

**Planning Commission
MINUTES – Regular Meeting**

**June 12, 2019
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 4:00 p.m., on Wednesday, June 12, 2019, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, C. Ploscaru, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration; M. Flick, Planner; and D. Calhoun, Secretary.

REGULAR MEETING

Roll Call.

Commission members S. McIntire and J. Stone were absent.

Approval of Minutes:

May 29, 2019.

MOTION: (Wheeler/Thomas) I'll move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Development Review:

**Malik Mehboob – 700 Potomac Avenue – Site Improvements, Minor Site Plan,
Case No. SA-2018-11.**

Staff Report: (Staff report is in meeting file) The applicant submitted revised plans showing a monument sign measuring approximately eight feet wide and five and a half feet tall. The legs from the previous sign have already been removed. The applicant also amended his plan to show a masonry wall up to eight feet in height along the northern property line. It will be veneered with brick. The plan shows the ornamental metal fence between the building and Fairgrounds Avenue. Staff noted that the comments posed in its May 3, 2019, memorandum have been addressed.

Applicant/Commission Discussion: The applicant had nothing to add and there were no questions by the commission.

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MOTION: (Wheeler/Thomas) I'll move approval of the site plan.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

**City Chapel – 227 East Washington Street, Tent, Minor Site Plan,
Case No. SA-2019-03.**

The applicants were not present.

**Zion Reformed United Church of Christ – 235 North Potomac Street, Parking Lot
Expansion, Site Plan, Case No. ZS-2019-03.**

Staff Report: (Staff report is in the meeting file.) This plan is for two adjacent properties which include the Zion Reformed parsonage and the adjacent former Christian Science Reading Room. This plan calls for the conversion of the Christian Science building to four apartments (approved by the Board of Zoning Appeals) and the improvement of most of the rear area for a 40-space parking lot. Zion will sell the Christian Science property to one of their congregants, retaining a parking easement across the back of the property. The residents of the four apartments will be permitted to park in the parking lot.

The properties are in a historic district and the Historic District Commission has approved this plan. The parking area will be barely noticeable from North Potomac Street.

Very little in the way of landscaping is planned. As summarized on their application “the whole purpose of this plan is to maximize parking. Due to the slopes to the west and the cemetery to the south. There is current various shrubs around the houses.” The parking area will be buffered to a large degree by the existing buildings and the fact that it sits on top of a large retaining wall along the rear property line.

The plan was submitted for review and all review agencies have approved it with the exception of the Planning and Code Administration Department. Staff recommended that the site plan be approved, provided that the Planning Commission is satisfied with the proposed treatment of landscaping on this site.

Applicant/Commission Discussion: Mr. Wright pointed out street numbering errors: 229 North Potomac Street is actually the Zion Church parsonage and is owned by Zion Church; the building identified as 235 North Potomac Street is the First Church of Christ Scientist, not Richard Lauricella. Mr. Lauricella owns the building to the north of the First Church of Christ Scientist and contains the call center. The drawing needs to be corrected and those corrections need to be

made part of the motion. Mr. Wright also questioned access to the combined lots which is through the Lauricella property. The drawing shows an “either or” arrow right before the call center. He questioned whether there are cross easements over all the properties. Adam Hager, engineer with Frederick, Seibert & Associates, Inc., stated there is a written agreement, however, it is not a recorded easement. Mr. Wright wanted to see written documentation that the cross easement exists so in the future if and when the Lauricella property changes ownership there are no access problems. Zion Church representatives in the audience stated that settlement is supposed to occur on June 28 and they do not want to have to ask for another extension.

Concerning the landscaping and physical configuration of the site, it was noted that the parking lot will be mostly invisible. Mr. Hager stated that the developer will lose parking spaces if landscaping is required. There will be a rain garden and they are providing some shrubs. There is an overhead utility line which is not conducive to trees. The intent of the project was to get as many parking spaces as possible. Planning Commission members were willing to waive landscaping for this project and had no concerns with the site configuration. Mr. Hager added that an island was added around an existing utility pole.

The following items need to be addressed in the motion:

- Labeling of the buildings needs be changed to reflect current owners.
- The painted traffic arrows should be left on the site plan; applicant will need to provide appropriate documentation that the current documents will allow shared access.

MOTION: (Thomas/Ploscaru) I move to approve, contingent upon correcting the drawing to reflect the correct property owners, staff being comfortable with the cross easements and written agreement, and waiving the landscaping requirements.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

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

Staff Report: (Staff report is in the meeting file.) This site plan is for the installation of three portable classrooms in a paved alcove of the building, surrounded on three sides by the building itself. The proposal will require the removal of approximately 18 parking spaces.

This plan technically is a minor site plan that does not require Planning Commission approval since it involves less than 5,000 square feet of disturbance. However, the applicant is proposing to remove parking spaces, and the Ordinance says required parking shall be “one space per employee plus ample parking for visitors, as determined by the Planning Commission.” Staff

requested that the commission make a determination that the parking will be “ample.” With the addition of these portable classrooms, the number of school staff will increase from 81 to 85 employees. One hundred sixteen spaces will remain once the portable classrooms are placed.

The site plan was routed for review and all review agencies have approved with the exception of the Fire Marshal. Staff recommended approval upon the commission’s finding that the parking for the site is “ample.” Staff noted that the term “ample” is not defined in the Land Management Code.

Applicant/Commission Discussion: Brad Otto, Project Manager with the School Board, was present. Gordon Poffenberger, engineer with Fox & Associates, Inc., stated that 31 spaces will remain for visitor parking. Special events may require additional parking. There was a question by the commission as to whether the parking calculations include the fourth portable noted on the site plan. Mr. Otto stated that the turning radius will not work with another portable so it is “unusable.” The idea is to keep the paving in case the portables are removed in the future so the area can revert back to parking.

MOTION: (Thomas/Davis) I move that we approve the site plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Valleybrook Drive (Parcels A & B) – Mildenerger/Lewis, Final Plat, Case No. S-2019-04.

Staff Report: (Staff report is in the meeting file.) The commission previously discussed this issue in April 2018. The two owners of the lots on either side of the unimproved road right-of-way stem on the east side of Valleybrook Drive have arranged to purchase the “remaining lands” of the Potomac Manor subdivision located along Hamilton Run and north of the former Western Maryland Railway right-of-way. An area of 2.78 acres will be merged into Lot V46. An area of 0.34 acres (including an existing forest conservation easement area) will be merged into Lot V48. There was discussion of a quitclaim request for the street stub between these two properties, but to date, nothing has been approved. Therefore, the plat reflects the current legal situation with the stub still being a City street right-of-way.

All review agencies have approved the plat and staff recommended approval.

Applicant/Commission Discussion: George Nagel, engineer with Fox & Associates, was present. Mr. Wright asked if there are any agreements between the two owners for cross use. Mr. Nagel stated nothing is planned at this point. There is no intention for vehicular access to this property. The whole area is within a floodplain.

MOTION: (Thomas/Ploscaru) I make a motion that we approve the final plat as submitted.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Hagerstown Commerce Center Hotel Sketch Plan and Waivers – All Star Court.

Staff Report: (Staff report is in meeting file) The proposed sketch plan is for the following development:

- A 3,375 gross square-foot restaurant with drive-thru on the lot to the left of the entrance road as one enters the development. Based on one space per 50 square feet of customer floor space (anticipated to be 1,750 square feet), 35 parking spaces will be required. Staff noted no apparent design issues involved with this site. The applicant is seeking a waiver to install parking closer to All Star Court than the required ten-foot landscaped buffer.
- Lot A1 would contain two hotels (one standard, one extended stay) or one hotel with future expansion. One parking space is required per room. The proposal is for 192 rooms; 200 parking spaces are shown on the sketch plan. Certain areas of the parking lot will be carports covered with solar panels. Some patio areas to the rear of the building would be located within required landscaped buffer areas. The applicant is seeking a waiver to install parking closer to the adjacent property to the west than the required ten-foot landscaped buffer. Some of the parking is proposed to be six feet from the property line.
- Lot A2 would contain a 7,800-square-foot, two-story building. The first floor would be retail/restaurant type uses with the second floor used for offices. Parking requirements would amount to 42 parking spaces. Twenty-nine would be provided, and the applicant will be filing a parking variance with the Board of Zoning Appeals to make use of parallel spaces on All Star Court to make up the difference. The parallel spaces serve no current use.

In addition to the above-mentioned waiver requests, staff noted two additional issues. The first issue concerns the hotel patio areas and their proximity to the rear property lines; the second is the use of on-street parking by the retail/office building to meet parking requirements. The City Engineer had comments that were included in the meeting file. Forest conservation was addressed for this site under a previous site plan.

Applicant/Commission Discussion: Clint Rock, engineer with Fox & Associates, was present. Concerning the stormwater management, there is an existing stormwater management pond, but this would update the pond by adding water quality features.

Concerning the waivers requested by the developer, it was noted by the commission that the developer is requesting that most of the ten-foot buffer areas around the property be eliminated in order to fit the proposed development on the site. In response to a comment made by Mr. Thomas, Mr. Rock indicated there is an existing sidewalk on the north side of All Star Court. Mr. Ploscaru observed there is no sidewalk on this side of Route 40. Ms. Maher noted that there is no “pedestrian attraction” at the bottom of the cul-de-sac. Mr. Wright had concerns that the developer cannot afford to give up any parking spaces and still meet the requirements. He noted this site is a “blank canvas” and the developer is trying to maximize the uses as much as possible to the detriment of the City’s zoning requirements. The developer also was responsible for the layout of this development.

The commission discussed the waiver and variance requests and made the following determinations (see meeting file and memo):

- Narrow portion of Lot A1 nearest the Dual Highway between All Star Court and Lot 26. The applicant contended that there is not enough space to meet both the ten-foot buffer required by Article 5, Section I.4.h.(8) and the parking design standards outlined in the table provided in Section I.4.h. of Article 5. After discussion, commission members were agreeable to the waiver request. Mr. Rock added that they will still provide dense landscaping, however the width will be less than ten feet.
- Variance request to use on-street parking to meet parking requirements for the retail/office building at the south end of the site. Ms. Davis was not in favor of this waiver since people do not like to have to walk any distance to a building. In addition, the spaces are on the street. Mr. Wright believed that the demands for parking between the hotel and the office building would occur at different times. Mr. Thomas had concerns with the use of public space to meet zoning requirements for private property. Mr. Wright suggested that the design of the building should include an easily accessible door for users of the building, especially those that have parked on the street.
- Width of Lot 1 (restaurant space) limits the allowable building envelope. Mr. Rock stated that a waiver from the buffer requirement along the right-of-way on All Star Court will permit both the parking standards listed above to be met while providing an adequate space for the proposed building. Commission members indicated they would be agreeable to this waiver request.
- Small parking lot near Dual Highway. There were no concerns with the waiver request from the landscaping width.
- Patio adjacent to Hotel 1. Commission members had no concerns with this waiver request.
- Width of landscaping buffer on All Star Court at restaurant and parking spaces in the right-of-way. Commission members had no concerns with these waiver requests.

The commission had no concerns about the stormwater management sketch plan.

MOTION: (Thomas/Ploscaru) I move to accept storm water management sketch plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**City Chapel – 227 East Washington Street, Tent, Minor Site Plan,
Case No. SA-2019-03.**

The applicants were still not in attendance. This item was postponed until the June 26 meeting.

Mr. Wright pointed out that the memo calls out different dimensions for the tents than what is shown on the drawing.

Planning Commission Business:

716 Security Road – Change of Nonconforming Use, BZA Case No. Z-2019-03.

Staff Report: (Staff report is in meeting file) The BZA received an application for a change of nonconforming use to establish a plumbing contractor’s office and storage facility at this location. Three additions to the building would be removed, but the main building would remain.

Staff identified the following issues for the commission to discuss to determine whether comments should be sent to the BZA for their hearing:

- A minor site plan will be required since the disturbance will be less than 5,000 square feet. Staff does not penalize developers when it asks them to provide landscaping that may throw them over that the threshold between a minor site plan and a full site plan.
- Landscaped buffers along north and east property lines will be necessary since staff is receiving inquiries about a potential residential subdivision on that property.
- Landscaping along the adjacent property to the degree possible should be installed.
- Access to the site is uncontrolled and far wider than typical. The entrance road should be narrowed to the standard 24-foot driveway width by removing excess asphalt and gravel and closing one of the two driveway entrances.
- Some form of landscaping should be installed in the front yard area along Security Road.
- The Board of Zoning Appeals’ approval should be written broadly to include any type of contractor that fits the general description of the proposed use. If the developer were to

sell the property in the future to another type of contractor, they would be precluded from doing so if the Decision and Order is written specifically for a plumbing contractor.

Applicant/Commission Discussion: Adam Hager of Frederick, Seibert & Associates, engineer for the project addressed staff's concerns. Concerning staff's suggestion to reduce the width of the entrance, Mr. Hager stated that the adjacent property to the east has a deeded easement to allow them to access their home. The commission noted that a right turn into the property will be difficult. Robert Orndorff, property owner, stated that he will occasionally be pulling a 20-foot trailer and will not be able to make the turn without the extended width. Due to the existing pole, the entrance cannot be modified.

Concerning staff's request for landscaping, Mr. Orndorff was agreeable to planting evergreen trees, however, there are numerous limestone outcrops in that area. The trees may not thrive or the landscapers may not be able to dig the planting holes very deep. Mr. Orndorff outlined his plans to fix up the building, including removal of most of the additions (all but the front addition); the 30-foot block garage will remain.

Planning Commission members agreed that comments to the Board of Zoning Appeals would not be necessary; however, the site plan shall show what buildings are being removed. If they want to minimize the width of the driveway, that would be beneficial; otherwise just show the landscaping on the site plan.

Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (5:18 p.m.)

7/31/2019

Approved



Debra C. Calhoun - Secretary