

Due to the national, state, and local declarations of emergency as a result of the Covid-19 virus pandemic, this meeting was conducted through electronic teleconferencing technology. All members of the commission and all participating applicants participated from remote locations. Only Planning and Code Administration staff was present in Room 407.

Douglas S. Wright, Jr., chair, opened the meeting at 4:00 p.m., on Wednesday, April 1, 2020. Also participating remotely were commission members C. Davis, S. McIntire, C. Ploscaru, 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.

REGULAR MEETING

Roll Call.

All commission members participated in the meeting.

Amendment to Rules of Procedure to Address State of Emergency.

Commission members received a copy of the proposed revisions in advance of the meeting. No one had questions, additions, or comments on the amendments to the bylaws.

MOTION: (Stone/Davis) I move to approve the new bylaws.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Approval of Minutes:

March 11, 2020.

MOTION: (Thomas/Davis) I make a motion that we accept the minutes of March 11.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – Wheeler)

Development Review:

**MCP LLC – 560 Western Maryland Parkway – Greenhouse, Site Plan,
Case No. ZS-2019-06.**

Staff Report: (Staff report and site plan are in the meeting file.) This site plan is for the construction of a previously mass-graded site to construct an addition to an existing warehouse building. The proposal is for a 46,500-square-foot greenhouse addition for medical marijuana production on the north side of the existing building. The anticipated truck traffic associated with this site will be minimal. The additional parking necessary to meet ordinance requirements will be on the south side of the truck circulation area that is on the south side of the existing building. This is done to meet Ordinance compliance in providing the parking, but the occupant will not have nearly that many visitors and employees. This area will go mostly unused, but parking is provided there through striping in order to meet ordinance requirements.

Forest conservation was addressed previously on this property by a plan approved by the State of Maryland when the original facility was constructed. There is cleared area in one of the forest conservation easements that will be replanted. Street trees will be provided along Western Maryland Parkway.

The developer requested a waiver to the parking lot landscaping standards regarding the provision of landscaped islands within the existing and restriped areas. Staff noted it had no objection to this request given that this is redevelopment of the parking area, its distance from Western Maryland Parkway, and the existing screening provided by the forest conservation area. This waiver was discussed by commission members at a prior workshop meeting and the commission had no concerns with the potential waiver at that time.

The site plan was circulated for review and all agencies have approved it. Staff recommended approval of the waiver request and the site plan.

Applicant/Commission Discussion: In answer to a question by Mr. Thomas, staff stated that the waiver is for the landscape islands not the parking spaces.

Dave Trostle of Frederick, Seibert & Associates, project engineer, was available remotely to answer any questions. Commission members had no questions for Mr. Trostle.

Concerning the waiver request:

MOTION: (Thomas/Wheeler) I move that we waive installation of islands in the current parking area.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Concerning the site plan:

MOTION: (Wheeler/Stone) I'll move approval of this site plan.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Hager's Crossing – Phase II, Block B5, Final Plat, Case No. S-2020-01.

Staff Report: (Staff report in the meeting file.) This plat is for the recordation of 33 single-family detached lots and their associated street rights-of-way in the northwest corner of the Hager Crossing PUD. Also included is an easement plat for the protection of street trees being used for compliance with the site's forest conservation plan.

The plat was submitted for review and all agencies have provided approvals. Washington County Public Schools provided a memorandum regarding school capacity in the area (report included in the meeting file packet). The City does not have an adequate public facilities ordinance (APFO) for school capacity and construction so the school system's report cannot be used in deliberations on whether to approve the plat. Staff recommended approval.

This is the northwest quadrant of the development where Hager's Crossing Drive will connect to McDade Road. Driveways will not be permitted on McDade Road or Hager's Crossing Drive. In addition, notes on the plat will prohibit accessory structures on lots that have back yards fronting on a public street.

Mr. Bockmiller noted that one of the lots being created is a 1.32-acre lot for a stormwater management pond (shown in the northeast quadrant of the plat on page 2 of the packet material).

Commission Discussion: Dave Trostle of Frederick, Seibert & Associates, was available remotely to answer any questions. Commission members had no questions for Mr. Trostle and there was no further discussion. Commission members recently reviewed and approved a right-of-way plat for the purposes of making the connection to McDade Road.

MOTION: (Thomas/Davis) So moved (for approval of the final plat).

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

55 Sycamore Street – Columbia Gas, Sketch Plan for Stormwater Management.

Staff Report: (Staff report in the meeting file.) The purpose of this process is for the commission to approve the stormwater management approach for this project and to allow staff to identify any design waivers or deviations that may be needed or requested.

This site is an outdoor industrial storage yard in an industrial zoning district formerly owned by Cassidy Trucking Company. It is currently owned by Columbia Gas. Columbia Gas proposes to conduct environmental remediation of the site by removing upper levels of paving and soil, backfilling, and repaving the site. The City has been in lengthy discussions with Columbia Gas regarding this proposal. Staff noted as an aside that the City is negotiating with Columbia Gas regarding the purchase of the south end of this site for a future fire station.

Columbia Gas will provide a 30-foot landscaped buffer along the eastern edge of the property bordering the alley that runs behind a number of homes on South Potomac Street. This is the typical buffer required for development of industrial development adjacent to residential zoning. A ten-foot buffer is proposed along the northern property line adjacent to the residential buffer which will border the Advertising Incorporated property and is consistent with the design requirements in Article 5. Much of the western boundary is adjacent to an elevated rail spur which serves as a buffer from adjacent uses on the far side of the rail line.

The City Engineer provided written comments on the stormwater management approach. These comments are in the meeting file.

Staff noted that Columbia Gas proposes to install a fence outside the buffer along the alley. Typically the fence is required to be located behind the buffer; however, staff recommended approval of a waiver to this provision when a site plan is submitted to allow the landscaping behind the fence. Staff believed it made sense in this case to allow the fence inside the buffer to help with maintenance since it will be against an alley. There is no proposal at this time for construction of sidewalks along Sycamore Street.

Commission Discussion: Jim Bender, Assistant City Engineer, was present along with Darren Quillan of Environmental Resource Management, who participated remotely.

Mr. Wright noted this is an extensive project because of the hazardous waste on the site. Mr. Thomas questioned a statement at the bottom of the City Engineer’s memo that the proposed

plan calling for dry swales does not meet the Maryland Department of the Environment’s (MDE) requirements. He asked if this is a requirement or a suggestion. Mr. Bender stated that the state regulations say whenever possible the site design requirements should be incorporated into site plans. The main focus is to have the site after development mimic forests or meadows by allowing water to infiltrate into the ground and do away with the effects of paving. The regulations’ goal is to get the water into the ground. MDE is requiring that the site be capped—they are proposing an alternate method to prevent water from percolating down through the contaminated soil and getting into the groundwater. According to the City Engineer, the proposed alternate technique is a valid solution based on the unique characteristics of this site.

Mr. Wright was hopeful that the developer will be able to find a way to provide a sidewalk on the south side of Sycamore Street (there is existing sidewalk on the north side of Sycamore). He regularly observes people walking in the street. Sidewalk should be required from the west side of their current operation all the way to the corner of South Potomac Street.

There were no other questions by commission members.

- MOTION:** (Thomas/Ploscaru) I move that we approve the sketch plan for stormwater management at Columbia Gas at 55 Sycamore Street.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

Planning Commission Business:

Case No. A-2020-01 – 55 West Oak Ridge Drive Annexation – Recommendation on Appropriateness of Zoning and on Annexation Plan.

Staff Report. (A copy of staff report and the attachments is in the meeting file.) This property contains 126.09 acres and is known as the Review & Herald Publishing Association property at 55 West Oak Ridge Drive. The proposed zoning is I-MU (Industrial Mixed-Use) and the County zoning is HI (Highway Interchange).

The annexation map (in the packet) shows a triangular parcel just south of Interstate 70 which may or may not be part of the annexation. Staff will not be able to determine that until the City’s surveyor, Jeff Swan, has a chance to pinpoint the final points of the property. The property is within the City’s Medium-Range Growth Area, Washington County’s Urban Growth Area and the State of Maryland’s Priority Funding Area. The property will be served by City Water and County Wastewater. There will be no change in ownership/maintenance responsibility of Downsville Pike and West Oak Ridge Drive. The City of Hagerstown will provide fire and police services.

The I-MU zoning classification was requested by the contract purchaser for their planned use for the property (Carvana). Ms. Maher stated that this business buys used cars and refurbishes them for resale. Refurbished vehicles would be shipped out and most of the activity will be indoors, however, there will be large vehicle storage lots. In response to a question by Mr. Ploscaru, Mr. Bockmiller confirmed there will be significantly more paving on the site than there is now. In response to a question by Ms. Davis, Mr. Bockmiller confirmed that Washington County has approved the demolition of the historic structure on the property. They will be re-using the Review & Herald building and building a few smaller buildings. Ms. Maher stated that the site plan is being reviewed by Washington County and that development review and the annexation are happening concurrently. Mr. Bockmiller represented the City during the County’s Development Advisory Committee (DAC) review of this project and noted that for the most part the site plan is consistent with the City’s standards. However, the site plan does not show sidewalks on West Oak Ridge Drive. When he requested that the developer provide sidewalks there appeared to be no pushback. There are sidewalks on the north side of West Oak Ridge Drive in this area since the north side of the street is inside the City limits. With this development, sidewalks would only be extended in front of the property being annexed.

Mr. Wright pointed out that this annexation allows the City to expand its boundaries and increase the City’s ability to annex and grow the tax base. Commission members believed the proposed I-MU zoning is correct and is similar to the HI zoning in the County.

MOTION: (Stone/Thomas) I make a motion that we recommend that the Mayor and Council approve this annexation plan with the proposed zoning.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – McIntire)

Mr. Stone asked about the triangular-shaped parcel below Interstate 70 (see map in meeting file packet). Ms. Flick said the annexation plat has not been finalized yet but the large parcel shown will be what is annexed for the Review & Herald annexation (which does not include the triangular parcel). There is a discrepancy with the metes and bounds descriptions of the various parcels in the annexations. The next section of polygons is the A-2020-02 annexation of state facilities. The annexation of the Review & Herald brings the City line contiguous to the state-owned properties of A-2020-02. Ms. Maher further explained that when you look at SDAT, it appears that the triangular property is part of the Review & Herald holdings but it will not be clear to staff until the metes and bounds are mapped out if they are including that area in their annexation request.

**Case No. A-2020-02 – 18300, 18306, 18345 Col. Henry Kyd Douglas Drive Annexation –
Recommendation on Appropriateness of Zoning and on Annexation Plan.**

Staff Report. (A copy of staff report and the attachments is in the meeting file.) This property contains 31.79 acres and is owned by the State of Maryland (Maryland Department of Transportation, Maryland State Police Barracks, and the Motor Vehicle Administration). The City of Hagerstown is the applicant. The proposed zoning is either INST (Institutional) or CR (Commercial Regional) and the County zoning is HI (Highway Interchange). The Future Land Use Map for this area recommends INST zoning. CR zoning is similar in scope to what is proposed for this site and permits similar uses as the current County zoning.

The properties are within the City’s Medium-Range Growth Area, Washington County’s Urban Growth Area and the State of Maryland’s Priority Funding Area. The properties will be served by City Water and County Wastewater.

Commission Discussion. In answer to a question by Mr. Wright, Ms. Maher stated that it is not the City’s intent to include the pipestem shown on the map exhibit since including the pipestem could cause issues with enclaves for future annexations. This annexation will include the Interstate 70 right-of-way. Staff is waiting on Mr. Swan’s final renderings of the plat to determine how much of Interstate 70 will be part of the Review and Herald annexation (discussed in the previous case).

Staff recommended either CR or INST zoning for this annexation. The CR is more consistent with the County’s HI zoning; however, INST would be more consistent with the existing use and the City’s Comprehensive Plan. If Washington County refuses to support the change to INST the zoning could be changed to CR. The state owns these properties and as such are not obligated by zoning.

MOTION: (Thomas/Davis) I move that we recommend to the Mayor and Council to zone it Institutional.

DISCUSSION: Mr. Wright pointed out that specifying only one zoning classification could cause problems if Washington County does not support the INST zoning. Based on that observation, Mr. Thomas amended his motion to recommend either INST or CR zoning for this annexation. Mr. Ploscaru seconded the amended motion.

ACTION: APPROVED (ABSTAIN – McIntire)

**Case No. A-2020-03 – 17111, 17145, and 17225-17239 Cole Road Annexation –
Recommendation on Appropriateness of Zoning and on Annexation Plan.**

Staff Report. (A copy of staff report and the attachments is in the meeting file.) This case is a result of the City activating Pre-Annexation Agreement WS-2004-03. The properties in this annexation comprise 34.31 acres. The proposed zoning is CR (Commercial Regional) and the existing County zoning is BG (Business General).

The property is within the City’s Medium-Range Growth Area, Washington County’s Urban Growth Area and the State of Maryland’s Priority Funding Area. The property will be served by City Water and County Wastewater. There will be no change in ownership/maintenance responsibility of Cole Road. The City of Hagerstown will provide fire and police services.

The properties are developed by Kohl’s, Bob’s Discount Furniture, and the part of the shopping center strip that includes the Christmas Tree Shop (everything west of Target).

Commission Discussion. Staff and commission members discussed the annexation in 2019 that included the Interstate 81 right-of-way.

MOTION: (Stone/Davis) I move that we recommend to the Mayor and Council the proposed annexation of this land as Commercial Regional.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – McIntire)

**Case No. A-2020-04 – 17280, 17270, and 17276 Valley Mall Road Annexation –
Recommendation on Appropriateness of Zoning and on Annexation Plan.**

Staff Report. (A copy of staff report and the attachments is in the meeting file.) This case is a result of the City activating Pre-Annexation Agreement WS-2005-20. The properties in this annexation comprise 4.88 acres. The proposed zoning is CR (Commercial Regional) and the County zoning is PB (Planned Business).

The property is within the City’s Medium-Range Growth Area, Washington County’s Urban Growth Area and the State of Maryland’s Priority Funding Area. The property will be served by City Water and County Wastewater. There will be no change in ownership/maintenance responsibility of Interstate 81. The City of Hagerstown will provide police and fire services.

The properties are developed by two hotels and a restaurant.

**Planning Commission
MINUTES – Regular Meeting**

**April 1, 2020
City of Hagerstown, Maryland**

Commission members had no additional questions or comments.

- MOTION:** (Wheeler/Davis) I'll make a motion that we recommend annexation of this property to Mayor and Council with the designation of Commercial Regional.
- DISCUSSION:** None.
- ACTION:** APPROVED (ABSTAIN – McIntire)

The public hearings before the Mayor and Council on these annexations have been scheduled for on April 21.

The next Planning Commission meeting is April 29. A public review meeting will be held for a Local Conversion District Overlay for 202 West Howard Street (the former Bubba's Deli).

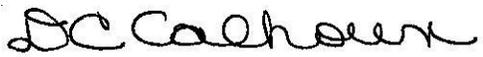
Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (4:54 p.m.)

4/29/2020

Approved



Debra C. Calhoun - Secretary