

**Planning Commission
MINUTES – Regular Meeting**

**March 11, 2020
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 4:00 p.m., on Wednesday, March 11, 2020, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, S. McIntire, C. Ploscaru, J. Stone, and R. Thomas. 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. Wheeler was absent.

Approval of Minutes:

February 26, 2020.

MOTION: (Thomas/Davis) So moved (to approve the minutes).

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – McIntire)

Development Review:

The order of the agenda was re-arranged since the City Engineer was not available at the beginning of the meeting.

CortPark – 12804 Little Elliott Drive – Site Plan for Addition of 72 Units, Case No. ZS-2016-03 – Request to Extend Site Plan Approval Period.

Staff Report: (Staff report and concept drawing in the meeting file.) This site plan for site improvements to accommodate the addition of 72 dwelling units within the existing buildings is about to expire and is up for routine renewal. Staff has not heard from the developer as to when they plan to move forward with the expansion project. Nothing on the plans or in the Ordinance has changed that would affect this project; therefore, staff recommended approval of the extension.

Staff suggested that the commission consider adopting a policy that would permit the Zoning Administrator, at their discretion, to approve renewals where there are no proposed changes and ordinance requirements have not substantially changed. The Zoning Administrator would be allowed to require the commission review and re-approve borderline or controversial cases.

For the benefit of the new commission members, Mr. Bockmiller gave a brief overview of the project which would add one apartment to the second and third floors of each building for an increase of two units per building. As a result of the expansion, commission members had the opportunity to remedy issues with the original development of the site including trash enclosures, grading around edges of the roads, signage, open space amenities, etc. The buildings themselves are not being expanded. Emergency access will be upgraded to a full, two-way road with a full entrance on Eastern Boulevard.

Applicant/Commission Discussion: Staff indicated the extension will be valid for three years.

MOTION: (Stone/Ploscaru) I make a motion that we re-approve the site plan for the CortPark expansion.

DISCUSSION: Mr. Thomas questioned the three-year extension. Mr. Wright stated that the three-year time period is in the ordinance. Mr. Bockmiller added that the three-year period is consistent with other agencies and the time periods across which they extend their approvals.

ACTION: APPROVED (ABSTAIN – McIntire)

Quit Claim Request: Alley 2-57A (Southern End of City Park) – Rodney Tissue.

Staff Report: (Staff report in the meeting file.) The City of Hagerstown received a request from seven property owners to quit claim a portion of a 12-foot wide alley which adjoins City Park and runs adjacent to City Park Drive then turns at the end to Highland Way. The owners are requesting that the entire width be conveyed to them. The alley located between 500 and 550 Highland Way is not under consideration at this time in that the adjoining property owners have not reached an agreement on the allotment of the alley if the City quit claims it as well. An agreement may be reached in the next several weeks.

Mr. Tissue noted that in general, the City would like to eliminate these types of paper rights-of-way whenever possible. Alley #2-57A is unimproved, however, the Hagerstown Light Department owns and maintains utility poles and overhead wires in the right-of-way under consideration. There are no other identified utilities in the paper alley. The Hagerstown Light Department does not object to the quit claim but will require an easement be preserved for them to maintain their facilities. None of the other City departments contacted had any concerns with the proposed quit claim. If the commission decides the alley does not have any public purpose,

Mr. Tissue will go to the Mayor and Council and recommend that it be quit claimed to the adjacent owners.

The City Engineer’s office recommended that any Ordinance authorizing the quit claim include the following:

- that the entire width of the alley be quit claimed to the adjacent property owners;
- that the split rail fence become the responsibility of the adjoining property owners (the split rail fence may be replaced by the owners with another fence as long as the proper permits are obtained); and
- that gates may be permitted in the fences.

Commission Discussion: Mr. Bockmiller stated that as long as City Park is considered a local street, the owners would be permitted to install a six-foot fence along the road. Mr. Tissue stated deeding the right-of-way to the adjacent owners would relieve the City from having to maintain the existing fence. Mr. Wright did not believe the last two bullet points above are necessary since the owners could install fences with or without gates anyway. Mr. Tissue indicated that language was added to make sure everyone is aware of what the intentions are. Concerning 500 and 550 Highland Way, Mr. Tissue is meeting with the owner of 500 Highland Way next week. The terms of the agreement for this section of the right-of-way are still pending. He hopes to be able to include these portions of the alley in the agreement by next week. The Planning Commission was in favor of recommending that the entire right-of-way be quit claimed, including 500 and 550 Highland Way.

MOTION: (Thomas/Ploscaru) So moved (that the staff’s recommendation be approved).

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - McIntire)

Planning Commission Business:

Review of Comprehensive Rezoning Change Requests and Recommendation to Mayor and City Council.

Property on the East Side of Eastern Boulevard. (A copy of staff report and the attachments is in the meeting file.)

Ed Kuczynski was present representing Ben Shaool. Mr. Shaool’s son, Daniel, appeared at the Mayor and Council’s public hearing. Prior to the public hearing, they had discussions with staff about this parcel. As a result of those discussions it seemed that adding this property to the

comprehensive rezoning effort was the logical way to change zoning of the property and to bring it into conformity with the Comprehensive Plan.

Mr. Kuczynski made the following points regarding the property:

- The property is currently zoned RMOD and only six acres along Eastern Boulevard could be used for development due to environmental sensitivity considerations.
- Slightly half of the property has floodplain or floodway considerations that would prevent the construction of homes.
- His understanding is that the property is not served by public water or sewer.
- Washington County put his client on notice that they are planning to widen Eastern Boulevard and that widening project will include portions of Mr. Shaool's property. This would further reduce the amount of land for development.
- The zoning for the property should be RMED since that zoning is mandated through the Comprehensive Plan and is the zoning that is recommended. Ms. Maher explained that the Comprehensive Plan recommends RMED (as a land use designation) which allows RMED, RMOD, and RO zoning. Mr. Kuczynski argued that RMED zoning would create a realistic opportunity to develop the property given its restrictions. The setbacks and density requirements under RMED zoning are more relaxed and would permit townhouses.
- His client's real concern is losing property through Washington County's expansion of Eastern Boulevard.

Mr. Wright had concerns about the neighborhood if this property was rezoned to RMED. The property would be surrounded by lower density housing. A new developer could submit a plan that is different than Mr. Shaool's plan. Mr. Kuczynski believed that townhouses would be consistent with the neighborhood; the Antietam Creek behind this property creates a natural buffer; and forestation requirements would create even more separation from the lots across the creek. Mr. Wright reiterated that all of the surrounding areas are zoned either RMOD (in the City) or RS (Washington County's equivalent to RMOD). Under a piecemeal rezoning this would be considered spot zoning. Ms. Maher noted that piecemeal rezoning of this property would be difficult.

Mr. Bockmiller stated that in RMED someone could build single-family homes or duplexes on smaller lots. Townhouses would not be permitted in RMOD. Mr. Bockmiller agreed with Mr. Kuczynski that there are site constraints, including the fact that Eastern Boulevard is a heavy arterial which will not permit driveways. Mr. Bockmiller disagreed with Mr. Kuczynski's floodplain assessment. Mr. Bockmiller believed that the site could be developed with a single row of houses with one-way rear alley access along the back as a viable option. Another option would be a cluster development, although open space would need to be provided.

Commission members were not in favor of recommending this rezoning proposal to the Mayor and Council based on the character of the surrounding neighborhood. Ms. Flick reminded commission members about the input received during the public comment period from residents of Antietam Drive who are opposed to the requested zoning.

MOTION: (Stone/Thomas) I move that we recommend that this not be included in the Comprehensive Rezoning.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – McIntire)

Staff will share this request with the Mayor and Council and the Planning Commission’s recommendation at the Council’s next meeting on March 17.

Property on the East Side of Eastern Boulevard. (A copy of staff report and attachments is in the meeting file.) Staff received a request from Trey Alter to include his property located on Security Road in the Comprehensive Rezoning. The property is currently zoned RMOD and Mr. Alter is requesting that it be rezoned to RMED since he has not had success marketing the property as RMOD, which would be limited to duplexes. They believe that a zoning district that would allow townhouses would be more marketable. Staff noted that the floodplain in this area, and on this parcel in particular, places certain limitations on future development of this property.

Trey Alter was present to explain why he believes his property should be zoned RMED rather than RMOD. This property is unique because it is surrounded by townhouse developments. He has owned the property since 2006 and has not had success with developing this property because potential developers either want apartments or townhomes. Apartments or townhomes would allow a developer to achieve an acceptable level of density to make the property developable. About a third of the property is not able to be developed due to floodplain and floodway issues.

As with the previous property, the Comprehensive Plan Land Use Map shows this property as RMED which allows RMOD, RMED, and RO zoning classifications. There are townhouse developments adjacent to this property. Mr. Bockmiller recommended that if the Planning Commission gives a favorable recommendation to the Mayor and Council on Mr. Alter’s property that the adjacent townhouse development to the east be rezoned to RMED as well.

MOTION: (Ploscaru/Stone) I move that we recommend RMED for this parcel and the townhouse development.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – McIntire)

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Mr. Bockmiller pointed out this property's proximity to city parks and the need to pay attention to how it presents to these parks.

This property will be discussed next week along with the Eastern Boulevard property at the Mayor and Council's meeting on March 17. The Mayor and Council will let staff know whether they want to move forward.

Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (5:11 p.m.)

4/1/2020

Approved



Debra C. Calhoun - Secretary