

James Stone, vice chair, opened the meeting at 7:00 p.m., on Wednesday, October 30, 2019, in the Council Chamber, Second Floor, City Hall. Also present were commission members S. McIntire, C. Ploscaru, R. Thomas, and D. Wright. 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. (NOTE: Planning Commission corrections are indicated in red text.)

## **PUBLIC REVIEW MEETING**

### **2018 Comprehensive Plan (visionHagerstown 2035) – Amendments to Future Land Use Map.**

Mr. Stone opened the public review meeting at 7:00 p.m. A quorum was present. Mr. Stone explained the public review meeting procedure. (Mr. Wright did not participate in the public review meeting.) Ms. Maher clarified that these are changes to the Comprehensive Plan, not the Zoning Ordinance. The Comprehensive Plan Future Land Use Plan dictates zoning in the city. Ultimately, the zoning map needs to match the Future Land Use Plan.

Staff Presentation: Ms. Flick presented the staff report (see copy of PowerPoint presentation and other materials in the meeting file). After her presentation, Ms. Flick entered into the record the Certificate of Advertisement, the Planning Commission’s file by reference, and a letter from the Maryland Department of Planning.

#### Public Testimony:

**Tab Kurtz, 404 Landis Road, Hagerstown, Maryland.** Mr. Kurtz questioned what the term “Existing Future” means, specifically pertaining to the Doub Farm. Ms. Maher explained that most of the Doub Farm is currently zoned CR (Commercial Regional) with a narrow strip on the east zoned POM (Professional Office-Mixed). The Comprehensive Plan looks 20 years out (hence 2035). The City is in the process of implementing the Plan’s recommendations with the comprehensive rezoning.

**Stan Stouffer, 20028 Landis Road, Hagerstown, Maryland.** Mr. Stouffer was confused about the terminology on the rezoning notice that was posted. The notice stated that there is a proposal to change the zoning to commercial general. When he checked “Hagerstown Zoning,” there was a list of definitions and what the various zoning designations (CL, CG, CR) meant. Mr. Stone explained the difference between the comprehensive zoning map (general broad strokes) and the zoning ordinance (more specific). Mr. Stouffer continued that if developed commercially, traffic

to the site will be difficult. He also was concerned about the underground streams and how development of the site will affect the water supply.

**Keith E. Griffith, Sr., 203 Landis Road, Hagerstown, Maryland.** Mr. Griffith lives on Landis Road and agreed with Mr. Stouffer’s assessment that the area is congested and landlocked. Mr. Stone noted that the Comprehensive Plan looks to the future. Any large development will need to address transportation issues before anything is done. Mr. Griffith added that the section of the Doub Farm under consideration is a waterway. Washington County installed a large “ditch line” to carry the water off that property. A concrete double bridge was built to handle the flooding. Mr. Griffith’s concern was about water runoff.

**Paul Corderman, 1312 Hamilton Boulevard, Hagerstown, Maryland.** Mr. Corderman had questions about the proposed “Institutional” zone, in particular rehabilitation centers. He asked if that was still in the language. Ms. Maher said rehabilitation centers are listed in the Zoning Ordinance as a permitted use in an “Institutional” zone. Mr. Corderman noted that the school board is discussing consolidating some schools (Fountaindale, Potomac Heights) which are in neighborhoods. He had concerns about some of the Institutional uses being established in neighborhoods.

**Brian Wright, 20008 Landis Road, Hagerstown, Maryland.** Mr. B. Wright had concerns about the Doub Farm and asked when it changed from Agriculture to Commercial General. Ms. Maher stated when the property was annexed into the City it was already zoned HI-1 and HI-2 under Washington County’s zoning. Mr. B. Wright was concerned who the emergency responders would be for this development: City or County. Ms. Maher stated there are agreements on the fringes with other fire companies. Mr. B. Wright was also concerned about the area’s aquifers.

**Maria Rubeling, 1100 Eastern Boulevard, North, Hagerstown, Maryland.** Ms. Rubeling is associated with the YMCA and wanted clarification that “CG” in the Comprehensive Plan means “Commercial Local.” Staff clarified that the property is not going to be zoned Commercial General; “CG” is the future land use category. Ms. Rubeling was in favor of the proposed CL zoning district for the property at the corner of Eastern Boulevard, North, and Leitersburg Pike.

**Paul Corderman, 1312 Hamilton Boulevard, Hagerstown, Maryland.** Mr. Corderman had a second question about the Washington County Free Library and whether it would be rezoned to “Institutional.” Ms. Maher clarified that since the Library is in the CC-MU zoning district, it would keep that zoning. Mr. Corderman stated that he is opposed to the implementation of the “Institutional” zone.

**Cindy Harbaugh, 300 Landis Road, Hagerstown, Maryland.** Ms. Harbaugh wanted to be on the record as agreeing with comments made by the other residents of Landis Road.

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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/McIntire) So moved (to keep the record open for ten days).  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

The public review meeting was closed.

**REGULAR MEETING**

Mr. Wright assumed the chair.

**Roll Call.**

Commission members C. Davis and J. Wheeler were absent.

**Approval of Minutes:**

**September 25, 2019 (Correction).**

These minutes were approved at the last meeting after Ms. Wheeler questioned a statement by Nancy Hausrath, Utilities Director, on the bottom of page 3. After listening to the recording a second time, the secretary stated that she realized she misunderstood Ms. Hausrath’s comments. Ms. Hausrath’s statement was “The most important thing, as far as I’m concerned is capacity exists for this development to occur. There are just a little bit of improvements that will need to be done and they are on board with that.” Commission members directed that the last paragraph on page 3 of the September 25 minutes be amended as follows:

“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~~

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development to occur. 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 move to approve the minutes as revised.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**October 16, 2019.**

**MOTION:** (McIntire/Stone) I make a motion to approve the minutes of October 16.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN: Ploscaru, Wright, Thomas)

**Development Review:**

**Consultation: Parking Lot Reconfiguration at City Park.**

Staff Report: (Staff report is in the meeting file.) The City plans to make improvements to the gravel parking area just north of the Mansion House. The disturbed area is well over 5,000 square feet, but the improvements are fairly simple and much of the work involves paving the existing gravel areas.

Staff suggested that the City Engineer request a waiver from the commission to process the site plan as a minor site plan. Staff noted that the plan would still be subject to waiver requests for any deviations to design standards and the plan would be brought to the commission for approval as if it had been processed as a full site plan.

Staff recommended that the commission permit staff to process this plan as a minor site plan via a waiver. Guidance provided by commission members will permit the City Engineer’s office to move forward with the design, and the waiver would be officially processed when the plan is reviewed by the commission.

Design expectations would not be waived. City Park Driveway is a private driveway and might not be subject to landscaping. In response to Mr. Stone’s observation that less paving might be beneficial, Mr. Bockmiller stated if the parking area is paved it allows 42 spaces to be identified. Others pointed out that a paved surface would improve mobility for handicapped persons.

Planning Commission members were agreeable to allow this to be processed with the minor site plan check list.

Mr. Stone questioned whether City Park Driveway is a private driveway since there is a housing complex that uses the road for access. Mr. Bockmiller agreed to check with the City Engineer to verify the classification of this road.

Mr. Wright noted that Ms. Flick provided the Planning Commission with a copy of the letter she sent to the Maryland Department of Planning. The letter discusses changes in land use percentages the proposed amendments will create. Mr. Wright stated that the “Previous Future Land Use Chart” lists Institutional which was not in effect. Ms. Maher explained that there has always been an Institutional future land use designation, the City just did not have the zone for it.

### **Planning Commission Business:**

#### **2019 Land Management Code Amendments – Final Review Before Public Review Meeting.**

Staff Report: (Proposed amendments are in the meeting file.)

2019-12. Add Electric Vehicle Charging Stations to the Use Chart as a Principal Use. Ms. Maher noted that this is the first time the commission saw where staff added electric vehicle charging stations as permitted uses. Mr. Stone asked why electric vehicle charging stations are not permitted in the CC-MU since there are several charging stations in downtown parking lots. Mr. Bockmiller stated that those stations are considered accessory uses to the public parking lot. This amendment covers new construction.

2019-13. Address the Use of Tents as Permanent Features. Staff clarified that this amendment does not apply to awnings. A definition was added for “Tents” and a 60-day limitation per 365-day period was added. The commission recommended that staff talk to the Chief Code Official about how he is handling these, in particular foundations and how the tents would be attached to the ground.

2019-15. Update of Section of Zoning Ordinance Dealing with Signs. These revisions eliminate regulation of temporary signs as directed by the Mayor and Council. Staff added a definition for “Temporary Sign” and kept the provisions concerning banners.

2019-17. Expiration of Zoning Certificates. This would require new commercial tenants to get a zoning certificate. Ms. Maher stated this would help to track nonconforming uses and gives staff a tool to make sure any site plans are still in compliance.

(New—No Number) Landscaping for Car Sales Facilities. Staff noted there is no expiration date for car sales if it was the last use. Mr. Bockmiller recently ran across an example on Frederick Street where the last car sales use was 20 years ago. Commission members agreed that a limitation should be placed on that and that five years is a reasonable length of time. Mr. Bockmiller will create an Item 27 for the public review meeting packet.

(New—No Number) Height Limitations in POM. Staff identified an inconsistency in the ordinance in the POM height limitation chart (chart says permitted is 150 feet; special exception can be obtained for up to 90 feet). Based on an evaluation of the other heights permitted in the commercial zones, commission members generally agreed with a maximum height of 150 feet or 15 stories. Staff was directed to check other ordinances and with the Fire Marshal. Ms. Maher noted that a building of that height would require a parking structure.

2019-26. Reconstruction of the Subsection Pertaining to Planned Unit Developments and Review of Permitted Uses in Conversion Districts. This language was sent to developers. Commission members were hoping for developer input at the public review meeting.

After reviewing potential meeting dates, commission members agreed that a public review meeting should be scheduled for Tuesday, November 19, at 7:00 p.m.

**MOTION:** (Stone/Thomas) So moved (to send the package of text amendments, including the two changes—height issue in the POM and the five-year cap on vacant car sales facilities—to public hearing).

**DISCUSSION:** None.

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

## **Announcements.**

- **APA MCPA** Annual Meeting. Mr. Wright reminded members of the annual meeting in Aberdeen on November 6 and November 7. Ms. Maher will be serving on a panel concerning housing issues. CM credits are being offered.
- Ms. Maher informed commission members that the City is initiating an annexation which will include the I-81, CSX, and Halfway Boulevard rights-of-way which will make the City contiguous to developments in the Valley Mall area.

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

12/11/2019

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Approved



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Debra C. Calhoun – Secretary