

**Planning Commission  
MINUTES – Regular Meeting**

**February 12, 2020  
City of Hagerstown, Maryland**

---

Douglas S. Wright, Jr., chair, opened the meeting at 4:05 p.m., on Wednesday, February 12, 2020, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, S. McIntire, C. Ploscaru, 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.

**REGULAR MEETING**

**Roll Call.**

Commission member J. Stone was absent.

**Approval of Minutes:**

**January 29, 2020.**

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

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN – McIntire, Wright)

(Ms. McIntire arrived.)

**Development Review:**

**Hager's Crossing Right-of-Way Dedication (at McDade Road), Final Plat,  
Case No. S-2019-10.**

Staff Report: (Staff report in the meeting file.) This plat is for the dedication of street right-of-way to Washington County for improvements to connect Hager's Crossing Drive to McDade Road and dedication of the last section of Hager's Crossing Drive right-of-way to the City.

The plat was submitted for review and all agencies have approved it with the exception of the Parks and Engineering Department and the Planning and Code Administration Department. Staff recommended approval, subject to the outstanding comments from the Parks and Engineering

**Planning Commission  
MINUTES – Regular Meeting**

**February 12, 2020  
City of Hagerstown, Maryland**

---

Department and the Planning and Code Administration Department. (Ms. Maher arrived.) No lots are being created, only right-of-way dedication.

Applicant/Commission Discussion: Mr. Wright noted that the commission put a condition on this development when it was initially reviewed that after a certain number of homes were built the connection to McDade Road needed to be made. This was to ensure adequate fire protection access and general traffic flow throughout Hager’s Crossing. Ms. Maher asked Ed Schreiber of Frederick, Seibert & Associates if Washington County has granted approval for the connection to McDade Road. Mr. Schreiber indicated they have applied for the connection permit and expect it will happen soon. Mr. Bockmiller asked that the plat be corrected to show that there are no remaining sections to be platted (the plat as submitted does not show the road completely connected to the existing Hager’s Crossing Drive).

Mr. Wright asked that whoever makes the motion to approve the plat also include the outstanding comments from the Parks and Engineering Department and the Planning and Code Administration Department.

**MOTION:** (Thomas/Wheeler) So moved (to approve the final plat, contingent upon satisfaction of the outstanding Parks and Engineering Department and Planning and Code Administration Department comments).

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Workshop: Fast Food Restaurant at Tri-State Plaza – 1739 Dual Highway – Waivers for Alternative Landscaping Plan, Case No. ZS-2020-01.**

Staff Report: (Staff report and concept drawing in the meeting file.) A site plan is currently being processed for the construction of a fast-food restaurant located between the McDonald’s and the urgent care facility on the south side of Dual Highway south of Edgewood Drive. The site is in front of the Carter Lumber facility.

During the Plan Review Committee’s evaluation of the plan, a significant number of potential deviations from the landscaping requirements of the Subdivision and Land Development Ordinance (Article 5) were observed. Staff recommended that the applicant request a workshop with the commission to discuss proposed waivers and whether the proposal should be considered as an alternative landscaping plan for this project.

Mr. Bockmiller went over the list of waivers that will be necessary:

- The ordinance requires six feet of landscaping around the building. Landscaping is proposed for one side of the building and in a corner on the north side.
- Parking lot buffers are required to be at least ten feet from property lines. There are places where the buffers are less than ten feet and down to zero feet for the drive aisle across the front of the site. There are several existing conditions where the buffer is less than ten feet.
- Several of the landscaping island widths are less than the required eight feet.
- There are places where gore areas are shown instead of the required landscape islands.

Staff pointed out that the restaurant site will be subdivided at some point from the MedExpress property. There will be an agreement for the shared driveway. The parking lot for the restaurant will be extended back to the Carter Lumber property so some of the shared parking spaces should be abandoned.

Applicant/Commission Discussion: Gordon Poffenberger of Fox & Associates, Inc., engineer for the project, was present. Mr. Wright asked about the canopy in the rear of the MedExpress building and whether it would be removed. Mr. Poffenberger indicated that the canopy area may be enclosed for storage for MedExpress. Mr. Wright was concerned about parking and traffic flow. Mr. Poffenberger stated that even with the overhang, the parking requirement will be met. Mr. Wright also questioned whether restaurant traffic would be able to exit via the MedExpress site to the eastbound lanes of the Dual Highway.

Mr. Poffenberger said there would be a big improvement to the existing MedExpress site and also along the back of the McDonald's site. In response to concerns about the amount of traffic coming to this site, Mr. Bockmiller stated that the developer is looking for lower-volume fast food stores. Mr. Thomas felt the additional landscaping across the front of the site looks "bunched up." Mr. Poffenberger replied that the ordinance would still require more trees. Mr. Bockmiller pointed out that there is an existing outdoor advertising sign that will be four feet away from the parking spaces on the west side of the fast food site. Mr. Bockmiller indicated that each trash dumpster on the sites will need to have an enclosure.

The Planning Commission had no concerns with the reduced landscaping proposals. Ms. Wheeler cautioned Mr. Poffenberger that there will be questions at the site plan review about the number of parking spaces and traffic flow on the two sites. Ms. Davis and Ms. Wheeler also pointed out that there are more handicapped parking spaces for the restaurant than there are for the MedExpress. Mr. Poffenberger said he will revisit the handicapped parking space distribution between the two sites.

**27-29 West Antietam Street – Parking Lot Landscaping Waivers.**

Staff Report: (Staff Report in the meeting file.) This property is located across West Antietam Street from the District Court building and next door to the Owl’s Club. The owner plans to install a 14-space parking lot at this location. The lot meets parking space and drive aisle dimensional requirements; however, the property is too narrow to do landscaping all around per the Ordinance.

Staff brought this plan to the commission for a workshop to discuss an alternate landscaping plan for the site plan that will be submitted soon. The proposed plan addresses reasonable expectations for the site while accommodating the narrow character of the property. Forest conservation will not be required for this development. The property is also located in the Downtown Historic District and will be subject to review and approval by the Historic District Commission (HDC). The HDC will want to see something that defines the street edge like brick pillars with ornamental fencing between the pillars. Taking into consideration the driveway entrance, the remaining width is about 15 feet, enough for one row of spaces. The adjacent unimproved lot is under a different ownership and their plans are uncertain.

Applicant/Commission Discussion: Adam Hager with Frederick, Seibert, & Associates, and Joel Merrbaugh, owner of the property, were present. Mr. Merrbaugh stated he has a 24-foot easement into the parking lot to the rear in order to gain access to the alley east of his property. Concerning an element that would define the streetscape, Mr. Merrbaugh stated he salvaged a metal fence from a demolition project that he would like to use along the front.

Commission members questioned handicapped accessibility for the property. Mr. Hager said the proposed parking lot meets all requirements for slopes. This lot does not serve a particular building so ADA requirements would not apply. Mr. Merrbaugh stated there are several handicapped parking spaces across the street at the District Court. Mr. Hager said if there are handicapped spaces associated with the District Court building that should meet the requirements. Since the handicapped parking requirements is a building permit issue, Ms. Maher recommended they check in with the City’s Chief Code Official.

This plan will be processed as a minor site plan; however, staff will bring it to the Planning Commission for approval. Commission members had no concerns with the proposed landscaping.

**Planning Commission  
MINUTES – Regular Meeting**

**February 12, 2020  
City of Hagerstown, Maryland**

---

**Planning Commission Business:**

**Reminder: Comprehensive Rezoning Public Hearing – February 25.**

Ms. Flick reminded the commission that the Mayor and Council will hold a public hearing on the proposed sites for comprehensive rezoning on February 25 at 7:00 p.m.

Concerning the 2019 Land Management Code amendments, Mr. Bockmiller reported that the Mayor and Council accepted the package as submitted with the exception of allowing five-foot tall chain link fencing on rear property lines and from the rear of the house back on the side property lines; however, along side yards, from the rear of the house to the front setback, chain link fences must be four feet tall.

**Board of Zoning Appeals Agenda – February 19 Hearing.**

The commission made no recommendations on the February 19 BZA agenda.

**Announcements.**

None.

**Adjourn.** It was moved and seconded that the meeting adjourn (4:50 p.m.)

---

Approved

---

Debra C. Calhoun - Secretary