

**Planning Commission
MINUTES – Regular Meeting**

**February 24, 2021
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, February 24, 2021. This was a virtual meeting. Also participating via Zoom were C. Davis, S. McIntire, R. Thomas, and J. Wheeler. The following staff members were present at City Hall: K. Maher, Director of Planning and Code Administration; S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Planning Commission Secretary.

REGULAR MEETING

Roll Call.

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

Approval of Minutes:

January 13, 2021:

MOTION: (Davis/Wheeler) I move to approve.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

January 27, 2021:

MOTION: (Wheeler/Thomas) I move to approve.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

February 10, 2021:

MOTION: (Thomas/Davis) I move to approve.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - McIntire)

Development Review:

**City Park Train Hub/Softball Restrooms – 740 City Park Drive, Site Plan,
Case No. ZS-2021-02.**

Staff Report: (Copy of the staff report is in the meeting file.) This plan is for the construction of a seven-space parking area, an approximately 1,000-square-foot restroom building, and associated ramps and walkways to be located between the train museum and the softball field on the west side of City Park Drive.

The amount of disturbance does not subject this development to the requirements of the forest conservation ordinance. The parking area consisting of seven spaces falls under the eight-space threshold of the landscaping requirements. Therefore, no landscaping is proposed or shown. However, this improvement is located within the interior of a large city park in an environment with considerable existing landscaping and vegetation. Lighting will be via building-mounted units and existing pole lights. Lighting is not required for this lot as the hours of operation for the restroom will be seasonal and not during dark hours.

The site plan was routed to all review agencies and all have provided approval. Staff recommended approval of the site plan.

Commission/Applicant Discussion: Mr. Wright noted that one of the drawings indicates that the existing women's and men's bathrooms will remain. Mr. Bender confirmed that both sets of restrooms will remain until the City can determine if there is a need for both sets. The softball league that is using the Fairgrounds facilities has been talking to the City about scheduling games and reserving the City Park field on a more regular basis. In addition, the City is upgrading the Train Hub to make it more of an amenity and to potentially draw more visitors to this area of City Park. The new restrooms will be for use by the patrons of the Train Hub and the softball fields. If the new restrooms are adequate, the old restrooms may be eliminated.

MOTION: (Wheeler/Thomas) I move approval of the site plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**Quit Claim Request – Portion of Third Street Right-of-Way, Recommendation to Mayor
and City Council.**

Staff Report: (City Engineer's memo is in the meeting file): Jim Bender, Assistant City Engineer, presented his report. The City received a request to quit claim a portion of the unimproved right-

of-way of Third Street. The applicant, Raymond Higgins, also owns properties to the north and south of the right-of-way in question and would like to construct a storage building on the northern parcel. Acquisition of this right-of-way will provide more space for the development and will eliminate the front building setback requirement that would exist if the right-of-way remained in place.

Engineering staff distributed the quit claim request to the various City departments for comment. There were no comments with the exception of the Light Department and the Planning and Code Administration Department. The Light Department will require an easement that will allow the Hagerstown Light Department to extend its facilities to the east if future development of those parcels occurs. The Zoning Administrator pointed out some restrictions to future development of the applicant's property imposed by zoning and building setback requirements.

Mr. Bender identified another issue associated with this quit claim. To the southeast of the proposed quit claim is an undeveloped, wooded parcel owned by Scott Minnich, Trustee. That parcel is zoned RH (Residential-High Density) and is bounded on the west by the Oak Street right-of-way and would also have a connection to Miles Street (a local County street). Mr. Bender pointed out that the Oak Street right-of-way is too narrow by itself to construct a public Street to City standards, and Miles Street is a substandard County street. The parcel is also bordered on the south by the South Pointe PUD but none of the street rights-of-way in that development extend to the Minnich parcel. Although the Third Street right-of-way does not touch the Minnich parcel in question, a connecting roadway utilizing part of the Oak Street right-of-way and the neighboring Minnich Estates property could provide access to the undeveloped parcel via Third Street; that potential connection would be eliminated if the quit claim was approved.

Mr. Higgins is the only property owner that adjoins north and south of the right-of-way. No city departments have an objection except for the City Light easement request.

Commission/Applicant Discussion: Mr. Wright believed that the Mayor and City Council need to look at this closely and receive advice from the City Attorney. The Minnichs currently have an option for access to their property. If this is taken away, there could be a denial of property rights. He encouraged the City to investigate this with its attorney. Oak Street could be an option but two access points would be recommended. He asked if Minnich Estates has been notified of this action. Zachary Kieffer, Mr. Higgins' attorney, stated that his client reached out to the Minnichs but they have not provided an answer one way or the other.

Ms. Davis asked if the matter could be tabled until the commission has something in writing from the Minnichs or something from the City Attorney. Mr. Kieffer asked if the commission would entertain an approval if the proposal gets a "sign off" by the City Attorney. Ms. Maher stated that she did not think it was necessary for the commission to make a decision either in

favor or not. It would be reasonable for the commission to relay its opinion that this is a complicated issue and that the Planning Commission has concerns about the possibility of cutting off the ability to serve the Minnich Estates land for future development. Mr. Wright wanted to make certain that the City’s motion is clear that there could be future legal problems that need to be investigated for the City.

Mr. Wright suggested a motion to the effect that the Planning Commission on the surface approves or recommends approval but encourages the Council to seriously consider legal ramifications to the Minnich Estates and that they consult with legal counsel.

MOTION: (Davis/Wheeler) I’ll make that motion.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - McIntire)

NorthPoint Building 3 – 1050 Wesel Boulevard – Fence Landscaping Waiver Request.

Staff Report: (staff memo is in the meeting file) The planned tenant of this building would like the property to be fenced for security reasons. They intend to install six-foot, ornamental aluminum fencing in the front and on the sides of the building, with chain link to the rear.

The forest conservation areas and adjacent wide CSX right-of-way are sufficient to buffer the fence to the sides and rear. However, there is a stormwater management facility along Wesel Boulevard and the fence is located at the top of the rim of the facility. The Ordinance requires a ten-foot landscaped buffer with a prescribed number of trees and shrubs based on the length of the fence. There will be plantings in the stormwater management facility, but they will not grow up to the point of screening a six-foot fence erected around the edge of the facility nor will there be room to install it.

Staff had no objection to the waiver request given the fence will be ornamental metal; will be located about 30 feet from the right-of-way of Wesel Boulevard; street trees are proposed for across the front of this property; and plantings are proposed for the floor of the stormwater facility that will provide some greenery to the area, even though they will likely serve little to no actual screening purpose for the fence. Staff noted that it would object to the waiver request if the applicant was proposing chain link or other industrial-appearing fencing for the front of the property.

This will be treated as a redline revision to the site plan and will be filed with the site plan.

Commission/Applicant Discussion: Several commission members questioned the blue cross-hatching on the fourth page in the handout labeled “Section A.” Tony Taylor of Frederick,

Seibert & Associates, Inc., engineers for the project, was not familiar with the meaning of these marks on the fence diagram. He offered to find out from his client. Mr. Wright did not want to see chain link fence installed behind the vertical pickets. Also on the sixth page it appears there is a fabric mesh backing behind the ornamental metal fence. Mr. Taylor was not clear on that element either. He noted this would be along the sidewalk leading from the door to the front.

Mr. Bockmiller stated that the waiver is for landscaping, but without knowing what the material is behind the fences it could impact staff's recommendation. Staff's preference would be that there is no material behind the ornamental fence. At the suggestion of Mr. Wright, the commission was comfortable giving Mr. Bockmiller the authority to approve the waiver. Mr. Bockmiller indicated that if the proposal is too industrial looking after clarification is received from Mr. Taylor or his client he will bring it back for the commission to review.

Mr. Wright spoke with Mr. Bockmiller prior to the meeting about not seeing the asphalt pathway along Wesel Boulevard on these drawings. He brought it up in front of the commission for transparency. Mr. Bockmiller confirmed that an asphalt walkway will be shown on the City's road construction drawings along the north side of Wesel Boulevard and the plan is to build the walkway. Mr. Taylor confirmed Mr. Bockmiller's assertion.

MOTION: (Thomas/Davis) I make a motion to approve the waiver request for the fence landscaping and the decision for the fencing is to be added on there at Steve's discretion.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Announcements.

- Virtual Planning Commissioner Training Course. Today, Ms. Davis, Mr. Thomas, and Mr. Wright participated in the Maryland Department of Planning and Maryland Planning Commissioners Association program that is designed to meet the state's training requirement for new commission or board members. There will be a second session next Wednesday (March 3).
- Mr. Bockmiller advised commission members that there would be several plan reviews on the agenda for the next meeting.

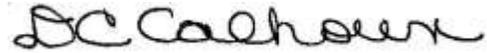
**Planning Commission
MINUTES – Regular Meeting**

**February 24, 2021
City of Hagerstown, Maryland**

Adjourn. It was moved and seconded that the meeting adjourn (7:47 p.m.)

3/10/2021

Approved



Debra C. Calhoun – Secretary