

**Planning Commission
MINUTES – Regular Meeting**

**May 30, 2018
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, May 30, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members S. McIntire, J. Stone (late), 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; M. Flick, Planner; and D. Calhoun, Secretary.

REGULAR MEETING

Roll Call.

Mr. Wright noted that commission members R. Campbell, K. Jones, and J. Stone were absent (Mr. Stone was expected later).

Approval of Minutes:

May 16, – Workshop Meeting.

The minutes were not ready for review and approval.

Development Review:

**Parcels A, B, & C of Rachuba’s Hager’s Crossing (17360 Swan Road),
Final Plat, Case No. S-2018-07.**

Staff Report: (The staff report is in the meeting file.) The zoning map and the PUD plan for Hager’s Crossing shows a narrow neck of the development surrounded by the municipal boundary, extending from the southwest corner of the main tract to Swan Road (along US 40). This land contains a shared access driveway known as Honeysuckle Lane that provides access for five homes on landlocked lots under Washington County’s jurisdiction.

Richmond American Homes, the new developers of Hager’s Crossing would like to resolve this issue and has submitted a plat which will create and convey Parcel A (407 feet by 50 feet) from the main residue parcel and transfer it to the owners of the northernmost landlocked parcel (the Mileys). The existing right-of-way identified as Parcel B will also be transferred to the Mileys. The other property owners that use Honeysuckle Lane (Socks, Sines, Miller, and Martinez) will

receive easements that permit access across Parcels A and B to gain access to and from their properties.

A small amount of Parcel A will wrap around the northern side of the Miley Property in order to create an appropriate setback from the side of an accessory structure along the northern side lot line and incorporate all existing paved parking areas on their property which have extended a small amount beyond the existing property lines.

About half of Parcel A is part of the forest conservation easement for Hager’s Crossing. Most of this will remain unchanged. However, the parking on the Miley property infringes on this easement by about 574 square feet. This plat removes that portion of the forest conservation easement that is co-located with the Miley parking area, and creates an equal new easement area on the opposite side of the easement to offset this removal. The net amount of acreage of retained forest will remain unchanged.

This plat was routed and reviewed by all review agencies and all have approved with the exception of the Planning and Code Administration Department. Planning’s comments entail several minor drafting issues.

Therefore, staff recommended approval, subject to the resolution of the issues involved in the conditional approval provided by Planning staff. Parcel B is an existing recorded right-of-way area and will go to the Miley’s. The area shown in green on the drawing attached to the packet memo will also be given to the Mileys. A small amount of forest conservation will be offset. (Mr. Stone arrived.)

Commission/Applicant Discussion: Mr. Wright had concerns about one owner controlling access and maintenance for a road that will be used by several other property owners. Fred Frederick of Frederick, Seibert & Associates, engineers for the project, said Richmond American Homes is not interested in maintaining this with the encumbrances. The affected property owners were surveyed and have no issues with Miley taking care of the property just as he has been. The deed will ensure that the other owners will have access to their properties. Any future owners of the Miley property will be required to take care of the road. Mr. Wright did not agree that this is a viable option. Mr. Stone noted that this is no different than any of the alleys in the City. Residents are responsible for clearing the alleys behind their properties—the City does not maintain alleys. Mr. Frederick said the access has been there since before Planning and Zoning. Mr. Bockmiller said staff initially suggested that each owner take care of their share of the alley; however, they decided it would be cleaner to have the last property owner on the road handle maintenance. He added that currently there is no party of responsibility; this plat will create a mechanism for maintenance.

Mr. Wright noted that the drawing shows that the existing lane leaves parcel B for a short distance. Mr. Frederick stated that this is an existing condition and has been for about 30 years. Mr. Stone noted that at the end of the day it is an insolvable problem. Mr. Thomas asked about Parcel C (referenced in the title on the agenda). Mr. Bockmiller stated that in the revision process Parcel C was eliminated.

MOTION: (Wheeler/McIntire) I will move approval of the pipestem driveway re-assignment contingent upon outstanding Planning and Code Administration Department comments.

DISCUSSION: Mr. Thomas asked that the motion be revised to include the Planning and Code Administration Department comments. Ms. Wheeler and Ms. McIntire agreed to amend the motion to include the Planning and Code Administration Department’s comments.

ACTION: APPROVED (No - Wright)

28-52 East Baltimore Street/Thomas Kennedy Park – City of Hagerstown Engineering Department, Final Plat, Case No. S-2018-10.

Staff Report: (The staff report is in the meeting file.) The attached plat creates a 106-foot deep by approximately 67 foot wide lot which will contain the Thomas Kennedy Park. It also merges an approximately 46-foot by 50-foot area to the rear of the lot which is not needed for public use into the adjacent Holden property on the east side of the park. The remainder of the tract (those parts west of the western edge of the lot being created) will be retained by the City with the intention of selling or transferring that property which includes the “Massey Building” to a new owner. The end result of the subdivision will be a lot intended for long-term public ownership, disposal of a small unneeded remnant to an adjacent owner, and defining the “Massey property” for future transfer.

This plat was routed for review to all review agencies and all have approved it with the exception of the Fire Marshal who provided conditional approval, subject to assignment of a unique address to the new lot. Staff recommended approval, subject to assignment of an address to the lot per the Fire Marshal.

Commission/Applicant Discussion: Mr. Thomas asked if there will be anything in the transfer that provides for an easement for the entrance to the Library when the Massey Property is marketed to a new owner. Mr. Bockmiller stated that there is an easement for the entrance now, however, there is a possibility that this easement may be relocated or the gates moved to the Library’s property. If there is a desire to move the entrance, the Planning Commission would get a chance to weigh in on it.

Ms. Wheeler asked what will happen between the park and the backs of the houses on South Locust Street and to the back corner of the Holden House. Mr. Bockmiller said that area will be heavily landscaped.

MOTION: (Stone/Thomas) I move that we approve the final plat.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Workshop: Electromet – 879 Commonwealth Avenue – Landscaping Waivers.

Staff Report: (The staff report is in the meeting file.) Mr. Wright recused himself from this discussion and asked Mr. Stone to assume the chair.

Staff received a request to discuss an alternate landscaping plan for a property with expansion plans currently in process with Planning and Code Administration which include:

- Removal of landscaping islands on either end of a bay of parking adjacent to the new building. This will be an area with considerable forklift activity. The islands will not be seen from the street and customers will not be parking in this location.
- Use of an evergreen screen instead of a dumpster enclosure that is not visible from Commonwealth Avenue.
- Waiver of street tree requirement along Bowman Avenue.
- Waiver to reduce or eliminate street trees along Commonwealth Avenue as part of an alternate landscaping plan for the Commonwealth Avenue frontage. They plan to plant low growing shrubs next to the building in the front.

Prior to the meeting staff suggested that members of the commission drive by and drive through the site before the meeting to get a “feel” for the current state of landscaping on the property.

Concerning the request for a waiver of the street trees on Bowman Avenue, staff commented that the applicant cites the fact that the part of the campus fronting Bowman Avenue is “an entirely separate tax parcel.” Staff contended that the two parcels function as one campus and there is no discernable boundary between the two properties except as it appears on a plat or tax map. Electromet operations are on both parcels and the common property line runs through their parking lot and drive aisles. Staff made no comment at this time as to whether or not the requirement should be waived if the Commission finds cause, but advised the Commission that standard practice in such situations is to include the use area in its entirety when reviewing for compliance when it consists of multiple parcels and used in common. To grant a waiver solely

on this issue would be counter to standard practice and what the commission has required of other developers as a matter of course and would appear to be an arbitrary decision. Staff reserved further judgment on this issue pending the development of other arguments, alternatives, or justifications that may provide basis for granting the waiver.

Commission/Applicant Discussion: Fred Frederick of Frederick, Seibert & Associates, Inc., and Dixon Hicks with Electromet, were present. Mr. Frederick discussed staff's concern about the developer's request to not include the parcel at the corner of Bowman and Commonwealth Avenues. The back part of the building at the corner of Commonwealth and Bowman is rented to Antietam Cable. Per the lease agreement, Antietam Cable must contribute to any improvements to the property. In addition there is a high-tension wire along Bowman Avenue and any trees would have to be moved back a significant distance to avoid the wires. Mr. Hicks added that there is a berm that hides the facility. The trees would be planted behind the berm. Mr. Frederick stated that the owner of the company, Mr. McCain, does not want to do anything on the Antietam Cable side of the property.

On the Commonwealth Avenue frontage, Mr. Bockmiller stated that staff's initial expectation was that Electromet would plant the standard shrubs. However, after the meeting with the engineer, staff backed off from this expectation based on the site conditions. Back to the Bowman Avenue frontage, Mr. Thomas asked if there are approved street trees on the list that would be short enough to be placed under the lines. Mr. Hicks said the four or five trees along Commonwealth Avenue were planted by the City. Mr. Stone noted that the presence of the high-tension lines would require that the trees be placed further back. Mr. Thomas suggested using shrubs instead of trees. Mr. Stone noted that the issue of sharing expenses is an issue between the owner and the tenant and not the City's concern. Mr. Bockmiller stated that the site plan that was submitted shows both properties, not just the lot that has the new development. There is also the berm.

Concerning the first request, commission members did not have an issue with waiving the street trees along Bowman Avenue based on the power lines and the berm necessitating that any trees would have to be planted further into the property than would normally be the case for street trees.

The second waiver request is for permission to use an alternative design for five trees along Commonwealth Avenue. The developer would like to plant the five trees around the site and camouflage the building more than what traditional street trees would accomplish. It also creates an accent. Planning Commission members had no issue with this request.

Concerning the third waiver request regarding interior landscaping along the building. There is existing interior landscaping. Mr. Frederick stated that forklifts will be moving product between the old and the new buildings and there is the potential to damage the landscaping. This area will

be solid pavement. Commission members had no concerns about waiving the landscaping in this interior area.

Concerning the fourth waiver request, the dumpster in question is on the interior of the lot and is not visible from the street. Instead of a walled enclosure, the developer would like to use landscaping. In this case the trees will not be damaged as much by the periodic emptying and replacement of the roll-off dumpster. A wall would be damaged. Commission members had no concerns with this waiver request.

Mr. Wright reassumed the chair.

**Workshop: HBP – Bowman Avenue at Frederick Street – Redline
Revision to Landscaping.**

Staff Report: (The staff report is in the meeting file.) The applicant would like to obtain approval of a revised planting plan for the area along Bowman Avenue. The approved plan shows a double row of shrubs between Bowman Avenue and the adjacent bay of parking, and landscaping between Bowman Avenue and the stormwater management areas on either side of the entrance to the site. The applicant believes there is insufficient room to plant shrubs as approved and proposes to install one Redbud tree and a single row of Luykens Laurel shrubs along the bay of parking.

The applicant believes that sight distance issues at the driveway entrance will be made more difficult by installing shrubs along the berms associated with the stormwater management facilities on either side of the driveway entrance. They request permission to eliminate plantings to the east of the driveway entrance. They show the row of Luykens Laurel extended as far to the east as possible before sight distance toward Frederick Street starts to be impacted.

Staff had no objection to revising the landscaping between the parking lot and Bowman Avenue as described and the request to eliminate plantings for that area east of the driveway entrance due to sight distance issues. Staff made no recommendation for the proposal regarding the stormwater management area on the west side of the driveway entrance.

Mr. Bockmiller stated that he visited the site. The curve in Bowman Avenue and the chain link fence could make it difficult to see oncoming traffic. A single row of trees would end equal to the end of the last parking space in the lot.

Commission/Applicant Discussion: John Snyder, owner of HBP; David Kirkman, Vice President of Operations at HBP; and Fred Frederick of Frederick, Seibert & Associates, Inc. were present for this matter.

Mr. Snyder stated that the City of Hagerstown has a storm pond across the street and did not have to do anything with landscaping, describing it as a crater.

Concerning the requested revisions:

- Commission members agreed to the elimination of plantings east of the driveway entrance and extension of the Luykens Laurel trees as far to the east as possible before sight distance toward Frederick Street is impacted; two of the trees will be turned toward the building.
- Commission members want the small bushes to remain to the edge of the parking lot. The proposed Redbud tree can be eliminated.
- Due to the amount of landscaping already completed along Frederick Street (36 trees, 12 evergreens, and 24 others) and the fact that the National Security Administration (NSA) installed a fiber cable all the way across the front of HBP’s property, and the existing guy wires for the utility poles, commission members did not believe the additional street trees are necessary. The building’s visibility is being diminished.

MOTION: (Stone/Wheeler) I move that we approve the changes they have requested subject to the discussion we have had: the row of bushes along the parking lot with a couple turned back toward the building; no Redbud tree; and no trees along Frederick Street.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Workshop: Winter Street School Concept.

Staff Report: (The staff report is in the meeting file.) A community church in the “west end” is under contract to purchase the former Winter Street School from Washington County. They will need to apply for a special exception for a religious facility. It is possible it may also include a variance to reduce required parking, but they are endeavoring to design the use so that will not be necessary. One space per every five seats for parishioners is required, however, that number could be reduced if they provide bus service. This particular church has many parishioners that walk to church. The existing church is currently a few blocks away.

The parking area shown on the attached special exception exhibit shows some of the parking not complying with the required ten-foot landscaped buffer from public streets most notably along Washington Avenue and a small portion of Alexander Street.

The church was encouraged to bring this issue to the commission in a workshop for discussion before they apply to the Board of Zoning Appeals. The Board of Zoning Appeals has no authority to reduce or waive the design standards of Article 5; the Planning Commission is the only body that can do that. Staff said the corner of West Franklin and Winter Streets will not comply. The revised drawing mostly complies with landscaping requirements. This is mostly for discussion.

Stormwater management will be located in the northwest corner. Since the stormwater management will be against a street right-of-way it will need to have a landscaping plan. Staff had a concern about the existing chain link fence and encouraged the church to consider removal of the fence. However there are locations along the perimeter of the property where the fence is on top of a stone wall where a barrier is needed due to the code requirement for a barrier when the drop exceeds 30 inches. This will likely be the case along West Franklin Street.

Fred Frederick of Frederick, Seibert & Associates, engineers for the project, stated that where the fence is necessary, it might be something different because a fence might not be affordable for the church at this time. Shrubs could be an option in the areas where a barrier is not required. Planning Commission members will have another opportunity to comment when the Board of Zoning Appeals agenda is presented to it for comment.

Planning Commission Business:

Proposed By-laws Amendment.

Ms. Maher revised the by-laws based on discussions at the last meeting; she also noticed verbiage that needed to be updated to reflect current state laws. Also, Section 3 and Section 7 seem to be redundant.

Page 2 – Commission members recommended deleting Section 7.

Page 3 – This section was updated to include email as an acceptable method of scheduling a special meeting.

Page 4 – Added a new No. 6 to address teleconferencing by members. Ms. Wheeler suggested adding “or if the absence of the member impacts the ability to conduct the business of the commission.” Commission members were satisfied with this new subsection and Ms. Wheeler’s suggested addition. Commission members believed it would be difficult to telecommute for a

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public hearing because of the nature of those types of meetings (exhibits being entered that the commission did not have access to ahead of the public hearing).

MOTION: (Stone/Wheeler) I make a motion that we approve the amendments including the suggestion that Ms. Wheeler had.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Election of Officers.

MOTION: (Thomas/Wheeler) I move that we maintain the officers that we presently have.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Adjourn. It was moved and seconded that the meeting adjourn (8:20 p.m.)

7/11/2018

Approved



Debra C. Calhoun - Secretary