

**Planning Commission
MINUTES – Special Meeting**

**October 16, 2019
City of Hagerstown, Maryland**

James W. Stone, vice chair, opened the meeting at 4:00 p.m., on Wednesday, October 16, 2019, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, S. McIntire, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration (late); S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Secretary.

REGULAR MEETING

Roll Call.

Commission members C. Ploscaru, R. Thomas, and D. Wright were absent.

Approval of Minutes:

Ms. Wheeler had a question about the last full paragraph on page 3. There are two conflicting statements and Ms. Wheeler was under the impression that there would be sufficient capacity for this development to occur. Mr. Bockmiller surmised that the statement made by Ms. Hausrath could have been regarding additional development for this development. The secretary stated that she listened to the tape and confirmed Ms. Hausrath’s statement about her concerns about capacity. With the clarification, Ms. Wheeler had no further issue with this paragraph.

September 25, 2019.

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

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Davis)

Development Review:

West End Baptist Chapel – 59 Winter Street – Revision to Previously Approved Site Plan for Parking Lot Improvements, Case No. ZS-2018-10.

Staff Report: (Staff Report is in the meeting file.) The applicant is requesting a modification to the approved landscaping plan as follows:

- Substitute seven street trees along Alexander Street with Flowering Cherry trees which are not required for forest conservation calculations;
- Substitute 12 shrubs in the parking lot islands with boxwoods;
- Substitute five trees in the front lawn along Winter Street with Flowering Cherry trees; and
- Create a second phase for landscaping installation whereby the above three items, as well as the shrubs along Alexander Street, would be installed in a second phase of the development to be completed by May 15, 2021.

Staff had no objection to the proposed changes, but initially questioned whether Flowering Cherry trees would be acceptable along public sidewalks. The City Engineer’s office has since confirmed that these trees are suitable. The majority of the uses opposite this site on the west side of Alexander Street are nonresidential and delaying installation by one cycle would not negatively impact nearby residential properties. All landscaping facing the homes on the opposite side of West Franklin Street and Washington Avenue will be installed in the first phase.

Applicant/Commission Discussion: Commission members had no additional questions or concerns.

MOTION: (Davis/Wheeler) I’ll move to approve modifications to the site plan.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Planning Commission Business:

2019 Land Management Code Amendments – Phase 3.

(Proposed amendments are in the meeting file.)

Issue 15. Sea Container Homes. Language referencing compliance with Chapter 184 of the City Code needs to be removed since Chapter 184 limits the use of sea containers to temporary storage, precluding them to be used for housing. The commission had no objection.

Issue 24. Roadside Tree Permit. This was added as a reminder that certain development plans require a permit from the Department of Natural Resources for interfering with existing roadside trees. Commission members had no objections to this addition.

Issue 26. Expanded Forest Conservation Report Requirements. This is a minor adjustment to the Forest Conservation Ordinance to reflect changes to state law. This amendment makes the City’s

language consistent with state law with regard to how fee-in-lieu funds are spent. Commission members had no objections.

Issue 28. Parking Requirements for Barber Shops and Beauty Salons. The ordinance is silent on parking requirements for “new construction” barber shops and beauty salons. This amendment adds parking space requirements for these uses. Commission members had no objection.

Issue 29. Definition of “Rooming Unit.” This addition complements the definition of “rooming house.” Commission members had no concerns with this addition.

Issue 27. Size of New Dwelling Units. Staff believes the current language is too aggressive. The proposed amendment would reduce the minimum square footage requirement for apartments and live/work space. This better addresses real world examples. Commission members asked that the word “bedroom” be added to the last “Type of Unit” on page 5. With the correction, the commission had no concerns about this amendment.

Issue 25. Reasonable Accommodations Process for ADA Compliance. This amendment would allow staff to administer waivers from zoning requirements with regard to Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) matters. Staff noted this is becoming more standard in other jurisdictions. The proposed language would be inserted in Article 2, Section E.3., adding a new subsection o. The amendment would allow the Zoning Administrator to consider waivers once the Mayor and City Council adopt a standard. Planning Commission members had no objections to this amendment.

Issue 14. Sign Regulations (Updated). Staff met with the Mayor and Council and received direction from them to abandon language that would regulate temporary signs. Staff added language that the Planning Commission previously reviewed that would allow larger signs at shopping centers, and language was added concerning flags. The language concerning flags does not apply to flags that are not corporate branded. Flags with corporate branding would be prohibited from exceeding 24 square feet. The purpose and intent statement was condensed. Changes were more for clarification purposes (Ms. Maher arrived). Language was added to the existing definition of Temporary Signs. On page 7 of the sign ordinance revisions handout, language was added to be clear that temporary banners cannot be used as permanent signage that is replaced periodically. The Planning Commission had no concerns with these changes.

Issue 7. Mixed-Use Buildings in the CG and CR Zoning Districts (Updated). When staff first proposed this amendment, commission members asked for some time to consider it. Staff noted that the absent members (Mr. Wright, Mr. Thomas, and Mr. Ploscaru) did not offer any comments or suggestions on the proposed amendment prior to this meeting. Commission members present had no concerns with the proposal. Staff indicated that it will share this proposal with developers prior to the public review meeting in November.

Issue 16. Permanent Food Trucks and Trailers (Updated). There are instances where people are opening businesses out of commercial trailers that are parked on a long-term basis on properties. Staff noted as an example the food truck on property behind Bill's Other Yard Sale on Potomac Avenue. The trailer is parked at the sidewalk and the signage is in the public right-of-way. This practice could be unfair to businesses that rent a storefront. There are restrictions in the City Code that prohibit the same type of business from operating within a number of feet from another business offering the same products. This amendment would affect vendors who permanently park a vehicle and leave them there indefinitely and just renew the vendor's license each year. It would not affect vendors that pick up and move at the end of each day. Planning Commission members had no objections to this amendment.

Cluster Subdivisions. This language is not in the handout. Staff pointed out that Frederick has a section in its Zoning Ordinance that states cluster subdivisions are a self-created hardship and are not eligible for variance requests. Planning Commission members were agreeable to staff creating similar language for Hagerstown. A note will be required on plats and language will be added to the section on variances.

Issue 23. Planned Unit Development Comprehensive Rewrite. The proposal creates two categories of Planned Unit Development (PUD): PUD-V (Village) which would be the existing language; and PUD-R (Regional) which is new language. The changes are meant to make the zoning approval process friendlier and more flexible. Both types of PUDs are based on traditional neighborhood design concepts. The new language:

- Strips out much of the pre-programmed design and data requirements. A "bubble plan" would be required to eliminate the upfront expensive design work which makes the City's current PUD unattractive to developers.
- Leaves bulk requirements out. Developers are required to present their concepts to the Planning Commission which allows for flexibility and consideration of developments that are "outside the box" and are required to propose the bulk requirements for the PUD.
- "Village Concept" was amended to increase the minimum acreage requirement from five acres to ten acres.

Staff noted that additional material was added to the Use Chart pertaining to Conversion Districts.

Commission comments and questions included:

- "Compatible adjacency." Since the list of permitted uses is very accommodating for developers, they need to take into account how the different uses will work with each other.

- Concerning the defining element of the PUD-R, staff felt that mixed-uses should be the defining element with a required “town center.”
- Language should be added about the possibilities for modifying existing public transportation routes to serve the development.
- Spell out the acronym for RSFP on page 5.
- There are no density requirements associated with either version of the PUD.
- Page 14 – Remove “Cemetery, columbarium and mausoleum for humans (not pet cemeteries) and crematoriums” from PUD-V.
- Page 5 – Remove “Funeral homes (81221) including accessory crematories” from PUD-R.
- Page 19 – Added wineries, breweries and distilleries to Conversion District.
- Add electric vehicle charging stations to wherever gas stations are permitted.

There were no additional comments or suggestions by the commission. Staff will send the proposed language with regard to the changes for mixed-use buildings and PUDs out to developers soon for input. The next meeting will be the review of the official package of amendments. Staff hopes to advertise for a public review meeting after the October 30 meeting and will be asking the commission for feedback on dates members will be available. The public review meeting will be a special meeting at the convenience of the commission sometime in November.

Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (5:34 p.m.)

10/30/2019

Approved



Debra C. Calhoun - Secretary