

**Planning Commission
MINUTES – Workshop Meeting**

**February 14, 2018
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, February 14, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members S. McIntire, 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; M. Flick, Planner; and D. Calhoun, Secretary.

Mr. Wright welcomed the commission’s new Ex Officio member, Shelley McIntire. Ms. McIntire was appointed from the Mayor and City Council to fill the slot vacated by Paul Corderman.

Approval of Minutes:

November 8, 2017 – Regular Meeting.

MOTION: (Wheeler/Thomas) I will move approval of the minutes.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

December 6, 2017 – Regular Meeting.

These minutes were tabled until the next meeting.

**37 Jonathan Street – Washington County Division of Engineering,
Final Plat, Case No. S-2018-01.**

Staff Report: (The staff report is in the meeting file.) The purpose of this plat is to dedicate a portion of select parcels to the Mayor and Council of Hagerstown for the purpose of right-of-way widening of Wareham Alley and to reconfigure the existing property lines to facilitate a land swap between Washington County government and an adjacent property owner. The plan is to expand the existing alley to its full width between Jonathan Street and North Prospect Street. Site plans will be submitted in the future for the construction of a County-owned parking lot adjacent to the transit depot and a private parking area on Jonathan Street intended for the use of the adjacent multi-story building. This is a complex site due to the vacation of existing property lines and new subdivision of parcels. It has multiple ownerships including the County government and has been a development priority for the County since the demolition of pre-existing buildings on the site.

The end result of the subdivision will be the creation of three new lots: Lot 1 (15,988 square feet) and Lot 2 (3356 square feet) will be developed jointly to serve as the new County parking lot while Lot 3 (4815 square feet) will serve as the new private parking lot for the adjacent property facing Jonathan Street. In addition, a 20-foot wide right-of-way has been previously dedicated for the alley widening. There will be a total of 2,544 feet of land dedicated to the alley widening on the property.

The plat was routed for review and all agencies have provided approvals for this subdivision. Staff recommended approval.

Commission/Applicant Discussion: Ms. Wheeler noted that the minutes should reflect that Lots 3 and 1 have been switched (what had been identified as Lot 3 is shown as Lot 1 and vice versa) on the exhibit/table copy of the plat.

Mr. Bockmiller stated that the land that the former bakery used to occupy is in the Downtown Local Historic District and any improvements in that area will need to be approved by the Historic District Commission. A representative from Washington County Division of Engineering stated that this area will be landscaped and asked the commission/staff for guidance on the amount of landscaping that will be expected. Lot 1 will be used for parking.

MOTION: (Wheeler/Thomas) I'll make a motion to approve the plat.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

The Washington County Engineering representatives asked the commission for feedback on the proposed concept. Since the adjacent buildings are up to or over the property lines, staff wanted to make sure those owners have an adequate easement across Washington County's property so the back portions of these buildings can be maintained. Staff also informed the applicant that any parking lot with more than seven spaces must be landscaped and buffered, although it may be possible to obtain a waiver from those requirements.

Commission members had concerns about pedestrians cutting through the plaza area to West Franklin Street. Other commission members suggested that the sidewalk extend the entire way to West Franklin Street. Washington County Engineering representatives stated that the County does not want to encourage that pedestrian pattern. Commission members expressed concerns about potential loitering issues that could occur because of the secluded nature of the proposed landscaped lot. Ms. Maher suggested the County approach the Hagerstown Police Department for input in relation to Community Policing Through Environmental Design (CPTED). If fencing is proposed for the alcove area it should be vertical decorative metal fencing rather than chain link. A Washington County representative indicated that the fencing in this area would match what was used at the nearby Transfer Station.

1010-1014 Pope Avenue (Lots 30 and 31) – Habitat for Humanity of Washington County, Final Plat, Case No. S-2018-02.

Staff Report: (The staff report is in the meeting file.) The purpose of this minor subdivision is to re-subdivide three lots created by a simplified plat into Lots 30 and 31, or 1010 and 1014 Pope Avenue. The intent is to vacate the existing two property lines that created three lots and establish a new property line in their place to create two lots. Habitat for Humanity plans to build a semi-detached single-family dwelling on each lot. Lot 30 (1010 Pope Avenue) will contain 3,756.26 square feet and Lot 31 (1014 Pope Avenue) will contain 3,756.72 square feet. The Hagerstown Board of Zoning Appeals granted variances to reduce the minimum lot area for semi-detached dwellings to 3756.5 square feet for Intended Lots 30 and 31 and to reduce the side yard setback to 7.9 feet for Intended Lots 30 and 31. Lot numbers 30 and 31 are used to correspond with the former numbers of the configuration of the lots prior to the simplified plat that divided two lots into three lots.

The plan was reviewed by the City’s review agencies and all have approved the plat with the exception of the Water and Wastewater Divisions which provided conditional approval with a minor language revision. Staff recommended approval subject to this language condition.

Commission/Applicant Discussion: Martin Brubaker, representing Habitat for Humanity, and Ed Schreiber of Frederick, Seibert & Associates, Inc., were present. Commission members had no questions or comments on the final plat.

MOTION: (Wheeler/Thomas) I’ll make a motion to approve the plat.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

1929 Dual Highway – Hamilton Nissan, Final Plat, Case No. S-2018-04.

Staff Report: (The staff report is in the meeting file.) This plat is for the consolidation of ten parcels that comprise the Hamilton Nissan facility into one 7.83 acre parcel. No development is proposed. All interior lot lines will be removed. The first page of the plat contains a table listing the parcels and their lot sizes.

The plat was routed for review and all agencies have approved it. Staff recommended approval.

Commission/Applicant Discussion: Commission members and staff questioned the “macadam overflow parking lot” (which does not appear on Google aerial view of the property) and whether it is being utilized with permission. Ed Schreiber of Frederick, Seibert & Associates

stated he did not know. According to Mr. Bockmiller the aerial view of the property shows this area as trees. Staff recommended that the overflow parking lot be removed and that the dashed lines and references to it be removed from the plat.

MOTION: (Thomas/Wheeler) I move that we accept the plat as submitted with the condition that the dotted lines for parking lot lines be removed.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Workshop: 350 East Washington Street – Jessie Unger and Zod Vaji – Car Dealership.

Staff Report: (The staff report is in the meeting file.) A potential tenant or purchaser of the Unger property would like the Planning Commission’s feedback as to what would be considered acceptable site improvements for the purpose of establishing a car sales facility on this property. The owner, Jessie Unger, had a workshop with the commission previously and at that time the commission was amenable to an alternative compliance plan that included raised masonry landscaped areas rather than breaking up the asphalt, and reduced buffer width due to the narrowness of the site. Other considerations staff felt should be addressed included:

- Removal of all asphalt paving from within the public right-of-way and returning that area to a landscaped buffer;
- Removal of the existing deteriorated freestanding sign post which hangs over the right-of-way; and
- Establishment of buffer areas along the eastern property line since the property immediately to the east has been developed since the last workshop.

Jessie Unger, property owner, and Zod Vaji, prospective tenant, were present. Ms. Unger said that the last use of the property was a used car lot. The previous tenant moved in sometime in May 2013 and they were there for 18 months. Mr. Vaji and his associates would like to purchase the property and open another used car sales business. Mr. Bockmiller indicated that his understanding was that the last car dealership was an office only for wholesale car purchasing and that there were no cars for sale on the lot. He did not recall cars for sale parked on the lot.

Based on this new information, staff suggested that the discussion continue under the presumption that landscaping will be necessary. Mr. Wright did not feel the commission needed to discuss this until after the City determined whether the assertion by Ms. Unger is correct. Mr. Bockmiller stated that if the determination is made that a site plan is necessary it would save the prospective out-of-town buyers another trip to Hagerstown.

Issues discussed at the earlier workshop included:

- Reduction in the size of the buffer along the boundary with Dual Highway Liquors.
- Reduction of the entrance to a normal two-way driveway entrance.
- Identification of inventory storage areas.
- Provision of on-site parking so customers do not have to park on the street.
- Installation of above-grade landscaping beds.
- Reduction in the amount of required landscaping around the primary structure to zero. (Planning Commission was amenable to this possible waiver previously.)

Mr. Wright stated that staff should make a determination about whether the prior use qualifies to avoid the site plan requirement. Discussions on improvements can continue if and when it is determined that the previous use does not qualify as car sales.

The prospective buyer wanted to know if he could close off the alley stub at the back of the property that leads to East Franklin Street. People could use that road to travel over the subject property. Staff stated that if the road is on their property the owners could erect a fence to prevent vehicles and pedestrians from crossing over this property. They could also apply to the City Engineer's office for a quitclaim to make the land part of their holdings.

Concerning landscaping trees, Mr. Bockmiller stated the trees could be tailored for the use. Staff is not requiring evergreen trees. Knee-level or lower shrubs could be planted; deciduous trees could be "limbed up" to maintain street view of the vehicle inventory on the property.

Staff and Ms. Unger were directed to get the prior use determined. After that determination has been made the Planning Commission can move forward.

2017-2018 Land Management Code Text Amendment Package.

Staff Report: At the last meeting the commission completed review of most of Section 4, Graphics. Mr. Wright stated that there will be more regulations coming down related to this Supreme Court case. Most experts are saying that municipalities should follow the Alito opinion. His understanding is governments cannot regulate the message; however, size, location, illumination, etc., are aspects that can be regulated. The City's limitation on home work station signs is still enforceable; however, a sign's message is off limits (i.e., political signs, religious signs, real estate signs, etc.). Mr. Bockmiller stated his plan is to keep the regulations clear, concise, and easy to understand.

Commission members also discussed guerilla marketing signs; temporary signs placed on private property vs. temporary signs placed in a road right-of-way. Temporary signs on private property would be a violation if the event being advertised is not occurring on the property where the sign is located (Maryland Theatre, WeBuyAny House); temporary signs in a street right-of-way are removed by the City.

Section 3 – Policy Discussions (See staff report in the meeting file.): The third section of amendments is a list of issues staff has identified and would like feedback from the commission before crafting language.

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- Section 3.1 – Staff was directed to pursue this amendment pertaining to incorporating CPTED standards into Article 5.
- Section 3.2 – Staff was directed to pursue this amendment which would address converting businesses with storefronts to residential units.
- Section 3.3 – Staff will look into creating an appeal process for Subdivision and Land Development Ordinance appeals.
- Section 3.4 – Planning Commission members do not want to pursue an amendment concerning parking requirements for mixed-use buildings.
- Section 3.5 – Planning Commission members did not want to advance this amendment further at this time.
- Section 3.6 – Commission members may be interested in pursuing an amendment addressing sea container home construction. It should be added to the list of items to address in next year’s packet of amendments.
- Section 3.7 – Commission members were in favor of pursuing language that would increase the required acreage for PUDs.
- Section 3.8 – The discussion on a definition for “private street” was skipped at this time; staff was directed to define “private street.”

Discussion will pick up with Section 3.9 at the next meeting.

Board of Zoning Appeals Agenda – February Hearing.

Staff noted that the second case (stealth cell tower at North Hagerstown High School) is becoming controversial. Shentel is proposing a 115-foot tall stealth tower disguised as a school spirit sign. The reason for the appeal is because the proposal is a sign. The City’s ordinance states that stealth towers are preferred. Mr. Wright wanted staff to be aware that there will be opposition and they will be citing health and safety concerns among others. Planning

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Commission members had no concerns and decided to leave it up to the Board of Zoning Appeals.

Adjourn.

It was moved and seconded that the meeting adjourn (6:15 p.m.)

3/28/2018

Approved



Debra C. Calhoun - Secretary