P is requesting additional buffers/screening between the [sic] this project and the lower density zoned residential properties in the County at the north west [sic] corner of

the site. (City Planning stated that the City requirement is ten feet and the alley would have to be at least ten feet wide.)

- PR&P has concerns regarding the location of the proposed streets/parking at the north west [sic] corner of the site associated with the rental townhouses directly adjacent to the lower density residentially zoned property in the county. Consideration should be given to impacts from street lighting, vehicle noise, and trash pickup locations.
- Consideration should be given to providing screening between this project and the adjacent existing development on the HI-Highway Interchange zoned property in the County to the east.
- Any changes to the previously approved forest conservation plan and subsequent mitigation must account for the forest conservation mitigation required for the portion of the original property that remains in the County. The County requests that the mitigation for the area remaining in the County be maintained as originally approved. This will require a re-platting of the original forest conservation easement plat. (City Staff noted that the plat would be for land outside of the City boundary.)

Mr. Wright stated that he believed the east-west road in Phase I should be extended to a “T” in order to provide future access to the residential lots to the west if they are ever annexed and developed in the future. He requested that legal language be developed to allow future connections if needed in the future. Mr. Bockmiller noted that there could potentially be alleys behind these homes which would be used to continue connectivity (alley behind single-family homes fronting on Route 144). Mr. Tissue added that the parcels “in the corner” cannot be denied access by SHA. Mr. Worgan stated that the developer would be willing to grant an easement to the parcels in the county. Mr. Bockmiller stated there will be easements on the alleys to give the owners legal authority to use the alleys for access. Staff encouraged the developer to come back to the commission for a workshop.

Mr. Bockmiller asked the commission to determine whether the configuration shown in Phase I meets the requirement for street focus according to the ordinance or if the developer will need to request a waiver to make it official. Also, the commission should determine whether the three sticks of buildings in Phase I are apartments or townhomes.

MOTION: (Thomas/Stone) I make a motion that we designate those three sticks as townhomes.

DISCUSSION: Mr. Thomas asked if the walls go all the way up to the roof. Mr. Worgan stated they do.

ACTION: APPROVED (YES – Thomas, Stone, Campbell, Miller, Wheeler, Wright; NO - Corderman)

Concerning whether the three sticks of townhouses that are not facing the street should come in for a waiver, deny the configuration, or determine them to be focused:

- MOTION:** (Stone/Thomas) I make the motion that we ask the developer to come in for a waiver.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

The commission next discussed stormwater and how to calculate the stormwater management facilities into the open space calculations. Since some stormwater management areas may be fenced, the commission agreed that those areas should not be used in the calculations if they are improved as such.

Concerning the ESD Sketch Plan:

- MOTION:** (Stone/Thomas) I'll make a motion that we approve the sketch plan and stormwater management approach.
- DISCUSSION:** None.
- ACTION:** APPROVED (YES – Thomas, Stone, Campbell, Miller, Wheeler, Wright; NO - Corderman)

Comprehensive Plan Input – MRGA Expansion Request.

Staff Report: (Copy of staff report in meeting file.) Staff received a request from Bowman Development Corporation to add the southwest corner of the Greencastle Pike and Route 40 to the Medium-Range Growth Area (MRGA). The estimate for water usage is 27 edus (5,400 gallons) per day. Rob Feree of Bowman Development Corporation told the commission the buildings are retail at the corner with flex buildings on Greencastle Pike.

Mr. Wright noted that even though the water usage is not high, adding these parcels would be a significant expansion to the MRGA. He noted his appreciation for what Bowman has done for the community, however, “a line is a line is a line.” There needs to be an end point. He believed Greencastle Pike is a great natural boundary for ending the MRGA instead of back yards. There are four other lots ready for development. He noted that the current City line is over two miles from this site. These properties were acquired in 2014 which is after the growth area was established—so the developer should have been aware of the MRGA boundary. Mr. Feree said the corner lot was owned prior to 2014.

Mr. Feree said when he made the request he thought they were looking at realigning the MRGA. If the city is considering realignments, then this is the time to look at these properties. This property is unique because it will be served by County sewer. There is City water on the corner property because there was a house on the property. Ms. Maher told Mr. Feree that it would be helpful during the Mayor and Council considerations if he could provide a copy of the potential boundary.

Ms. Maher made the commission aware of a property on the Sharpsburg Pike that has already been added; however, staff had to retract property in another area, which has already been incorporated into the draft plan. The total acreage is approximately 61 acres. Mr. Stone believed that since the Bowman site already has City water and will have County sewer it adds a wrinkle. Mr. Wright believed it would be an expansion of service since they would be going from one edu (for the former house) to 27 edus. Planning Commission members asked staff to look into areas where the boundary could be retracted further to allow the Bowman properties to be added to the MRGA.

No action was required by the commission. Staff wanted the Planning Commission to have an opportunity to discuss this matter prior to the joint meeting with the Mayor and City Council on September 19. Commission members Campbell, Miller, Stone, Thomas and Wheeler felt the expansion including the Bowman properties should be recommended; Mr. Wright was not in favor.

Board of Zoning Appeals Agenda – September Hearing.

The commission had no comments on the agenda.

Adjourn. It was moved and seconded that the meeting adjourn (6:35 p.m.)

10/25/2017

Approved



Debra C. Calhoun - Secretary