

**Planning Commission
MINUTES – Regular Meeting**

**September 25, 2019
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 6:58 p.m., on Wednesday, September 25, 2019, in the Conference Room, Fourth Floor, City Hall. Also present were commission members 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. **(NOTE: Planning Commission revisions are indicated in red text.)**

REGULAR MEETING

Roll Call.

Commission member C. Davis was absent.

Approval of Minutes:

August 14, 2019.

Ms. Wheeler noted typographical errors as follows: page 2, first full paragraph, end of the second line, remove “the”; page 4, first bullet at the bottom of the page, change “will to “with”; page 6, first full paragraph, toward the end of the fourth line remove “and.”

MOTION: (Thomas/McIntire) So moved (to approve the minutes as amended).
DISCUSSION: None.
ACTION: APPROVED, AS CORRECTED (Unanimous)

August 28, 2019.

MOTION: (Wheeler/Thomas) I will move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN – McIntire, Ploscaru)

September 11, 2019.

MOTION: (Thomas/Wheeler) I move we approve the minutes of September 11.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - McIntire)

Development Review:

**Hagerstown Commerce Center, Lot A – Two Hotels and One Office/Retail Building,
Site Plan, Case No. ZS-2019-07.**

Staff Report: (Staff report is in the meeting file.) This site plan is for the construction of a building containing up to two attached hotels with a total of 192 rooms; a 4,200-square-foot, two-story commercial building; 192 parking spaces for the hotels and 14 spaces for the commercial building. Carports that also function as solar collectors are included in the design.

The Board of Zoning Appeals (BZA) granted a variance to reduce the required parking for the two-story building. The BZA took into consideration that there are no adjacent uses and all on-street parking along All Star Court would be available for use by this development.

Forest conservation for the development was addressed with the creation of the subdivision, therefore, there is no forest conservation plan for this development. An area along the southern portion of the property has been reserved for a future street connection to adjacent properties. Special arrangements for temporary sewer connections have been worked out with the Department of Utilities pending a long-range solution for improving sewer capacity in this area. Staff asked the developer's engineer to address this issue with the commission. Nancy Hausrath, Director of Utilities, was also present to answer questions.

The developer asked the commission for approval of the following waivers: elimination of the requirement for sidewalks along the Dual Highway; and reduction of the required ten feet of parking lot landscaping to six feet in places.

The site plan was submitted and approvals were received from all agencies with the exception of the Fire Marshal and the Water and Wastewater Divisions. Staff recommended approval of the landscaping waiver; however, there was no recommendation on the sidewalk waiver. Staff recommended that if the sidewalk waiver is approved the site plan should be approved, subject to final approval by the Fire Marshal and the Water and Wastewater Divisions.

Because the developer used one set of plans for both developments, staff will require that redundant file referencing be removed from signature copies, and watermarking of the area not subject to that particular site plan saying "see site plan ZS-2019-XX" as appropriate.

Applicant/Commission Discussion: Michael Shifler and Clint Rock of Fox and Associates, Inc., engineers for the project, were present.

Mr. Stone had concerns about the height and aesthetics of the retaining wall on the west side of the property and how the adjacent properties will be affected by it. Mr. Shifler and

Mr. Bockmiller described the properties to the west as the Hamilton Nissan dealership, a stormwater management pond that serves the dealership, and farmland. The wall will be approximately 14 feet tall with a chain link fence on top for fall protection, and the wall itself will either be stamped concrete or gravity block.

Mr. Shifler stated that each lot will stand on its own for parking with the parking variance granted. Mr. Wright had concerns about the lack of sidewalks along the Dual Highway and wanted to ensure that the City did not engineer itself out of the ability to provide a sidewalk in these locations. Mr. Shifler indicated the developer would be amenable to grading for sidewalks along the Dual Highway. The objective is to get to the north corner. Jim Bender, Assistant City Engineer, has contacted the State Highway Administration (SHA) with Mr. Wright's concerns. SHA had no objection in principle, but the developer will have to go through the permitting process which will delay the project.

As a solution to the sidewalk issue, if the Planning Commission decided to require them, staff suggested that the site plan be approved with the requirement that the developer go back to SHA with a revision to the site plan before getting a Use & Occupancy (U&O) permit. This will allow the developer time to work through the issue with SHA. Planning Commission members had no issue with making the approval contingent upon a U&O. Mr. Shifler stated that the developer would like to have the sidewalk on Hagerstown Commerce Center's property. Mr. Wright indicated he would like sidewalk on the east side of All Star Court as well. Due to the topography, Mr. Shifler stated that sidewalk on the east side could pose a problem. Mr. Wright stated that the sidewalk would not have to be installed; an easement would be acceptable.

Concerning the sewer issues mentioned in the staff report, Mr. Shifler stated that this part of Hagerstown has sewer capacity issues as it relates to Pump Station No. 9. The Utilities Department has provided four different options to consider. Ms. Hausrath reported that the City is in the process of updating its master plan and has worked on the infrastructure in this area. There is capacity for the proposed development; however, the City wanted the developer to make the best use of their financial resources. Since Pump Station No. 9 will be replaced at some point, the City did not want to require something excessive that might be abandoned in the future. ~~Ms. Hausrath was most concerned about whether there will be sufficient capacity for this development to occur. (Subsequently amended 10/30/2019)~~ Some improvements will be necessary and the developer is on board with that. From a water pressure perspective, the architect is satisfied that they will be able to achieve adequate flow. The Fire Marshal is concerned with fire flow demand and is working on three possible solutions.

MOTION: (Stone/Thomas) I make a motion that we approve the site plan, that we approve the waiver of the reduced parking lot landscaping to ten feet; we don't require sidewalks but we do require that prior to occupancy there be provision for an appropriate easement for the sidewalk construction in the

future and grading; subject to conditions by the Fire Marshal, Water and Wastewater, and the Planning Department’s comments about the duplicate references on the plans.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Hagerstown Commerce Center, Lot 1 – Restaurant with Drive-Through, Site Plan, Case No. ZS-2019-08.

Staff Report: (Staff report is in the meeting file.) The site plan is for the construction of a 45-foot by 75-foot fast food restaurant with a drive through aisle on the east side of All Star Court. The plan shows 35 parking spaces which meets ordinance requirements.

There is no forest conservation plan for this development since it was addressed with the creation of the subdivision. Special arrangements for temporary sewer connections have been worked out with the Department of Utilities pending a longer range solution for improving sewer capacity in that area. Staff asked the developer’s engineer to address this issue during its presentation to the commission.

The following waivers are requested for this property:

- Abandon the requirement for sidewalks along the Dual Highway;
- Reduce the required ten feet of parking lot landscaping to zero to four feet in certain places along All Star Court; and
- Reduce the required ten feet of parking lot landscaping to five to ten feet in places along the southern property line where the entrance drive runs along the back of the building. Staff noted this is a forest conservation area.

The site plan was submitted for review and all agencies have approved the site plan with the exception of the Water and Wastewater Divisions. Staff recommended approval of the landscaping waivers, but made no recommendation on the sidewalk waiver request. Should the Commission approve the sidewalk waiver, staff recommended approval of the site plan, subject to addressing comments from the Water and Wastewater Divisions.

Because the developer used one set of plans for both developments, staff will require that redundant file referencing be removed from signature copies, and watermarking of the area not subject to that particular site plan saying “see site plan ZS-2019-XX” as appropriate.

Applicant/Commission Discussion: Michael Shifler and Clint Rock of Fox and Associates, Inc., engineers for the project, were present.

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Mr. Shifler noted that the minor revisions from the Water and Wastewater divisions have been addressed. The only remaining issue is the matter of the pump station discussed earlier under the discussion for the hotels site plan.

Mr. Wright asked that the sidewalk cross All Star at the end of the entrance median at the end of the existing guardrail. Mr. Shifler indicated that the sidewalk could be worked into the pad site design. Mr. Bockmiller pointed out that due to the size of the site a dual drive-through will not be feasible at this location. If the developer would decide to go with a different use on this site (such as an office building), a revised site plan would be necessary.

MOTION: (Stone/McIntire) I'll make the same kind of motion I did before, subject to we grant waivers for parking lot landscaping; we're going to ask them that prior to occupancy, to provide an easement area suitable for sidewalks with grading; subject to satisfaction of the Fire Marshal's comments and the Planning Department's comments about the notations.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business:

None.

Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (7:40 p.m.)

10/16/2019

Approved



Debra C. Calhoun – Secretary