

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, July 31, 2019, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, S. McIntire, J. Stone, 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. Ploscaru and R. Thomas were absent.

Approval of Minutes:

June 12, 2019.

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

DISCUSSION: None.

ACTION: APPROVED (YES – Wheeler, Davis, Wright; ABSTAIN – McIntire, Stone)

Development Review:

People's Gospel Tabernacle of Hagerstown – 543 Security Road – Parking Lot, Minor Site Plan, Case No. SA-2019-04.

Staff Report: (Staff report is in the meeting file.) The minor site plan is for the creation of a parking lot for People's Gospel Tabernacle located on the corner of Security Road and Fridinger Avenue. The church owns the adjacent residential lot and the former home on the property has been demolished. The church wishes to expand its parking lot onto this property. People's Gospel Tabernacle went to the Board of Zoning Appeals earlier this year and was granted a special exception to expand their use onto the adjacent lot. Adjacent property owners have agreed to the extension of the parking lot without any green area buffer zones or setback.

This minor site plan requires waivers from the required ten-foot landscaped buffer along Fridinger Avenue, the adjacent property line, the alley, and Security Road. In a recent workshop with the Planning Commission, commission members expressed receptiveness to the proposed

landscaping waivers and emphasized their desire that the parking lot be paved immediately which would be in keeping with the recently adopted amendments to the Land Management Code which requires parking lots such as this one to be paved.

All review agencies have approved the minor site plan. Staff recommended approval.

Applicant/Commission Discussion: None.

MOTION: (Stone/McIntire) I make a motion that we approve the requested waivers and the site plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Coin-Op Warehouse – 28 East Baltimore Street – Parking Lot Improvements, Site Plan, Case No. ZS-2019-05.

Staff Report: (Staff report is in the meeting file.) The proposed site plan is for the creation of a parking lot next to the former Massey Ford car dealership on East Baltimore Street. The Massey Building is being converted to a retail space and the parking provided will serve that use. The new parking area will be located between the building and the Washington County Free Library driveway. There will be one drive aisle which will access two bays with a total of 15 parking spaces.

A five-foot wide landscaped buffer area will be provided adjacent to the East Baltimore Street right-of-way. The ordinance requires a ten-foot landscape buffer so a waiver will be necessary. The developer is also seeking a waiver to reduce the number of street trees to five (eight would be required). Staff had no objection to the waiver requests.

The property is 0.993 acres in size and the amount of development will not trigger forest conservation requirements. This site is adjacent to the Downtown Local Historic District and the new Thomas Kennedy Park to the east.

All review agencies have approved the site plan, with the exception of the Water Division. Staff recommended approval of the waivers and the site plan, contingent upon satisfaction of the outstanding Water Division comments.

Applicant/Commission Discussion: Gordon Poffenberger of Fox & Associates, Inc., engineers for the project, told the commission that the developer has an agreement with the County to use the Library's parking lot for any spillover parking needs.

**Planning Commission
MINUTES – Regular Meeting**

**July 31, 2019
City of Hagerstown, Maryland**

MOTION: (Stone/Davis) I make a motion to approve the waivers and approval of the site plan pending any minor revisions from the Water Department.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Planning Commission Business:

2019 Comprehensive Rezoning – Review and Recommendation to Mayor and City council, Case No. ZM-2019-01.

Mr. Wright announced that he has conflicts of interest with the proposed rezonings at Potomac and Maple and the Evergreen/YMCA proposal. He asked that those be addressed first. Mr. Wright recused himself and left the meeting room. Mr. Stone assumed the chair. A copy of staff's memo, dated July 5, is in the meeting file.

Potomac Avenue/Maple Street. Barry Martin, representing Copy-Quik Printing provided testimony at the public review meeting asking that the Copy-Quik property at 710 Oak Hill Avenue remain zoned CG and that the former liquor store at 725 Potomac Avenue remain CG. Ms. Maher noted that no testimony was received from other owners in the neighborhood. Both of the Copy-Quik properties are used strictly as commercial uses. N-MU zoning would restrict how Mr. Martin could use the properties. Commission members were amenable to leaving the two properties discussed as CG.

Corner of Potomac and Northern Avenues (Evergreen Properties). Andrew Wilkinson, Esquire, attorney for the owner of the property, provided testimony at the public review meeting and a memorandum (meeting file). The owners have not been successful in finding a buyer for the property with the existing POM zoning. However, there have been expressions of interest for commercial uses. Staff noted that two neighborhood residents were opposed to the change to CL. Commission members were amenable to the proposed CL zoning. The size and circumstances of the property would limit the size of the commercial use.

Mr. Wright returned to the meeting and reassumed the chair.

East Baltimore Street. The commission was in favor of changing the zoning from RO and CG to N-MU. One person testified in favor; another owner's use will become nonconforming but they did not seem to object to the change.

North Side Hebb Road (Harrison Lands). There was one comment in favor; and the other person who spoke at the public review meeting was not opposed. Commission members agreed to support the proposed change from RH to POM.

South Side Hebb Road and Emmert Road. Jason Divelbiss, Esquire, representing the owner, David Lyles, spoke at the public review meeting in opposition to this rezoning. Their argument was that changing the zoning to RMED from RH is inconsistent with the annexation many years ago and the owner’s expectation for development. Staff’s rationale for the change is that nothing has been developed on this property since it was annexed and thought the lower density designation might help with development. Since the comprehensive rezoning process began, Mr. Lyles has begun the process to develop the property and the plans rely on RH zoning. Ms. Maher noted that RH zoning allows any type of housing, including apartments. The staff-recommended RMED zoning would not permit apartment buildings. Another motivation concerns the existing low-density residential neighborhood and RMED uses would blend better with the existing neighborhood. Mr. Wright noted that a high-density development would create a significant load on Hebb Road and increase traffic through Funkstown. The developer would have to provide right-of-way for continuation of R. Paul Smith Boulevard. Ms. Maher discussed the annexation procedure when this property was annexed years ago. The owner appears to be ready to develop soon based on his interest in water and sewer upgrade meetings and other actions. Commission members were amenable to keeping the RH zoning.

Cement Plant and Manbeck Bread Site on North Burhans Boulevard and Church Street. The proposal is to change the zoning from IR to CG. Staff reached out to Thomas, Bennett & Hunter and was informed that they will be remaining for the time being at their site on North Burhans Boulevard while the new site is developed. Staff did not know whether Thomas, Bennett & Hunter will remove all equipment or sell the site as is. The cement plant is a narrow site, but it does have railroad access. Currently the cement plant is a nonconforming use (IG use in IR). The only property in this rezoning would be the Manbeck property. Planning Commission members had no concerns with this rezoning.

North Half of Linwood Road. The proposed rezoning would be from RMED to IG. There was no opposition at the public review meeting and the owner is in favor. Also, none of the owners of the residential lots submitted opposition testimony. The land to the west of Linwood Road is too narrow for industrial uses with the required setbacks from residential zoning. This area could be used as buffer, forest conservation, or parking. Planning Commission members were amenable to this rezoning proposal.

South Half of Linwood Road. The Hagerstown Housing Authority’s plans have fallen through and the property was sold to a broker in Frederick. The new owner is agreeable to the zoning change from RMED to IG. Planning Commission members had no concerns with this rezoning.

Smaller Map Amendments. These rezonings are listed on the chart in the meeting file packet as “Properties to be Rezoned to Clean Up Map Recommended by the Comprehensive Plan.” No comments were received and the Planning Commission was amenable to all of the proposed rezonings.

The following rezonings have been requested by the property owners.

Doub Farm. At the time of annexation a portion of the Doub Farm appeared to be in a floodplain and was zoned POM rather than CR. Since then the flood maps have been revised and this portion is no longer considered floodplain. The owner is requesting the POM zoning be changed to CR to match the remainder of the property. The owner is contemplating adding a PUD overlay to a section of the property to act as a buffer from existing residential neighborhoods to the north; however, PUD is not permitted under POM zoning. CR zoning does allow offices. Planning Commission members had no concerns with this request.

South End Shopping Center. The request is that a portion of the parking lot on the south side of the site be rezoned to IG to facilitate a planned expansion by Great Southern Wood. Planning Commission members had no concerns with this request.

Hagerstown Industrial Park. The uses in the Hagerstown Industrial Park off of Frederick Street are more consistent with IG uses. Planning Commission members were amenable to this change.

Split Zoning of Zion’s Parsonage (200 Block North Potomac Street). Commission members were amenable to rezoning the entire parsonage property as CC-MU.

Proposed Institutional Zones. The City Shed on West Memorial Boulevard will be added to the list. Planning Commission members were amenable to these rezonings.

MOTION: (Stone/Davis) I make a motion we table it pending revisions to the Comprehensive Plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Update to Comprehensive Plan.

(Staff memorandum is in the meeting file.) Staff recommended that once the proposed comprehensive rezoning is finalized by the Planning Commission that further action be tabled until the Comprehensive Plan can be amended to reflect the changes proposed that are not currently in the plan. These include:

Map 2-7. Future Land Use Map.

- YMCA property – change from BE to C.
- Linwood Property – change from R to I.
- East Portion of Doub Property – change from BE to C.
- South Portion of South End Shopping Center – change from C to I.

- Copy-Quik and Potomac Liquors – change from Mixed Use to C.
- Lyles Parcel and adjoining parcel need to go back to High Density Residential.

Page 2-21, Figure 2-9. Future Land Use Designation.

- Compatible zoning for Institutional going from Any to Institutional.
- Compatible zoning for Parks, Recreation, and Open Space going from Any to Institutional.

Planning Commission had no objections to staff proceeding with the Comprehensive Plan amendments listed above and beginning the 60-day review period.

2019 Text Amendment Package.

Commission members and staff began reviewing the 2019 package of Land Management Code text amendments.

Issue 1. Five-foot chain link fence in back yard. The ordinance was amended in 2012 to allow a maximum height of four feet for chain link fences in residential zoning districts on residential properties. A property owner is requesting that this maximum height be amended to five feet in rear yards and provided examples of five-foot tall chain link fences in his neighborhood. The property owner has contacted Mayor Bruchey; Mayor Bruchey would like the commission to consider the request. Commission members were inclined to leave the maximum height at four feet due to the impact on the rest of the city. Mr. Bockmiller will craft a memo to the Mayor for Mr. Wright’s signature.

Issue 2. Size of Shopping Center Signs. Staff received a proposal for a new sign at the South End Shopping Center that is four times that which is allowed by code. Ms. Maher noted that all the shopping center signs predate the ordinance and all are larger than what is permitted. Ms. Maher conducted a survey of other jurisdictions and existing shopping centers. In general, Hagerstown’s shopping centers are very long and the proposed amendments could allow more signage per frontage. (See attachment #2 to the memo.) Suggestions by staff included allowing taller and larger signs and permitting more signs per street if a shopping center has a long street frontage. This amendment would only affect multiple-tenant strip shopping malls with more than 500 feet of road frontage. Planning Commission members had no concerns with staff’s recommendation.

Issue 3. I-MU Use Discussion Started by Farm/Meritus Annexation. Meritus Medical Center has raised a concern about a disconnect in uses between the County’s ORI District and the City’s I-MU District during the annexation process. Although this was reviewed and amended to be more consistent several years ago, staff pledged to reassess the situation and recommend updates

where appropriate. Staff reviewed Meritus’s comments and identified 11 or 12 issues (see staff memo). Planning Commission had no issues with staff’s recommendations.

Issue 4. CR Use Discussion Generated by Doub Farm Planning. Developers of the Doub Farm are requesting revisions to the permitted uses that would make CR zoning more consistent with Washington County’s Highway Interchange (HI) zoning. Staff reviewed the proposed changes; the uses not recommended are more industrial in nature. HI zoning is very loose; CR is geared toward office and retail uses.

Jim Castillo was present on behalf of the developer. He pointed out the changes in retail over the last few years, the size of the subject property, and how it is not suited to be the retail center as originally envisioned. The disappearance of department stores leaves smaller tenants in the lurch in the absence of an anchor store. Mr. Castillo asked the commission to consider several clarifications and additions to the uses. Staff presented recommendations on 17 uses, including approval of three; approval of six with amendments; and not recommending eight uses.

- *Distribution Centers for Online and Other Commerce Sales and Marketing.* Because of the property’s proximity to Interstates 70 and 81, Mr. Castillo believed it would be well suited for a distribution center. Staff was not inclined to recommend this change to the CR zoning district citing distribution centers as more warehouse and industrial uses.
- *Light Manufacturing/Recycling.* Mr. Castillo suggested that light manufacturing uses as a special exception use such as repackaging of computers could be established at this location. They have no plans for recycling activities. The location would be advantageous for this use. Staff recommended against allowing this use in CR zoning districts.
- *Multi-Tenant Manufacturing, Research and Development or Distribution Facilities.* Staff recommended accommodating the research use only. Distribution is similar to a warehouse and manufacturing use.
- *Laboratories, Chemical, Physical and Biological, as well as Medical and Diagnostic.* Staff had no concerns about these uses if they were managed mostly as an office-lab type use.
- *Flex Office/Warehouse Space.* Mr. Castillo stated that these would be good uses for the tax base and he understood concerns about aesthetic presentation. He agreed with leaving the warehouse element out. A possibility would be to require a special exception for flex office uses.

Mr. Wright pointed out that all of the uses discussed are permitted in other zoning districts. Commercial Regional zoning was placed on the property at the request of property owner when

the property was annexed. Changing the allowed uses in CR zoning districts affects not only this property but all other properties that are zoned CR. The owner needs to think about what they want and work within the parameters of the zoning district. Mr. Wright had concerns about changing the uses permitted in the zoning district which could affect all properties zoned CR.

Mr. Bockmiller suggested changing the uses permitted in a PUD since the developer is considering a PUD overlay for a portion of the property. It would be an individual property based use as opposed to potentially impacting all CR districts “by right.” Commission members agreed with amending the uses allowed in a PUD. Mr. Stone noted that Washington County’s HI zoning is unique in that it is like not having “regular” zoning. The HI district permits a wide array of uses. He did not believe it was realistic for the City to consider adopting something like that. Mr. Castillo was agreeable to Mr. Bockmiller’s suggestion.

Ms. Davis had observations about several of the uses listed. She asked that the example at the top of page 4 be changed to a community such as “Riderwood Retirement” in Silver Spring Maryland. The reference to Leisure World is a misnomer in that Leisure World is a one-stop shop. For “Laboratories” she was concerned about uses such as the National Cancer Center which might process toxic material. Concerning “Data Security,” she stated that those types of uses are not signed like a typical business—they are identified by numbers only. Those types of uses do not want publicity and probably would not want to develop at this location. She suggested leaving “Data Security” out of the ordinance.

Discussion will resume at the next meeting with Issue 5 on page 5.

Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (9:02 p.m.)

8/28/2019

Approved



Debra C. Calhoun – Secretary