

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, June 8, 2016, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, D. Miller, and R. Thomas. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

**Approval of Minutes: May 25, 2016 – Regular Meeting.**

The minutes were not ready for approval.

**17996 Garland Groh Boulevard (Lot 6A) – Aschenbach Hagerstown II, LLC, Final Plat, Case No. S-2016-01.**

Staff Report: The purpose of this subdivision is to incorporate a 1.86-acre parcel from the adjacent Biltrite Homes tract on the southwest corner of Garland Groh Boulevard and Hager's Crossing Drive into the Aschenbach property (increasing it from 12.74 acres to 14.6 acres); and to create one 4.62-acre, pie-shaped lot adjacent to the Walmart property. The remaining Aschenbach lands will consist of 9.98 acres. This subdivision was reviewed recently by the commission regarding waivers to parking lot landscaping requirements to create the lot. The plan is to move forward with the development as shown on the revised sketch plan. The concept plan will not change—they are just drawing a line through the parking lot, but the development will read as one continuous commercial center. Approvals have been received from all review agencies, although the City Engineer has several observations and/or notes concerning the plat for the applicant and their engineer to consider. Also, there are outstanding Planning and Engineering fees that must be paid before the plat can be signed.

Applicant/Commission Discussion: At this point, the commission had no comments.

**MOTION:** (Miller/Campbell) I move for approval.

**DISCUSSION:** Mr. Brubaker noted that the City Engineer would like to see an easement to the Walmart property. Mr. Bockmiller stated that approving the plat does not preclude an easement to the Walmart property. The easement for access can still be considered at a later time. Concerning the cross easement between the two properties, Ed Schreiber of Frederick, Seibert & Associates stated that the easement will be shortened near the truck turnaround point on the Walmart property. There will be no physical connection in the rear of the property. There was a question about the sewer easement and how it relates to the Biltrite property. Mr. Schreiber pointed out that the stream drains to the southwest so concerns about sewer were moot. Mr. Brubaker asked that the motion be amended to

encourage the developer of Parcel 6A to explore a future easement for connection to the adjacent Walmart property as they do their site plan. Mr. Miller and Ms. Campbell had no objections to Mr. Brubaker's amendment.

**ACTION:** APPROVED, AS AMENDED (Unanimous)

### **Enterprise Rent-A-Car – 700 Dual Highway - ESD Concept Plan.**

Staff Report: (Staff report and attachments are in the meeting file.) The applicant proposes to demolish the existing vacant restaurant building and construct an office and car wash facility for an automobile rental company. Access to the site will be moved from its current location which will require approval from the State Highway Administration (SHA).

*Storm Water Management Approach.* See attached memo from the City Engineer. Staff noted that the City Engineer provided a number of comments and advisories related to the general site design that the applicant should be aware of during the development of a site plan; however, these issues are too specific to address at the ESD sketch plan stage.

*Site Features.* The property is a wedge shape and contains 0.858 acres adjacent to The Greens at Hamilton Run and the former Richardson's Restaurant. Hamilton Run is in the vicinity (east of the former Richardson's site) which involves floodplain. The site is not large enough to trigger forest conservation requirements.

*Waivers.* No waivers have been requested at this time. Review of the concept plan indicates there may be a need for waivers regarding the required six feet of landscaping around the buildings.

Staff recommended approval.

Commission/Applicant Discussion: Mr. Wright questioned the height of the proposed pylon sign. Mr. Bockmiller stated that it will be shorter than the maximum height allowed in the CG zoning district. He added that the existing Enterprise Rent-A-Car facility is moving to this location. Mr. Miller questioned the dumpster location. Staff stated the dumpster location has been discussed and the applicant is exploring locations. It will be shown on the site plan when it is submitted for review. Mr. Miller pointed out there is only one handicapped parking space shown and wondered if there is a minimum requirement for handicapped parking spaces. Mr. Bockmiller explained that handicapped parking requirements fall under the building code. Regarding the car wash shown on the concept plan, Mr. Thomas questioned whether it was going to be an automatic car wash or a hand-wash facility. Matthew Destino of Bohler Engineering was present on behalf of the owner, and stated the car wash will be for the use of Enterprise Rent-A-Car only and that it would be an automatic facility with vacuums. Mr. Thomas asked if they would be using reclaimed water and EPA restrictions. Mr. Destino said they are still working

through that. Mr. Brubaker noted that the City of Hagerstown requires car wash water to be reclaimed and encouraged the engineers to study the City Engineer's comments.

Given that this site is adjacent to the City golf course, Mr. Bockmiller noted they do have the minimum landscaping buffer along that property line; however, the developer will be encouraged to beef up the landscaping. The sidewalk is existing and will be replaced. Currently there are two existing curb cuts which will be consolidated into one. Commission members agreed that they could compromise with grass and landscaping in the empty lawn strip between building and car wash.

**MOTION:** (Campbell/Miller) I move for approval.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

### **700 East First Street – National Golden Tissue – Waiver Requests (Sidewalks and Parking Lot Lighting).**

Staff Report: (Staff memo is in the meeting file.) Rod Irish of National Golden Tissue asked to meet with the commission about sidewalks and parking lot lighting at the National Golden Tissue site at the intersection of Frederick Street and East First Street. The Planning Commission approved a concept plan for this site several months ago. The Board of Zoning Appeals granted a special exception to allow 25% of this industrial building to be used for retail sales. National Golden Tissue is considering establishing a farmer's market or generalized retail in the building. One of the requirements of the approved concept plan was for the installation of sidewalk along East First Street to the end of National Golden Tissue's property. There is only a small strip of existing sidewalk in front of an office building on the other side of East First Street. Concerning parking lot lighting, the ordinance requires that parking lots be lighted if they are open at night.

Applicant/Commission Discussion: Rod Irish was present on behalf of National Golden Tissue. The existing retail outlet of National Golden Tissue is open until 6:00 p.m. Mr. Irish clarified that they do intend to install parking lot lighting and sidewalks, however, they would like a waiver that would allow them to delay installation until such time as the commercial aspect of the business is profitable. Substantial improvements are necessary to the building and Mr. Irish asked for a delay of three to five years to allow them to generate enough income from the uses in the building to be able to make the improvements. They are hoping to use the property for indoor block parties and auctions. A priority is to develop a marketing plan to attract people to the site and then time to test the theory.

Most commission members were not in favor of granting the waiver because it is difficult to enforce conditions after the fact. Mr. Bockmiller explained that during the concept plan review, the Planning Commission approved all of the developer's waiver requests except for the installation of sidewalk along East First Street. Mr. Irish questioned the viability of the business

at this location unless they can “get some things happening.” Mr. Bockmiller noted that the exception is for retail. Due to the size of the building, if they could find a retailer who wants to rent 25% of the building that would be permitted. The approved special exception would permit up to 18,000 square feet of retail. Mr. Wright said the Planning Commission has recently been taking a strong stand on the sidewalk requirement. Part of the Planning Commission’s charge is to protect the citizens of Hagerstown.

**Land Management Code – 2016 Package of Amendments –  
Recommendation to Mayor and City Council.**

The public review meeting was held at the last meeting on May 26. No comments were received except for the large home day-care explanation from the State of Maryland. According to the information received, a “large home day-care” would allow up to 12 children and staff believes this is a commercial business that needs to be located in the appropriate zoning district. Day-care centers such as these are permitted in the CC-MU zoning district.

- MOTION:** (Campbell/Thomas) I move to recommend approval to the Mayor and Council with the small minor corrections.
- DISCUSSION:** None.
- ACTION:** APPROVED (ABSTAIN - Brubaker)

Mr. Bockmiller asked if the commission wants to review the staff memo to the Mayor and Council on the reason why the commission did not pursue a change to the ordinance regarding privacy fences in front yards. Commission members said they do not want to see the memo.

**Comprehensive Plan Amendments – Growth Management & Land Use  
Element (continued from May 25 meeting).**

Staff Report: (Staff memo is in the meeting file.) This is Part 2 of the discussion of the Growth Management & Land Use Element. Mr. Rohrbaugh went over the changes he made as a result of the first discussion at the May 25 meeting, including:

- Area 203 (Winter Street School) – this area will remain as “Institutional.”
- Area 146 (Marbern Road and Halfway Boulevard) – revised the future land use to include “Parks Recreation Open Space” for the existing Piper Lane Neighborhood Park.
- Area 167 (Portion of Grandview Acres LLC Farm fronting Salem Avenue) – changed from “Moderate Density Residential” to “Commercial General.”
- Area 168 (13036-13054 Salem Avenue) – changed from “Moderate Density Residential” to “Commercial General.”

- Area 169 (South of Salem Avenue and Garland Groh Boulevard) – changed from “Business Employment” to “Commercial General.”

Mr. Rohrbaugh pointed out the former Corner Pub properties at the intersection of East Baltimore Street, South Mulberry Street, and Frederick Street as another potential area for consideration. It is currently zoned CG (Commercial General) and is also identified as “Commercial General” on the Land Use Plan. The property will be changing hands. The pub use is closed but there are apartments. Since a new use has not been proposed, staff recommended that the designation be change to “Mixed Use” which would be rolled into the comprehensive rezoning. The parking lot across the street from the pub would remain “Commercial General” since it is too small for “Mixed Use.” Commission and staff discussed the nonconforming use status of the pub if the zoning would be changed to Neighborhood Mixed Use. The surrounding area is zoned RO (Residential Office). Commission members had no concerns with staff’s proposal.

Moving on to the actual element, Mr. Rohrbaugh stated that much of the data in this element has changed, however the format will remain the same. He touched on what is new with the plan, including more modest growth projections. The previous plan was written during the housing boom. Washington County changed much of its residential to commercial and industrial uses. Mt. Aetna Farms is now slated for some type of business employment rather than residential. Many of the special planning areas which were unique to 2008 plan were removed since studies on those areas have been completed. PlanMaryland Place Designations have been adopted by the state since the 2008 plan. That plan recommends that counties and municipalities adopt place designations for growth, revitalization, and land preservation, and resource conservation that are consistent with local land use ordinances.

Mr. Rohrbaugh stated that the target growth and revitalization areas are consistent with state-designated areas like the Sustainable Community Area and the Enterprise Zone. Mr. Brubaker questioned whether the County Urban Growth Area (UGA) is shown and also asked that cross hatching be added to show how the UGA has grown since the 2002 plan. He wanted to know if Washington County’s new comprehensive plan will be proposing changes to the UGA. Mr. Rohrbaugh will check with Washington County Planning.

To date, Washington County and the City’s Community and Economic Development Department have reviewed this element. City staff has been discussing changes outside the city with Washington County staff, including realignment of the Medium Range Growth Area (MRGA). No concerns were raised by the Washington County Planning Commission.

Concerning the table, “Goals, Issues, Policies & Actions Identified in the Growth Management & Land Use Element From the 2008 Comprehensive Plan,” commission members had the following comments:

- Issue 3 (page 1 of 2) – Need to review the percentage of industrially zoned land that is vacant/underutilized (13% vs. 8%).
- Action 2-3 – The second column is blank about whether this action item was retained in the 2035 plan. Mr. Rohrbaugh stated that “Yes” needs to be added to this column.

Discussion about the text of the element itself included:

Page 2-4 – This is the moderate growth scenario. Data from the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEPMPO) estimated a 0.5% household growth through the time covered under their plan. The plan only provided a projection and no population figures for out years. The figures were mostly based on the MPO consultant’s figures. Commission members asked that the census figure from 2010 (39,662) be added on this page to tie in. Also clarify the difference between the actual estimate for the year 2013 and the projections based on that number for subsequent years.

Page 2-5, Table 2-2 – (Mr. Thomas left the meeting.) This table is the rapid growth scenario. Mr. Rohrbaugh reviewed the table and explained the rationales behind the figures. The reasoning behind these figures is if everything in the city gets built out. Mr. Wright pointed out that this chart projects 70% of the potential new residents are due to no new annexations.

Discussion stopped at this point. Mr. Wright would like to pick up the discussion at the next meeting.

**Adjourn.**

It was moved and seconded that the meeting adjourn (5:57 p.m.)

6/29/2016  
Approved

Debra C. Calhoun  
Debra C. Calhoun - Secretary