

**Planning Commission
MINUTES – Workshop Meeting**

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

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, March 14, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members R. Campbell, S. McIntire, J. Stone, and R. Thomas. 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. (NOTE: Planning Commission revisions are indicated in red text.)

Approval of Minutes:

January 10, 2018 – Workshop Meeting.

MOTION: (Campbell/Thomas) I will move approval.
DISCUSSION: None.
ACTION: APPROVED (Abstain - Wright)

Mr. Bockmiller informed the commission that the forest conservation plan for EMSOURCE Group will be coming back to the commission. The grader was overzealous and removed more trees than what was shown on the plan. This will double their responsibility and most likely will involve a fee-in-lieu payment.

**Schmankerl Stube Bavarian Restaurant – 58 South Potomac Street –
Addition, Minor Site Plan, Case No. SA-2018-03.**

Staff Report: (The staff report is in the meeting file.) The purpose of this minor site plan is to build an addition onto the rear of the Schmankerl Stube Bavarian Restaurant. The addition will expand the restaurant’s space by 1,550 square feet. The minor site plan was brought to the Planning Commission so that members have the opportunity to review the site plan for this landmark City institution.

All agencies have provided approvals with the exception of the Utilities Department (Water, Wastewater, and Electric) and the City Engineer for the Parks and Engineering Department. Staff recommended approval contingent upon satisfaction of the outstanding comments noted above.

Commission/Applicant Discussion: Janelle Horst of MSB Architects and Dustin Horst of Frederick, Seibert & Associates, Inc., were present on behalf of the property owner. The most recent revisions submitted for review addressed the tree well noted by the City Engineer. They are proposing to use the same type of trees that were used at the Washington County Free Library across the street.

MOTION: (Stone/Campbell) I'll make a motion that we approve this site plan subject to Parks and Engineering, Electric, Water, and Wastewater.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Richmond American Homes – 12601-12606 Barton Drive – Model Court, Site Plan, Case No. ZS-2018-01.

Staff Report: (The staff report is in the meeting file.) Richmond American Homes is in the process of taking over the remaining development of Hager's Crossing, including updating the stormwater management plan that was part of the original "preliminary plat" for this development. The preliminary plat has expired due to the state-mandated revisions to stormwater regulations. The Assistant City Engineer, Jim Bender, informed staff that the updates will not impact the approved layout of the development.

This site plan is for the creation of four lots and approximately 160 linear feet of the intended public street that will extend north from Hager's Crossing Drive (to be known as Barton Drive), opposite Capstone Drive. When the development is built out, this will be the first side street on the right as one travels west toward McDade Road. The purpose of this plan is for the construction of four houses to serve as builders models during the build-out period. At the end of build-out, the dwellings will be sold for residential use.

A temporary cul-de-sac will be constructed at the end of the road stub, and it will also serve as additional parking for the models. The cul-de-sac will be removed when the development progresses toward this area which is programmed for near the end of development on the north side of Hager's Crossing Drive. It is staff's understanding that the developer plans to build and sell about 30 to 35 units per year until completion. David Trostle of Frederick, Seibert & Associates, Inc., indicated that prior to pulling the permit for the 118th lot the developer will need to make the connection to McDade Road.

Stormwater management for this section will be through a regional facility near the northern property line of the tract which has been constructed. Forest conservation was previously approved for the overall Hager's Crossing development. Street trees on these lots that are credited to forest conservation but not within the street right-of-way will be subject to street tree maintenance easements when the final plat is submitted.

The applicant seeks a waiver to the parking lot landscaping standards for the temporary parking lot in the cul-de-sac. There is no exception to landscaping requirements for a "temporary" parking lot. In this case the cul-de-sac/parking area will be in place for approximately five to

seven years. Given the distance the cul-de-sac area is from nearest adjacent properties and the natural lay of the land, staff had no objection to waiving the parking lot landscaping standards in this case. (The waiver request is in the meeting file.)

The site plan was routed for review and all agencies have provided approval with the exception of the Water and Wastewater Divisions. Staff recommended approval, subject to compliance with the conditional approvals issued by the Water and Wastewater Divisions, and approval of the waiver request.

Commission/Applicant Discussion: Mr. Wright requested the developer be required to submit a bond to the City for restoration of the land if the cul-de-sac is not removed within ten years. He did not think it mattered whether the build out is progressing slower than anticipated. Mr. Trostle stated that the cul-de-sac will be built. Mr. Bockmiller noted that the bond could go toward curbs, gutter, and top coating. Mr. Wright said his request is to ensure the City is protected in **the** future. This will be private until the lots are sold. If everything collapses because of the economy or something else unforeseen, he wants to be certain the cul-de-sac becomes a suitable permanent cul-de-sac. Mr. Bockmiller recommended that the motion stipulate that the cul-de-sac be upgraded to City standards.

Mr. Trostle stated that Barton Drive will be a private street during the models stage. Mr. Bockmiller added that the model homes will not be able to be occupied until Barton Drive is turned over to the City. Ms. Maher noted that the lots will need to be recorded in order to obtain building permits. Mr. Trostle said he will discuss this with the owner and work with staff. He later added that there is a note (Note G38) addressing this matter. In addition, three of the four lots will not be connected to water and sewer since they are model homes only. Staff believed the existing note on the site plan takes care of the issue. Ms. Maher indicated that this matter might be able to be flagged in the permits software. Mr. Wright said he believed the failure would be on the part of the City, not the new developer and that is why he would like to require a bond. Mr. Bockmiller stated that the only way Barton Drive is going to be dedicated to the City is if it meets the City's standards. Mr. Stone felt there were enough procedural barriers built in but understood Mr. Wright's concerns. Commission members were split on this issue.

- MOTION:** (Stone/Campbell) I will make a motion that we approve this subject to outstanding comments from Water and Wastewater; and also that we approve the landscaping waiver.
- DISCUSSION:** Mr. Thomas agreed with Mr. Wright and Ms. Campbell agreed with Mr. Stone.
- ACTION:** APPROVED (4-1; NO - Wright)

**Kensington Commercial Center – 231-291 Eastern Boulevard North,
Site Plan, Case No. ZS-2018-02.**

Staff Report: (The staff report is in the meeting file.) This site plan is for a shopping center consisting of two buildings with a combined square footage of 25,015 square feet. The spaces are designed as “flex” spaces; no specific uses are proposed at this time. A shopping center of this size requires 86 parking spaces. One hundred thirty-eight spaces are proposed. The existing northern entrance to the development will be removed. Access to the site will be via a new driveway entrance near the northern portion of the frontage which will connect to Champion Drive. Champion Drive is the private street that runs along the backs of the buildings in this development. The potential for driveway access to the Banks property to the north will be maintained from Champion Drive. A new left-turn lane on northbound Eastern Boulevard into this site would be constructed and the plans for that have been approved by the City Engineer.

No requests for design waivers are included in this application. Staff discussed with the applicant the possibility of landscaping the rear service area with a soldier row of evergreen trees in the landscaped island to screen the houses on the hill to the rear. However, after discussion, it was determined that the topography difference is so extreme that it was likely pointless, and the applicant is moving forward with a more traditional parking lot landscaping design in the rear of the building. Also, the hillside between Champion Drive and the houses on the hill is a forest conservation area which is being allowed to grow up; however, due to the poor quality of soils on the hill, growth has been very slow.

Forest conservation compliance was achieved as part of the existing forest conservation plan for the entire Kensington Commercial Park development (which extends from this property to and including the Sheetz). Stormwater management for this property is via a regional facility; therefore, the City Engineer did not require a sketch plan for stormwater management prior to processing this site plan.

A plat will be required to reconfigure the lots and platted access.

This plan was submitted for review and all agencies have provided approvals with the exception of the City Engineer and the Water and Wastewater Divisions (copies of all outstanding comments are in the meeting file). Staff recommended approval, subject to compliance with the conditional approvals issued by the Water and Wastewater Divisions and the City Engineer.

Mr. Bockmiller pointed out that the front walkway is wider than typical and up to 50% of this area could be used for outdoor café seating if requested by a tenant. Landscaping in front of the building is also wider than normal. There is a small rectangular area along Eastern Boulevard North that the City took for street right-of-way that will be quitclaimed back to the developer.

Commission/Applicant Discussion: Stephen Cvijanovich of Fox & Associates and Trey Alter, of Kensington Commercial LLC, owner of the property, were present. Mr. Cvijanovich stated that when the commercial park was originally proposed, there was always a contiguous ingress/egress easement with the Banks property to the north. It was always the intent to allow an access to the Banks property. He stated that they will not construct the road up to and including Banks property because it is not known what the plans are for the Banks property at this time. The 29-foot ingress/egress easement was platted many years ago. A final plat will be submitted in the future that will vacate the lot line between Lots 5 and 7 and will make reference to the quitclaim of the rectangular piece that the City will give back to developer. All the roads in the development will be private. The site plan cannot be signed until the final plat is recorded to combine the lots. Mr. Wright questioned who would be building the last 15 to 20 feet of the road connecting this property with the Banks property. Mr. Cvijanovich felt it would be the responsibility of whoever is developing the Banks property.

Trey Alter, developer of Kensington Commercial Center, asked that at such time the Banks property is annexed that a condition be included in the annexation that the developer of the Banks property become a part of the Kensington Commercial property owners association since they will be connected.

Mr. Cvijanovich discussed various aspects of the development including the hardscaped area in front of the main building, the nature of the flex spaces in the large building, and the landscaped area between Kensington Commercial and Kensington Villas to the west. Because Kensington Villas is situated as much as 30 feet above Kensington Commercial, they used the street tree and shrub planting criteria. At the northwest corner of the site there is a sidewalk to the stair tower that leads up to Kensington Villas. To prevent pedestrians from shortcutting through the plantings, it is proposed to include barberry shrubs planted at close intervals. Mr. Stone suggested that a crosswalk should be shown in this area near the stair tower. Mr. Cvijanovich agreed to add the crosswalk.

Mr. Cvijanovich discussed the northbound Eastern Boulevard movement into the property. They worked with City Engineer and balanced the length of the decel lane into Diamond Drive and mirrored it to have same left turn stacking length into Kensington Commercial.

- MOTION:** (Campbell/Stone) I'll move for approval pending Engineering, Wastewater and Water's conditions and the crosswalk.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

Board of Zoning Appeals Agenda – March Hearing.

Commission members had no concerns or comments on the March Board of Zoning Appeals agenda.

Mr. Wright asked when the cell tower (proposed for North Hagerstown High School) is coming to the Planning Commission. Mr. Bockmiller stated that the site plan has not been submitted yet, and the Board of Zoning Appeals has not issued its Decision and Order. The case could be appealed to Circuit Court. The next step would be to get a site plan approved. Mr. Wright stated that the Board of Education needs to approve the proposal as well.

Adjourn.

It was moved and seconded that the meeting adjourn (5:05 p.m.)

Approved

Debra C. Calhoun - Secretary