

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, July 29, 2020, in the Council Chamber, Second Floor, City Hall. Also present were commission members 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; and D. Calhoun, Secretary.

PUBLIC REVIEW MEETING

Mr. Wright introduced the commission members and explained the process for the public review meeting.

Saylor House at Kiwanis Park Landmark Overlay District, Case No. ZM-2020-03.

Staff Report. (A copy of the staff report and PowerPoint presentation are in the meeting file.) The City of Hagerstown is applying for a Landmark Overlay District at the Saylor House. The Saylor House is a small stone house in Kiwanis Park that was built between 1790 and 1810. It was documented in the Maryland Inventory of Historic Places in 1975. In 2015 the Washington County Historical Trust began to work with the City of Hagerstown to stabilize and partially renovate the building.

The intent is to preserve the Saylor House as an important historic landmark in Hagerstown. This designation is necessary to qualify the building for certain grant funding and relaxation of some floodplain regulations. A detailed history of the Saylor House was included in the meeting packet, along with the official letter of request signed by the City Administrator and additional background materials.

The Historic District Commission (HDC) reviewed the materials submitted and recommended that the Planning Commission make a favorable recommendation on the Landmark Overlay District. HDC members were in favor of protecting the building through landmark designation. They observed that the house is in good shape considering its age and will be an important addition to the City's historic inventory.

Staff entered into the record the Planning Commission's files, the Certificate of Advertisement for the public review meeting, and two emails in support of the landmark overlay request.

Commission Discussion: Mr. Wright wanted to clarify for the record that the Planning Commission discussed this case as a workshop and at the time the commission was generally in favor of the application, but it did not make a decision one way or the other.

**Planning Commission
MINUTES – Regular Meeting**

**July 29, 2020
City of Hagerstown, Maryland**

Public Testimony:

Ann Aldrich on behalf of the Washington County Historic Trust. Ms. Aldrich was not present at the meeting and attempted to participate by Zoom. However, due to technical difficulties, she could not hear the meeting on her end. She was advised that she would be able to submit written comments during the open comment period.

Martin Brubaker, 10925 Hartle Drive, Hagerstown, MD. Mr. Brubaker was present on behalf of the Washington County Historical Trust and was in support of the Landmark Overlay. Mr. Brubaker indicated he is leading the effort the Washington County Historical Trust is taking to restore the building. Landmark status is necessary to continue the work to restore the building.

There was no other public testimony; the public review meeting was closed at 7:15 p.m.

Staff had no closing remarks.

MOTION: (Stone/Thomas) I move that the record remain open for ten days to receive additional testimony.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - McIntire)

REGULAR MEETING

Roll Call.

Commission member C. Davis was absent.

Approval of Minutes:

July 8, 2020.

The minutes were not ready for approval.

Development Review:

1201 Maryland Avenue – Great Southern Wood, Final Plat, Case No. S-2020-02.

Staff Report. (A copy of staff report is in the meeting file.) The purpose of this plat is to remove 2.42 acres of land from the South End Investors, LLC, property (commonly known as the southern portion of the South End Shopping Center) and merge it into the adjacent Great Southern Wood property. This area is a lightly used parking lot area on the extreme southern end of the shopping center, adjacent to the pipestem driveway that provides access to the industrial facility.

This plat accomplishes a transfer that was made practical by a zoning map amendment requested by both parties. The area to be transferred was rezoned from CG (Commercial General) to IG (Industrial General). The rezoning became effective on July 23, and the new line of subdivision matches the new zoning district line established by the Comprehensive Rezoning plan.

The plat was submitted for review and all review agencies have approved the plat. Staff recommended approval. Staff noted that the applicant has submitted a site plan to bring the site into conformance with current standards in order to use the parking lot for trailer staging and storage.

Planning Commission/Staff Discussion: Ed Schreiber of Frederick, Seibert & Associates, Inc., engineers for the project, was present. Mr. Schreiber had nothing to add to the staff's presentation, and there were no questions from the commission.

MOTION: (Wheeler/Ploscaru) I make a motion to approve the final plat.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Verizon – 18000 Garland Groh Boulevard – Retail Store, Site Plan, Case No. ZS-2020-07.

Staff noted that the forest conservation plan was not ready for review; therefore, it and the final plat were removed from the agenda.

Staff Report. (A copy of staff report is in the meeting file.) This site plan is for the construction of a 4,200-square-foot, one-story retail building and associated 24-space parking lot. Construction of this site will include a portion of the intended shopping center driveway network. A right-in-right-out driveway entrance onto Garland Groh Boulevard is proposed, along with a frontage road which will connect the existing driveway behind Bulldog Federal Credit Union. Proposed lot lines shown on the site plan match what is shown on the pending final plat. The proposed subdivision also reflects a forest conservation plan for the 4.9 acres on the

northernmost portion of the overall area to be developed, a small part of which is included in the subject lot. The remainder of the lot is included in the forest conservation plan for the Hager’s Crossing Shopping Center.

The site plan was submitted for review and all agencies have provided approval with the exception of the City Engineer. The Planning and Code Administration Department recommended approval, subject to two conditions:

- The building elevations, light cut sheets, and photometric plan submitted separately from the site plan document be embedded as pages in the site plan and numbered accordingly; and
- If the plat and forest conservation plan are not ready for approval at this meeting, no building permits will be issued for this building until the forest conservation plan is approved by the Planning Commission.

Planning Commission/Staff Discussion: Mr. Wright requested that the staff’s comment that no building permits be issued until the forest conservation plan has been approved be a contingency in any motion for approval. Staff oriented the commission to the proposed layout of the site. The Forest Conservation Ordinance prioritizes floodplain area so there will be no street tree credit for this project. There will be sidewalks on the interior of the site along the access road. Mr. Wright asked that sidewalk be provided on the side of the entrance road adjacent to Lot 6D. Concerning a question about the dumpster location, Mr. Bockmiller indicated that the dumpster will be on the west side of the development.

MOTION: (Stone/Ploscaru) I move that we approve the site plan, contingent upon the Engineering Department comments and subsequent approval of the forest conservation plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Garland Groh Boulevard – Lots 6A, 6B, 6C, 6D, 6E and 6R, Final Plat, Case No. S-2020-06.

This item was not ready for review and was withdrawn from the agenda at staff’s request.

City Chapel – 227 East Washington Street, Request to Extend 180-Day Approval Period, Minor Site Plan and Waivers, Case No. SA-2019-03.

Staff Report. (A copy of the staff report is in the meeting file.) The Planning Commission approved a site plan in August 2019 for a religious facility to operate from temporary facilities,

including a tent, port-a-pots, etc. The approval was for 180 days, subject to renewal. The commission granted a 180-day extension which will expire in early August. The church would like another 180-day extension. Staff noted there have been no deleterious impacts on the site from the temporary use but remained cautious about the potential for erosion if the tented seating area experiences heavy use.

Staff advised that since the use has been approved on a temporary basis twice and has been in use for over a year, further action by the Commission should be either a motion to not approve the site plan, or to approve it with no further temporary timeframe conditions. Staff pointed out that Zoning Ordinance amendments went into effect recently that prohibits uses to be established on an ongoing basis from facilities intended for temporary use and occupancy. This use is now considered a nonconforming use since the zoning text amendment went into effect. The church is “grandfathered” in at this location.

Planning Commission/Staff Discussion: Mr. Wright indicated that he would not have concerns with granting another temporary use. The use is currently working, the site has remained in decent shape, and there are no known problems. He also agreed that the use should not be permanent. Ms. McIntire noted that in the current “COVID” climate, outdoor religious services are a good idea. She asked Pastor Zach Camp who was present on behalf of City Chapel if there were plans for a permanent location. He indicated that the church would have to grow tremendously to allow them to purchase the property for a “solid structure.” The owner of the property, Meritus, has been very willing to work with them.

MOTION: (Ploscaru/McIntire) I propose a motion that we approve a 180-day extension.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Point Broadband of the Piedmont – 205 Mill Street – Prefab Equipment Shelter, Minor Site Plan and Waivers, Case No. SA-2019-05.

Staff Report. (A copy of the staff report is in the meeting file.) This site is a 0.43-acre parking lot previously used by Washington County Hospital. The developer proposes to erect an unmanned equipment shelter for the provision of broadband internet service in the city. The proposal includes a one-story 12 x 28-foot utility building. Redevelopment of the site includes removal of the asphalt to within 15 feet of both public streets and to within ten feet of the south property line; installation of landscaping; construction of a six-foot tall black-PVC-coated chain link fence with a gate on each frontage; new sidewalk along East Baltimore Street; a new stairway connecting both levels of the lot; and a 40 kW diesel generator to the east of the control building. Staff noted that due to the topography on the west side of the property, the surface of the adjacent alley will be approximately equal to the roofline of the equipment building.

The applicant requested two waivers from the requirements:

- The provision that parking bays begin and end with landscaped islands; and
- Landscaping be installed along the west (alley) property line.

Staff had no objection to these requests. The property is currently predominantly paved and the proposed improvements will be an upgrade over existing conditions. Landscaping is proposed on each side of the parking bay on the lower lot, and the use of gore areas will help to regularize the shape of the parking stalls. The extreme topography on the west side of the site will make it difficult to establish plantings.

The site plan was routed and all review agencies have approved it with the exception of the City Electric Division, pending information on service load, which may require relocation of the service to the site and the meter depending on the data provided. The Electric Division staff does not believe this will affect the project layout. Staff noted that power requirements for this facility are comparable to a single-family home. The building will be noise proof.

Planning Commission/Staff Discussion: Gary Musciano of Herbst-Musciano, architect for the project, was present via Zoom. Planning Commission members had no questions or concerns about this project.

MOTION: (Stone/Ploscaru) I move that we grant the requested waivers to the landscaping.

DISCUSSION: None.

ACTION: APPROVED (Unanimous; Ms. McIntire stepped out of the room and was not present for the vote.)

MOTION: (Ploscaru/Wheeler) I propose, pending approval by the Light Department, we should approve.

DISCUSSION: None.

ACTION: APPROVED (Unanimous; Ms. McIntire was not present for this vote.)

**Western Heights Middle School – Modular Classroom Building and Parking
Determination – 1300 Marshall Street, Minor Site Plan, Case No. SA-2020-05.**

Staff Report. (A copy of the staff report is in the meeting file.) Washington County Public Schools would like to add a four-classroom modular educational building on the northwest corner of Western Heights Middle School. No additional parking, landscaping, or other improvements are proposed with the exception of paved walkways.

Under the Zoning Ordinance, the Planning Commission is charged with determining the adequacy of parking for the additional classrooms. The proposed addition will add four teachers to the staff for a total of 110 employees. There are 165 parking spaces.

The minor site plan was routed to the review agencies and approvals were received from Planning, Water, and Wastewater; the Chief Code Official and the City Engineer had comments. At the time of the meeting, comments had not been received from the Electric Division and the Fire Marshal. Staff deferred approval of the site plan to the Planning Commission since it must make a determination on the adequacy of parking per the Zoning Ordinance.

Planning Commission/Staff Discussion: Gordon Poffenberger of Fox & Associates, Inc., engineers for the project, was present. Concerning the adequacy of parking, commission members had no concerns with the number of parking spaces on site. With regard to the minor site plan, Mr. Thomas had concerns with the layout, in particular, the provision of only two exits for four classrooms and one handicapped ramp. One handicapped ramp may not be sufficient since there are two classrooms on either side of the ramp. Mr. Poffenberger pointed out that emergency egress would be one of the items that the Fire Marshal will be looking at and the buildings will be sprinkled. Mr. Wright suggested that the Zoning Administrator relay Mr. Thomas’s concerns to the Fire Marshal and the Building Inspector.

MOTION: (Ploscaru/Thomas) I propose we approve the parking situation.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

MOTION: (Thomas/Stone) I make a motion to accept the minor site plan with the condition that the Zoning Administer touch base with the Building Inspector and Fire Marshal concerning the safety of handicapped students being evacuated during an emergency, including the two agency conditions.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Dollar General – 217-237 East Franklin Street – Sketch Plan for Stormwater Management.

Staff Report. (The staff report is in the meeting file.) This sketch plan is for the resubdivision of a group of properties into two lots. The northern lot which will front on East Franklin Street is proposed to be developed with an 85 x 85-foot Dollar General retail store and 20 parking spaces. The existing alley will be widened to allow for two-way traffic. The stormwater management facility associated with this project will be near the center of the site and on the southern portion of this lot. The building will be located and designed consistent with the design requirements of Articles 4 and 5 for the CC-MU (City Center-Mixed Use) zoning district.

In order to gain compliance with the intent of the Ordinance while securing this important development for the downtown area, the Zoning Administrator determined that Dollar General's intention to build a one-story building that will mimic a two-story building from the street meets the Zoning Ordinance requirement that buildings in the CC-MU zoning district be at least two stories in height. The Board of Zoning Appeals (BZA) approved three variances to the site design requirements, including a variance to permit the building to be located as far as ten feet from the East Franklin Street right-of-way based on topographical issues. The Zoning Ordinance requires buildings in the CC-MU zoning district to be built to the right-of-way line. The southern lot will consist of a 58-car parking lot intended for use by Mulberry Lofts. Frontage will be on North Cannon Avenue via a pipestem. One bay of parking will back directly onto Alley 4-46.

The proposed stormwater management sketch plan was reviewed by the City Engineer and approved with additional comments (copy attached to staff report in the meeting file).

Dollar General also requested several waivers to the landscaping requirements which staff brought to the commission's attention for discussion. These waiver requests concern the minimum required ten-foot width of parking lot landscaping and the provision of a landscaped island on the ends of all parking bays. Staff has been working with the applicant's designers to come up with a site design that meets the developer's needs while maximizing compliance with the zoning and the subdivision and land development articles. Staff felt the current pending design will fulfill the requirements with the downtown in mind. Staff supported waivers for these elements of the design standards given the unique circumstances of this property; the topography; the identified need for retail opportunities for household goods and some food products in the downtown; and additional parking for Mulberry Lofts. Some minor adjustments are warranted to promote improvements and maximize utility and design of the site and the proposals. Staff reserved the right to identify additional issues once a site plan is submitted for review and recommended approval of the sketch plan, with favorable feedback on the waiver requests.

Planning Commission/Staff Discussion: Austin Weinman and Robert McCollum of Penntex Ventures, representing Dollar General, participated in the discussion via Zoom.

Commission members had no issues with the proposed waivers.

Mr. Stone asked about the size of the sign on the east elevation. Mr. Bockmiller did not have the dimensions of the proposed sign. The design in the meeting file is based on recommendations by staff. Mr. Wright suggested a vertical sign off the corner of the parking lot and East Washington Street mounted on the side or corner of the building. He was not in favor of the proposed sign on the eastern façade. The property immediately to the east is an entrance park for the city. As an alternative he suggested a building mounted sign on the corner of the proposed parking lot and replace the monumental sign with a projecting sign, vertically oriented. Mr. Bockmiller stated that the pole is up to the street right-of-way, so most of the sign overhangs the street right-of-way

and is not permitted. Mr. Bockmiller noted that there are residences on the north side of East Franklin Street so it is better that there is no signage on the north façade of the store. Mr. Stone said given they cannot have a freestanding sign he did not have a concern with the building-mounted signage, given the circumstances. Ms. McIntire suggested a vertically oriented flush-mounted sign on the east façade. Staff stated that for a single-user building, a projecting sign could be 36 square feet.

Mr. Stone asked about the proposal that has incoming traffic from East Franklin Street crossing over outgoing traffic from the site. Mr. Bockmiller noted that this configuration is not optimal but it was the only way (left-in-left-out) to make the access work from East Franklin Street. Ms. Maher added that this was the reason why the City is requiring that there be alleys accessible to the development that could be used by patrons as an alternative to get in and out of the site.

MOTION: (Ploscaru/Stone) I move that we approve the stormwater management as proposed by Engineering.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Tractor Supply Warehouse Expansion – 11935 Hopewell Road, Additional Site Plan Waivers, Case No. ZS-2020-03.

Mr. Bockmiller stated that he was approached by Tractor Supply for some minor changes to the site plan for parking. Waivers have been granted by the Planning Commission in the past and now Tractor Supply would like to remove the remaining landscaping islands to make room for two more parking spaces.

Ed Schreiber of Frederick, Seibert and Associates, Inc., engineers for the project, stated that the recently approved expansion is under construction. The warehouse operation needs all the parking it can get for its employees and they can gain two additional spaces by eliminating two landscaped islands. In return Tractor Supply is proposing to add four to six street trees at the entrance to the site. With the elimination of the islands, they are adding approximately one-half gallon of additional water per minute which is an insignificant addition of impervious area.

Mr. Bockmiller stated that this project was originally built under Washington County standards. When Tractor Supply received approval for the addition they added parking per City standards for the addition only.

MOTION: (Stone/Thomas) I move that we approve this minor revision to the site plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**Planning Commission
MINUTES – Regular Meeting**

**July 29, 2020
City of Hagerstown, Maryland**

Planning Commission Business:

None.

Announcements.

None.

Adjourn.

It was moved and seconded that the meeting adjourn (8:35 p.m.)

8/31/2020

Approved



Debra C. Calhoun - Secretary