

Douglas S. Wright, Jr., chair, called the meeting to order at 6:58 p.m., on Wednesday, May 16, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members K. Jones, J. Stone, 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.

Approval of Minutes:

April 11, 2018 – Workshop Meeting.

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

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**231-291 Eastern Boulevard North – Kensington Commercial Center,
Final Plat, Case No. S-2018-09.**

Staff Report: (The staff report is in the meeting file.) This is a plat for the proposed strip center on Eastern Boulevard that the Commission reviewed and approved recently. This plat combines Lots 5 and 7, and erases a private street easement (Dynacorp Drive) that was located along the common property line. The new configuration will incorporate both lots into one 4.71-acre lot, labeled as “New Lot 5,” with the Dynacorp Drive easement relocated farther north adjacent to the Banks Property.

The Champion Drive private street right-of-way will continue to extend to the Banks Property, which will allow connection of Champion Drive to the development of the Banks Property at some point in the future. Forest conservation easements west of Champion Drive will not be affected. The plat shows an area along Eastern Boulevard which is proposed to be quitclaimed by the City, returning it to the owner. This area comprises 2,765 square feet.

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

The quitclaim request has been initiated by the City Engineer’s office. Staff asked that a second motion be made to approve the quitclaim.

Commission/Applicant Discussion: Mr. Wright questioned why a quitclaim was needed for the old Dynacorp Drive and not the new Dynacorp Drive. Stephen Cvijanovich of Fox & Associates,

Inc., engineers for the project, explained that under the original Dynacorp Drive the City wanted right-of-way to go back to the curb return to the radiuses; under the new relocated version the City did not require any additional right-of-way beyond the 80-foot right-of-way that exists on Eastern Boulevard. He added that Jim Bender indicated that the City Attorney would like to forward the quitclaim to the Mayor and Council at a June meeting. The City Attorney would prefer that if the Planning Commission was inclined to approve the plat at this meeting that they would go ahead and record the plat. The quitclaim deed would then make reference to the yet-to-be-recorded plat that they are seeking action on tonight. This would negate the need for any additional instrument, plat, or drawing to be attached to the quitclaim. It would just be a deed recorded in the Land Records for Washington County.

MOTION: (Stone/Wheeler) I make a motion that we approve this plat.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

MOTION: (Wheeler/Stone) I'll make a motion that we recommend that the quitclaim be approved.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**1302 Pennsylvania Avenue – Washington County
Commissioners/Coffman Nursing Home, Final Plat,
Case No. S-2018-06.**

Staff Report: (The staff report is in the meeting file.) The Washington County Commissioners desire to transfer 0.53 acres of land from the Washington County Health Department building property to Coffman Nursing Home, which is located behind it. This plat also proposes to re-record an access easement for Coffman to reflect the current existing driveway system. Coffman Nursing Home does not have frontage on a public street. No waiver is required as this is an existing condition.

The plat was reviewed by the review agencies and all have approved it.

Since this is a subdivision that is redrawing property lines, staff had reservations about not configuring the property lines in such a way that would create the street frontage that would be expected for Coffman. The project engineer was present to explain why this could not be done. With that concern noted, staff recommended approval.

The proposed access easement is what is actually being used as the driveway. For the record, Mr. Bockmiller pointed out that the Almshouse cemetery was located on this property but removed in the 1950s. The ordinance requires that if there is or was a cemetery that a notation be placed on the plat and that has been noted.

Commission/Applicant Discussion: Mr. Wright pointed out a driveway off the existing road that goes toward the parking lot at Western Maryland Hospital. He asked if there are easement agreements for this access. Dave Trostle of Frederick, Seibert & Associates, Inc., engineers for this project, stated that they could not find any existing easements on that piece. Nicholas Hill, Sr., of Coffman Nursing Home explained that Washington County has two buildings that belong to the Health Department; Coffman has offered to relocate these buildings onto the Health Department property. In response to Mr. Wright’s question, Mr. Hill stated that Western Maryland Hospital placed another storage building in the area of the roadway in question.

Mr. Trostle has a copy of a plat done in 1991 that conveyed a portion of the driveway to Washington County and no easements were shown on that plat. Mr. Bockmiller stated that if the Planning Commission has a concern about that it could move to approve the plat with a condition that an easement be added. Mr. Wright believed the easement issue should be resolved before it becomes a problem. The State of Maryland has been considering closing Western Maryland Hospital for some time and it could be sold to another entity. Washington County should come forward and get it straightened out before that happens. He recommended that Mr. Bockmiller, as Zoning Administrator write a letter to the County Commissioners that a potential conflict was discovered during review of the plat and that the easement issue should be addressed.

MOTION: (Stone/Wheeler) I make a motion that we approve the subdivision plat, but as part of that we direct the Zoning Administrator to write a letter to the County expressing our concerns about this issue that should not go unresolved.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

12601-12602-12605-12606 Barton Drive – Richmond American Homes, Final Plat, Case No. S-2018-08.

Staff Report: (The staff report is in the meeting file.) The purpose of this final plat is to create four lots for the continued construction of the Hager’s Crossing development. The four homes will be used as model homes until the development is built out, at which point the homes will be sold. The end result will be the creation of four lots: Lot 93, consisting of 9,813 square feet; Lot 94, consisting of 7,533 square feet; Lot 112, consisting of 9,657 square feet; and Lot 113, consisting of 8,100 square feet.

The plan was routed for review and all agencies have approved the final plat. Staff recommended approval.

Commission/Applicant Discussion: Mr. Wright questioned the detail at the top of page 1, “Sidewalk Easement Blowup.” Dave Trostle of Frederick, Seibert & Associates, Inc., engineers for the project, stated that when Hager’s Crossing was originally designed, the developer was required to increase the width at each entrance for a turn lane. The City Engineer has requested an easement over the sidewalks. Mr. Wright asked that the lines on the blowup be labeled for clarity. Mr. Bockmiller further explained that the sidewalks encroach into property lines about a foot and the easement allows pedestrians to use the sidewalk without trespassing.

Regarding the cul-de-sac and the Planning Commission’s discussion several months ago, there were assurances by staff and the engineer that no building or occupancy permits would be issued until the cul-de-sac was removed. Mr. Wright was looking for a mechanism to make sure that happens in the future. Mr. Trostle stated that the street will not be turned over to the City until the cul-de-sac is removed and all the improvements have been made. Mr. Wright wanted assurances that the cul-de-sac will be removed before permits are issued. Ms. Maher stated that staff will determine a way to flag this matter in the City’s permitting software.

Mr. Wright noted that on sheet 3 property lines are shown on Gemstone Drive as being proposed property lines. Mr. Trostle stated those lots need to be revised because they have already been platted. Mr. Wright did not want it being construed that the commission was approving these lots as part of this action. Mr. Trostle stated that those lots have already been platted; this drawing shows the forest conservation compliance.

MOTION: (Stone/Jones) I make a motion that we approve it subject to the condition that the comments we have discussed at this meeting be addressed before it is recorded.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Hager’s Crossing – Phase 2, Block B (2-Year Renewal), Preliminary Plat, Case No. ZS-2004-08.

Staff Report: (The staff report is in the meeting file.) With Richmond American picking up this development from the Rachuba Group, it is necessary to approve a two-year update. Other than contact information reflecting the new developer and updates to some standard details required by certain review agencies, nothing has changed on this plan since its original approval. All agencies have approved the renewal; staff recommended approval.

Commission/Applicant Discussion: Dave Trostle of Frederick, Seibert & Associates, Inc., engineers for the project, stated that several details have changed since the initial approval that need to be updated. Mr. Wright wanted to make certain that the new plan conforms to any changes to the ordinance. Mr. Bockmiller stated that staff did not review the site plan from that standpoint because this was a valid plan that just needs to be renewed. This is a PUD development so nothing could be changed significantly without reversing the PUD approval.

Mr. Trostle detailed the proposed development progression. The connection to McDade Road will come prior to the 118th lot being approved west of the roundabout. Negotiations with Washington County are complete and a plan will be submitted shortly for review. An easement drawing and a deed of easement has been submitted to the property owner on Broadfording Road. Mr. Trostle informed the commission that currently there are 63 developed lots west of the roundabout and 219 more that can be developed. Fifty lots can be developed before the connection to McDade Road will be necessary.

MOTION: (Wheeler/Stone) I'll move that we approve the renewal of the preliminary plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Krispy Kreme – 531 Dual Highway, Site Plan, Case No. ZS-2017-10.

Staff Report: (The staff report is in the meeting file.) This site plan is for the construction of a 2,671 square-foot restaurant building with drive-through lane, and 19 parking spaces, consistent with the sketch plan previously viewed by the Commission.

Also, per prior conversations, the developer is requesting waivers to design regulations regarding the provision of landscaping along the eastern side property line (along the main driveway into the site from Dual Highway), the elimination of one landscaped island in the northeastern corner of the parking lot, and elimination of most of the six-foot landscaping buffer around the building. When the proposed waivers were initially presented, the Planning Commission expressed no objection to these requests.

The plan was routed to the review agencies and all have provided approvals with the exception of the Wastewater Division, the Water Division, and the State Highway Administration. The Planning and Code Administration Department provided conditional approval subject to correction of several minor drawing issues.

Staff recommended approval, subject to compliance with conditional approvals granted by the Water Division, the Wastewater Division, State Highway Administration, and the Planning and Code Administration Department.

Mr. Bockmiller noted that the ends of the aisles of the shopping center will be landscaped.

Commission/Applicant Discussion: The following persons were present on behalf of the developer: Sally Feather and Mark Funyak of Zamais Services, Inc.; and Dave Trostle of Frederick, Seibert & Associates. Inc. Mr. Wright asked if there will be any monument signage. Mr. Bockmiller said his understanding is that signage will be on the building. Ms. Feather added that a sign will be added to the shopping center’s pylon sign. Ms. Feather confirmed that cross easements for the Burger King, shopping center, and Krispy Kreme have been recorded.

MOTION: (Wheeler/Jones) I’ll move approval of the plan with the design waivers.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Wendy’s – 950 Dual Highway, Site Plan, Case No. ZS-2018-05.

Staff Report: (The staff report is in the meeting file.) The purpose of this site plan is to build a new Wendy’s fast food restaurant at 950 Dual Highway. The restaurant will be 2,562 square feet and its construction will result in the demolition of the existing Chevy Chase Bank building. The restaurant will mostly occupy the footprint of the existing building. Much of the existing parking and landscaping on site will remain intact in addition to compliance with current parking and landscaping requirements. There are 21 parking spaces required and the site plan proposes 30 total parking spaces. There is no forest conservation plan associated with this site; forest conservation for this area has already been completed with the construction of the shopping center. A sidewalk will connect from the Dual Highway sidewalk into the site. It is not practicable to construct sidewalk along the driveway into the site due to topographic issues (a copy of the project engineer’s explanation is included with the report in the meeting file).

The site plan was routed for review and all agencies have provided approval with the exception of the Planning and Code Administration Department, which provided contingent approval with the following conditions:

- All approved plans and permit comments must be on site at all times and available to the inspectors at the time of inspection. All work must be completed in accordance with the approved plans and City Code.

- All work when completed must comply with the Maryland Accessibility Code. Van accessible parking, access aisles, signage, and accessible routes must be provided in accordance with the Maryland Accessibility Code.
- All private side plumbing and electrical work must be completed by City of Hagerstown licensed contractors with appropriate permits and inspection approvals.
- All trenches for plumbing and electric must be inspected and approved before backfilling any areas. All private side sewer pipe must be Schedule 40 or equivalent in accordance with the 2015 International Plumbing Code as amended.

Planning staff also recommended that the front parking area corners be rounded if grading allows. Staff recommended approval provided the above conditions are met.

Commission/Applicant Discussion: Mr. Trostle indicated that the site perimeter is remaining the same as the Chevy Chase Bank building. Curb and sidewalk will be removed in order to create more landscaped islands. The stormwater management is existing. Currently there is no sidewalk from the Dual Highway into this site; however, they will be providing a sidewalk on the west corner. Mr. Bockmiller noted that they are removing the bank building and dropping the new restaurant into the hole where the bank was located. The amount of disturbance is limited. Shrubs and mature trees will be retained and more landscaping will be added. Mr. Trostle stated that sidewalks on the property will be difficult; if the sidewalk is not ADA compliant, Wendy's does not want to install it.

MOTION: (Stone/Jones) I move for approval, subject to the outstanding comments listed in the memo, including the Planning staff comments.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

EMSOURCE Group Properties – 580 Pangborn Boulevard, Revision to Approved Forest Conservation Plan, Case No. FC-2017-06.

Staff Report: (The staff report is in the meeting file.) The applicant seeks approval of a revised forest conservation plan to meet the Ordinance requirements for this project through the use of the fee-in-lieu program.

When construction started on this site, the backhoe operators were “overzealous” and started to intrude upon the easement area. Subsequent analysis showed that the area that was to be preserved was also growing in the foundry’s sandpit, and as such, also needed to be remediated. The remaining trees were removed and the cap was extended to include that area.

The required coverage is 37,951.65 square feet. The applicant is requesting credit for existing street tree canopy (which was approved in the original plan) in the amount of 21,548 square feet. This leaves a remaining requirement of 16,403.65 square feet. At 31.6 cents per square foot, the proposed fee-in-lieu contribution would be \$5,183.55. Staff pointed out that per a recent amendment to the ordinance, when a motion is made, fee-in-lieu contribution should be described in acreage and not a dollar amount in case the fee rate increases before the applicant remits payment. Payment is made based on the rate in effect when payment is received by the City.

Staff recommended approval, subject to a condition that an instrument be recorded in the Land Records, as determined by the Zoning Administrator, to vacate the existing forest conservation easement plat (Miscellaneous Plat 730). The plat had been recorded so the recorded easement is protecting trees that do not exist.

Mr. Bockmiller noted that when the Planning Commission approved the previous plan, there was a condition that the fence be replaced with an ornamental fence. The developer is requesting permission to eliminate the fence altogether and leave it up to the future property owner to decide whether or not a fence is needed. The fence is proposed to be removed within the month.

Commission/Applicant Discussion: Planning Commission members had no issues with the requested revision to the forest conservation plan to reflect street credit in the amount of 21,548 square feet and payment of fee-in-lieu for the remaining 16,403.65 square feet; and amending the previously approved condition for ornamental fencing to removal of the fence.

MOTION: (Stone/Wheeler) I move that we approve the revised forest conservation plan; that we approve the fee-in-lieu of conservation for 16,403.65 square feet and that we modify the condition previously imposed so that all that is required is the removal of the existing fence along Pangborn; and that the existing forest conservation easement be vacated in some appropriate form.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Antraquip Corporation – 758 Bowman Avenue – ESD Sketch Plan.

Staff Report: (The staff report is in the meeting file.) Antraquip is a manufacturing company that makes drilling products for mining operations that are used throughout the world. They plan to consolidate existing activity and expand at their Hagerstown location. To do this, they propose to abandon the property line between their existing facility and an adjacent unimproved property under their ownership, and construct two new buildings. The first will be 20,000 square feet in area. The second will be 8,700 square feet, with additional overhang which will create a footprint

of 11,420 square feet. A driveway will have an entry point on Bowman Avenue and on Eldridge Drive, and will connect to the existing facility's driveway.

Due to the presence of significant sewer easements that divide the property into three pods, the applicant applied to the Board of Zoning Appeals for variances to reduce the required 50-foot front setback from Eldridge Drive and from Bowman Avenue to 25 feet in order to build the two buildings closer to these streets. The Board has approved the variances. Comments from the City Engineer are included with the meeting memo.

Forest Conservation will not apply to this development. Staff observed the following potential deviations from Article 5 design standards: 1) two sides of the large building and three sides of the smaller building will not have the six-foot landscaped buffer around the exterior of the building, and 2) the bay of parking does not end in a landscaped island.

Staff recommended that, given the building's presence nearer the street than would typically be approved, an extensive and effective landscaping plan be provided as part of the site plan that will soften and buffer the appearance of the buildings from the streets.

Commission/Applicant Discussion: William Pompeii of Triad Engineering, Inc., engineers for the project, said bio-retention facilities will be located in front of the smaller building and along the second building on Eldridge Drive. They hope to leave the trees as is and possibly dress up the front of the building. Mr. Bockmiller asked that the Bowman Avenue frontage be given particular attention since the building will most likely be taller than usual and will only be 25 feet from the street.

MOTION: (Stone/Jones) I'll make a motion that we approve the sketch plan, subject to the comment outlined in the staff memo that particular attention be given to the landscaping along Bowman Avenue in view of the fact that the building setback is so much less.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

By-laws Discussion.

Ms. Maher prepared amendments to the commission's by-laws that would give permission to members who would like to participate in a Planning Commission meeting but cannot be in attendance. Ms. Campbell has requested to be able to participate via phone in meetings while she is taking a class that conflicts with the Planning Commission's meeting dates.

Commission members discussed this request and how to incorporate it into the by-laws. Some comments included that it should not become “a habit” since there is value in the give and take of a group discussion; language should include something to the effect “for good cause” so it is clear that participating by telephone is not open ended; and add language that takes into consideration technology “by voice or similar communications (such as “Webex”).

Staff was directed to work with the City Attorney to come up with appropriate language to address the commission’s concerns. This matter will be brought back to the commission for review after staff has an opportunity for input from the City Attorney.

HBP – Request to Modify Landscaping Plan.

Mr. Bockmiller stated that staff was approached by the engineering company that did the expansion for HBP (Hagerstown Bookbinding & Printing). They are proposing revisions to the landscaping plan such as changing the species of street trees. Also, the approved plans required shrub plantings along Bowman Avenue due to the location of the site’s stormwater management facilities along Bowman Avenue. The ordinance requires stormwater management facilities along a street to be landscaped. HBP believes it will create a problem with sight visibility on Bowman Avenue that will exacerbate an existing traffic problem. The shrubs could create a sight distance problem. Staff wanted the commission’s feedback on dealing with shrubs on stormwater management areas. Ms. Jones asked about the height of the shrubs in question. Mr. Bockmiller indicated the shrubs would be about thigh high. Also, there is a right-of-way and the shrubs would have to be planted behind the right-of-way.

If planted on HBP’s property, commission members felt there would be enough room. Mr. Wright suggested that staff visit the site.

Adjourn.

It was moved and seconded that the meeting adjourn (8:32 p.m.)

7/11/2018

Approved



Debra C. Calhoun - Secretary