

Douglas S. Wright, Jr., chair, opened the special meeting at 7:00 p.m., on Tuesday, November 19, 2019, in the Council Chamber, Second Floor, City Hall. Also present were commission members C. Davis, 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.

## **PUBLIC REVIEW MEETING**

### **2019 Land Management Code Amendments, Case No. ZT-2019-01.**

Mr. Wright opened the public review meeting at 7:00 p.m. and explained the public review meeting format. A quorum was present.

Staff Presentation: Mr. Bockmiller presented the proposed text amendments (see copy of the amendments package in the meeting file). There are 28 separate proposals, with most being minor in nature. Significant changes include making the City's IR district closer to the County's ORI district for newly annexed properties; a re-write of the sign ordinance; the addition of uses to the CR and CG zoning districts; changes to the PUD overlay; and updates to the telecommunications section to meet requirements of current technology.

After the presentation, Mr. Bockmiller entered into the record the Certificate of Advertisement and the Planning Commission's file by reference.

Mr. Bockmiller read a note into the record from Steve Wilson who could not be present. Mr. Wilson owns property in the northwest section of the City and requested a change that would remove the prohibition of the Board of Zoning Appeals from granting variances to chain link fence heights. Mr. Wilson believed the existing language is too restrictive. Mr. Wilson's correspondence was entered into the record.

#### Public Testimony:

**Mike Fitzgerald, 320 South Cleveland Avenue, Hagerstown, Maryland.** Mr. Fitzgerald had concerns about buildings that were originally built as multi-unit buildings, in particular a building he owns on Maryland Avenue. This building formerly contained three residential units and a deli. He said he supports Amendment #15 but asked that the language be amended to allow the property to be leased while trying to obtain approval of a Local Conversion District. Mr. Bockmiller questioned how the City could give temporary occupancy for an illegal use.

**Addie Nardi, Executive Director of the Boys and Girls Club of Washington County, 805 Pennsylvania Avenue, Hagerstown, Maryland, and Christopher Hallett, 121 North Cleveland Avenue, Hagerstown, Maryland.** Ms. Nardi asked the commission to add an amendment to the package that would allow community centers, recreational centers, and civic organizations as principal-permitted uses in the IR (Industrial Restricted) zoning district. The Boys and Girls Club would like to accept a donation of the former Blaine Window property adjacent to their current facility. The property to be donated consists of a home and a warehouse. The plan is to use the current facility while a new building is constructed. The current building does not appear to be salvageable.

**Victor Craig Campbell, Jr., 13428 John Martin Drive, Williamsport, Maryland.** Mr. Campbell is “Secretary of the Executive” and on the Board and Chair of the Resource Development Committee of the Boys and Girls Club. He testified that he supports the Boys and Girls Club request as stated above.

**Jim Castillo, 4711 24<sup>th</sup> Street North, Arlington, Virginia.** Mr. Castillo was present on behalf of the Doub Farm. He questioned whether notices were sent to the property owners. Staff noted that the Herald Mail newspaper carried the legal advertisement. Mr. Castillo primarily had comments concerning Amendment 27, Comprehensive Revision of the PUD Provisions in the Zoning Ordinance.

Mr. Castillo had concerns regarding the “Purpose Statement” (Section J.1.a.) and language that discourages warehousing and light manufacturing in the PUD, which would be too restrictive for the type of development proposed for the Doub Farm. Mr. Castillo requested some language changes to Section J.1.b. to avoid a conflict since the Doub Farm may not front on a “collector or arterial” street.

In Section J.1.e.(5), Mr. Castillo had issues with the time schedule and the 50% completion construction percentages. He contended that “within three years after final approval” is too limited. Alternatively, Mr. Castillo suggested defining three years and then allowing generous extensions since an arbitrary time limit is not helpful for developers. Planning Commission members and staff did not believe the language as written (this is not new text) is out of line. This language was added to ensure timely completion of developments (i.e., Hager’s Crossing is almost 20 years old and is still under construction). Mr. Castillo felt that the “requirements for 50% of all streets and connections required; all utilities for the PUD tract” is a big requirement. It should be designated to the uses that are under construction as determined by the City Engineer. It should be tied to the use that is trying to be opened. Mr. Wright stated that the developer could apply for variances from the Mayor and Council since that is the body that approves PUDs in the first place. He was comfortable with the language as proposed, but would consider “tweaks.” Mr. Stone suggested adding language to the effect that the Planning Commission may grant extensions of time for good cause. Ms. Maher pointed out that one of the amendments to the

PUD language is that instead of a concept plan, a “bubble plan” will be required. Since a bubble plan is less developed than a concept plan, she suggested three to five years since engineering of the site, traffic studies, etc., need to be completed after the bubble plan is accepted. Mr. Stone agreed with Ms. Maher’s suggestion to increase the number of years to five and recommended that the extension language be rewritten in more positive language. Ms. McIntire recommended that a definition be added for “final approval.” Mr. Bockmiller noted that the “50% completion” language was written to address a different issue, i.e., when does a PUD become invalid due to inactivity. The commission will need to keep the other issues in mind when revising this language.

Concerning J.1.a., the end of the first paragraph, Mr. Castillo had concerns with the words “concurrently” and “on a coordinated architectural theme” due to the size of the development. He believes “concurrently” implies that the development will occur all at once rather than in phases over a number of years. Mr. Stone suggested alternative wording, such as “develop in an orderly manner . . .” The time line for the development needs to be communicated to the commission up front rather than piecemeal. Mr. Castillo had no objection to substituting “orderly manner” for “concurrently.”

Mr. Castillo felt “on a coordinated architectural theme” would be a hurdle because of the many different types of uses that are proposed. He suggested “harmonious” or language that implies that the architecture will “work together.” Ms. Maher explained that staff is anticipating that right beside the Doub Farm, near the on ramp, there will be chain stores with their respective corporate architecture. She asked if the City wanted to get involved with convincing chains to change their corporate architecture. Ms. Davis noted that Alpharetta, Georgia, required that chains be sensitive to Alpharetta’s unique architectural materials (using their native clay color in the bricks, etc.). Chains do not have to use the cheapest materials available, they can blend in. Mr. Bockmiller said the intent of the proposed PUD regulations is that the developer comes in with a pattern book that sets out what the intended overall look for the development will be for the residential, commercial, etc. sections, which will also show how the corporate architecture for all the different chains will be tied in aesthetically. Commission members were agreeable to Mr. Castillo’s suggestion of the word “harmonious” to replace “coordinated.”

In J.1.a., last paragraph, Mr. Castillo believed the way this paragraph is written it takes approval authority away from the Planning Commission and the Mayor and City Council by not allowing developers to propose “(D)esigns that separate housing types and commercial use types into segregated areas or pods . . .” Mr. Castillo suggested that the City’s legal counsel look this over. Mr. Stone suggested that the language be turned around and written in the positive. Mr. Castillo was okay with that suggestion.

Concerning the Use Chart, Mr. Castillo had concerns about:

“Theater, movie” and “Theater, performing arts” – Mr. Castillo asked that these uses be added as a special exception under the PUD zoning. There are some uses (such as dinner theaters) that are more than a downtown use in a space with high visibility. Ms. Maher pointed out that there are no special exceptions in a PUD since there are no other properties similarly zoned. The Planning Commission was not inclined to change the language.

“Nurseries and greenhouses – the raising of plants for sale with attached commercial outlet” – The Planning Commission was not in favor of allowing this use in a PUD.

Concerning Amendment 14 – “Add new permitted uses to the CR Zoning District,” Mr. Castillo asked if a brewery would be permitted in the CR zoning district (“Bottling and packaging facilities”). Mr. Bockmiller explained the difference between a brew pub and a brewery. A brewery is an industrial use and would not be permitted in the CR zoning district.

The public testimony portion of the meeting was closed. Staff had nothing further to add and the Planning Commission had no additional questions.

**MOTION:** (Thomas/Wheeler) So moved (to keep the record open for ten days).

**DISCUSSION:** None.

**ACTION:** APPROVED (Abstain - McIntire)

## **REGULAR MEETING**

### **Roll Call.**

Commission member C. Ploscaru was absent.

### **I-81/CSX/Halfway Boulevard Right-of-Way Annexation, Case No. A-2019-01.**

Staff Report: (Staff report is in the meeting file.) The land proposed for annexation consists of transportation rights-of-way owned by the State Highway Administration, CSX, and Washington County. The proposed annexation contains approximately 95.64 acres and the suggested zoning classifications match the current zoning designations in Washington County (CR, IG, CG, and RMED).

**Planning Commission  
MINUTES – Special Meeting**

**November 19, 2019  
City of Hagerstown, Maryland**

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**MOTION:** (Stone/Davis) I move that we recommend this to the Mayor and Council.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**Announcements.**

None.

**Adjourn.** It was moved and seconded that the meeting adjourn (8:35 p.m.)

1/8/2020  
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Approved

  
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Debra C. Calhoun – Secretary