

**Planning Commission
MINUTES – Regular Meeting**

**November 14, 2018
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, November 14, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members 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.

REGULAR MEETING

Roll Call.

Mr. Wright noted that commission members Stone, Thomas, and Wheeler were present.

Approval of Minutes:

October 24, 2018 – Special Meeting and October 31, 2018 – Regular Meeting.

Concerning the October 31 minutes, Ms. Wheeler pointed out an error on page 7. The fourth line up from the bottom of the first paragraph should read “The franchise is smaller and does not have . . .” On page 3 of the October 31 minutes Mr. Thomas noted in the fourth line of the second paragraph there is an extra word. That line should read “. . . side they are proposing to lower *the* grade . . .”

MOTION: (Wheeler/Thomas) I’ll move that we approve the October 24 minutes as submitted and the October 31 minutes with the corrections noted.

DISCUSSION: No additional discussion.

ACTION: APPROVED AS CORRECTED (Unanimous)

Development Review:

Quit Claim Request: Portion of Alley 5-35 (between 4 West Magnolia Avenue and 1301 Potomac Avenue).

Staff Report: Jim Bender, Assistant City Engineer was present on behalf of the Parks and Engineering Department. This matter was tabled at the October 31 meeting to give the parties time to agree on access issues.

**Planning Commission
MINUTES – Regular Meeting**

**November 14, 2018
City of Hagerstown, Maryland**

Dr. Eklund was present. He is the owner and proposed developer of the former Allegheny Electronics site. At the last meeting the commission discussed the quit claim request and wanted access guarantees for Mr. Hill's property and information as to whether vehicular access would be provided for Mr. Hill. Dr. Eklund's proposal would prohibit a vehicle from using the alley to access the rear portion of Mr. Hill's property.

There was a request for an easement by the Hagerstown Light Department (HLD) to allow HLD vehicles to service the overhead wires. Since then HLD sent an email to the Planning Director informing her that they believe they will be able to service these lines without having to drive down the alley. HLD only wants an easement for the overhead wires.

The bigger issue concerns access to the rear of Mr. Hill's property. The tenant that occupies that half of the building at one time did park behind the house. The Engineering Department originally hoped that everything would stay at grade, however, that will not be possible. The Planning Commission had inquired about getting an easement agreement from First Christian Church. Dr. Eklund and First Christian Church have been working to reach an agreement. Mr. Bender stated that Frederick, Seibert & Associates, engineers for the project, prepared an exhibit that would be attached to the quit claim. There is a proposed access easement from Potomac Avenue to the rear of Mr. Hill's property.

Commission/Applicant Discussion: Dr. Eklund stated that he has been speaking to a member of the First Christian Church trustees. That member did state specifically that the church was not opposed to granting an easement; however, he was not real excited about it. The church has concerns about what this will entail. According to Dr. Eklund the resident do not plan to park in the back and like the idea of having more grass area. Access to the rear yard is not a concern for them. Dr. Eklund is attempting to develop the building and he needs to address the moisture issue in his building. Mr. Hill is agreeable to the quit claim as proposed. The Planning Commission did not have an issue with the proposal as long as Mr. Hill understands that he will not have access to the back of his property.

Ms. Maher cautioned that parking issues could arise with patients and employees taking up on-street parking spaces on Magnolia Avenue preventing neighborhood residents from parking near their homes. Dr. Eklund stated that he could not guarantee that the issue would not come up. He has issues with parking at his current location.

MOTION: (Stone/Wheeler) I would make a motion that we recommend approval of the quit claim as proposed and as shown on this original plat.

DISCUSSION: Mr. Thomas wanted to make sure that Mr. Hill is not opposed to what is being discussed. Mr. Wright noted that Mr. Hill signed the agreement.

ACTION: APPROVED (Unanimous)

**180 and 186 South Edgewood Drive – Bricker Realty One, LLC, Final Plat,
Case No. S-2018-05.**

Staff Report: (The staff report is in the meeting file.) This plat will divide one lot with two commercial buildings into two lots with each building on its own lot. Setback variances for the distance from the side of the buildings and the new internal property line were necessary and they were approved by the Board of Zoning Appeals. An easement for the use and maintenance of the shared driveway have been added to the plat, including the terms of the easement.

The plat was routed to the City’s review agencies and all have approved it with the exception of the Water and Waste Water Divisions. Staff recommended approval, subject to satisfaction of the outstanding comments from the Water and Wastewater Divisions.

Commission/Applicant Discussion: Ms. Maher pointed out that South Edgewood Drive and R. Paul Smith Boulevard are not parallel roads as shown on the plat. Mr. Bockmiller will have the engineer make the correction.

MOTION: (Stone/Wheeler) I make a motion that we approve this subdivision plat, subject to outstanding Water and Wastewater comments, as well as the drafting correction.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

McCleary Hill – Revision to Development Plan (Trash Enclosures), Case No. P-2018-01.

Staff Report: (The staff report is in the meeting file.) The applicant has provided the attached exhibit as a proposal to address the City Engineer’s conditional approval comments regarding trash collection. At this time, the applicant plans to avail itself of the City’s trash collection services. The contracted collector has expressed objection to going to the backs of houses to get cans and rolling them between cars in the parking lot to empty the cans due to potential complaints about damage to automobiles.

The approved plans show pads along the sidewalks that run along the parking areas as a place for collection, however, this is problematic to the trash collector. No pads are shown along the backs of the houses. This would likely mean that the trash cans would be permanent lawn features along the parking lot walkways.

The City Engineer suggested having pads (perhaps using brick pavers) in the parking lot landscaped islands so the residents can roll their bins to the alleys, placing them on the pads (so as not to create dirt wear spots in the landscaping) for trash collection nights. Pads, perhaps with

similarly fenced enclosures, should be provided along the backs of the houses for ease of access and not locating them in prominent areas.

The applicant came back with the creation of permanent trash corrals, many of which would be located in landscaped islands. Staff preferred the City Engineer’s recommendation as the corrals would be contrary to the intent of the landscaping standards. Staff requested that the Planning Commission hear the applicant’s case and resolve the matter as it sees fit.

Commission/Applicant Discussion: Commission members were generally in favor of the applicant’s proposal for trash corrals. Since the Hagerstown Housing Authority will be responsible for the upkeep, members believed the vinyl enclosures will be properly maintained. In addition, the corrals will prevent the cans from blowing about. Because residents will have to carry their refuse to the corrals it will mitigate issues with the set out rules and trash receptacles permanently located at the curb.

MOTION: (Thomas/Stone) I move that we revise the original development plan to include a change in the trash collection scheme in addition to a waiver, where necessary, in the minimum width of the landscape island in the parking lot as reflected in the exhibit.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

EMSOURCE Group Companies – 580 Pangborn Boulevard – Fence Permit Waivers.

Staff Report: (The staff report is in the meeting file.) The owner of the former Pangborn Factory site would like to build a fence across the front of the property, beginning on the southeast front corner of the site, running parallel to Pangborn Boulevard toward the adjacent apartment complex. They need to install the fence as soon as possible due to problems they are experiencing with dumping on their property.

Fencing in such situations requires landscaping outside of the fence. Landscaping planted at this time of year most likely will not survive. The applicant is requesting approval to apply for a fence permit with the condition that installation of landscaping will be delayed until the spring planting season. The Planning Commission is authorized to approve deviation to the landscaping requirements. Staff had no objection to the request to waive the landscaping requirements until the spring 2019 planting season. Landscaping needs to be in place by May 15, 2019.

Commission/Developer Discussion: Commission members were concerned about the placement of an eight-foot chain link fence along Pangborn Boulevard. Staff noted that even though this is a “temporary” fence, the property owner has given no indication of when the fence might be

**Planning Commission
MINUTES – Regular Meeting**

**November 14, 2018
City of Hagerstown, Maryland**

removed. This site is proposed for redevelopment but at an unknown date. Commission members noted that this area is directly across from Pangborn Park. Staff stated that the chain link fence will be mitigated by the landscaping requirement which will be placed between the street and the fence.

On a related topic, Mr. Wright registered his concerns about the condition of the land after this developer removed the deteriorated chain link fence that was located closer to the railroad tracks. When the fence was removed, the owner left a less-than-pristine condition of scrub trees. The fence was removed without any thought to cleaning up the remains. This entire property is located across from Pangborn Park, a gem in the City’s park system. He would like to see the rough area nicely landscaped all the way down to the railroad tracks with a nice presentation all the way to the east end of the new fencing.

MOTION: (Thomas/Stone) I move that we approve delaying the installation of the required landscaping across the new fence, subject to a condition that the area between the existing building and the railroad tracks to the west be “nicely landscaped” from the railroad tracks to the building, clean up the fence row area, and along the new fence.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Adjourn. It was moved and seconded that the meeting adjourn (7:50 p.m.)

12/19/2018

Approved



Debra C. Calhoun - Secretary