

James W. Stone, vice chair, opened the meeting at 7:00 p.m., on Tuesday, October 6, 2020. Also present were commission members C. Davis (via Zoom), S. McIntire, C. Ploscaru, 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.

SPECIAL MEETING

Roll Call.

Mr. Wright was absent.

Development Review:

NorthPoint Development Building 1 – 1115 Wesel Boulevard, Redline Revisions to Previously Approved Site Plan, Case No. ZS-2019-09.

Staff Report: (Staff report is in the meeting file.) The purpose of this redline revision is to reflect proposed changes to the parking area on the east side of the building to accommodate truck stacking and circulation, the addition of a guard shack and perimeter fenceing, and changes to the entrance road.

The original site plan called for 807 parking spaces. This number has been reduced by 126 spaces to 681 spaces. The building was approved in 2019 as a “spec” building for four tenants, one in each quadrant of the building with no identified end users. Since then a tenant has been identified that plans to use the entire building and fit-out is proceeding based on the tenant’s needs. They need much less office space than is shown on the plan approved in 2019. Office space is revised from 48,564 square feet to about 3,500 square feet. Second, the parking requirement on the original site plan was miscalculated with an overage. The 48,564 square feet of office was calculated as required, but was not backed out of the total footprint of the building when the warehouse area was calculated. Parking for the warehouse part of the use was based on the total footprint of the building without deductions for offices. The overcalculation of 48,564 square feet of warehousing, coupled with the reduced amount of office space being designed into this building now results in an adjusted parking requirement of 677 parking spaces. Four spaces are being provided above ordinance requirements.

The following additional changes are proposed:

- Addition of a 240,000-gallon water tank and pump house on the west edge of the west parking area;
- Addition of a guard shack at the truck entrance on the east side of the building, with reconfiguration of part of the entrance road shared with Building 2;
- Adjustment of the parking area on the east side to address the tenant’s need to include a truck drive aisle and guard shack in this area, significantly reducing the number of spaces in this area as well as the impervious surface area;
- Creation of additional parking spaces to the western parking area in order to compensate for the parking being removed from the east side of the building;
- Addition of perimeter fencing around the truck loading areas; and
- Addition of two hydrogen tank locations, although only one of the locations will be used.

These redline revisions were received recently, therefore, some agency comments are still pending. The only agencies identified as having a need to review this proposal were the City Engineer, the City Fire Marshal, and Planning.

Staff recommended approval, subject to any conditions from the Fire Marshal. Planning staff recommended that, if possible, a few trees be added on the north side of the water tank to screen it from Wesel Boulevard.

Planning Commission/Applicant Discussion: Jeremy Michael of NorthPoint Development and Tony Taylor of Frederick, Seibert & Associates, Inc., were present. Mr. Michael explained that the hydrogen tank is needed to fuel the tenant’s more energy efficient equipment. Mr. Thomas had concerns about the hydrogen tank but Mr. Bockmiller noted there is nothing in the ordinance that prohibits them. Mr. Michael indicated that the tenant is leaning toward the northwest corner of the site for the tank. The size of the tank is 12 x 40 feet.

Ms. Wheeler noted that on the last page it references “Lot 1” and not “Lot 11.”

MOTION: (Wheeler/Ploscaru) I’ll move approval of the redline revisions to the site plan, subject to Fire Marshal comments, and the condition of adding trees on the north side of the water tank.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**NorthPoint Development Building 2 – 811 Wesel Boulevard, Forest Conservation Variance,
Case No. FC-2020-03.**

Staff Report: (Staff report is in the meeting file.) The Planning Commission previously approved a sketch plan for the construction of this four-building warehouse and office development to be located on both sides of Wesel Boulevard. The applicant is requesting a variance from Article 7, Section F.3.c.(1) of the Forest Conservation Ordinance to remove six specimen trees due to proposed mass grading in the center of the site to create a building pad and a logical location for stormwater management facilities for the development. Staff pointed out that in December 2019 the commission approved a variance to remove seven specimen trees on the adjacent site containing Building 1 and across Wesel Boulevard at Building 3 for the same justification. Mr. Bockmiller highlighted the ordinance requirements from which the applicant is requesting a variance and explained the Forest Conservation variance procedure. The Planning and Code Administration staff's analysis was entered into the record by reference (pages 3 and 4 of the staff report). Staff recommended approval of the forest conservation variance request. Staff included a copy of the Decision and Order for the commission's consideration if members concur that a variance is warranted.

Applicant's Presentation: Tony Taylor of Frederick, Seibert & Associates, Inc., engineers for the project, presented the applicant's arguments for granting the requested variances. This area has always been set aside by the City of Hagerstown as a potential commercial/industrial development area. Mr. Taylor explained that they looked at the buildings and are only disturbing enough forest in order to construct the proposed building. They must meet the requirements of the stormwater management ordinance. They are providing water quality but that is one of the points they must make as far as the variance request is concerned. Mr. Taylor explained that the Wesel Boulevard corridor is developed by large box warehouses and commercial shopping areas and they are keeping with the character of those properties. Variances were granted for Buildings 1 and 3 of the NorthPoint Development. If the variance request is not granted, his client would be denied the same rights that previous developments were granted. Staff already mentioned that an area in the eastern portion of the tract was the old Kopper's site. Those specimen trees were located inside the Kopper's site area. They want to remove the specimen trees in order to move forward with the development of the site.

Applicant/Commission Discussion: There were no comments by the commission. Staff suggested that the commission's motion should include recommending approval of the variance, adopting the draft findings in the draft Decision and Order as its own, and approve the variance.

MOTION: (Wheeler/Thomas) I make that motion.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

NorthPoint Development Building 2 – 811 Wesel Boulevard, Site Plan, Case No. ZS-2020-08 with Design Waivers; and Forest Conservation Plan, Case No. FC-2020-03.

Staff Report: (Staff report is in the meeting file.) This site plan is for the construction of a 798,309-square-foot warehouse/office building. The site plan also includes stormwater management; two driveway entrances (one to be shared with Building 1); 671 parking spaces; semi-trailer parking areas along the front and rear; and required landscaping. Part of this area has already been cleared as part of the mass grading plan that was necessary to begin construction of Building 1 to the west. There will be two forest retention areas in the eastern portion of the property adjacent to Wesel Boulevard and the City Electric Division's substation.

The reconstruction of Wesel Boulevard is under way at this time. Per arrangements made following approval of the site plans for Buildings 1 and 3 and negotiation of the roadway improvements, a walkway/trail will be located on the north side of Wesel Boulevard, providing pedestrian access from the Ridge Avenue community to the commercial areas on the western portion of Wesel Boulevard. There will be no public sidewalk across the front of this property on the south side of the street.

The applicant requested the following waivers to the requirements of Article 5:

- *Eliminate the requirement for shrubs between the parking lot on the west side of the building and the shared driveway with Building 1.* Distance, topography, and the fact that the adjacent property is another similar use and the properties are under common ownership render little to no need for it at this location. This area is not close to any street and landscaping is provided in the adjacent stormwater management facility. Staff recommended approval of this waiver request.
- *The first page of the plat shows the lot at a scale of one inch equals 200 feet, because of its size.* The ordinance requires scales of no greater than one inch to 100 feet. Given the size of the property and the use of this scale is limited to the cover page of the plat, staff recommended approval.

Earlier in this meeting the commission granted a variance from the requirements of the Forest Conservation Ordinance in order to remove six specimen trees. Therefore, forest conservation for this project will be addressed as follows:

- *Four forest retention easements.* Two of the four forest retention areas would be located on the south side of Wesel Boulevard in the eastern portion of this site (0.64 acres and 9.5 acres). The remaining two retention areas would be across Wesel Boulevard on the Building 4 site (4.59 acres)—between Wesel Boulevard and the Human Development

Council; and 2.63 acres—between the Human Development Council and the railroad tracks). The four easements total 17.36 acres of preserved forest.

- *Street tree credit of 2.63 acres.* Staff noted that street tree credit for all of the frontage on Wesel Boulevard for all building sites were claimed in the forest conservation plan for Buildings 1 and 3. As a result street tree credit is not available for Building 2 in the normal sense. Since there is additional space in front of this building between the street and the storm water management facilities and parking, staff negotiated with the applicant to install a second row of street trees behind those adjacent to the right-of-way across most of the frontage of this site. This provides an extra layer of tree buffer across the front of this site to help mask the mass of this building. Staff made this request as an additional landscape element even though it is not a requirement. The applicant agreed but asked that they be given forest conservation credit for the additional tree installation. This accommodation is not inconsistent with any provision of the Ordinance, but it is the Planning Commission’s discretion to approve the approach. Staff recommended approval of the second row of street trees, since linear replanting areas of at least 35 feet of width are permitted anyway. The second row of trees would be protected by an easement.
- *Fee-in-lieu or off-site mitigation.* There is a remaining 5.14-acre commitment after the two elements described above are considered. The applicant requested flexibility to apply one of the following two approaches: First is a fee-in-lieu contribution that would amount to a contribution of \$74,110.37 if paid at the current rate of 33.1 cents per square foot by December 31. The as-yet-to-be-determined rate would be adjusted for inflation effective January 1, 2021. The second approach would be to record a forest conservation easement on existing, off-site forest which most likely will be outside of City limits. The applicant is exploring this option, however, no arrangements have been made at this time. Off-site mitigation is required to be met at a 2:1 ratio, so the applicant would need to record easements on at least 10.28 acres of land. Staff noted no objection to a motion building in this flexibility. If off-site mitigation is chosen, the applicant should be required to return to the commission for formal approval of the final disposition of off-site mitigation, including where and how the targeted forest will be protected.

Staff recommended that the forest conservation plan be approved. Should the commission agree with staff’s recommendation, the motion should be worded to permit the applicant to use either fee-in-lieu or off-site mitigation at their discretion; and that the fee-in-lieu is referenced in acreage only and not in a monetary amount.

Concerning the site plan, all agencies have approved the site plan with the exception of the Water and Wastewater Divisions (subject to minor drawing corrections); the City Engineer; and the Fire Marshal. Staff recommended approval, subject to satisfaction of the outstanding

conditions cited by the Water and Wastewater Divisions; the City Engineer; and the Fire Marshal.

Planning Commission/Applicant Discussion: Tony Taylor of Frederick, Seibert & Associates, engineer for the project, was present. This building will be similar to Buildings 1 and 3. They are working with the agencies that have outstanding comments in order to gain their approvals. Currently the uses are “speculative” so the parking requirements are based on a building divided up into quadrants with an allocated amount of office space. The building will be served by public water and sewer with the sewer coming up the center street. Water is provided through a main in the shoulder of Wesel Boulevard. There are various stormwater quantity and water quality features around the site. They took into consideration the large watershed area that drains through Gateway Crossing through Lot 13 so they had to make sure that was addressed via a large quantity pond. In exchange for the reduction of landscaping, Mr. Taylor noted that the bio-retention area will be planted.

Mr. Bockmiller read the City Engineer’s comments into the record (copy in meeting file).

Waivers:

MOTION: (McIntire/Ploscaru) I’ll make a motion to approve the waivers to the requirements of Article 5 for site plan ZS-2020-08.

DISCUSSION: Mr. Thomas requested clarification on what was being considered under this vote. The agenda was confusing as written. Ms. Wheeler noted that there was a labeling mistake on Lot 11.

ACTION: APPROVED (Unanimous)

Site Plan/Forest Conservation Plan:

Mr. Bockmiller asked that whoever makes the motion to build in the flexibility to either do off-site mitigation or fee-in-lieu for 5.14 acres.

MOTION: (Thomas/Ploscaru) I make the motion that we approve the site plan and forest conservation plan with the conditions from the Engineering, Water, Sewer, and Electric; and the discretion of the applicant to use fee-in-lieu based on 5.14 acres or off-site mitigation.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**Planning Commission
MINUTES – Special Meeting**

**October 6, 2020
City of Hagerstown, Maryland**

**811 Wesel Boulevard – NorthPoint Development (Building 2) – Final Plat,
Case No. S-2020-11.**

Staff Report: (Staff report is in the meeting file.) This plat records the lot as configured with easements. It records forest conservation easements on this property (two retention areas and the widened street tree easement), and the two easements on the north side of Wesel Boulevard.

The plat was routed for review and all agencies have provided approvals with the exception of the City Engineer. Staff recommended approval, contingent on two outstanding comments from the City Engineer which Mr. Bockmiller read into the record (see meeting file).

Planning Commission/Applicant Discussion: Tony Taylor of Frederick, Seibert & Associates, Inc., engineer for the project, was present. This is a replat of Lot 12 which was approved with the site plan for Buildings 1 and 3. Mr. Taylor discussed the various easements that need to be modified. Forest conservation will be handled either off-site or with a fee-in-lieu payment. Mr. Bockmiller stated that if they do off-site mitigation, they will need to come back to the commission for approval of the easement plat identifying the location of the off-site mitigation.

Final Plat:

MOTION: (Thomas/McIntire) I make a motion that we approve the final plat subject to the two conditions pending from Engineering.

DISCUSSION: None.

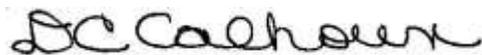
ACTION: APPROVED (Unanimous)

Mr. Bockmiller thanked Jeremy Michael for coming out to the meeting and bringing his business to the City of Hagerstown and the groundbreaking for Building 1 is tomorrow. Mr. Michael thanked the Planning Commission for agreeing to hold this special session. Commission members agreed with staff and stated that the plans so far have been brought to the commission for review in a well-developed, professional manner. Staff noted that this site plan was reviewed and brought to the commission in a little under 60 days.

Adjourn. It was moved and seconded that the meeting adjourn (8:15 p.m.)

1/13/2021

Approved



Debra C. Calhoun – Secretary