

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, January 9, 2019, 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: S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Secretary.

Approval of Minutes:

December 19, 2018 – Regular Meeting (if ready).

The minutes were not ready for approval. (Mr. Stone arrived.)

MCP LLC – 560 Western Maryland Parkway, ESD Plan.

Staff Report: (The staff report is in the meeting file.) This site is the former Cosmo Films property at the end of Western Maryland Parkway. It is improved with a 35,900 square-foot warehouse/distribution/manufacturing building with 51 parking spaces. The developer proposes to construct a 46,500 square-foot greenhouse addition on the north side of the building on a pre-graded pad that was part of the original development. Staff noted the following:

- Western Maryland Parkway is a County road. The County is unlikely to permit the developer to install sidewalks in its right-of-way. There are no other properties along Western Maryland Parkway with sidewalks. Staff believed that requiring sidewalks along this road in accordance with the Ordinance is not advisable. The applicant may be requesting a waiver for the sidewalk requirement.
- Forest conservation was addressed when the existing building was constructed through a state-managed forest conservation plan prior to the City having its own forest conservation ordinance. There are two easement areas on the property: a triangular-shaped area between the railroad spur and Interstate 81 and a rectangular area in what amounts to the front lawn of this facility. It appears that no additional forest conservation will be required. Staff will still require the installation of street trees in accordance with Ordinance requirements. Also, if any of the existing forest conservation trees have died the developer will need to replant the dead trees.
- The proposed use will employ approximately nine workers. No tractor-trailer trucks will be involved. Per the ordinance parking requirements the proposed addition will increase the required number of parking spaces to 87, approximately 50 spaces exist. Staff and the

applicant proposed options for complying with the parking requirements without parking variances from the Board of Zoning Appeals. An alternative is being proposed on the south side of the development in the truck staging area; staff noted that no tractor-trailers will be associated with this use. The additional spaces needed to meet parking requirements could be striped off in this area.

Staff recommended approval subject to the discussion items listed above.

Commission/Applicant Discussion: David Trostle, Frederick, Seibert & Associates, and Andras Kirschner, one of the owners of the building, were present.

Concerning stormwater management, Mr. Trostle stated that the existing pond shown on the initial site plan was originally designed to handle stormwater created by the proposed addition; however, the pond was designed for quantity not quality. One of the environmental site design practices is reharvesting rainwater for irrigation or flushing. The plan is to reuse the stormwater that runs off the roof for the greenhouse. The MCP operation uses approximately 10,000 gallons of water a day for irrigation. The pond cannot hold 10,000 so there will be zero change in that all of the water will be used that comes off the new building.

Regarding the parking issue, there will be nine to ten employees but the addition will require additional parking be provided per the ordinance. Adding more parking spaces would increase the impervious area. Striping off additional parking spaces in the existing truck staging area would require a waiver because of the landscaping requirements. Staff noted that the truck staging area is against a railroad spur and a wooded area so there would be nothing to buffer, however, Mr. Bockmiller recommended that unique language be developed to guard against a future use.

Planning Commission members preliminarily had no issues with the proposal.

MOTION: (McIntire/Wheeler) I make a motion to approve the sketch plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**Foggy Bottom Farm and Other Lands – Recommendation on Zoning,
Case No. A-2018-01.**

**Antietam Creek Creek Bed – Recommendation on Zoning,
Case No. A-2018-02.**

These cases were handled together.

The Mayor and City Council have initiated two annexation applications which is a different approach than the usual annexation route. Staff gave an overview of the process for annexation when the City initiates the process.

Three properties are involved with the first application: City-owned property known as Foggy Bottom Farm (former Watter’s property zoned RT in the County), vacant lands owned by Meritus (zoned ORI in the County), and the stormwater management property associated with the Meritus tract (zoned ORI in the County). Only the Foggy Bottom Farm property is improved (historic farm house, a barn, several outbuildings, and a cell tower). The total amount of acreage associated with the proposal is 101.03 acres. Public water and wastewater are not currently in this area, but the Meritus property, as well as additional lands to the east, are planned for development and would be served by City utilities. The County is currently completing plans for the extension of Professional Court to Yale Drive, which will include a bridge over Antietam Creek. The annexation resolution proposes to permit the County to complete design of the new road and bridge and construct them. The proposal states that the County shall retain ownership and maintenance of that road since it will not be constructed to City standards and the County will retain ownership of the proposed bridge. Staff is of the understanding that right-of-way plats have been completed and will be recorded in the near future. Authority over future subdivision of lots and local streets and site plans for development would be retained by the City of Hagerstown.

The annexation resolution proposes to assign AT (Agricultural Transition) zoning to Foggy Bottom Farm, which staff believes is consistent with the County’s RT (Residential Transitional) District. It will be annexed as a “potential landmark” since the house is listed on the County’s historic sites inventory. The resolution proposes to assign I-MU (Industrial-Mixed Use) zoning to the Meritus lands and County stormwater management facility, which staff believes would be consistent with the County’s ORI (Office Research Industrial) District. The City adjusted the list of permitted uses in the I-MU District in 2015 to be more consistent with the County’s ORI District in anticipation that this area would be annexed into the city. Staff believes no express approval of a zoning change will be required from the Washington County Commissioners. Staff noted that the Future Land Use Plan in the City’s 2018 Comprehensive Plan identifies the Foggy

Bottom Farm area as Medium Density Residential and the Meritus and County lands as Business Employment.

Concerning the second application, the City Council has introduced a resolution to annex lands within the creek bed and banks of Antietam Creek adjacent to the pending “Foggy Bottom Farm and Other Lands” annexation. This area totals 1.47 acres and is currently located within the County’s RT (Residential Transitional) zoning district. This annexation is for the purpose of creating regular and logical municipal boundaries associated with the parallel pending annexation. The lands included are mostly within the waters of Antietam Creek. Those areas not within the regular course of the creek are located within the 100-year floodplain of Antietam Creek and contain no structures or uses. Buildings could not be built in this area due to its location within the floodplain and floodway. Deed research by staff shows that this area appears to be owned by no one. Deed research for the Crumrine property and Foggy Bottom Farm reveal that this is a “gap area” that was never described in the deeds of the adjacent properties as far back as can be researched.

The existing land within the City to the north (the Crumrine Property) is zoned AT, as will the Foggy Bottom Farm property to the south should that annexation be adopted as proposed. The resolution proposes to assign AT (Agricultural Transitional) zoning to this area, which staff believes to be consistent with the County’s RT (Residential Transitional) District. Therefore, staff does not believe express approval of a zoning change is required from the Washington County Commissioners. The Future Land Use Plan (Map 2-7) in the City’s 2018 Comprehensive Plan identifies this area as Medium Density Residential.

Commission/Applicant Discussion: Mr. Stone referenced correspondence received from Washington County Department of Planning & Zoning (see meeting file) and its concerns about suitability between County and City zoning classifications for the some of the properties. The County had some reservations about substituting I-MU for ORI zoning. Mr. Stone suggested that POM zoning might be able to be substituted for I-MU, however, Mr. Bockmiller stated that the City’s POM zoning classification is not as close to the County’s ORI district. Staff explained the potential outcomes. The County Commissioners could determine that the proposed I-MU zoning classification is consistent with County Zoning and the zoning would be reflected as I-MU. If they determine that I-MU uses are not consistent with the County’s ORI district, the property could not be developed for uses not permitted in the ORI district for at least five years. Jennifer Keefer, City Attorney, further explained the implications if the Washington County Commissioners do not grant express approval of the annexation. The County cannot prohibit any development on the property for five years; however, whatever is developed must comply with the existing County zoning. Mr. Bockmiller noted that the Mayor and City Council are very interested in including these properties within the corporate limits. He also pointed out that the proposed extension of Professional Court and bridge cuts through the Meritus property.

**Planning Commission
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Staff and Planning Commission members noted that these annexations meet almost every land use goal in the comprehensive plan and policies.

MOTION: (Stone/Ploscaru) I make a motion that we recommend to the Council that these two annexations be annexed with AT zoning for the first two properties and I-MU for the other ones.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - McIntire)

Board of Zoning Appeals Agenda – January Hearing.

Planning Commission members had no comments to pass on the Board of Zoning Appeals agenda for the January 16 hearing.

Adjourn.

It was moved and seconded that the meeting adjourn (4:43 p.m.).

2/6/2019

Approved



Debra C. Calhoun - Secretary