

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 7:04 p.m., on Wednesday, April 29, 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; P. Fulk, Neighborhood Services Manager; and D. Calhoun, Secretary. **(NOTE: Planning Commission revisions are indicated in red text.)**

PUBLIC REVIEW MEETING

202 West Howard Street – Daniel Wolfe, Local Conversion District Overlay, Case No. ZM-2020-01.

Staff Report: (Staff report, and copy of the PowerPoint presentation, and site plan are in the meeting file.) An application was filed by Daniel Wolfe of Gideon Properties on behalf of and with the consent of the owner, Mohammad Haq of Antietam Building LLC, who consented to this application. Ms. Flick reviewed the criteria for a Local Conversion District Overlay and noted:

- The property in question is a mixed-use building which is currently vacant. The building was built around 1912 and was used for three apartments and one unit containing a variety of commercial uses over time, the last being a deli/sub shop.
- The owner is not proposing any additions or outdoor dining areas.
- The structure faces both West Howard Street and Maryland Avenue.
- No outdoor vending machines are proposed.
- Outdoor storage areas are not permitted.
- A signage plan was submitted with the application. A wall-mounted sign (4 feet x 2 feet) is proposed to be located above the door into the commercial space. The sign would be illuminated.
- The applicant plans to reinstall windows across both the West Howard Street and Maryland Avenue façades of the building. The aluminum canopy in the Howard Street right-of-way will be removed. Proposed commercial uses to occupy the single commercial unit could include: artist studios; business service centers; quick printing service; business and professional offices; photography studios; catering; restaurants; and dry cleaning and laundry services.

- The maximum lot area for a Local Conversion District shall be 20,000 square feet; the subject property is approximately 7,500 square feet in area.
- Off-street parking requirements do not apply in Local Conversion District Overlays; however, any existing parking cannot be reduced if it is below the minimum required. With regard to the subject site, there is an existing 36 feet wide by 24 feet deep parking pad in the rear of the property. In this case, the existing pad is approximately 55 feet from the building. Staff recommended that the pad be extended an additional 12 feet toward the building in order to permit a total of eight spaces, parked two vehicles deep and four vehicles wide, and allocated so each unit has a bay of two spaces. The applicant has agreed to do this prior to occupancy. The paving should be concrete, asphalt or other permanent non-gravel surface.
- Concerning suitability of the proposed zoning district, staff noted that this proposal is very consistent with the type of reuse envisioned by staff when they crafted the Zoning Ordinance amendment that created the Local Conversion District process.
- Concerning the compatibility of existing and proposed development, this proposal would reactivate an existing mixed-use building that has been vacant for years. For most of its existence, the structure was a well-known mixed-use building in the community with a chain of commercial uses that have occupied the commercial space over time. It is located along one of the city's major radial streets. The nature of the proposed use, when considering the intended rehabilitation of the building, and its location are such that the proposed use is compatible with the surrounding area.
- The zoning of this property would allow it to be reconfigured and used as a two-family building. If modified, the population change amounts to the potential net addition of one household to the site, which would likely include from one to three people.
- The location is in a residential neighborhood on West Howard Street and Maryland Avenue. The use will reactivate a vacant mixed-use building containing one commercial unit and three residential units. There are no identified traffic capacity issues in the area. The site is capable of serving existing and anticipated traffic.
- The property is located in the South End, an area characterized by older, less-dense housing dating to the early 20th Century. Most buildings in the area are residential with a few commercial and institutional buildings mixed in. Reoccupation of this site would prevent a blighting condition. The 2018 Comprehensive Plan recommended maintaining Medium Density Residential land uses in this neighborhood. However, this Local Conversion District Zoning overlay would implement the Plan's recommendation to make buildings more attractive for adaptive reuse. Staff noted that the likelihood of this building being demolished to use the lot to construct a single-family detached dwelling consistent with the surrounding neighborhood is remote.

The following site plan conditions were recommended by staff:

- Modifications to the building shall be in accordance with the proposal and the Ordinance.

- Expand parking lot 12 feet and assign two spaces per unit.
- Signage shall be in accordance with the zoning exhibit.

Ms. Flick entered the Certificate of Advertisement and the Planning Commission’s file by reference into the record.

In response to a question by Mr. Thomas, Mr. Bockmiller stated that the commercial area will be on the first floor where it resembles a closed-in porch (see façade renderings in meeting file). Mr. Thomas noted discrepancies between square footage for the bedrooms. Mr. Bockmiller stated that the residential units are existing conditions and will not be modified. Mr. Wright asked if outdoor seating was proposed if the commercial space becomes a restaurant. Staff noted that outdoor seating is not proposed. Mr. Wright recommended that that be added as a condition. Mr. Stone was not in favor of extending the parking pad as recommended by staff. He believed there was an adequate amount of on-street parking. When the building was occupied, there was no issue with parking when the restaurant was operating.

Applicant Presentation: Michael Fitzgerald of Gideon Properties noted that they have not been able to rent the apartments out for two years. He spoke to the neighbors and the resident across the street and that person said they were looking forward to having residents in the building again. Daniel Wolfe, applicant, thanked staff for working with him on this project.

Public Testimony: No one signed up in advance to testify in this matter. Mr. Wright invited anyone who might be interested in providing written comments on this matter to contact the Planning Department within the period the record will remain open. Mr. Bockmiller added for the record that buildings being considered for a Local Conversion District are supposed to have been built as a commercial or mixed-use building. Mr. Bockmiller indicated that he toured this building and explored the interior configuration and finishes. It was his belief that the building was built this way originally. The commercial space appears to have been designed to be retrofitted for residential use at a later date. The interior of the building is relatively untouched and he was confident it was built as a mixed-use building.

MOTION: (Stone/Wheeler) I make a motion that we leave the record open for ten days.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

REGULAR MEETING

Roll Call.

All commission members participated in the meeting remotely.

Approval of Minutes:

April 1, 2020.

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

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Development Review:

McCleary Hill – Revisions to Development Plan, Case No. P-2018-01.

Staff Report: (Staff report and site plan are in the meeting file.) The applicant seeks to amend their development plan and preliminary plat to change four duplex buildings (total of eight units) to four single-family detached dwellings on individual lots in the area located on the eastern boundary of the property, behind the lots fronting MD 144, in the cul-de-sac of Calcite Drive (see attached exhibits). There will be a net decrease of four dwelling units. These four duplex buildings were to be part of a bulk lot containing a number of townhouses and duplex units along the eastern edge of the property, but these four buildings will now become single-family homes on fee-simple lots. Since they are going to be on their own individual lots, laterals to each lot needed to be added to the plans from a public main since regulations would prohibit them from being metered from the line entering the remainder of the bulk lot.

The development plan was routed to review agencies and all have provided approval. Staff recommended approval.

Applicant/Commission Discussion: Mr. Wright asked if the note that was placed on the first plat concerning renaming Genesis Drive to Insurance Way once the road is complete can be added to the revised development plan. Mr. Bockmiller yes the same note can be added to the revised development plan. In response to Mr. Thomas's question, Mr. Bockmiller confirmed that the four new lots will each have their own water and sewer lines. He added that all of the utilities that reviewed the revised plan are satisfied with it. Ms. Wheeler questioned how the changes will impact the number of parking spaces. Mr. Bockmiller deferred to the engineer for the project,

Michael Hicks of Eco Land Solutions. Mr. Hicks stated that all approvals have been obtained. The water and sewer lines meet the City’s and the County’s requirements. Concerning Ms. Wheeler’s questions regarding parking, they removed two on-street parking spaces due to a fire hydrant relocation. No other substantial changes in any other form in terms of stormwater management, access. All other parts remain the same.

MOTION: (Thomas/McIntire) I move that we accept the changes to the proposal for the four separate home lots from the original development plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

McCleary Hill, Phase II (Lots 7-16, 18, 20) – Revisions to Final Plat, Case No. S-2018-02.

Staff Report: (Staff report in the meeting file.) This plat is for a minor revision to the final plat which created the four bulk lots and eight single-family lots in Phase II of this development. In this revision, Lot 15 (which was the 5.14-acre lot containing multiple dwellings) would be reduced to create Lots 22, 23, 24 and 25 for single-family detached dwellings per the development plan revisions in the previous case. The total number of single-family lots would increase from eight to 12.

The revisions were routed to all review agencies and all have approved with the exception of County Wastewater (which requested two minor changes regarding manhole easements) and the City Engineer. Staff recommended approval, subject to correcting the two issues raised by the County Wastewater Department and the City Engineer.

Commission Discussion:

MOTION: (Ploscaru/Thomas) I’ll make a motion to approve the changes to the final **plat**, contingent upon the changes being made as per the Wastewater Department.

DISCUSSION: None.

ACTION: APPROVED (Unanimous) Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright

**Tristate Plaza – 1739 Dual Highway – Fast Food Restaurant, Site Plan and Waivers,
Case No. ZS-2020-01.**

Staff Report: (Staff report in the meeting file.) This site plan is for the construction of a 3,154-square foot fast food restaurant and drive-through service lane, as well as reconfiguration of the parking, circulation and landscaping on site so the new development coordinates to the maximum extent possible with the adjacent urgent care facility. Between the two buildings, 70 parking spaces are required and 74 are provided.

A forest conservation plan was submitted. There is no forest on the property. The required mitigation is 0.18 acres of planting, which the applicant proposes to meet with the use of street trees along Dual Highway.

The applicant submitted an alternate landscaping plan due to the retrofit nature of the site which will result in a reduction in the ten-foot landscaping buffer along the street, along property lines, and the six-foot buffer along the buildings, and other provisions (see attached letter and waiver application). The applicant also requested a waiver to Article 5 regarding the provision of public sidewalks along Dual Highway. These issues were reviewed by the Commission at a recent meeting.

The site plan was submitted to the review agencies and all have provided approvals, with the exception of the Parks and Engineering Department (subject to final approval by the State Highway Administration). Staff recommended approval of the forest conservation plan and the requested waivers. Staff also recommended approval of the site plan, contingent upon any comments that may be forthcoming from the State Highway Administration (SHA).

Commission Discussion: Mr. Stone noted that two entrances are shown on the site plan. Mr. Bockmiller stated that one of the entrances will be relocated as part of this plan. Provision of sidewalks was discussed for this site. It was pointed out that SHA has future plans for sidewalks along this stretch of the Dual Highway. Commission members agreed that the plan needs to be revised to show grading for and location of a sidewalk in the future. Gordon Poffenberger of Fox & Associates, engineer for the project, stated that the plans were submitted to SHA and that agency made no requirements for sidewalk. He indicated that showing future grading and sidewalk would not be an issue. Mr. Stone supported the idea of having the sidewalk planned so it can be done at a later date without disturbing the parking lot. Mr. Poffenberger pointed out there may be an issue on the east side of the property due to a swale between the entrance to Carter Lumber and the hotel property. Mr. Bockmiller will work with Mr. Poffenberger to review any changes to the grading in the street right-of-way that would allow where the sidewalk would be located including a disclaimer label, “Future Sidewalk—Not Part of this Plan.” Commission members had no concerns about staff working with the engineer on this note for the plan.

Concerning the Forest Conservation Plan:

MOTION: (Ploscaru/McIntire) I’ll make a motion to make use of street trees to meet the forest conservation requirements.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Concerning the site plan waivers:

MOTION: (Stone/Ploscaru) I'll make a motion that we approve the alternate site plan that is laid out in Fox & Associates' memo.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Concerning the site plan:

MOTION: (Stone/Davis) I'll make a motion that we approve the site plan, subject to the conditional approval of SHA which would have to approve the entrance, and also the condition that the site plan reflect the design of where the sidewalks would be if and when they need to be constructed in the future.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Heyser Parking Lot – City Park Drive – Parking Lot Improvements, Site Plan and Waivers, Case No. ZS-2020-02.

Staff Report: (Staff report in the meeting file.) This site plan is for the creation of a 0.77-acre parking lot, named Heyser Parking Lot, at City Park. This lot will provide 42 parking spaces for City Park visitors and City staff members. This is an existing gravel parking lot which will be formalized with paving, curb and gutter, and landscaping.

At an earlier workshop, Planning Commission members discussed the landscaping waivers that may be required for this site plan. The plan meets the Parking Design Standards and Landscaping Standards including a minimum of one canopy tree per eight parking spaces (with six trees for 42 spaces). Staff noted that the Planning Commission will need to consider granting landscaping waivers along City Park Drive for landscaping buffers including the ten-foot minimum width of buffer in public right-of-way; minimum of one canopy tree per 40 feet of road frontage; and one shrub per ten feet of buffer. Commission members were also asked to consider granting landscaping waivers for street trees along all public rights-of-way, although the trees shown almost act as street trees for City Park Drive.

All review agencies reviewed the site plan and all have provided approval. Staff recommended approval of the site plan with the aforementioned landscaping waivers.

Commission Discussion: Mr. Wright asked if the Institutional zoning district for City Park is in effect since the plan shows RMOD (Residential-Moderate Density) zoning for the property. Ms. Flick stated staff hopes the rezoning will be adopted in June.

- MOTION:** (Thomas/Davis) I make a motion that we approve the site plan for the City Park Drive parking lot improvements and the waivers.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Tractor Supply Company – 11935 Hopewell Road – Warehouse Expansion, Site Plan and Forest Conservation Plan Revision, Case No. ZS-2020-03.

Staff Report: (Staff report in the meeting file.) This site plan is for the construction of a 140,400-square-foot addition to the existing Tractor Supply Warehouse, and the expansion of an existing parking area to the north of the building.

The property was developed per a site plan and forest conservation plan approved by Washington County approximately ten years ago. The property was annexed into the City after the site plan was approved by the County and the City agreed to administer and abide by the approved site plan, which included area for a future addition. The developer is proposing to move forward with the addition, however, their current plans exceed what was shown on the original site plan. Since the proposed addition is larger than what was shown on the County-approved site plan, a new City-administered site plan is required for the addition. Due to this pending site plan, the County has assigned administration of the forest conservation easements on this property to the City, since the property has been annexed. Staff noted this creates a peculiar situation administratively since the proposal includes removing part of the existing forest conservation easement area in order to accommodate parking for the project.

The Ordinance requires 94 parking spaces for the addition and a net of 146 parking spaces will be added to the site. This results in a net improvement of 56 spaces to the existing conditions which were developed under County standards which did not require as many spaces for this use as the City Ordinance does. The City Ordinance only requires the applicant provide parking for the proposed addition. The developer is providing 56 additional spaces beyond that requirement in order to make up about 40% of this shortfall. A total of 363 parking spaces will be provided in total.

The forest conservation plan approved by Washington County covered the entire property and included a forest conservation easement along the entire northern property line. In order to meet forest conservation requirements for the development, the developer proposes an off-site mitigation plan. The forest conservation plan will be amended by removing a 2.47-acre easement along the eastern part of the northern property line (the area needed for the parking expansion) and recording a forest conservation easement on 4.94 acres of existing forest and wetlands located approximately 4,000 feet northwest of the circle in Cearfoss on Cearfoss Pike. This proposal would satisfy the Ordinance requirement that off-site mitigation be provided at a 2:1

ratio. The forest to be removed was not existing forest ten years ago when the County’s plan was approved. Staff noted the forest was mitigation plantings, some of which appear to be missing.

The applicant has also requested permission to eliminate parking lot landscaping islands in both the trailer storage area on the west side of the building and in the employee parking lot on the north side of the building. This was reviewed by the Planning Commission in work session and the Commission expressed no objection to these requests due to their distance from Hopewell Road, the lack of visibility, and the need to maximize parking for the expansion of this important economic development project.

The site plan was routed for review and all agencies have approved with the exception of the Soil Conservation District which had a few minor corrections. Staff recommended approval of the waivers, and of the forest conservation plan. Staff also recommended approval of the site plan, subject to the minor corrections noted by Soil Conservation District being made. Additional landscaping was added per the Commission’s discussion with the applicant’s engineer during the workshop on this matter. Several street trees and landscaping around the company’s sign were added near the company’s entrance on Hopewell Road.

Commission Discussion: Commission members had no questions. Trevor Frederick of Frederick, Seibert & Associates, engineer for the project, was present remotely and had nothing to add to the staff presentation.

Concerning the forest conservation plan:

MOTION: (Ploscaru/Davis) I’ll make a motion to approve the forest conservation easement plan as proposed.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Concerning the waivers:

MOTION: (Davis/Thomas) I move to approve the landscaping waivers.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Concerning the site plan:

MOTION: (Thomas/Davis) I make a motion that we approve the site plan with the condition from Soil Conservation District.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Joel Merrbaugh – 27 West Antietam Street – Parking Lot, Minor Site Plan, Case No. SA-2020-01.

Staff Report: (Staff report in the meeting file.) This site plan is for the construction of an 11-space parking lot on a narrow lot on West Antietam Street across from the District Court of Maryland. Landscaped islands are proposed for the front and rear, with a four-foot landscaped edge along the east side property line. Traffic would be one way in from West Antietam Street and would exit to the rear via an access easement on the adjacent property to Rochester Alley.

The applicant seeks approval of an alternate landscaping plan as shown, as the narrow urban nature of the site is such that it renders compliance with most provision of the landscaping section of Article 5 impossible.

The site plan was routed for review and all agencies have approved the site plan. The Historic District Commission (HDC) reviewed and approved the site plan on Thursday, April 23. Staff recommended approval of the site plan. Staff noted that the HDC required a feature to imitate a street wall and the developer is proposing to install a wrought iron fence along the street.

Commission Discussion: Mr. Stone asked who will use the parking lot. Mr. Bockmiller stated that the spaces will be for rent to residents and downtown workers. Trevor Frederick was available remotely to answer any questions on behalf of the applicant. Mr. Thomas asked about the owner’s plans to locate a street light on a pole owned by the City of Hagerstown at the rear of the lot. Mr. Bockmiller stated that the ordinance requires lighting if the lot will be used at night. The light is still shown on the plan, and Mr. Thomas pointed out that the memo from the Light Department indicates that the private light cannot be placed on the City’s pole. Mr. Bockmiller stated that he will work with the engineer to find a solution. If there is a major adjustment to the site plan, he will bring it back to the commission for review.

MOTION: (Thomas/Davis) I make a motion that we accept the site plan with the condition that the disposition of the lighting be taken care of before it becomes final.

DISCUSSION: None.

ACTION: APPROVED (Unanimous: Davis, McIntire, Ploscaru, Stone, Thomas, Wheeler, Wright)

Planning Commission Business:

Proposed FY 2021 Capital Improvement Program (CIP).

Staff Report. (A copy of staff report is in the meeting file.) Ms. Maher presented the CIP. She noted that the FY 2021 budget was prepared prior to the onset of the COVID-19 State of Emergency. As a result future modifications to the budget will occur as a result of revenue

projection shortfalls and unanticipated expenses associated with the State of Emergency. The budget will be re-reviewed by Council this summer.

Commission members had no questions about any of the proposed projects, with the exception of the “City-Owned Fire Facilities Improvements.” Mr. Stone asked if the City was planning to keep the First Hose Fire Department downtown. Most of the downtown fire departments have been moved to the fringes of the city. Ms. Maher was not sure of the plan for First Hose. The Fire Department would prefer to have its fire stations located on a street network that allows them to get going quickly and also be housed in updated facilities. She offered to invite the Fire Chief to talk with the commission. Commission members agreed it would be beneficial to have the Fire Chief speak at a future meeting.

Other projects that were discussed included “Wesel Boulevard Reconstruction” which is in conjunction with NorthPoint development which will upgrade Wesel Boulevard so it can accommodate additional truck traffic that will be generated by NorthPoint. “Professional Court Extension” is to complete design work for widening and reconstruction of Professional Court to accommodate the new Washington County bridge. The “Sidewalk Replacement Program” is related to the City taking over sidewalk replacement from property owners as a companion to the City’s Stormwater Management Program. With the recent adoption of the stormwater management plan, residents will be paying into a fund based on the amount of impervious area of their property. To offset this fee, the City will assume responsibility for sidewalk replacements rather than the property owners. Ms. Maher did not know when the fee system will be implemented. “Fire Department Training Center Improvements” propose upgrades such as a new burn building, new pole building with maze, a second hydrant, showers and restrooms. Ms. Maher noted that the Sharpsburg Pike facility only consists of classrooms. Firefighters will still need to use the City’s facilities on Frederick Street.

Mr. Thomas asked that the recommendation include a pressure tank in the East End to boost water pressure.

The chair asked for a motion to recommend the CIP to the Mayor and Council as modified by looking into a pressure tank in the East End.

MOTION: (Davis/Thomas) I’ll make that motion.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – McIntire)

Announcements.

- For those watching from home, Ms. Flick showed the form that needs to be filled out in order to provide testimony during a public review meeting. She also noted that materials are placed on the web for the public’s information.
- Ms. Davis questioned what other cities are doing in terms of meetings. Ms. Maher said it varies from jurisdiction to jurisdiction. Washington County will start having meetings in May. Ms. Maher made a presentation during a webinar sponsored by the Maryland Department of Planning highlighting what the City of Hagerstown has done with regard to meetings. She commended department staff members Megan Flick, Paul Fulk, and Donnie Harkcom for their many hours of research about into how to make meetings successful and how to avoid Zoom bombing. Mr. Wright noted that this matter will be a topic for the fall Maryland Planning Commissioners Association (MPCA) meeting. Ms. Maher added that American Planning Association discussed electronic meetings during its “law session” this afternoon. Several questions were raised during this session that need to be taken into consideration.

Adjourn. It was moved and seconded that the meeting adjourn (8:45 p.m.)

5/13/2020

Approved



Debra C. Calhoun - Secretary