

**Planning Commission
MINUTES – Regular Meeting**

**May 29, 2019
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, May 29, 2019, in the Conference Room, Fourth 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; S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Secretary.

REGULAR MEETING

Roll Call.

Commission members C. Davis and C. Ploscaru were absent.

Approval of Minutes:

May 8, 2019.

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

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Development Review:

Salem Avenue Elementary School – 1323 Salem Avenue – Portable Classroom Buildings, Site Plan, Case No. ZS-2019-04.

This review was postponed to the next meeting; the engineer could not be present.

Consultation: 201 Frederick Street – Potential Waivers for Car Sales Lot – Chris Lanier.

Staff Report: (Staff report is in the meeting file.) The new owner of this property would like to conduct a combination of automobile sales and automobile service on this property. The last use of the property was strictly automobile service, therefore, the current standards for the design of automobile sales facilities would apply before they could commence car sales on this property. The last occupant of this space was a transmission repair business.

The site is located at “Five Corners” with most of its frontage on Frederick Street. Staff explained the requirements to the new property owner. Staff believed it was clear that the property could not be used for car sales unless the commission approved some alternate form of compliance with the requirements. Staff suggested to the owner that they meet with the Planning Commission to discuss the matter and to determine what modifications, if any, the commission would be agreeable to in order to allow a car sales operation at this location. Until then the owner has begun to move forward with using the site for auto repair which does not have the same development standards as car sales facilities.

Applicant/Commission Discussion: Chris Lanier, owner of the property, stated that he also owns Fiesta Motors at 261 Frederick Street. He was hoping that he would not have to tear up any pavement since the property is not very large. According to the Motor Vehicle Administration, dealers must be able to display at least ten cars. He requested that the commission consider waivers to the landscaping requirements and allow him to use planter boxes instead of landscaping strips. The boxes he is proposing would be 12 inches wide and not too tall so the plants do not block visibility of his inventory. Mr. Lanier will be installing new signage which will be an internally illuminated sign about twice the size of the existing signage. Concerning parking for customers and employees, Mr. Lanier noted that there are several parking spaces behind the building which would be for employees; customer parking would be to the left of the building with a handicap space directly in front of the building.

Ms. McIntire asked staff what would be required. Mr. Bockmiller stated the requirements are for a ten-foot landscaped buffer from all property lines, a tree every 40 feet and shrubs every four feet. Employee and customer parking must be provided and marked as such; signage must be professionally done; and a site plan is required.

Commission members noted that this site is unique, therefore, strict compliance would not be possible. Staff noted that the landscaping helps to contain the business on the property. There was discussion about the location of the right-of-way in this section of Frederick Street. Commission members were concerned about vehicles on display overhanging the sidewalk and would prefer that the planter boxes be bumper height rather than a foot tall. The commission indicated support for the planter box idea as an alternative to a ten-foot buffer strip.

Planning Commission Business:

Comprehensive Rezoning – Add an Additional Property for Consideration.

Frederick Street – AC&T. Jason Divelbiss, attorney for AC&T, met with staff. AC&T would like to renovate their fuel station on Frederick Street and would like to acquire ownership of the former railroad right-of-way immediately south of their property. According to the City

Engineer’s office, this strip of land is owned by the City. The right-of-way is split zoned down the long axis between CG (Commercial General) and IR (Industrial Restricted). AC&T would like to approach the City about doing a quitclaim. Industrial zoning does not permit gasoline sales so AC&T would like the entire right-of-way strip rezoned to CG. Ms. Flick pointed out that the municipal pool will be rezoned to Institutional once the comprehensive rezoning is complete. Institutional zoning would also not permit gasoline sales. The zoning would go the length of the AC&T property.

Mr. Wright believed that if AC&T does not already own the entire right-of-way the proposed request is premature. If they want to proceed they either need to own it prior to the commission’s public review meeting or they could add it at the Mayor and Council’s public hearing.

Clarification on “Five Corners” Area. Ms. Flick wanted to clarify the proposed zoning for this area in case there may have been a misunderstanding. The liquor store was shown as “Mixed Use” and the parking lot as “CG” on the future land use map. The proposed zoning for the liquor store and parking lot is to remain CG. The commission had no concerns.

North Burhans Boulevard – Thomas Bennett & Hunter Site. Staff stated that Thomas Bennet & Hunter (TBH) may not be vacating their location on North Burhans Boulevard after all. Staff will confirm with TBH and let the Planning Commission know their answer. If they are staying, the property will continue with IG (Industrial General) rather than CG zoning as proposed.

Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (7:31 p.m.)

6/12/2019

Approved



Debra C. Calhoun – Secretary