

**Planning Commission  
MINUTES – Regular Meeting**

**September 27, 2017  
City of Hagerstown, Maryland**

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Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, September 27, 2017, in the Conference Room, Fourth Floor, City Hall. Also present were commission members J. Stone, R. Thomas, and J. Wheeler. 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.

**REGULAR MEETING**

**Roll Call.**

The chair noted that commission members R. Campbell, P. Corderman, and D. Miller were absent.

**Approval of Minutes:**

August 9, 2017 – Workshop Meeting.

**MOTION:** (Thomas/Wright) I'll make the motion to accept the minutes as submitted.  
**DISCUSSION:** Ms. Wheeler pointed out an incomplete sentence on page 7, the last sentence of the third paragraph. Commission members who were present at that meeting said the sentence should read "Mr. Doty said it is not possible using the criteria required by MDE." The correction was agreed to by the maker and the seconder of the motion.  
**ACTION:** APPROVED (Abstain – Stone, Wheeler)

August 15, 2017 – Special Meeting.

**MOTION:** (Wheeler/Thomas) I will make a motion for the minutes to be approved.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

August 30, 2017 – Regular Meeting.

**MOTION:** (Stone/Thomas) I move that the minutes be approved.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN - Wheeler)

**Development Review:**

**Kind Therapeutics – 504 East First Street (Tentative) – Redline Revisions to Site Plan,  
Case No. ZS-2017-01.**

Staff Report: (Staff memo is included in the meeting file.) Staff recently met with the project manager at the Kind Therapeutics site. Changes to the approved site plan were necessitated by field modifications made by their contractor and changes to the site's configuration.

Staff believes these revisions contribute to a better site plan than what was originally approved, mostly due to increased amounts of landscaping. The areas given more focus by staff are those areas visible from East First Street and Oak Street. Changes include:

- Relocation of handicapped parking from the west side of the rear courtyard area to the east side.
- Installation of four transformers in the courtyard area.
- Reconstruction of the driveway entrance on east end of the East First Street frontage to the existing fence and gate.
- Addition of a new parking area behind the above-referenced fence, defined by raised curb and gutter with planting area between the curb and building.
- Removal of the triangular landscaped island (field assessment shows this was not practical under original design).
- Foundation area on east side of the building was mostly removed and graveled over allowing for more regular design of parking.
- Adjustments to driveway entrances to this parking area (front and rear) for better approach and turning.
- Addition of landscaping along the front of the building on East First Street.
- Installation of a fence at the rear entrance on Oak Street farther from the street than shown on the plan, allowing for better landscaping in front of the fence and creation of a larger landscaped island in the northernmost portion of the Oak Street frontage.

Staff recommended approval, with a condition that landscaping plantings be installed in the new planting area located between the building and the new curb and gutter on the east side of the building. Due to the location of security cameras and desired view angles, the applicant may request the Planning Commission's consent to remove three existing street trees along East First Street. As an alternative to removal of the trees, staff recommended that the street trees be "limbed up." The developer also has concerns about people climbing the trees and jumping over the fence. Staff suggested that the cameras could be moved to provide a better angle.

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Engineer/Commission Discussion: Commission members had no questions about the revised site plan. William Pompeii of Triad Engineering is the new engineer on this project. Triad took the project over from Renn Engineering.

**MOTION:** (Thomas/Wheeler) I'll make a motion that we accept the red line site plan.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Abstain - Stone)

**Planning Commission Business:**

**Comprehensive Plan Update: Review State Highway Administration and Maryland Historical Trust Comments and Proposed Response from Staff.**

Staff received input on the draft Comprehensive Plan Update as a result of the 60-day State Clearinghouse Review from the Maryland Department of Planning (MDP), State Highway Administration (SHA), Maryland Historical Trust (MHT), and Maryland Department of the Environment (MDE). Additional comments were received from the City Engineer as a result of the Planning Commission's public review meeting. Ms. Maher provided staff feedback on input received from MHT, SHA and the City Engineer (see memo in meeting file).

Maryland Historical Trust:

Commission members had no additional input to staff's responses to the MHT concerns/comments.

State Highway Administration:

*Widening of U.S. Route 11.* It was noted that the Planning Commission deliberately included a recommendation against widening Route 11 which is in conflict with SHA's Highway Needs Inventory and the Hagerstown-Eastern Panhandle Metropolitan Planning Organization's Long-Range Transportation Plan. Planning Commission members said the widening could be reasonable if it was known where the widening would terminate. With the proposed widening of Interstate 81 to three lanes, the commission did not believe it made sense to spend money on Route 11. Ms. Maher will look to see where SHA is recommending the widening in the City and bring it back to the commission for comment. Commission members were concerned about the potential impact on property owners along Route 11.

City Engineer:

*Remove references to pedestrian and bicycle paths on abandoned rail lines or in “Rails by Trails.”* Staff proposed removing this language; however, Mr. Stone contended that could be short-sighted based on the time frame covered by the Comprehensive Plan. The commission decided to leave the wording in and “wordsmith” it to cover Mr. Stone’s comments.

**Comprehensive Plan Update: MRGA Boundary Adjustment.**

(Staff memo is in the meeting file.) At the September 13 meeting the Planning Commission voted to recommend adjustment of the Medium-Range Growth Area (MRGA) to include 61.75 acres owned by Bowman Development near Huyetts Crossroads with a projected demand for water services of 27 EDUs/5,400 gallons per day. As a result, the commission directed staff to assess the MRGA boundaries to determine where another retraction should be made of an equal projected demand for service to accommodate the expansion at Huyetts Crossroads.

Staff reviewed the formula used to determine additional areas for retraction and suggested four possible properties (shown on an exhibit included with the staff memo). Ms. Maher asked if the commission felt it would be best to base the area on acreage or EDUs. Based on a suggestion by Mr. Wright, the commission agreed that EDUs would be better to make sure the City will have the capability to handle the water demand. If EDUs are used only 22.5 acres would need to be retracted instead of 62 acres.

Staff provided options for retraction in the Greencastle Pike area for the commission’s review. She shared this with planners at Washington County and they asked the City to refrain from retracting any more properties from the Greencastle Pike area. The County would prefer future retractions come from the Auto Mall area on the east side of Hagerstown. Based on a retraction of 22.5 acres, Staff suggested properties labeled on the map as parcels 471 and 406 which is all farmland and water and sewer is not provided on that side of Interstate 70. The City would still be contiguous to vacant properties through the Doub Farm and still maintain “a good chunk of it” where there is road access.

The Planning Commission concurred with staff’s suggestion.

**Mayor and Council Meeting Discussion:**

Planning Commission members discussed how to address some council members’ comments and whether it is permissible in a planning ordinance to do a cost benefit analysis when deciding to approve specific projects. Some commission members felt an “economic assessment” of

proposed projects could be helpful. Mr. Stone believed that would take the role of the Planning Commission beyond land use and get into deciding who should do what, when, and where. Ms. Wheeler felt someone at the City should analyze whether the City could afford a project. Mr. Stone said telling a landowner that they cannot use their property for a use that is permitted based on a cost benefit analysis could be considered a condemnation. Planning staff concurred with Mr. Stone. Mr. Stone suggested that staff ask the City Attorney if a cost benefit analysis could be made part of discussions on making specific decisions about what will or will not be allowed. Mr. Bockmiller added that uniform standards and thresholds would need to be adopted to avoid making arbitrary decisions.

Mr. Wright suggested that a “rule of thumb” could be applied to annexations. Ms. Maher stated that it might be possible during the annexation process to stipulate that any development would need to be a tax-paying development. Mr. Stone questioned whether there should be a mechanism in the planning process to address the questions raised by the government bodies who have expressed displeasure with this project. Mr. Wright suggested contacting the Maryland Department of Planning (MDP) and the City Attorney about whether there is anything in the law that would allow what the commission has been discussing either at the site plan phase or during an annexation application. Mr. Wright noted that just because a property is annexed into the city as one type of development does not mean that is how the property will be developed—the property could change owners who have different ideas for developing it.

Commission members agreed with comments by Councilmember Aleshire at the commission’s meeting with the Mayor and Council last week in that projects like McCleary Hill can cause a budgetary problem for the City. Ms. Maher cautioned that the City cannot “zone out” low-income housing for residents who cannot afford traditional housing options. The City needs to be careful about getting into fair housing issues.

The commission or some other body needs to ask the City Attorney and MDP about whether there is a tool that would help the City with this process.

**Land Management Code Text Amendments: 2017 Package Update and Request to Forward Patch Amendment to Public Review Meeting.**

2017 Land Management Code Amendment Package: Proposed amendments will be discussed at a meeting in October. A majority of the proposed amendments will be minor adjustments and issues; however, a few significant policy items will be presented. The Mayor and City Council have provided direction for the commission to evaluate certain issues (houses on single lots) and revisions to the language on temporary signage to become compliant with federal law. The more complex matters will be presented as discussion items to obtain feedback from the commission before staff attempts to formulate language.

Patch Amendment for Cluster Subdivisions: Staff recently received a sketch plan for a 48-unit, fee simple development at Burhans Village. When the ordinance was updated in 2012, language was added that limited cluster subdivisions to the RMOD zoning district and was considered a “housekeeping” amendment at the time. The project in question is zoned RMED. Staff noted other changes that should have been made to the use chart in 2012 that were not made which are creating conflicts.

In order to keep the subdivision process moving on the Burhans Village project, staff is proposing to remove the wording “in the RMOD zoning district.” Under “(4) Cluster Dimensional Requirements,” subsection (d) was added that will require that each dwelling in a cluster subdivision be located on a separate fee simple lot when it is part of a cluster subdivision. This addresses concerns of the Mayor and City Council. The chart for cluster subdivision will be updated to include setbacks for single-family, semi-detached dwellings

Staff asked for the commission’s comments on allowing smaller setbacks and lot area requirements so building envelopes can be larger. Otherwise, flexibility in design for the buildings is hampered. Mr. Wright suggested adding triplexes and quadraplexes to Note (A) under the Cluster Subdivision Minimal Dimensional Requirements Chart. Commission members were agreeable to the smaller setbacks since it provides flexibility. Open space will be created by offsets in the smaller lot sizes. Mr. Wright would like definitions for the different types of dwellings, not just addressing the walls being common, but more discussion about property lines. Mr. Bockmiller said that issue will be part of the larger package of amendments.

Commission members had no issues with moving forward with a public review meeting at the end of October. In the meantime staff will flesh out the details and add them to the packet of materials for the public review meeting.

**Adjourn.** It was moved and seconded that the meeting adjourn (8:35 p.m.)

12/6/2017

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Approved



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Debra C. Calhoun - Secretary