

**Planning Commission  
MINUTES – Regular Meeting**

**March 28, 2018  
City of Hagerstown, Maryland**

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Douglas S. Wright, Jr., chair, opened the meeting at 6:58 p.m., on Wednesday, March 28, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members K. Jones, S. McIntire, 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; M. Flick, Planner; and D. Calhoun, Secretary.

**REGULAR MEETING**

**Roll Call.**

Mr. Wright introduced new Planning Commission member Kimberly Jones and noted that commission members R. Campbell and J. Wheeler were absent.

**Approval of Minutes:**

February 14, 2017 – Workshop Meeting:

**MOTION:** (Thomas/McIntire) I make a motion that we accept the minutes for February 14 as submitted.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN – Jones, Stone)

February 28, 2017 – Regular Meeting:

**MOTION:** (Thomas/Stone) I make a motion that we accept the minutes for February 28 as submitted.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN – Jones, McIntire)

March 14, 2017 – Workshop Meeting:

Mr. Thomas noted a correction on page 3 (add the word “the” at the end of the fifth line in the third paragraph).

**MOTION:** (Thomas/McIntire) I’ll move that we accept the minutes with that correction.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN - Jones)

**Development Review:**

**Lidl US Operations – 733 Dual Highway – Grocery Store, Site Plan,  
Case No. ZS-2017-09.**

Staff Report: (The staff report is in the meeting file.) This site plan is for the unimproved six-acre tract located between the Dual Highway and Tracy’s Lane, across Dual Highway from the City’s golf course. The plan calls for a single-unit retail building measuring 109 feet by 253 feet (25,400 square feet). One hundred forty parking spaces will be provided. Based on the standard calculation of net floor area at 85%, this building and use would require a minimum of 119 parking spaces. Primary access will be via one two-way driveway access on Dual Highway with a westbound left turn lane in the median that will permit access to the site for traffic coming from the east. No left turns out of the facility will be permitted. The plans for the road improvements have been designed in accordance with direction from the State Highway Administration (SHA). A secondary access on Tracy’s Lane will also be provided. Those who wish to go west on the Dual Highway when exiting the site would exit via Tracy’s Lane.

This plan is smaller than what was reviewed by the Commission at the sketch plan stage. The building reviewed at that time was to be 39,000 square feet; it has been reduced to 25,400 square feet. The amount of parking has also been reduced from the initial proposal.

The Commission previously approved a variance to the Forest Conservation Ordinance to permit the removal of several specimen trees due to their condition, location in relationship to the proposed grading and improvements, and their scattered locations throughout the site. The commission also approved a variance for a small area of grading and tree removal within the floodplain along Hamilton Run. However, with this revision, this second variance is no longer necessary.

The applicant seeks a waiver to the requirement for six feet of landscaping along the building on the north and west facades. This is due to the nature of the use as a grocery store. The only landscaping along these two facades is two planters at the main entrance on the northwest corner. However, this is offset by the planned 43-foot landscaped yard area proposed along Tracy’s Lane. There will be no paving or improvements to the east of the building which will be stormwater management and reserved forest and floodplain preservation area along Hamilton Run.

Forest Conservation for this project will consist of:

- 0.64 acres Existing forest to be retained along Hamilton Run (a priority retention area) and 0.28 acres of uncredited floodplain which is in addition to the 0.36 acres.
- 0.24 acres Reforestation contiguous with the above retention area, between Hamilton Run and the proposed building.
- 0.47 acres Reforestation area along the western property line behind the adjacent commercial building and abutting the adjacent shopping center property.
- 0.78 acres Street tree credit for eight sycamore hybrid trees along the Dual Highway and 24 Crimson Cloud hawthorns along Tracy’s Lane.
- 0.21 acres Fee-in-lieu for the remainder of the developer’s commitment.

The proposed species of street trees deviates somewhat from the typical choices and includes a European hybrid sycamore tree along the Dual Highway (Bloodgood London Planetree/Sycamore). This to address the existing condition with the very mature sycamores located along Dual Highway. This project is subject to the state’s “roadside tree law,” and the species selection was made to use species consistent with those along Dual Highway. The 24 street trees along Tracy’s Lane are Crimson Cloud hawthorn trees. These are proposed due to the overhead lines that are on the developer’s side of Tracy’s Lane. They needed a species that will not grow up to interfere with the powerlines. Given their smaller canopy, the hawthorn trees will be spaced closer than the typical 40-foot spacing requirement. Given the circumstances, staff had no objection to this change in species.

Staff pointed out that the City’s Economic Development office views this project as an important economic development project for the city. Lidl has pulled back significantly on their American market roll out and the proposed second store in Hagerstown is no longer in development.

Concerning the sidewalk on Tracy’s Lane, one peculiarity of this plan is the City Engineer’s position that sidewalk be provided along Tracy’s Lane either along the Lidl frontage or connecting this site to the nearest section of sidewalk behind the adjacent shopping center to the west. The issue of difficulty connecting the sidewalk across Hamilton Run has been previously discussed by the Planning Commission due to an existing culvert.

The developer is asking for a waiver that no sidewalk be required behind the Aldi Shopping Center or pick up the sidewalk and bring it to the Aldi property. Sidewalk will still be required along the Dual Highway. Mr. Bockmiller had a minor condition concerning shrubs that he will deal with before he signs the site plan.

The plan was routed and reviewed by the City’s review agencies and all have approved it subject to the conditions cited by the City Engineer, and the Water and Wastewater Divisions.

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Staff recommended approval of the waiver; approval of the forest conservation plan; and the site plan, subject to the conditions cited by Engineering, Water and Wastewater.

Commission/Applicant Discussion:

Chris Armstrong and Emily Pate of Bohler Engineering and Andrew Gartrell from Lidl US Operations were present.

Mr. Stone had concerns about visibility at the new crossover entrance from the westbound lanes of U.S. Route 40. Mr. Bockmiller noted that this section of the Dual Highway is straight and on a downward grade eastbound. Therefore, the only obstruction to visibility would be a vehicle waiting to turn from eastbound Dual Highway at the median crossover.

Concerning installation of sidewalks, Mr. Wright was sympathetic to the developer’s concern about providing sidewalk going east to the end of the property. The expense of that is not comparable to the number of people who would use the sidewalk. Going west, he could see a sidewalk in front of the substation, but then there is the Aldi Shopping Center. Andrew Gartrell indicated that they plan to bump out the curb enough to accommodate a sidewalk to Aldi. Mr. Wright stated that he would be more interested in a sidewalk west of the site. Mr. Armstrong clarified that it is Lidl’s intention to construct the sidewalk toward the Aldi Shopping Center. Mr. Wright applauded the developer for protecting the critical areas.

Staff noted that the previously discussed waivers will not need to be rescinded since they were only discussed, not approved. The forest conservation ordinance variances were officially acted on and approved, however, the variance into the stream buffer is now moot.

The requested waivers include a minor deviation on the street tree species and the issue of not providing landscaping across two fronts of the building. Mr. Bockmiller noted that there are extra wide buffers along Dual Highway, Tracy’s Lane, and Hamilton Run which more than offset the six feet that are being lost. Staff had no objection to the waiver requests.

**MOTION:** (Stone/Thomas) I make a motion that we approve the site plan and the two waivers, and subject to the outstanding Engineer and Water Division and Wastewater Division comments.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

Mr. Gartrell thanked City staff, including Mr. Bockmiller; Rodney Tissue, City Engineer; Jim Bender, Assistant City Engineer; and Kathleen Maher, Director, Planning and Code Administration Department, for their support. Lidl is very excited to be in Hagerstown.

**Planning Commission Business:**

**211 South Locust Street.**

(Copy of the Joneses’ report is in the meeting file.) Mr. Bockmiller explained that the property owner would like to operate a used car lot at 211 South Locust Street. He explained the car sales design standards. Given the size of the property, by the time the required buffers are put in place there would be no space left for inventory.

The developers, Rhonda and Pete Jones presented their project to the commission. They believe there are unique circumstances associated with this property and feel they can meet most of the requirements except for the landscaping requirements. They do not believe they are proposing anything out of the ordinary and provided photographs of other used car lots in Hagerstown that do not have landscaping. If landscaping is required it will constrain their use of the display area. Because this is a dense area and has other commercial establishments, the developers did not believe a variance would be detrimental to the public. To help with the inventory issue, the Joneses presented “lift” examples that would elevate one or two vehicles and allow them to park addition vehicles under the lifts.

Mr. Wright observed that most of the used car lots cited as examples in the Joneses’ presentation are grandfathered, existing conditions. Mr. Stone added that he understands the difficulties associated with this site. The commission cannot do anything about the existing sales facilities that do not meet the new requirements, but the commission does not want new ones to not follow the new regulations. For the commission’s and the developers’ benefit, Mr. Bockmiller reviewed the six provisions in Article 4, Section F., Subsection (8) (copy in meeting file).

After discussion about the layout, Mr. Jones indicated that he would be open to design changes. Staff noted that one employee parking space and two customer spaces would need to be set aside on the property. Mr. Jones noted that the metal lifts are designed to fit into a regular parking space so that would not affect the parking arrangement. He stated that he could also park vehicles inside the building.

Ms. Rhonda Jones suggested building a wall along the sidewalk which would prevent vehicles from extending over the sidewalk. Commission members said the Joneses should go back and create scaled drawings with spaces marked off and including a wall along the sidewalk. They should also build into their plans a few plants and take into account how the traffic will flow on the site. Traffic flow will present challenges and the Planning Commission would be concerned about approving a difficult situation. The commission’s main concerns will be vehicles encroaching on the public sidewalk, parking spot spacing, the proposed wall and how it will be constructed, and the general appearance of the site.

Staff recommended that the developers speak with the Chief Code Official about whether there will be a requirement for a change of use building permit; handicap accessibility issues; and issues associated with vehicle lifts situated against the building.

Mr. Bockmiller suggested that before they hire an engineer that the Joneses prepare an “in between” drawing and schedule another consultation with the Planning Commission before investing money in a site plan. He also noted that if the building is ever occupied, the car lot will need to be eliminated.

**Update on Mayor and City Council Review of Comprehensive Plan.**

Ms. Maher announced that the Mayor and City Council reviewed the draft Comprehensive Plan on March 22, and determined that they are ready to approve it. The Comprehensive Plan will be on the April 3 agenda for approval.

Commission members commended staff on a job well done. The plan was done without consultants and saved the City a large sum of money by doing it in house. Updates are now due every ten years rather than every eight years. Once text amendments package is taken care of, staff will begin organizing the comprehensive rezonings recommended in the plan. There are several groups of people who are anxious to have their properties rezoned.

**Capital Improvements Program.**

Staff distributed the FY 2019-2020 Capital Improvements Program for the commission’s review at the April 11 meeting. It is the Planning Commission’s obligation to make recommendations to the Mayor and Council on projects and how they relate to the Comprehensive Plan.

**Administrative Item.**

Staff sent a letter to Jessie Unger in February about the car sales facility at 350 East Washington Street. Mr. Bockmiller reviewed all the evidence and determined that Ms. Unger must comply with the existing regulations for car sales facilities. She subsequently filed an administrative appeal to the Board of Zoning Appeals (BZA).

Mr. Bockmiller asked the Planning Commission if they would be willing to send a senior member of the Planning Commission to the BZA hearing to assist Mr. Bockmiller in defending his decision. Staff will send commission members a copy of the appeal and keep them in the loop about the hearing. Mr. Wright said he would be willing to attend the hearing.

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**Adjourn.** It was moved and seconded that the meeting adjourn (8:40 p.m.)

4/11/2018  
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Approved

  
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Debra C. Calhoun - Secretary