

James W. Stone, vice chair, called the meeting to order at 4:00 p.m., on Wednesday, May 11, 2016, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

Approval of Minutes: April 27, 2016 – Regular Meeting.

MOTION: (Wheeler/Thomas) I'll move approval.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

**Mid-Atlantic Veterinary Clinic – 1125 Professional Court – Addition,
Stormwater Management Concept Plan.**

Staff Report: A sketch plan for stormwater management for a building addition and associated new parking and drive aisle was received on May 4 by the Planning and Code Administration Department. The City Engineer provided comments including possible issues with the driveway entrance onto Professional Court. This issue must be discussed with the developer's engineer prior to site plan submittal. It was also noted by the City Engineer that the ESD calculation methodology appears to be correct; however, that will be reviewed in detail during the site plan review process.

Planning staff commented that the plan appears to comply with all design and buffer requirements with the exception of the six-foot landscaping requirement along the south wall of the building.

Applicant/Commission Discussion: Rodney Tissue, City Engineer, stated that traffic on Professional Court will be increasing considerably when the bridge is built and Professional Court connects over to the Mt. Aetna Farms' area, adjoining Hagerstown Community College and Meritus Medical Center. His office is concerned about what the level of traffic on Professional Court will be in three or four years. The City is considering elimination of some of the existing driveways. A solution would be to convert the existing driveway into an entrance only and the new driveway serve as an exit only. It was noted that when MKS Business Park was designed, it was not laid out with a possible connection across the creek in mind.

Mark Felton, Triad Engineering, engineer for the project stated that a new parking area will be constructed to the rear of the addition. Commission members observed that care needs to be taken to make sure Cameo Drive and the new driveway line up. Mr. Stone wanted input from the owner about the City Engineer's suggestion to make the entrance and exit one way. Mr. Felton

had not discussed this configuration with the owner but assumed the owner would prefer to have the driveways built and used as proposed. However, if that is a condition for approval, they would consider it. Mr. Felton asked if the driveways would have to become one-way immediately or could it wait until the connection across the Antietam Creek is made. Until the anticipated traffic actually materializes the driveways could be used as designed, then modified to a one-way circulation once the traffic volumes increase. Mr. Stone noted there would be no way the City could enforce that once the site plan is approved. Even though he understood the City Engineer's concerns, Mr. Stone indicated he was not sure he would agree with imposing that condition since it would make this developer pay a price for a condition that was not planned for when this development was designed. Ms. Wheeler asked when it would be appropriate to make this a condition for future developers along Professional Court. Mr. Brubaker noted there are similar arrangements around town.

Staff will look at this further and have an answer when it comes back to the commission for site plan review. Mr. Stone wanted to know what the developer's reaction is to the City Engineer's proposal.

Concerning the waiver from the landscaping requirement in the rear, the request would be to waive the requirement for the six-foot buffer against the south wall of the building. Commission members had no concerns about the waiver request.

Commission members recommended that Mr. Felton, Dr. Franklin (developer), and the City Engineer discuss a solution to the issue of the second access point.

MOTION: (Campbell/Thomas) I make a motion to approve the stormwater management concept plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

D & D Motors – East Side Dual Highway, West of Tracy's Lane, Preliminary Consultation.

Staff Report: The contract purchaser of this property would like the commission's input on their plans prior to purchasing the property. The proposal is to construct a used car sales business on a portion of this seven-acre tract. There are no plans for the remaining portion of the tract at this time. Staff suggested that since this development will affect the overall future development of the entire tract, the contract purchaser should seek guidance and feedback from the Planning Commission early in the development process. All are zoned commercial general (CG).

The potential developer also has concerns regarding the use of trees in the inventory display area (parking lot trees and possibly street trees) per the ordinance. In the past staff has recommended

against any waivers of the street tree requirements. If the commission is inclined to not require the parking lot trees (and possibly the street trees) at this location, staff recommended that the commission instead require that the trees be planted elsewhere on site as part of the landscaping plan. The result would be maintenance of the amount of trees that would otherwise be required and also an accommodation the developer's request to eliminate trees from the display area.

Steve Zoretich and Adam Hager of Frederick, Seibert and Associates (engineers for the project) and Roy Droll, the contract purchaser, were present. The goal is to keep the car dealership as far to the east as possible taking into account site limitations (i.e., floodplain) and the western portion vacant until the developer finds a use. Currently Mr. Droll is studying the project and wanted the commission's input as part of the study period. Out of necessity the sewer would be a force main and the final design would take the entire site into consideration. This project has been discussed with the State Highway Administration (SHA) since there are multiple entrances from the Dual Highway. The plan is to use the larger entrance and close the smaller ones. SHA indicated it has no objection to using the larger entrance. If something more is desired, a traffic study would be required.

Planning staff had concerns about whether a commercial center oriented towards the residential uses along Tracy's Lane would be appropriate. There is the potential to have commercial development facing the houses on Tracy's Lane. Mr. Hager stated the stream and the nearby trees would be placed under a forest conservation easement. It was the developer's position that planting additional trees on a wooded lot would be overkill. Mr. Droll does not want any trees or shrubs along the street.

Concerning the remainder of the lot, the master plan for the development is to maintain a central street that will link to Tracy's Lane. The three existing lots will be combined into one lot. Mr. Brubaker was concerned that this street will become a cut-through between the Dual Highway and Tracy's Lane if the connection is constructed.

The two concerns on which the developer would like input from the Planning Commission include whether something can be worked out to accommodate a used car facility and the owner's desire to not have trees in and around the inventory area. The existing mature trees along the Dual Highway would not be removed. Instead of a landscaped buffer along the Dual Highway, there would be a grass strip. Mr. Rohrbaugh noted that according to the City's ordinance, grass is not considered to be landscaping. Some shrubs and grass would be provided every four feet along the front. Informally, the commission said it could work with the applicant on that, but whatever is planned needs to be shown on a drawing.

Ms. Maher stated that if this development and another outparcel on the Dual Highway are developed, it is likely that the commercial use on the balance of the property will front on Tracy's Lane. She questioned what effect that would have on the residences along Tracy's Lane. Mr. Hager said that if the car dealership shifts as far to the creek as possible, it would create a more open site. Commission members shared staff's concern about Tracy's Lane.

Mr. Stone noted that the key issue is that the first step should be a design that leads to any future development fronting on the Dual Highway. Mr. Brubaker stated that if one lot is split off, the Planning Commission will be concerned about how it relates to the entire site.

Mr. Zoretich noted that the developer is on a tight time line and would like to have the car dealership up and running by August.

**AC&T – Garland Groh Boulevard and Broadfording Road –
Landscaping Waivers (Revisions).**

Staff Report: (Staff memo and attachments are in the meeting file.) This is in follow-up to previous meetings with the commission pertaining to deviations from the approved landscaping plan for this development. Since the last time this matter was discussed, the developer planted grass in the areas as shown on the drawings provided. Staff believed the revisions are an improvement; however, the developer continues to show gravel in the area between the retaining wall and the parking lot along Garland Groh Boulevard and approximately a third of the way up Middleway Drive. They show supplemental shrub plantings that augment the existing shrubs, which eliminated some of the gravel that was put down instead of grass. Staff had no recommendation on the revisions.

Applicant/Commission Discussion: Jason Divelbiss, attorney for the developer, noted this issue was discussed with the commission in January. Since then a few things have changed. A strip near the diesel islands had been completely covered with landscaping stone; since then sod has been added back in that area. The developer had concerns about replacing the landscaping stone with sod on top of the wall mostly because of safety concerns regarding mowing along the top of the wall. If the Planning Commission is not satisfied with this area, the developer would be amenable to adding the extra plantings. Mr. Thomas recalled that the developer promised to add a second row of plantings, offset from the existing plantings at the main entrance. Several commission members indicated that they were happy with the changes, or that they had no opinion one way or the other.

Mr. Thomas moved to recommend approval of the landscaping with the change of additional green, preferably lawn turf on the west side of the property along the frontage of Middleway Drive, however, that motion died for lack of a second.

MOTION: (Brubaker/Wheeler) I move that we approve the landscaping plan as built with the addition of a second row of shrubs along Middleway with the spacing at the owner’s discretion; and to encourage the owner to consider a more attractive presentation along the base of the pricing sign.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

400 Jonathan Street – Khadene Wilson and Dexton Brunson – Local Conversion District Overlay, Case No. ZM-2016.

(Copy of staff analysis and recommendation are in the meeting file.) The public review meeting was held at the last meeting on April 27. Two neighborhood residents spoke with concerns about the proposed hours of operation. The record remained open for ten days to receive additional comments, however, no additional comments were received. The applicant indicated that she would be willing to downsize the dumpster and relocate it adjacent to the handicapped entrance on the east side of the building and to stripe the parking lot for three cars. She also agreed that the abandoned metal sign pole will be removed. Staff recommended that these stipulations be included in the motion if the Planning Commission agrees to recommend this rezoning to the Mayor and City Council. If the overlay is approved, a site plan will be presented to the Planning Commission for review. At the request of the commission, staff looked into the maximum amount of signage that would be permitted on the front and side facades of this building. Based on the dimensions of the building, the maximum signage permitted on the Jonathan Street side would be 16¼ square feet and 41 square feet on the West North Avenue side.

The commission discussed the neighborhood residents' concerns about the hours of operation and the potential effects on the neighborhood of a late-night operation. The City Attorney was approached about this matter, but no response has been received to date. The Noise Ordinance would kick in if the decibel level is higher than allowed. The applicant indicated at the public review meeting that she would be agreeable to rolling back their hours to 10:00 p.m. on weekends. Mr. Thomas noted the possibility of loitering issues when the restaurant closes for the day. Ms. Maher stated loitering issues can be controlled with No Trespassing signs. Ms. Campbell and Mr. Stone felt it would be a mistake to put a condition on when the restaurant needs to close. Other commission members agreed. The Noise Ordinance provides an enforcement tool for the residents.

- MOTION:** (Campbell/Thomas) I move to approve to send this to Council with conditions 1, 2, and 3 (dumpster relocation, stripe parking lot spaces, and remove the abandoned sign pole).
- DISCUSSION:** None.
- ACTION:** APPROVED (ABSTAIN - Brubaker)

Hagerstown Bicycle Master Plan Update.

Staff Report: (Staff memo is in the meeting file.) The City Engineer and Mr. Rohrbaugh have been working with the Bicycle Advisory Committee and the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEPMPO) on an update to the City's Bicycle Master Plan, which was adopted in 2010. The purpose of the update is to identify progress made by the City in

making Hagerstown more bicycle friendly, update goals and objectives, and action steps to advance the City's designation as a Bicycle-Friendly Community, and identify potential bicycle infrastructure projects that can be accomplished within funding constraints to create a complete bike network across the city. The Bicycle Master Plan is mentioned in the Transportation Element of the Comprehensive Plan update. The Comprehensive Plan update will recommend implementation of the Bicycle Master Plan's action steps; as a result, the Transportation Element will be brought back to the commission for approval of these changes.

Mr. Rohrbaugh stated that a public meeting was held on the Bicycle Master Plan on April 6, at which time approximately 30 people attended. Each participant had the opportunity to ask questions and make comments. Each participant was also asked to prioritize five bike projects out of a list. On May 3 the master plan was presented to the Mayor and Council; it is anticipated that it will be adopted on May 24.

Commission members had the following comments:

- Ms. Campbell asked if there are any plans to add bike lanes or make Wilson Boulevard more bike friendly. Rodney Tissue, City Engineer, noted that Wilson Boulevard is very narrow and that makes it difficult to add bike lane improvements.
- Mr. Thomas wanted to make certain no additional bike lanes are planned for westbound U. S. 40. He believes the existing situation at the intersection of U. S. 40 and Edgewood Drive is very dangerous.

Mr. Rohrbaugh stated that one of the big objectives is to establish more east-west connections across the city. This is a tough task since there are many narrow streets, especially in the urban core.

Mr. Stone observed that the master plan contains a good outline and proposals. He also had concerns about bike lanes in U. S. 40. Mr. Brubaker noted that the bike lanes on U. S. 40 are the state's bike lanes. He also pointed out that both studies were funded with federal funds, not city dollars.

The Planning Commission had no concerns or objections to the proposed City Bicycle Master Plan update.

Comprehensive Plan Amendments – Community Facilities Element Update (Continued from April 27 Meeting).

Staff Report: (Staff memo is in the meeting file.) Since the commission last viewed this draft element, staff made the following revisions to address the commission's comments and concerns from the April 27 discussion.

- Page 10-4 – questions and discussion about attainment and nonattainment – added a text box on what these terms mean.
- Page 10-8 – units of measure for gasoline and diesel were converted to pounds for consistency.
- Page 10-9 – spelling error was corrected.

In addition, commission members asked staff to look into two other items. Mr. Rohrbaugh stated that the floodplain maps are still preliminary—Federal Emergency Management Agency (FEMA) is still working on the maps and they have not been adopted yet. Some floodplain will be reduced (MKS Business Park and Potomac Manor) due to grading and development. Floodplain areas along Northern Avenue and The Terrace appear to have remained the same.

The urban tree canopy coverage goal was established in 2009 to facilitate the City's eligibility for a grant from the Urban Greening Initiative. At the time the Planning Commission recommended an urban tree canopy goal of 30% by 2050 to the Mayor and Council; however, the Mayor and Council revised that goal to 30% by 2030. Mr. Thomas asked if the fee-in-lieu program should be tightened up. Mr. Rohrbaugh stated that areas in the urban core rely on fee-in-lieu; areas outside the urban core have more flexibility. Mr. Thomas suggested the City create a policy that fee-in-lieu payments must contribute to the City's canopy goal rather than to trees planted outside of the city. Mr. Stone stated that owners could be encouraged to find land in the city to plant the required trees. Mr. Brubaker suggested that privately owned property could be found to plant trees. Commission members wanted this to be added as a policy on page 10-11. Concerning the percentage goal, commission members agreed to leave it as 30% by 2030.

Discussion resumed on this element of the plan at Policies and Goals, page 10-11. The only comment was to add a policy to incorporate Mr. Thomas's comment that forestry retention and plantings should be encouraged to remain in the city.

The next element up for review will be the Growth Management and Future Land Use Element, with the Water Resources and Economic Development and Downtown elements to follow.

Board of Zoning Appeals Agenda – May Hearing.

No comments by the commission.

Adjourn.

It was moved and seconded that the meeting adjourn (5:50 p.m.)

5/25/2016
Approved

DC Calhoun
Debra C. Calhoun - Secretary