

**Planning Commission
MINUTES – Regular Meeting**

**February 27, 2019
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 6:59 p.m., on Wednesday, February 27, 2019, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, C. Ploscaru, 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.

S. McIntire was absent.

Approval of Minutes:

February 6, 2019 – Special Meeting.

MOTION: (Wheeler/Davis) I’ll move approval of the minutes.

DISCUSSION: Mr. Stone asked if the commission discussed the issue of whether lots must front on a public street. Ms. Maher stated that the matter was discussed and the commission suggested removing the multi-family aspect and leaving everything else.

ACTION: APPROVED (Unanimous)

Development Review:

Marshall Street School – 1350 Marshall Street – Bus Loop and Security Improvements, Site Plan – Case No. ZS-2018-08; and Forest Conservation Plan – Case No. FC-2019-01.

Staff Report: (Staff report is in meeting file) This site plan is for the creation of a new driveway loop on the eastern side of the building for security purposes, as well as for the addition of 12 parking spaces to an existing parking lot adjacent to the loop.

The amount of disturbance requires this proposal to comply with the Forest Conservation Ordinance. No forest is located in the affected area. The Ordinance requires planting in the amount of 0.21 acres. The applicant proposes to comply with the Ordinance by installing ten street trees along Marshall Street, and contributing to the fee-in-lieu program for the balance.

This plan proposes ten Columnar Norway Maple trees, with a total of 2,400 square feet of canopy. The balance of the obligation will be handled via a fee-in-lieu contribution. If payment is received in 2019, the amount due would be \$2,193.10. The street trees would be located outside of the public street right-of-way. An easement plat has been provided by the applicant.

The site plan was routed to all review agencies and all have provided approvals. Staff recommended approval of both the site plan and the forest conservation plan with the condition that the street trees be a mixture of two different species to avoid total loss if blight hits one of the species. The remaining commitment may be met through a fee-in-lieu contribution. The exact square footage of canopy area that would be applied to the fee-in-lieu contribution may vary somewhat from the current proposal depending on the canopy of the alternate trees selected by the applicant.

Applicant/Commission Discussion: Mr. Stone asked about the depth of the stormwater management pond. Gordon Poffenberger of Fox & Associates, engineers for the project, indicated the pond would be approximately 18 inches deep and will be designed for quality and not quantity. The pond will not be fenced. Mr. Thomas wanted to make sure children would not be able to get into the pond. Mr. Poffenberger stated that there is an existing chain link fence that surrounds the playground.

Mr. Wright had questions about the existing entrance and whether it will be closed once the new driveway is constructed. Mr. Poffenberger explained that the existing entrance will remain and will be used for staff and parent drop off. Visitors will park in the same place. Mr. Wright pointed out that the grassy area between the parking lot and the building most likely will need a sidewalk if parents or visitors will be parking in the lot and walking to the building. Mr. Poffenberger said he would add the sidewalk to the site plan. However, the grassy area in question was slated for a garden that the school hoped to relocate due to the construction.

MOTION: (Thomas/Ploscaru) I'll move that we accept the site plan with the addition of the sidewalk from the parking lot and the forest conservation plan with multiple tree species.

DISCUSSION: The motion was amended to include approval of the forest conservation plan. The amendment was approved by both the maker and the seconder.

ACTION: APPROVED (Unanimous)

**Workshop: 955 Sweeney Drive – Warehouse/Office Addition, Site Plan,
Case No. ZS-2019-01 – Waivers Request.**

Staff Report: (Staff report is in meeting file) A site plan is currently under review for a 60 x 245 square-foot addition on the front of an existing warehouse on the rear of the subject property.

This property is zoned IG. The applicant discussed with the commission proposed waivers to the landscaping requirements around the building. The property to the west is currently unimproved. Directly behind 955 Sweeney Drive is Noland Village which requires a wooded buffer on the rear of the subject property to shield it from this residentially-zoned property. To the east is another property developed with a commercial use. Staff noted that the vacant property to the west occasionally garners interest from developers and could be developed in the future.

Several waivers were discussed. The ordinance requires six feet of landscaping around the warehouse building. The developer would like to leave the paving that exists in order to allow for access to maintain the back of the building. Second, when there is a site plan for existing developed property staff looks for deficiencies in the original development from current design standards. The site plan process for the new construction is used to require retrofits to bring the site more into compliance with current requirements. Typically the ordinance requires a ten-foot buffer on the side property lines, but there is a drainage swale located on one side and on the other side is a driveway and a fence in the area where the ten-foot buffer would be located. The front parking lot does not have shrubs and the developer has agreed to plant shrubs. The rear building is only visible from offices and from the property that could be developed in the future. Third, the dumpster is located against the building and occasionally it moves around or changes size. It will not be visible from the street and it will be located in the middle of the site. The developer is asking for a waiver from the dumpster enclosure requirement.

LeRoy Myers, developer, stated that the area is wooded. They need to retain the paving around the warehouse building so they can access the rear of the building for maintenance purposes. The original site plan was approved in 2004 and the site was built to the standards in place at the time. Adam Hager of Frederick, Seibert & Associates, engineers for the project, indicated that the shrubs mentioned by staff have been added to the site plan. No additional impervious areas are being created—the building addition is being placed on existing pavement. The only landscaping will be on the back of the building to shield it from the neighbors.

Mr. Bockmiller stated that staff had no objection to the waivers, but noted that landscaping islands will be required in the parking lot. Mr. Hager stated that they will be striping off additional parking spaces but they will not be needed.

It was the consensus of the commission that there was no objection to the proposed waivers.

Planning Commission Business:

Planning Commission Bylaws Review.

This most recent draft highlights existing language in the bylaws that do not match up with current practice. An example would be that the existing language states that the chair cancels meetings when in reality staff cancels meetings if there are no cases or items to discuss. Also, in practice, the chair only signs documents that are recorded in the Land Records (subdivision plats). Everything else (full site plans, minor site plans, minutes) are signed by staff.

Commission members had questions about the following:

Page 3, Section 6 (Article VI.) Mr. Thomas requested clarification language as to who could be ejected from a meeting. The third sentence should read “Once having been so directed, if a person persists in disruptive conduct, the Chair may entertain a motion to “eject” *the person* from the Planning Commission hearing or meeting.”

Page 4, first full paragraph (Article VI., Section 7). In response to a question by Mr. Stone about devices being placed on the meeting table, Ms. Maher clarified that this language only pertains to members of the public and the press.

MOTION: (Thomas/Davis) I move we accept the bylaws with the one correction.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

2018 Land Management Code Amendments – PUD Overlay Amendment.

(Staff memo is in the meeting file.) Staff will be going back the Mayor and Council on March 12 with the remanded items. Allowing mixed-use buildings in the CR (Commercial Regional) district was a remanded item and the Planning Commission decided to leave it as a PUD (Planned Unit Development) issue. A developer has expressed interest in building a small-scale PUD that would be predominately commercial with some mixed-use buildings included. The existing code would not accommodate this concept but staff felt the commission may want to explore it further.

Staff recommended that the commission recommend to the Mayor and City Council that the proposed revision to the PUD overlay zone regarding the minimum size of the tract be removed from the 2018 Land Management Code package of amendments to allow for a comprehensive examination of the City’s PUD code to bring it up to 2019 standards. Withdrawing this portion of the amendments will allow staff the opportunity to research other jurisdictions’ codes and

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development patterns. Examples of various “town center” and high-intensity mixed-use developments in Maryland and Virginia were included in the packet for discussion.

Mr. Bockmiller stated that staff’s research to date shows that the City’s version of a PUD is unrealistic. The distributions do not work. Examples that staff has been looking at have smaller areas of open space. The City could have several options for different sets of circumstances.

Mr. Stone pointed out that not many PUDs have been pursued due to the restrictive nature of the City’s PUD overlay. Ms. Maher added that another deterrent is the requirement for two public hearings. Mr. Bockmiller will be reaching out to some of the jurisdictions that have good examples of PUDs to see how they are implemented.

MOTION: (Stone/Davis) I move that we recommend to the Mayor and Council that it not consider the proposed amendments to the PUD portion of the amendments at this time and that we revisit the subject later.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Announcement.

Mr. Wright reminded commission members about the training session on March 29 sponsored by Maryland Planning Commissioners Association to be held at the University Systems of Maryland-Hagerstown campus. A link to the registration site will be sent out soon.

Adjourn. It was moved and seconded that the meeting adjourn (7:43 p.m.)

3/13/2019

Approved



Debra C. Calhoun - Secretary