

**Planning Commission  
MINUTES – Regular Meeting**

**July 8, 2020  
City of Hagerstown, Maryland**

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Douglas S. Wright, Jr., chair, opened the meeting at 4:00 p.m., on Wednesday, July 8, 2020, in the Council Chamber, Second Floor, City Hall. Also present were commission members C. Davis, S. McIntire, 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 M. Flick, Planner. **(NOTE: Planning Commission revisions are indicated in red text.)**

**REGULAR MEETING**

**Roll Call.**

Commission members C. Ploscaru and J. Stone were absent.

**Approval of Minutes:**

June 24, 2020.

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

**DISCUSSION:** Mr. Thomas pointed out a typographical error on page 3, add the word, "that," in the fourth paragraph under the Saylor House discussion.

**ACTION:** APPROVED AS AMENDED (ABSTAIN - McIntire)

**Development Review:**

**1739 Dual Highway – Washco Tristate Plaza, Final Plat, Case No. S-2020-07.**

Staff Report: (Staff report is in the meeting file.) The purpose of this plat is to divide this property into two lots: one to contain the existing office building and the other to contain a fast-food restaurant (for which a site plan was recently approved by the Planning Commission). Joint access and maintenance easements would apply to both properties since they will share drive aisles and other improvements. An easement is proposed through Lot 1A (where the proposed restaurant will be located) to provide access to the office portion of the large warehouse building to the rear of this site from the proposed new entrance point on Dual Highway. The plat was routed to all review agencies and all have approved the final plat with the exception of the City Engineer, who provided conditional approval. Staff recommended approval, contingent upon satisfaction of the outstanding comments from the City Engineer.

Planning Commission/Applicant Discussion: Mr. Wright stated that the legend on the plat needs to be expanded for clarity. There are several styles of lines on the plat that are not identified in the legend as to what they represent. Since the plat will be recorded in the Land Records at the Court House, the legend should be clear before it is recorded.

Mr. Wright asked about the 18-foot access easement ~~the~~ **that** runs through the center of the property, it crosses over existing features. He asked if those features will be removed. Gordon Poffenberger of Fox & Associates, Inc., engineers for the project, indicated that most of the parking field will be torn out and redone. The parking on the side of the building will flip so the 18-foot drive aisle will be heading north and the parking along the side of the building will be angled in the opposite direction. For clarity, Mr. Poffenberger offered to remove all the existing curb and parking lines and just show existing and proposed easements. Commission members wanted the existing building shown as well.

Concerning Note No. 1 (Each lot owner shall be responsible for the maintenance, repair of the paved drive and parking areas.), Mr. Wright asked if the agreement referred to addresses disagreements between property owners. Mr. Poffenberger stated that there is a reciprocal parking agreement that allows patrons of each lot to park on the other lot. They were trying to be clear that if repairs were needed in the parking field on one lot, that that lot owner would be responsible for its maintenance. Ms. Maher noted that the Code Administration side of the department would handle any complaints about property maintenance. Even if that responsibility is no longer part of the Planning and Code Administration Department, there will be a department that handles complaints about properties. Mr. Wright wanted assurances that in the future a mechanism is in place to force compliance by either property owner if the other one is not taking care of their lot. Commission members were agreeable to the stipulation that staff review the agreements to make sure Mr. Wright's maintenance concerns are addressed.

**MOTION:** (Thomas/Davis) I'll make a motion that we accept the final site plan [sic] as amended in regards to cleaning up the site plan [sic] sketch, indicating that specific property owners will be responsible for maintaining their parking lots, and that the legend be expanded.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Master’s Wood Shop - 743 Bowman Avenue – Wood Shop Addition, Site Plan,  
Case No. ZS-2020-05.**

**743 Bowman Avenue – 249 Prospect, LLC, Final Plat, Case No. S-2020-03.**

Staff Report: (Staff report is in the meeting file.) This site plan is for the construction of a 4,200-square-foot storage addition on the back of the building and a small expansion of the gravel delivery and circulation area in front of the proposed addition. The expansion will not result in an increased number of employees. Existing parking areas along the south side of the building and on the edge of the gravel area to the east of the building will not change. The minor amount of expansion will not trigger requirements for additional parking, nor is it being expanded. Given the nature of the existing parking, requiring retroactive improvement of the gravel parking area is disproportionate to the minimal improvements triggering the site plan. At staff’s request, the applicant has agreed to pave the existing gravel driveway entrance for a distance of 50 feet in order to reduce or eliminate gravel and stone dust being tracked onto city streets.

The applicant is requesting a waiver from the requirement for street trees along Eldridge Drive and Bowman Avenue.

The site plan was routed for comment and all review agencies have approved the plan. Staff recommended approval of the site plan, subject to outstanding conditions from the City Engineer and the Electric Division; staff made no recommendation on the waiver request.

The proposed final plat consolidates three existing parcels into one 4.56-acre lot. No additional easements or other plat elements are proposed. All review agencies have approved the plat.

Planning Commission/Applicant Discussion: Adam Hager of Frederick, Seibert & Associates, Inc., engineers for the project, and Eben Conner, representing 249 Prospect, LLC, were present. Mr. Wright recommended that the sanitary sewer easement associated with the 54-inch line be re-aligned so it runs parallel with the sewer line. Staff had no objection and commission members agreed. Mr. Hager indicated that would be an easy fix.

Concerning the waiver request, Mr. Wright noted that the justification for the waivers was not provided. That needs to be filled out on the form. Mr. Hager explained the waiver for street trees along Eldridge Drive and Bowman Avenue is being requested because those areas are not developed. If there would be a future proposal for development they will add the street trees. The addition is going behind the existing building and they do not see the advantage to requiring street trees at this time. Staff noted this is a minor addition on the back of the building that will not create additional traffic. Mr. Thomas asked that the justification include a note that if the area is developed in the future that the street trees will be planted. Staff pointed out that if the site is developed further a site plan will be required and street trees will be part of that site plan.

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Concerning the site plan:

**MOTION:** (Davis/Thomas) I'll move approval of the site plan with approval of the waiver of street trees and with the requirement that the justification section is completed on the waiver application.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

Concerning the final plat:

**MOTION:** (Wheeler/Davis) I'll make a motion to approve of the final plat with the adjusting of the easement line for the 54-inch sanitary sewer.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Feel Rejuvenated – 5 Nottingham Road – Landscaping Waiver for a Fence Permit.**

Staff Report: (Staff report is in the meeting file.) The Feel Rejuvenated float center at 5 Nottingham Road is proposing to construct a privacy fence along the north side property line, which is also a zoning district line. The abutting zoning district is residential, therefore, a ten-foot landscaping buffer is required per the ordinance on the outside of the fence. Staff noted there is little room to accomplish this, but there is a ten-foot paper alley between the subject property and the residential zoning district. The applicant requested that the Planning Commission grant a waiver to this requirement.

Planning Commission/Applicant Discussion: Richard Brunner, representing Feel Rejuvenated, was present. He told commission members that children walk down the paper alley and intentionally beat on the walls of the building and the door which frightens customers of the business. The Police have been called on numerous occasions. The proposed fence would be pressure-treated wood. Mr. Wright recommended a metal picket fence to address CPTED (Crime Prevention through Environmental Design) concerns. An open fence would reduce the possibilities for mischief. Commission members recommended an open, vertically oriented fence rather than the solid board fence; Mr. Brunner agreed to discuss this with his client.

- MOTION:** (McIntire/Davis) I'd like to make a motion to waive the ten-foot landscaping requirement and with the condition that the fence will be open in nature and vertically oriented (space between the slats 3.5 inches).
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**Dollar General – 217-237 East Franklin Street – Workshop and Waivers.**

Staff Report: (Staff report is in the meeting file.) The Board of Zoning Appeals granted three variances for this project: one to reduce the required parking for the store from 33 spaces to 20 spaces (although more parking is proposed to the rear of the site for use by Mulberry Lofts); one to permit parking to the side of the building instead of the rear of the building; and one to allow the building to sit back approximately five to ten feet from the front property line due to topographic issues.

The developers plan to submit the sketch plan for stormwater management for the commission's consideration at the July 29 meeting. Staff suggested that they participate in a workshop with the commission prior to submitting the sketch plan because of the complexities involved with this site.

Staff believed the design of the parking area that will be sold to Mulberry Lofts can be improved to provide more spaces as well as less impervious surface. There will be some deviations to the letter of some of the parking lot landscaping standards. State Highway Administration has reviewed the preliminary plans and informed staff that it is generally okay with the plans and the general approach for access into and out of the site.

General architectural elevations proposed for the building were forwarded to the commission. The building will be one story on the interior; however, on the exterior it will appear to be a two-story building which meets the intent of the design elements adopted for new development in the CC-MU district. The parking lot south of the proposed building will be sold to Mulberry Lofts which will require a subdivision plat. The site plan will include the design of that parking lot which will be improved by Mulberry Lofts after they acquire it. Staff thanked Mr. Weinman and his team for working with staff to make sure the whole site is designed holistically. Mr. Bockmiller noted that the design for the parking lot has not been finalized yet since there are still some items that need to be addressed.

Planning Commission/Applicant Discussion: Participating via Zoom on behalf of Dollar General were Austin Weinman, Robert McCollum, and Christopher Tremley.

In answer to an inquiry by Mr. Wright, Mr. Bockmiller discussed in more detail the parking lot logistics. The parking lot was expanded as far as the number of spaces (the back parking lot has been enlarged to show 60 spaces). Vehicles would turn either right or left on the alley along the south side of the property. The City Engineer has commented that the east-to-west alley should remain an uncontrolled directional alley. Access into the site from East Franklin Street will be via a left-in-left out. The alley from East Franklin Street will be widened to accommodate the traffic at this site.

Ms. Davis commented that the north side elevation is great in that it does not look like a big box store. She asked if signage is proposed for the north elevation. Mr. Bockmiller commented that flat-mounted signs are not effective in downtown areas because they are not as visible as perpendicular signs. Staff recommended no signage on the north side of the building and a wall sign facing oncoming traffic on the east façade, above the simulated windows. This will serve the purpose of a freestanding sign without actually erecting a monument sign in downtown. There is not enough space in the ground along East Franklin Street for a monument sign. Ms. Maher added that there will most likely be a “Dollar General” directional sign at the alley to alert drivers as to where to turn to get into the parking lot. Ms. Davis asked what else could be done besides landscaping to break up the huge brick expanse along East Franklin Street. Mr. Weinman indicated he would discuss the signage recommendation from staff with Dollar General for their input. As far as the rear-facing elevation, he believes based on “street view” that the amount of visibility is overstated. Mr. Bockmiller noted that there may be some retrofitting of the landscaping at the open space owned by the City on the east side of the proposed Dollar General.

Ms. Davis asked about truck access to the site. Mr. Bockmiller stated trucks would access the site from East Franklin Street during off-business hours. Mr. Weinman added that they will be using smaller restricted delivery trucks (WB50) given the tightness of the site. Concerning the stormwater management plan, the plan is to have it submitted for review at the next meeting. Mr. Tremley said they are reducing the amount of impervious area from existing conditions; there will be a bio-retention area that will capture and treat water from the parking lot and discharge it to the storm drains in the alley.

In answer to a question by Mr. Wright, Jim Bender, Assistant City Engineer, indicated that the plan which shows vehicles backing out into alley traffic is not ideal but it is not unusual for a downtown development site. In general, his office has no issue with the proposal.

Ms. Wheeler asked about exterior lighting for the site. Mr. Weinman stated that the photometric plan **as has** not been developed as of yet. They are planning to use lighting that will not spill over property lines. Lights that would be directed to any off-site properties would be shielded to prevent light from shining into neighboring windows.

Mr. Bockmiller noted that the driveway width on North Cannon Avenue could be reduced to 15 feet at Cannon to make it clear it is a one-way alley, then widen out in the interior of the lot. Parking could then be shifted to give additional back-up room on the alley.

Concerning signage, Mr. Bockmiller recommended using a projecting sign by the steps into the site. Mr. Weinman noted that Dollar General manages the signage. Several commission members were not in favor of a flat sign on the east wall over the parklet. Instead of a flat sign they would prefer a vertical, projecting sign. Mr. Weinman will discuss the commission's suggestions with Dollar General.

### **Planning Commission Business:**

#### **Planning Commission Annual Report to Maryland Department of Planning.**

(Copy of the annual report is in the meeting file.) Ms. Flick explained the requirements for the report and requested the commission's input for any additions or modifications. She noted that there is still data to be added.

Ms. Wheeler noted typographical errors on page 3 (third and fourth bullet points) and on page 5 (missing word in A-1, second paragraph).

#### **Zoom Meetings.**

For transparency and flexibility for applicants, commission members would like to continue using Zoom to broadcast the meetings on the City's YouTube Channel.

#### **Board of Zoning Appeals Agenda – July Hearing.**

The commission made no recommendations on either of the two cases on the docket.

### **Announcements.**

None.

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**Adjourn.** It was moved and seconded that the meeting adjourn (5:15 p.m.)

8/12/2020

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Approved



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Debra C. Calhoun – Secretary