

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, August 8, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members R. Campbell (via teleconference), K. Jones, S. McIntire (late), R. Thomas (late), 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:

July 11, 2018 – Workshop Meeting.

MOTION: (Wheeler/Campbell) I'll move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

**Electromet – 879 Commonwealth Avenue – Storage Building,
Site Plan, Case No. ZS-2018-04.**

Mr. Wright recused himself from the discussion and vote on this case. Commission member J. Wheeler assumed the chair.

Staff Report: (The staff report is in the meeting file.) (Councilmember McIntire arrived.) This site plan is for the construction of a 16,800 square-foot storage/industrial building on an existing improved manufacturing company campus. Landscaping will be installed around the front of the building to improve its appearance from Commonwealth Avenue. An existing area of mature screening trees will be removed for the installation of parking and driveway access to the building.

Waivers were requested for the following items:

- Elimination of the landscaped islands for the new parking in front of the building;
- Elimination of the six feet of landscaping required along the front of the building (east side facing the rest of the complex);
- Elimination of the requirement to install street trees along Bowman Avenue;
- Elimination of the requirement to install three to four street trees along Commonwealth Avenue in front of the building; and
- Substitution of evergreen screening for a constructed enclosure around the trash receptacles.

The applicant proposed an alternative landscaping proposal to mitigate the impact of the above waivers. In a prior work session, commission members expressed no objection to the proposed waivers and this site plan is in substantial conformance with the sketches presented at that time.

The site plan was routed for review and all agencies have approved it with the exception of the following conditional approvals: Electric Division, Parks and Engineering Department, and the Planning and Code Administration Department. Staff recommended approval, subject to resolution of the remaining issues identified by the Electric Division, the Parks and Engineering Department, and the Department of Planning and Code Administration. (Mr. Thomas arrived.)

Commission/Applicant Discussion: Ms. McIntire abstained from the discussion and vote on this case since her firm is a subcontractor on this project. There were no questions or concerns by the commission

MOTION: (Campbell/Jones) I will move for approval pending all the conditions are met that were listed by staff.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – McIntire, Wright)

Planning Commission Annual Report for Calendar Year 2017.

Staff Report: (The staff report is in the meeting file.) Ms. Flick presented the CY 2017 Annual Report that the City is required to submit to the Maryland Department of Planning. Subject areas covered in the report are mandated by state law. Commission members had the following comments on the annual report:

Page 1, first paragraph:

- The Community’s City Center Plan is not identified with an adoption date.

Page 3:

- Even though some of these projects are not under the Planning Commission’s purview, staff noted that commission members do review projects as part of its annual Capital Improvements Program review.

Page 6, B., 1):

- The first category is bolded and the other categories under “B” are not.

Page 7, second paragraph:

- Halfway down should be a new paragraph.

Page 11:

- There are formatting issues on this page.

Page 12:

- The header should reflect “2017” and not “2016.”
- Staff will confirm the statement about 261 South Prospect Street under c), (i).

Page A-1 (bottom):

- Add a note in brackets to clarify that not all jurisdictions in Washington County have an Adequate Public Facilities Ordinance for schools to control growth’s impact on school capacity. The statement in question is taken directly from the 2008 Comprehensive Plan language.

Page A-3:

- Third column, Timeframe, was revised to reflect progress made through May 2017. Next year the current plan timeframe will be used.

Page A-4:

- Item 4-3 – Flow Transfer Agreement renewal and removal of sunset clause never happened and staff noted there are probably no plans to address. It is still an item in the 2035 plan.

Page A-5:

- Item 5-2 – Bus shelters are addressed in the new plan.
- Item 5-3 – Ms. Maher noted that the evaluation was completed.

Appendix B:

- Staff noted that all fees are waived if the project is for another government such as Washington County or the Board of Education. In addition, certain incentive projects in the downtown are not subject to permit fees. No new apartment buildings were built in the last reporting years, however, several apartments are planned for Trey Alter’s project on the west side of town.

Appendix C:

- Pipeline Projects – With the new developer at Hager’s Crossing, there should be more activity at that development. The new developer is hoping to build 20 or more units per year. Ms. Wheeler asked about CortPark and Mr. Bockmiller stated that he has not heard much from the developer on this.

Appendix D:

- There was only one annexation in 2017.
- Header needs to reflect 2017.

Appendix E:

- Under “Forest Conservation,” the number of cases in CY 2017 should be 6.

MOTION: (Wheeler/Thomas) I will make that motion (to approve the Annual Report).

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Ms. Maher offered to put the Implementation Chart on an upcoming meeting agenda so the commission can review it. The Planning Commission was agreeable to Ms. Maher’s suggestion. Ms. Campbell was also interested in discussing a reduction in the poverty rates.

Land Management Code Text Amendments.

Rooming Houses – Follow Up From Last Meeting.

A copy of the staff report is in the meeting file. Commission members had no additional comments on staff’s proposals.

Fair Housing Analysis.

A copy of the staff report is in the meeting file. Staff attended a legal seminar on Fair Housing at this year’s APA conference, in particular with regard to protected classes. Most lawsuits involving fair housing are from discrimination against the disabled class. Ms. Maher determined that Hagerstown’s ordinance has holes that should be tightened.

Staff made recommendations including:

- Creation of an “Institutional Zone” for hospital-like uses, public school campuses, recreational facilities with fields, parks, ball stadiums, and cemeteries. In the next comprehensive rezoning, rezone such areas in RMOD and RMED; remove RMOD and RMED as permitted areas for hospitals and nursing homes.
- Change definition of Assisted Living and add a new category for “Supportive Living Home,” such as ARC homes.

- Add a “Vocational Center” category which would be permitted in areas where the City permits light assembly uses.
- Addition of parking requirements for uses that are currently missing in the parking chart.

Commission members advised staff to proceed with these changes. Ms. Maher noted that the ordinance amendments would be included with the current Land Management Code Update package.

Revised Package of Amendments:

Commission members have seen most of these amendments. Several new proposals have been added since the last discussion:

Page 10, 1.28: Concerning “Stealth Wireless Facilities” staff added clarification on height and setback since there are no height limitations now. The new language would treat stealth wireless facilities the same as a structure. This is a temporary fix until the entire wireless section can be revised and updated.

Page 10, 1.29: Staff must develop a new illustration to demonstrate the intent of the ordinance.

Page 11, 1.31: Adding language concerning “medium density residential areas” as a separate line to be consistent with the state ordinance.

Page 11, 1.32: The NAICS code reference as published is wrong. The proposal is to change the code number to “4411” and “4412” and to clarify the requirements for parking (see page 9, 1.23).

Page 11, 1.33: Concerning properties that abut properties in Washington County, a reference has been added that buffer requirements will be calculated based on the comparable City zoning.

Page 11, 1.34: Staff noted that the language concerning fences will be restructured and rewritten for clarification purposes. The content will not change. Vinyl fencing will be added as a permitted fence material in front yards. Staff will bring this back for the commission to review at a future meeting.

Page 17, 2.11: This addition was requested by the Hagerstown Police Department which would add Crime Prevention Through Environmental Design (CPTED) principals into the Subdivision and Land Development Ordinance (SALDO).

Page 18, 2.12: This amendment addresses a concern by staff over the proliferation of front yard parking pads.

Page 19, 2.16: This amendment would allow the conversion of first floor commercial spaces in nonconforming mixed-use buildings in residential zoning districts to be converted into residential units with review by the Historic District Commission as to the compatibility of the proposed conversion.

Page 20, 2.18: Staff added a definition for “Adult Entertainment Business.” This language addresses live performances by adult entertainment performers, which is currently not addressed in the ordinance. They will be permitted in same districts as other adult uses.

Staff is hoping to advertise the amendments for a public review meeting at the September 26 meeting. The final draft will be presented to the commission. In addition, staff will develop a “user friendly” PowerPoint for the presentation at the public meetings.

Other Business.

Mr. Wright announced that the Maryland Citizen Planners Association will be holding its annual conference October 25-26 in Gaithersburg, Maryland. Sessions are planned on ethics, “nuts & bolts” (how a meeting should be conducted, motions, etc.); open meetings, and a “Planning 101” program dealing with Planning Commission activities and networking. A tour of Kentlands is being offered to attendees. The fee is \$125; Ms. Maher noted that there is no money in the City’s training budget to cover commission members’ registration fees.

Adjourn.

It was moved and seconded that the meeting adjourn (5:44 p.m.).

9/26/2018

Approved



Debra C. Calhoun - Secretary