

Douglas S. Wright, Jr., chair, opened the meeting at 7:01 p.m., on Wednesday, September 26, 2018, in the Council Chamber, Second Floor, City Hall. Also present were commission members S. McIntire, J. Stone, 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.

## **PUBLIC REVIEW MEETING**

### **2018 Land Management Code Text Amendments, Case No. ZT-2018-01.**

D. Wright explained the process for the public review meeting.

Staff Report: (The staff report and PowerPoint presentation are in the meeting file.)

Mr. Bockmiller entered the certificate of advertisement for this hearing and the Planning Commission's file by reference into the record. Amendments were grouped in categories, including Protecting Neighborhood Character and Enhancing Safety in our Community; Increasing Housing Choices and Diversity; Expanding Economic Opportunity and Permitting Greater Flexibility in the Code; Setting Clear Expectations for the Public and Investors; Improving Resiliency from Environmental Hazards; Providing Suitable Locations for Social and Medical Services at Intensities Consistent with Surrounding Neighborhoods; Streamlining the Process and Clean-ups to the Code; and Updating the On-Premise Sign Regulations. Mr. Bockmiller and Ms. Maher took turns presenting general descriptions of each amendment (see PowerPoint).

Commission Discussion: Mr. Bockmiller pointed out that one of the new provisions is that the use chart in the zoning ordinance will specify one single-family dwelling unit per lot; one two-family dwelling per lot (i.e., every building or structure must now be on its own lot and front a public street). This is being driven by the Mayor and Council's concerns.

### **Public Testimony:**

No one was present to give testimony either in support of or in opposition to the proposed text amendments. Staff noted that it has received communication from several organizations that promised to send remarks during the ten-day comment period.

**Planning Commission  
MINUTES – Regular Meeting**

**September 26, 2018  
City of Hagerstown, Maryland**

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**MOTION:** (Stone/Wheeler) I make a motion that the record be kept open for ten days.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**REGULAR MEETING**

**Roll Call.**

Mr. Wright noted that commission members McIntire, Stone, Thomas, and Wheeler were present. The commission had two members resign since the last meeting. Interested persons were encouraged to submit applications to serve on the board.

**Approval of Minutes:**

**August 8, 2018 – Workshop Meeting.**

**MOTION:** (Wheeler/McIntire) I'll move approval of the minutes.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN - Stone)

**August 29, 2018 – Regular Meeting.**

**MOTION:** (McIntire/Thomas) I'll make a motion to approve the minutes from August 29.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN - Wheeler)

**September 5, 2018 – Special Meeting.**

**MOTION:** (Thomas/Wheeler) I'll move that the minutes from the September 5 meeting be approved.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN - McIntire)

**Development Review:**

**Antraquip Corporation – 758 Bowman Avenue, Site Plan, Case No. ZS-2018-06.**

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 activities and expand 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 building will be 20,000 square feet in area and the second building will contain 8,700 square feet with additional overhang which will create a footprint of 10,955 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. Thirty-four parking spaces are proposed.

Front setback variances were approved by the Board of Zoning Appeals due to the location of sewer easements that cross the property dividing the site into three “pods” which dictate the location of the buildings. A plat will be processed eliminating the lot line between the two lots. Forest conservation does not apply to this development due to its location in a development with an older preliminary plan. Staff noted that the subdivision plat has been received but not processed. Staff will not sign off on the building permit until the final plat has been recorded. All agencies have approved the site plan with the exception of the City Engineer who has minor comments. Mr. Bockmiller pointed out that along the back of the building there is a striped island rather than a landscape island. At the sketch plan phase the developer was directed to pay particular attention to the landscaping along the street frontages. Staff did not push for landscaping next to the building.

Staff recommended approval, contingent upon the minor City Engineer's comments being addressed.

Commission/Applicant Discussion: Mr. Wright noted that sidewalks are not provided. Mr. Bockmiller explained that this is one of the areas where the City's policy recommends against requiring sidewalks. Concerning dumpster location, William Pompeii with Triad Engineering stated that Antraquip plans to use the existing trash receptacles. The existing dumpsters are “exterior outdoor dumpsters” which are tucked behind the two existing buildings. They are not visible from the street and the topography also helps to hide them. Mr. Pompeii stated that one of the reasons for the new buildings is to allow Antraquip to expand and keep their materials indoors.

**MOTION:** (Stone/McIntire) I move for approval of the site plan, subject to the outstanding Engineering comments.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**McCleary Hill, Development Plan, Case No. P-2018-01.**

Staff Report: (The staff report is in the meeting file.) The developer proposes to create a 169-unit residential subdivision on 26.9 acres of land in an RMED (Residential – Medium Density) zoning district that consists of the following:

- 14 single-family detached dwellings on fee-simple lots that front Maryland Route 144 (MD 144) with rear alley access.
- 155 dwelling units on five lots without interior lot lines. These units will consist of 117 townhouse dwellings; 36 two-family dwelling units (18 structures); two single-family detached dwellings. No apartment buildings are proposed for this development.
- A community center on a central open space lot.
- Extension of Insurance Way to Hopewell Road.
- A network of three interior streets to be designed and constructed to the City's public street standards and dedicated to the City upon completion.
- Improvements to the frontage of MD 144 to meet the requirements of the State Highway Administration (SHA) and improvements to Hopewell Road to meet the requirements of Washington County.

Water will be provided by the City of Hagerstown; wastewater treatment will be provided by Washington County. Electric will be provided by Potomac Edison; however, the City will take over the street lights on the streets that will be dedicated to the City.

This area is subject to a forest conservation plan that was approved by Washington County in the 1990s. However, the approximately 200 street trees that are shown on the plan would have been credited to forest conservation compliance had a City forest conservation plan been required.

As discussed during the sketch plan review, this development is being processed where only the lots fronting MD 144 will be fee-simple development. The rest of the development will be on five “bulk” lots where multiple dwellings will be constructed on five single larger lots. There is nothing in the Land Management Code that prevents this, however, text amendments are currently in process that, if approved, would preclude this type of development in the future.

Staff informed the applicant that the site needed to be designed to the greatest extent practicable as if each dwelling structure would be located on its own lot. This is how staff chose to administer design expectations of this project, but technically it is not a requirement of the ordinance. The developer responded to this demand and this development, with a few exceptions, will appear to the visitor or viewer as if it complied with all lot area, setback and other bulk requirements for individual fee-simple lots.

Each bulk lot is sufficient in size to account for the minimum required lot size for each single-family dwelling, two-family dwelling, and townhouse as if each dwelling were on its own lot. Alleys were not included in lot area, and rear setbacks were measured from alleys and not from the project property lines. There is sufficient lot width along frontages to account for minimum lot width requirements for each dwelling.

The developer is seeking two waivers (copy of waiver request is in the meeting file). First, the applicant seeks a waiver to reduce the 25-foot landscaped buffer between residential and industrial properties to 20 feet for approximately 160 linear feet along the eastern property line where an alley extends approximately five feet into the buffer. Staff supported this waiver request and recommended that it be approved for the following reasons:

- The applicant relocated the alley a few feet to the east at staff's request to improve alley access design and to allow more yard area behind adjacent dwellings. This is staff-driven and the developer accommodated this request.
- The nearest houses to the west would be approximately 80 feet from this property line.
- To mitigate the impact, the developer has shown a 20% increase in planting density in the area for which the waiver is sought.
- The area of the adjacent warehouse property next to the buffer impacted by this request is partially wooded and partially a grassy hillside that drops about ten feet in elevation moving into the parking/delivery area of the adjacent building. This area varies in width from 40 to 80 feet.
- This is a minor deviation in a situation where the buffer is actually considerably wider than the required 25 feet as one moves south along the property line.

Second, the applicant seeks a waiver to eliminate the required street trees on the portion of the south side of Gneiss Drive (Insurance Way, Extended) between the two shown driveway entrances designed into the curb line along the south property line. According to the applicant, this is due to the location of certain utilities in the ground in this area which would conflict with the root system of the trees as they mature. Staff had no recommendation on this issue, but indicated that it is not unusual in these situations for trees to be installed outside of the right-of-way. In this case, that will not be feasible due to the right-of-way being designed along the existing parcel boundary. However, if the adjacent property were to annex before some future

development providing the City an opportunity to review a site plan for its development, street trees could be required on the adjacent property in that area as part of their landscaping plan. A sketch plan for this development was approved by the Planning Commission on September 13, 2017, that included 174 dwelling units of varying types. The developer was required to obtain waivers to allow the proposed layout of units in the western portion of the property. Waivers were requested in October, but after hearing the case, the Planning Commission denied the waiver request. This resulted in the applicant adjusting the total number of dwellings to 169, shifting several building locations, and changing some dwelling types to maintain the 155 dwelling total unit count they needed to maintain in the “bulk lots” between the two phases. This plan is in substantial conformance with the sketch plan.

The preliminary plan was routed for approval and the following agencies have provided conditional approvals (comments are attached to the staff report in the meeting file): Electric, Water, and Wastewater Divisions of the Utilities Department; the Planning and Code Administration Department; Parks and Engineering Department; and Washington County Division of Plan Review and Permits. All are drafting and notation issues and have no impact on the overall design and layout of the development. Approvals by the Washington County Soil Conservation District and the Maryland State Highway Administration will need to be in place prior to the development plan being signed by staff.

Comments were attached to the staff report from the Board of Education regarding school capacity. Since the City has no adequate public facilities ordinance regarding school capacities, the Planning Commission cannot base a denial of the development plan on any comments regarding capacity. Staff recommended approval of the preliminary plan, subject to resolving the remaining issues identified above and subject to the following conditions:

- No use and occupancy permit shall be issued until staff can confirm that planting of the remaining forest conservation area has been completed to the satisfaction of equivalent County staff.
- The applicant shall obtain final approval of their road improvement plans from SHA before any grading and sediment and erosion control permit is issued for this development.
- One last issue concerns the naming of the streets and the phasing of the development. The extension of Insurance way has a separate name (Gneiss Drive) because the two sections will not be connected initially. The preference by Fire and Rescue would be that the road name stay the way it is. Staff believes this can be worked around at a later date but would prefer that the entire street be known as Insurance Way when it is all built out.

Commission/Applicant Discussion: Several Planning Commission members were opposed to having a different name for one section of Insurance Way. It was pointed out that there are instances within the City where a street name continues even though the road is interrupted for a

block or two (West Hillcrest Road was used as an example). Even though Emergency Services is the official street naming body in Washington County, some commission members felt the Planning Commission can have a say because of its site plan approval authority. If the name changes in the future, only five houses would be affected. Staff recommended that upon completion of the connection in Phase 2, Gneiss Drive be renamed in its entirety to Insurance Way. Commission members requested that a note be added to the site plan that the road be renamed to Insurance Way in its entirety when Phase 2 has been completed.

There was a question by the commission about the playground shown in Phase 2. Mr. Bockmiller stated that the playground in Phase 2 is on the west side of Gypsum Lane and that there are tot lots shown throughout the large open areas and an open green surrounded by streets with a community center.

Staff noted that Habitat for Humanity is planning to acquire the lots that front on MD 144. Habitat for Humanity would like the driveways on the alley to the rear of these lots constructed side by side so no one will have to pull one car out to move another (two of the 14 lots will be unable to accommodate side-by-side parking). These lots are larger than standard single-family lots and all will have walkways to MD 144. The commission concurred with this proposed revision and the developer will need to revise the drawings to show side-by-side driveways in the rear along the alley where practical.

Michael Hicks of EcoLand Solutions, Glen Worgan of Delaware Valley Development Corporation, and several representatives from the Hagerstown Housing Authority were present. There was a question by the commission about the trees along Gneiss Drive. Mr. Hicks explained that the entire site is flat and it was difficult to design the site so water will drain off the site which is why they are requesting the waiver from the street tree requirement. The property to the south is owned by the Fultons. If they choose to develop or redevelop, that property would be under Washington County's jurisdiction as far as landscaping and buffering requirements. Street trees will be provided everywhere else; they would be eliminating five street trees under the waiver.

**MOTION:** (Stone/McIntire) I'll make a motion to approve the site plan subject to all the outstanding comments of the various agencies in the staff report; that we also approve the two requested waivers; and that we require that there be a note on the site plan that when the project is completed that what is shown as Gneiss Way will be renamed to Insurance Way so that Insurance Way is continuous from one end to the other; and that the drawing be modified to allow the double width driveways along the back of the lots that front on 144.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

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MINUTES – Regular Meeting**

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**Adjourn.** It was moved and seconded that the meeting adjourn (8:30 p.m.)

10/31/2018  
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Approved

  
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Debra C. Calhoun - Secretary