

**Planning Commission
MINUTES – Regular Meeting**

**December 19, 2018
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 4:00 p.m., on Wednesday, December 19, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, S. McIntire, C. Ploscaru, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration Department (late); S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Secretary.

REGULAR MEETING

Roll Call.

Everyone introduced themselves for the benefit of the new members. Mr. Wright noted that all commission members were present.

Approval of Minutes:

November 14, 2018 –Regular Meeting.

MOTION: (Wheeler/Thomas) I'll move approval of the minutes.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – Davis, McIntire, Ploscaru)

Development Review:

**Tractor Supply – 11935 Hopewell Road – Two-Year Review, Site Plan,
Case No. ZS-2018-09.**

Staff Report: (Staff memo is in the meeting file.) The Tractor Supply warehouse was approved for development by Washington County and later annexed into the City. The original site plan was approved by the Washington County Planning Commission. The plan shows two phases of development. The first phase of the development was constructed; the second phase has not been constructed and includes an expansion of the trailer storage area.

Although this Planning Commission did not approve the site plan it is now within the City's jurisdiction, and approval of the two-year renewal (and their plan to move forward with the approved Phase 2 parking), requires approval by the Hagerstown Planning Commission.

The City’s ordinances do not address this situation or how it should be reviewed. In general, this plan complies with the City’s design expectations. If the City were the reviewing authority of the original approval, landscaping would have been required across the front of the trailer parking area unless a waiver was approved by the Commission and a sidewalk would likely have been required along Hopewell Road. (K. Maher arrived.)

Staff recommended approval of the plan as presented for the following reasons:

- The procedural ambiguity of re-approving a plan previously approved by Washington County.
- Truck trailer parking is a distance away from Hopewell Road and the embankment of the storm water management facility along Hopewell Road masks much of the edge of the parking area from the street. The Planning Commission likely would have waived the parking lot landscaping had it been the body of first approval.
- The entire Hopewell Road right-of-way is outside of the City. There is not much of Hopewell Road that could come within the City’s jurisdiction for the City to knit together sidewalk for the length of Hopewell Road. The front of the site is sloped due to the location of the stormwater management area for this development, and the only sidewalk in the area is that which is planned for the McCleary Hill Development.

Mr. Bockmiller contacted the County Engineering office to see whether they would consent to public sidewalk being constructed within the right-of-way of Hopewell Road. Washington County has indicated that it would not be in favor of a sidewalk in the street right-of-way. The sidewalks along Hopewell Road planned for McCleary Hill are outside of the right-of-way as a result of County input. Mr. Bockmiller noted that if the commission decides to require sidewalk, it would end up affecting the design of the stormwater management pond. Staff recommended approval as submitted.

Commission/Applicant Discussion: Adam Hager of Frederick, Seibert & Associates was present. The new parking lot will be paved. Mr. Wright indicated that he would have no objection to waiving the requirement for sidewalks in that there will never be other properties in the city along Hopewell Road; however, he would have preferred to see screening in the way of vegetation in front of the trailers.

MOTION: (Stone/Wheeler) I’ll make a motion that we re-approve the never-before-approved site plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business:

Comprehensive Rezoning – Overview.

Staff Report: (See memo in meeting file.) The City’s updated Comprehensive Plan, *visionHagerstown 2035*, was adopted on April 3, 2018. In order to implement the Comprehensive Plan, staff will be initiating a comprehensive rezoning to create conforming uses and consistency between the future land use plan and the current zoning map.

Planning Commission review will involve a public hearing, finalization of the proposal, and a recommendation to the Mayor and City Council. In the packet, staff included a table which identifies and describes five specific areas that are proposed for rezoning in response to the future land use map adopted as part of the Comprehensive Plan. The new “Institutional” zoning will be part of the rezoning proposals. Staff will be waiting until the most recent Land Management Code text amendments are approved by the Mayor and Council before pursuing the comprehensive rezoning so the Institutional zone can be included.

Several individuals and entities have made written requests for properties to be included in the comprehensive rezoning. Staff reviewed the independent requests and other situations identified by staff that have come up with the commission and presented background:

- Evergreen Property (intersection of Eastern Boulevard North and Potomac Avenue). The future land use map shows this property as POM (Professional Office Mixed), but a request was received from the owners to rezone it to CG (Commercial General). Historically the Planning Commission has been supportive of allowing commercial for the property, but the neighborhood has been successful in blocking rezoning of the property to commercial. (A time line was included in the meeting packet.) Ms. Maher stated that the current owners or the people marketing the property believe commercial is a better use for the property. Mr. Wright noted that there are access issues associated with the property as well. He believed that the State Highway Administration (SHA) would contest any form of access to this property until the bypass is built.

If the property goes to CG, the uses permitted in that district lend themselves to the type of uses on the Dual Highway. The proposed POM zoning would be more subdued land development and architecture. It was noted that the Long Meadow Shopping Center (Commercial Regional zoning) is across the street. CG zoning was not recommended in the comprehensive plan because of the past history. Three letters were received from developers urging the Planning Commission to include this rezoning in the comprehensive rezoning. Mr. Stone suggested that guidance be sought from the Mayor and Council to determine if they want to pursue the rezoning.

- Zion United Church of Christ. Mr. Bockmiller identified an unusual situation with a zoning boundary line between the CC-MU (City Center – Mixed Use) zoning district and the RO (Residential Office) zoning district on North Potomac Street. The Zion Church parsonage is in the RO district but the sunroom is in the CC-MU. Staff recommended adjusting the zoning line to include all of the Zion Church campus in one district or the other; staff recommended the entire property be zoned CC-MU.
- Startzman Hardware. The owners are looking at options for this property in the 700 block of South Potomac Street. Currently it is a nonconforming use with a hardware store on first floor and residential units on the upper floors. Options include redrawing the zoning boundary line to the south to include the Startzman property to avoid nonconforming use issues in the future with the commercial space; however, with CG zoning the residential units would become nonconforming. Another option would be to make it a Local Conversion District Overlay which completely negates the nonconforming use issue.
- Hebb Road/Harrison Land. The comprehensive plan recommends that the Hebb Road/Harrison Lands be zoned POM; however, the owner is proposing an apartment complex which is not permitted in that district. The owner will be providing feedback to the commission.

Planning Commission Bylaws Review.

As a result of conference he attended, Mr. Wright recently asked that the commission review its bylaws for relevancy. Several points were discussed concerning the commission’s bylaws:

- Article IV, Section 5. The commission’s minutes need to correctly reflect someone as having been elected “Chairperson-pro-temp” in the absence of the chair and vice chair. The motion used by the commission does not reflect that a member is being elected in this capacity.
- Article VI, Meetings. Ms. Wheeler stated that the bylaws do not accurately reflect the type of meetings conducted by the Planning Commission. She observed that most meetings are conducted as “Regular Meetings.” Any meeting where public comment is sought is always held during the last meeting of the month at 7:00 p.m. By definition, the commission does not make a distinction between “Workshop” and “Regular” meetings in that development review and work sessions occur within a Regular meeting. She believes the commission holds Regular meetings and Special meetings with the possibility of an Emergency meeting. Mr. Stone agreed that the title “Workshop” is misleading. Commission members decided that a note be added stating that public hearings are only

held during the 7:00 meeting. All meetings should be titled Regular meetings and the bylaws should call out that public hearings only occur at the 7:00 p.m. meetings. Language should be added about “Special” meetings since they are not listed in the bylaws. Emergency meetings should remain; “Public Review Meeting” should be added with a note that these meetings are always held during the 7:00 meeting.

- Article VI, Section 4. The Press Policy needs to be reviewed and updated. Under the new public meeting laws, the press policy may no longer be correct.
- Article V, Section 5. Mr. Wright asked that staff check with the City Attorney as to why a member must state for the record why they cannot participate in a discussion because of a conflict of interest. He has an issue with stating the reason why someone has to recuse themselves from a discussion.
- Article VIII, Section 3. Mr. Wright noted that this section is confusing. He will continue to run meetings as he has been doing.
- Mr. Wright reminded Planning Commission members that they cannot engage in ex parte discussions about cases with anyone outside of a meeting. Input on matters before the Planning Commission can only be received during a meeting. Commission members cannot discuss cases with other commission members outside of a meeting.

Upcoming Educational Opportunity.

In mid-March Mr. Wright will be announcing a Planning Commissioners workshop in Hagerstown. Once the date and location is finalized he will let commission members know.

2018 Land Management Code Amendments.

Staff Report: (Copy of staff memo is in the meeting file.) Ms. Maher stated that the Mayor and City Council have requested the Planning Commission’s feedback on the following requests and concerns received from the public and raised by the Mayor and Council during the public hearing and review process.

- Proposal 2.3 – Rooming Houses. There was opposition to the 24-hour, on-site supervision, special exception requirement for larger facilities in the CG zoning district; and the parking requirement associated with that use.

- Proposal 2.4 – Group Homes. There was a suggestion by a provider on an adjustment to the licensing language in the definition from Turning Point and debate by the Council on the issue. Also, the Council debated the merits of expanding housing that does not increase homeownership and does not help to increase the economic health of the City. Ms. Maher noted that the state health article does specify “licensed” (either through the mental health or the developmental disability or the substance abuse sections, either the home or the provider needs to be licensed). The Turning Point contact person told staff that some of the places are not licensed but hold certifications or are approved. The Planning Commission had expressed concerns about making the requirements too loose and liked the idea of state oversight. Staff will research this further.
- Signage Proposals, i.e., Controls on Temporary Signs. Opposition was registered by the Washington County Republican Central Committee and some of its members on the proposed limitation on political campaign signs. The Council debated the merits of sign control and inquired as to how other jurisdictions are addressing the “Gilbert” issue.
- Request by a developer to allow housing in mixed-use buildings or mixed-use development in the CR zoning district. This is in response to a request by the developer of the Doub Farm.
- Request by a citizen to ensure maximum flexibility in the zoning code for housing opportunities throughout the city for elderly populations and people facing homelessness.
- Proposal 4.9 – Every Dwelling Structure on its Own Lot. There was opposition on the proposed language from the Hagerstown Housing Authority with regard to the impact it would have on their development style for affordable housing. Also there was opposition from a developer on the requirement for multi-family structures to be on their own lot. The developer feels financing may be an issue with this requirement. Staff and commission members discussed the pros and cons of requiring units to be on separate lots, including public street access, trash collection and snow removal concerns associated with private streets, and private roads that are not built to City standards. There appeared to be no opposition by the Council if the proposed requirement for multi-family dwellings on individual lots be dropped. Planning Commission members believed that requiring dwelling units to be on their own lot encourages home ownership which is a goal of the Comprehensive Plan.

On behalf of staff, Mr. Bockmiller recommended that the commission leave the proposal as it is, but take out the requirement that apartment buildings need to be on individual lots. Generally commission members agreed with staff, however, Mr. Wright was concerned about the Hagerstown Housing Authority’s assertion that requiring dwelling units on individual lots would negatively impact its ability to provide affordable housing.

He asked staff to find a way to exempt the Hagerstown Housing Authority from the individual lot requirement. Mr. Bockmiller said he would research the matter, but his experience says you cannot pick and choose developer or ownership types. Ms. Maher noted that it might be possible for special parameters if a project is designated as work force housing, but not just if it is by a public agency. Mr. Stone did not believe the commission should create language that gives an advantage to the Hagerstown Housing Authority. Staff noted that the Hagerstown Housing Authority uses federal funding which includes restrictions and a requirement that the units must remain as rentals for 30 years. In addition, federal requirements do not allow the Housing Authority to reduce the number of public housing units.

The remaining items will be discussed in more detail at a future meeting (Signage Proposals- Controls on Temporary Signs, Rooming Houses, Group Homes, housing in CR district, flexibility with elderly housing and the homeless population).

Adjourn. It was moved and seconded that the meeting adjourn (5:55 p.m.)

2/6/2019

Approved



Debra C. Calhoun - Secretary