

**Planning Commission
MINUTES – Regular Meeting**

**May 25, 2016
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, May 25, 2016, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, 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; and A. Rohrbaugh, Planner.

PUBLIC REVIEW MEETING

Land Management Code – 2016 Package of Amendments, Case No. S-2016-01.

Mr. Wright called the public review meeting to order and explained the public review meeting format and process.

Staff Report: (Staff memo and the package of amendments are included in the meeting file.) Mr. Bockmiller presented the 2016 Land Management Code Amendments package, including detail on the proposed home day-care amendments and the reasons behind making the proposed changes due to interest in the ordinance. Mr. Bockmiller noted that there is another level of day-care that was not mentioned by the state day-care authorities when they met with the commission several months ago. These facilities are known as “large home day-care” which could allow as many as 12 children. Currently there are only two of these facilities licensed in the City, one of which is in the CC-MU zoning district which allows day-care centers as a permitted use. Mr. Bockmiller went over the background behind the home day-care language. Mr. Brubaker suggested providing similar detail for the Mayor and Council ahead of the public hearing process, particularly as to the legal rights the City may have to be more restrictive or not.

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

Commission Discussion: Mr. Thomas questioned the language on page 4, Amendment 6, fourth proposal. Mr. Bockmiller stated that the last line should read, “2. As pertains to articles except *Article 6*, a building or structure . . .” Mr. Thomas also asked for clarification on page 10, Amendment 19, and whether the first paragraph should end with “on site plans” to match No. 11 on page 9 (end of first paragraph). Mr. Bockmiller will review this suggestion and report back to the commission at the next meeting.

Public Testimony:

No one was present to speak in favor of the proposed text amendments. The following persons spoke with concerns about the proposed text amendments:

Karolyn Martin, Sonshine Child Care, 218 East Washington Street, Hagerstown, Maryland. Ms. Martin was concerned about allowing day-care with two children in apartments in the downtown area. Some of the stairwells in these buildings are very narrow. In an emergency, the provider will have difficulty getting children out safely. She asked who makes decisions on licensing. Mr. Wright said day-care licensing is through the state of Maryland. Ms. Martin stated that she hoped the Fire Marshal was involved in the process. Mr. Stone elaborated on the Planning Commission's consultation with state day-care licensing representatives earlier this year. Another concern of Ms. Martin's is the prohibition on hiring employees. Day-care providers are limited to using substitutes to 20 hours per year and unforeseen events happen to providers that make it necessary to be able to hire substitutes periodically. Mr. Wright explained the commission's concerns with neighborhood considerations and home occupations. There have been complaints based on this issue. Mr. Bockmiller added that the City investigates complaints and pursues zoning violations if they are warranted. Mr. Wright noted that further exploration may be necessary about home occupation provisions.

Kathy Embly, 10656 Bower Avenue, Williamsport, Maryland. Ms. Embly stated that she is considering a move into the city; however, her concern is that the "pre-K expansions" program by the state is only permitted in the city and for "large home" day-care. The proposed day-care language would make it impossible to use for apartments. Day-care providers are required to get degrees, additional staff would be needed for coverage when the principal provider is attending classes toward their degree. Mr. Bockmiller stated that the state's "large home" provision allows up to 12 children. If a provider in the city wanted to care for more than eight children, a special exception from the Board of Zoning Appeals would be necessary. Mr. Brubaker and Mr. Wright felt that 12 children is a problem and could be considered a "business" incompatible with the residential nature of neighborhoods. Mr. Thomas suggested getting clarification from the state on license maximums and whether 12 children is guaranteed or whether numbers are approved on a case-by-case basis based on the home. Mr. Bockmiller stated that many factors are considered in the state licensing process to determine the maximum number of children permitted. Mr. Wright hoped that there are properly zoned homes in existence that would allow a "large home" day-care. Mr. Brubaker asked that staff research this matter further with the state day-care licensing authority. Other commission members concurred.

Dawn Mowell, 7118 Limestone Lane, Middletown, Maryland. Ms. Mowell explained the goal for more choice for parents attempting to find day-care for their children. One staff person is required for every two infants in a provider's care; two staff members are required for four infants.

Mr. Wright closed the public testimony portion of the meeting.

MOTION: (Stone/Campbell) I'll make a motion that the record be left open for ten days.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN – Brubaker)

REGULAR MEETING

Roll Call.

The chair noted that D. Miller was absent.

Approval of Minutes:

May 11, 2016 – Workshop Meeting.

MOTION: (Brubaker/Thomas) So moved (for approval).
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN – Wright)

Development Review:

Kreyn Technology, Inc. – 702 West Washington Street – Minor Site Plan for a Local Conversion District, Case No. SA-2016-08.

Staff Report: (Copy of staff report can be found in the meeting file.) This site plan is for the required site improvements for the recently approved Local Conversion District Overlay at 702 West Washington Street. The underlying zoning district is RMED. This mixed-use building was built in the 1900s and currently contains a vacant commercial space on the first floor and four apartments on the second floor. Because the commercial space has been vacant for some time, its nonconforming use status was lost. As a result, the applicant/owner, Alex Kreyn, filed an application for a Local Conversion District Overlay in 2015 to allow the commercial space to be reused for artist live/work space, business office, catering kitchen, restaurant, retail/wholesale, or an ambulatory health care service which was subsequently removed as a permitted use during review by the Mayor and Council. The application also included retention of the four existing apartment units on the second floor.

The Mayor and Council approved the Local Conversion District Overlay in January 2016 with two site plan conditions endorsed by the Planning Commission: 1) both storefronts shall be rehabilitated to reintroduce a storefront window display design; however, the storefront along West Washington

Street will not be required to include a door; and 2) no more than 50% of the area of the storefronts shall be used for windows graphics.

The proposed improvements shown on the site plan include the installation of storefront windows surrounded by brick on both the West Washington and Winter Street facades which is consistent with the first condition enumerated above of the rezoning approval. The applicant is also proposing to replace the existing basement doors on the West Washington Street frontage. Since the disturbed area is under 5,000 square feet, stormwater management and forest conservation do not apply to this project.

The site plan was submitted for review and approvals were received from all review agencies. Planning staff recommended that the site plan be approved, subject to the conditions of the zoning approval.

Applicant/Commission Discussion: The commission had no concerns with the proposed site plan. Mr. Stone indicated that it was a pleasing design.

MOTION: (Stone/Campbell) I so move (that the site plan be approved, subject to the conditions of rezoning).
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

D & D Auto Sales – Dual Highway – Concept Plan for Stormwater Management.

Staff Report: (Copy of staff report can be found in the meeting file.) This concept is for the development of a portion of an approximately seven-acre tract for a car sales facility. There are no plans at this point for the remainder of the tract at this time. Staff stated it has concerns about the lack of an overall concept for the development of the parcel as a whole, providing context of how the car sales facility would be integrated into a future build-out of the site.

Mr. Bockmiller indicated that it was his understanding that during a preliminary consultation (which he was unable to attend) the Planning Commission had no concerns about granting waivers or adjusting landscaping plans that would move required parking lot trees from areas where vehicle inventory would be displayed. The applicant stated that existing street trees would be augmented to meet current ordinance requirements after initially asking for feedback about potentially waiving the street tree requirements. Mr. Bockmiller stated that there are a few large, mature sycamore trees along the Dual Highway. Mr. Stone added that during the preliminary consultation the commission made it clear that it would like the first site plan to reflect the developer's approach to the entire site because of members' concerns of development fronting on Tracy's Lane and the commission expressed specific concerns about making sure no

development fronts on Tracy's Lane. Also the approach to access to the site should not be done piecemeal. Mr. Hager explained the plan for the entrance is to use one entrance and close the remaining access points to the property. The pavement will be removed, but the apron and the sidewalk will remain. Access will be revisited once plans for the remainder of the property have been firmed up.

Storm Water Management Approach: A copy of the City Engineer's report is in the meeting file. Planning staff noted that the stormwater facility adjacent to Hamilton Run is for future development and is not necessary for the initial development.

Site Features: This irregularly shaped property contains 6.61 acres and is comprised of three separate lots. The parcel has frontage on the Dual Highway and Tracy's Lane. Due to State Highway Administration (SHA) requirements, final location of an entrance would be set by SHA. It would be preferable that in the final design, all uses of this entire tract have one point of access to the Dual Highway. Hamilton Run and its associated 100-year floodplain is located in the eastern portion of the property and this area is wooded. The Forest Conservation Ordinance identifies this area as a priority area for retention and afforestation for compliance with that ordinance. The site slopes moderately upward from the Dual Highway. There is an existing commercial building on an adjacent property that is approximately five feet from the property line.

Waivers: No waivers have been requested. In a cursory review of the plan, one deviation to design standards was whether the areas around the buildings comply with the requirement for six feet of landscaping around the buildings. At this point, sketch plans are intended to be general in nature so this issue can be resolved with the specific site design of the site plan unless official waivers are requested by the applicant.

Other: There are existing sidewalks along Dual Highway. The commission may want to discuss whether sidewalks along Tracy's Lane should be required in the initial phase of this development, held to later development phases, or waived altogether. Staff did not recommend a complete waiver of sidewalks along Tracy's Lane. The proposed larger building is identified as "storage" but any storage here can only be in conjunction with the car sales business. The CG zoning district does not permit warehousing as a permitted use. The first route of compliance with the Forest Conservation Ordinance should be the protection of existing woodlands along Hamilton Run and its 100-year floodplain, and augmentation of that area with afforestation as necessary. Staff will direct the applicant to plan for full compliance for the entire property during this initial phase of development so they need not worry about this issue when processing site plans for future phases of development.

Applicant/Commission Discussion: In answer to a question by Mr. Wright, Adam Hager of Frederick, Seibert & Associates, stated that the existing lot lines will be vacated. Areas of open

space will remain to leave room for future expansion or development opportunities. Mr. Stone noted that the commission did not want access to the site in a piecemeal manner; there needs to be a master plan for the entire site. Mr. Bockmiller said the site plan must include an access plan for future phases of the development. Also, the ordinance requires sidewalks on road frontages that currently do not have sidewalks. Mr. Wright was not in favor of postponing installation of sidewalks. Mr. Lyles indicated that it is not the developer's intent to make a connection from the Dual Highway to Tracy's Lane since there is a significant change in grade.

on behalf of David Moul
David

Concerning stormwater management, Mr. Lyles explained that all stormwater improvements will be completed in the initial phase of development. They would prefer an alternative landscape plan for the internal parking lot trees and street frontage trees, however, the large sycamore trees along the Dual Highway will remain. Most commission members supported the developers' request to forgo adding additional street trees along the Dual Highway, although no official action was taken at this meeting. Ms. Campbell questioned the requirement for sidewalks along Tracy's Lane in the initial phase of development. The Planning Commission and the applicants debated the sidewalk issue. Mr. Thomas raised a concern about the utility locations on Tracy's Lane. Mr. Lyles said there are no utilities along Tracy's Lane; all utilities would be accessed from the Dual Highway.

MOTION: (Stone/Campbell) I make a motion that we approve this stormwater management concept plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business:

Comprehensive Plan Update: Growth Management & Land Use Element.

(Packet memo is in the meeting file.) Because this section is relatively large, it will be discussed in two parts: the Future Land Use Plan and the element itself. Much of the Future Land Use Plan has been reviewed with the Planning Commission in previous meetings between 2014 and 2015. Before this draft element of *visionHagerstown 2035* is finalized, staff felt it would be appropriate for the commission to see the future land use recommendations in their entirety.

The proposed future land use amendments are designed to: 1) either make the future land use and existing zoning consistent per the State's 2009 Smart and Sustainable Growth Act; 2) change land use designations to better align with the changes in the economic condition since the 2008 Plan was adopted; 3) apply future land use designations that more accurately reflect the physical characteristics of an area; 4) plan for anticipated future uses on undeveloped tracts; 5) achieve consistency with the County Urban Growth Area rezonings; and 6) align the Medium-Range

Growth Area (MRGA) to capture areas of growth and anticipated growth and remove areas unlikely to develop in the next 20 years.

The staff memorandum in the meeting file includes lists and corresponding maps of all the proposed future land use recommendations for both inside the city and outside the city in the MRGA. Changes highlighted in yellow denote future land use amendments that would be rolled into a future comprehensive rezoning. All of these changes have been previously reviewed by the Planning Commission except for two. Area 56 is the back portions of the former Food Lion property and the stormwater management parcel that is proposed for annexation. During the last comprehensive rezoning, they were rezoned from CG (Commercial General) to POM (Professional Office Mixed). This has created a split zoning situation and this proposal will change “Business Employment” to “Commercial General,” which would generate a rezoning from POM back to CG. Area 76 is the failed Poplar Square residential development which has been purchased by the Hagerstown Housing Authority. Their plan is to develop the southern half of the property with residential development; the remainder (labeled 76 on map 7) could be an extension of the Hagerstown Business Park (see list for details). The designation would go from “Medium Density Residential” to “Industrial” and would necessitate a zoning change from RMED to IG. Commission members agreed with staff’s proposals for Nos. 56 and 76.

The former hospital site has been discussed previously (Area No. 201); however, staff brought it back for additional discussion and direction. The current zoning is RO (Residential Office) and staff is proposing “Parks Recreation Open Space” for the land use designation. The Community’s City Center Plan identified this area as a heritage park as part of catalyst project #4 for a future commemorative park/hotel conference center. This would be the site for the commemorative park. When the hospital building was demolished, the basement was filled with debris which could pose challenges for other types of development. Mr. Stone did not see an advantage to changing the land use designation. It will be dealt with as a special area one way or another. Mr. Bockmiller explained that the intent is to pursue grants and support from outside agencies for the acquisition of that site. It would be helpful in staff’s efforts if the designation was consistent with the comprehensive plan. If it is shown as open space on the Land Use Plan, there is no argument. Mr. Stone agreed with that rationale, but questioned whether a park is the highest and best use for the property. Ms. Maher said it is according to the Community’s City Center Plan. Not only would it be a regional destination for heritage tourism, it would also serve as a lure for the hotel and convention center aspect of the catalyst project. Commission members had no strong objections to the proposed recommendations.

Commission and staff discussed the proposal for Winter Street School which will no longer be used for an educational facility after the 2016 term ends in June. Staff noted that this recommendation is based on earlier action by the Planning Commission that recommended this site be used for a park. Ms. Maher noted that the Mayor and Council would prefer that Washington County develop this park. Mr. Brubaker countered that the Mayor and Council

would support a good institutional use for the building if one presented itself. He never felt the whole site should be a park, maybe just a part of it. Commission members were inclined to leave it as “Institutional” and then make the change if a portion of the property is split off for a park. Concerning land use changes outside the city limits, Mr. Rohrbaugh indicated that he shared the proposed recommendations with Washington County’s Planning Commission and they seem to support the MRGA realignment. Hagerstown Planning Commission members had comments on the following areas outside the city limits:

No. 103 – Crayton Boulevard. There is no mention of a current use (this property is developed with a building).

No. 107 – Pennsylvania Avenue. This “area” is not a particular parcel (it is the entire Commercial General Area shown along Pennsylvania Avenue) and is more of “map cleanup.” It is an amendment to follow the lot lines.

No. 108 – Southwest Corner of Pennsylvania Avenue and Maugans Avenue. Staff recommended that the map match Washington County’s zoning. Mr. Wright did not agree with expanding the commercial zoning to this property. Mr. Brubaker suggested contacting Washington County to find out the reason for making this small parcel “Commercial.” Mr. Rohrbaugh suggested that the land use could be taken back to “Moderate Density Residential.”

No. 112 – 13235-13249 Maugansville Road. Mr. Wright asked why only one residential property house is being singled out for industrial zoning. There are other residences in this area.

No. 116 – Fountain Head Golf Course. Mr. Wright had concerns about assuming the golf course will always be a golf course. Mr. Rohrbaugh pointed out that this plan only covers the next 20 years. As background, Mr. Wright stated that over the course of the history of that golf course it was almost sold for housing several times. Most commission members were inclined to leave it as proposed.

No. 126 – Abraham Estate. The proposal is consistent with Washington County zoning. Staff was asked to check with Washington County about its reasoning since this is an “enclave” of “Moderate Density Residential” surrounded by “Business-Employment.”

No. 146 – East Side Marbern Road. Instead of “Medium-Density Residential,” commission members suggested “Parks Recreation Open Space” since it is adjacent to a park.

There were no additional comments or concerns by the commission.

**Planning Commission
MINUTES – Regular Meeting**

**May 25, 2016
City of Hagerstown, Maryland**

Adjourn. It was moved and seconded that the meeting adjourn (9:35 p.m.)

6/29/2016

Approved



Debra C. Calhoun - Secretary