

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, March 31, 2021. This was an in-person and virtual meeting. Participating at City Hall were Mr. Wright and R. Thomas; participating via Zoom were C. Davis and S. McIntire. 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.

PUBLIC REVIEW MEETING

Land Management Code Amendment – Secondary Front Yard Fences, Case No. ZT-2021-01.

Mr. Wright called the meeting to order at 7:00 p.m. and explained the public review meeting process.

Staff Report. Ms. Flick provided background about the proposed amendments and reviewed the proposed changes with a PowerPoint presentation (copy of memo and PowerPoint in meeting file).

- There are 52 properties in Hager’s Crossing alone that have dual frontage lots with side or rear frontage on a minor collector (Hager’s Crossing Drive, Bartow Drive, and McDade Road).
- Current regulations limit the height of fences in “front” yards when that yard fronts a higher classification street than the principal front street.
- The proposed amendments will allow property owners along Hager’s Crossing Drive and other minor collector roads to fence their entire rear yard with privacy fences.
- The maximum height of front yard fences is being increased to four feet and the spacing requirement is being reduced to one inch wide or half the width of the picket whichever is greater.

Ms. Flick entered into the record the Planning Commission’s file by reference and the Certificate of Advertisement.

Commission Comments: Commission members had no comments on the proposed amendments.

Public Testimony:

Mr. Jay Andrews, 17302 Kilpatrick Court, Hagerstown, Maryland. Mr. Andrews stated that they have been waiting for their permit since December—no one let them know it would be

delayed. They need a taller fence for their grandchildren’s safety. Because they have a deck, the 20-foot setback would only allow them a three-foot wide yard in which their grandchildren could play. A neighbor down the street was permitted to build three feet off of Hager’s Crossing Drive. The Andrews asked for a waiver to allow them to install their fence now rather than waiting another 120 days for the ordinance amendments to go into effect. They are looking for balance and fairness and believe they have been waiting patiently.

Mr. Bockmiller noted that the permit for the fence mentioned by Mr. Andrews was issued in error; however, the ordinance does not allow staff to go back and enforce an infraction if the permit was issued in error. If the Mayor and City Council decide to move forward with the amendments, the Andrews fence permit could be issued before the effective date with a clause that they proceed at their own risk. Late July would be the worst-case scenario for the amendment becoming effective.

No one else was present to testify either in favor or against the proposed text amendments.

Staff asked Planning Commission members if they would be willing to consider these amendments at a special session next week. That would allow staff enough time to advertise the amendments for a public hearing with the Mayor and Council at the end of April. Commission members agreed to hold a special meeting on April 5 at 11:00 a.m. via Zoom to discuss the proposed amendments and make a recommendation to the Mayor and Council.

MOTION: (Thomas/Davis) So moved (to keep the record open until Monday morning at 10:30 a.m.).

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

REGULAR MEETING

Roll Call.

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

Approval of Minutes:

March 10, 2021:

MOTION: (Davis/Thomas) So moved (to approve the minutes of March 10).

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Development Review:

Hager’s Crossing – Phase 2B-7, Final Plat, Case No. S-2021-02.

Staff Report: (Copy of the staff report is in the meeting file.) This plat will allow the developer to record 38 single-family detached dwelling lots, a 4,052-square foot open space lot on Gemstone Drive, additional rights-of-way for Gemstone Drive and Fallen Timbers Circle, and a 2.27-acre open space/forest conservation lot. The remaining lands to the south and southeast will likely come in as one plat and will be the last platted section of this development.

The plan was routed to all agencies for comment and all review agencies have approved it; however, the Planning and Code Administration Department noted two minor drafting errors and Washington County Public Schools provided comments about school capacity. Ms. Maher noted that between 2006 and 2013 the City had an APFO; however, Hager’s Crossing was exempt because the preliminary plat for the development was approved prior to 2006. The City repealed its APFO in 2013.

Commission/Applicant Discussion: Dave Trostle of Frederick, Seibert & Associates, engineers for the project, was present via Zoom. Neither Mr. Trostle nor the Planning Commission had any additional comments.

MOTION: (Thomas/Davis) I move to approve the final plat contingent upon correction of the two minor drafting issues from Planning.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**PTV 1111 LLC (Dollar General) – 227 East Franklin Street, Site Plan,
Case No. ZS-2020-13; Final Plat, Case No. S-2020-14; and Site Design Waivers.**

Staff Report: (Copy of the staff report is in the meeting file.) This site plan is for the construction of a one-story 7,512-square-foot retail building constructed with architectural features to give the appearance of a two-story building adjacent to East Franklin Street. Thirty-three parking spaces are required by the Ordinance; 20 spaces are provided in accordance with a variance approved by the Board of Zoning Appeals (BZA). The rear portion of the property will be improved with a 42-space parking lot intended to be subdivided and transferred to the owner of the Mulberry Lofts building across the alley to the south. The existing alley on the west side of the property will be widened to provide two-way access in and out of the site from East Franklin Street and a two-way driveway will provide access to and from North Cannon Avenue for both the store and the Mulberry Lofts parking lot. The BZA also approved variances to relax the zero-foot “build-to” line on East Franklin Street by a few feet and a variance to the requirement that all parking be behind the building. The parking for the store will be located to the side of the building. The applicant requested six waivers. Schedule W attached to the staff report provides a description of the waiver requests and their justifications. Mr. Bockmiller noted that his comment in the staff report about the sixth request being unnecessary is not correct. This waiver is necessary contrary to the staff report.

This development qualifies for the exemption from the Forest Conservation Ordinance for development involving the redevelopment of predominantly existing paved surface. Therefore, no forest conservation plan was provided as part of this proposal. There is an existing dwelling on the property that appears to date from the mid-19th Century. Staff has been in contact with the applicant regarding permission to document the building before its demolition and the applicant has agreed to this request.

The site plan was routed to all agencies for comment and all have approved it with the exception of the Parks and Engineering Department and the Wastewater Division. The Electric Division has approved the site plan with the comment that the landscaped island in the Mulberry Lofts parking area may need to shift a space or two because they are working out a utility pole relocation along the alley and the pole would be located within the island. Therefore, the location of the island will be dependent upon the location of the utility pole.

Staff recommended approval of the waiver requests and the site plan, subject to the conditional approvals from Parks and Engineering and the Wastewater Division.

Commission/Applicant Discussion: Craig Bishop, engineer on behalf of PTV 1111 LLC, 9500 Woodcrest Road, Pittsburgh, Pennsylvania; and Robert McCollum of PTV 1111 LLC participated in the meeting via Zoom.

Commission members had no concerns with the requested landscaping waivers and believed that the requests met Criteria D.

MOTION: (Thomas/Davis) I make the motion that we approve the waiver request using Item D as the reason for doing it for all six waiver requests.

ACTION: APPROVED (Unanimous)

Regarding the site plan, Mr. Wright had security concerns with the 14-foot difference between the top of the retaining wall and the macadam surface below at the northeast corner of the parking lot. Mr. McCollum noted there will be a four-foot high ornamental fence in that area as a security measure. Also there is site lighting and parking lot lights on the building that will illuminate the parking area. Ms. Maher asked if there are plans for security cameras. Mr. McCollum indicated that they do not typically use exterior cameras on their stores. Commission members had concerns that the area will not be visible from East Franklin Street because of the elevation. The applicant was instructed to work with the Police Department on this, preferably with an active surveillance camera with a live feed to the Police Department monitoring activity in “the hole.”

Mr. McCollum indicated an exterior camera system would have to be explored further since they have never been required to install cameras. The site—with the exception of this one corner—is otherwise fairly open. Any police vehicle coming down the alley will have an open view across the parking lot to that corner. Staff indicated that there are public cameras throughout the City. Mr. McCollum said he would not be in favor of Dollar General being responsible for monitoring the security cameras or for maintaining the camera system. If cameras are installed, the system should be owned by the City of Hagerstown, but Dollar General could set it up. Mr. Wright suggested that a requirement for approval be that the owner of the building work with the Hagerstown Police Department on this safety concern.

Ms. Davis stated that she was not comfortable creating an enforcement hotspot that requires a camera and wondered if there were other solutions for this corner. Mr. McCollum stated there were really no other options. Whatever layout is chosen there will be a black hole due to the topography at this location. Mr. Wright noted the improvement this development will bring to the area including the addition of services to downtown residents. One of the negatives is this corner. He was not sure that there could be a physical solution to the problem besides security cameras. Ms. Davis agreed that this project is a positive for the area but she did not want to put an additional burden on the Police Department. Staff agreed that the applicant and the Police Department should work together to find a solution. Mr. McCollum indicated that they would be willing to discuss cameras with the Police Department—they would install the camera but the Police Department would maintain the footage and maintain the cameras. The store employees would not be responsible for reviewing camera footage or the equipment if it malfunctions or

needs maintenance. Mr. Wright added that he was not happy about not having a sidewalk coming off of North Cannon Avenue but understood the reason for the omission.

MOTION: (Davis/Thomas) I move to approve the site plan subject to the conditional approvals from Parks and Engineering, Wastewater, and the Fire Marshal, as well as collaboration with the Police Department to determine the best solution for deterrent of activity in that area with the wall.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Concerning the final plat, the proposal would re-subdivide the properties involved from six existing lots of record into two lots, plus additional alley right-of-way dedication to widen adjacent alley 4-45. Lot 1 will contain the Dollar General Store, its 20 parking spaces, and the driveway to North Cannon Avenue. Lot 2 will contain the Mulberry Lofts parking lot and will not front a street, just two alleys.

All review agencies have approved the final plat, with the exception of the Planning and Code Administration Department. Mr. Bockmiller noted that Planning is requiring that an easement be included on the plat to allow traffic coming to and from the Mulberry Lofts lot to use the driveway to North Cannon Avenue. Staff recommended approval, subject to the one condition from Planning. Mr. Bishop indicated that the plat will be updated to include the requested easement.

The commission had no additional comments or questions.

MOTION: (Thomas/Davis) I move that we approve the final plat with the addition of the note for joint access requested by Planning.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

NorthPoint Building 4 – 790 Wesel Boulevard, Site Plan, Case No. ZS-2021-01; Forest Conservation Plan and Forest Conservation Variance to Remove Specimen Trees, Case No. IFC-2021-01.

Staff Report: (Copy of the staff report is in the meeting file.) The forest conservation variance was considered first. Similar variances were applied for and approved for two other properties in this development. All the logic and justifications are the same with regard to locating large warehouse buildings on wooded lots. If the commission agrees to approve the variance request, Mr. Bockmiller will draft a Decision and Order based on the discussion at this meeting. Mr. Bockmiller read the report into the record (see meeting file for a copy of the report). Staff

recommended approval of the variance request. Commission members had no comments on the request.

MOTION: (Thomas/Davis) I make a motion to approve the variance to remove the six specimen trees.

DISCUSSION: Tony Taylor of Frederick, Seibert & Associates agreed with the staff report findings. If the trees cannot be removed, the proposed building cannot be built.

ACTION: APPROVED (Unanimous)

Mr. Bockmiller will circulate a draft Decision and Order for the commission’s review and the chair’s signature.

The site plan is for the construction of a 217,193-square-foot warehouse/office building. The site plan also includes stormwater management, two driveway entrances (one primarily for automobile usage and one primarily for tractor-trailers), 167 parking spaces, 24 semi-trailer parking areas along the west side, and required landscaping. Two forest retention areas already exist on the property resulting from the development of Building 2. One of these retention areas will be expanded and a third will be created along the western side lot line. No waivers are necessary or requested.

The reconstruction of Wesel Boulevard is under way at this time. Per arrangements made following the approval of site plans for Buildings 1 and 2 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.

Forest conservation for this project will be addressed as follows:

- Two forest retention easements: one to the west of the building and one to the north, adjacent to the rail yard.
- Expansion of an existing forest retention area with afforestation plantings in the amount of 0.07 acres.
- Street tree credit of 0.86 acres. The potential to claim street tree credit for all of the frontage on Wesel Boulevard for all building sites was claimed in the forest conservation plan for Buildings 1 and 3. As a result the developer is precluded from claiming street tree credit for this building. However, 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 disguise the mass of this building. This was requested by Staff as an additional landscape element. 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, however, the Planning Commission must approve this approach. Staff recommended approval of the second row of street trees, since linear replanting areas of at least 35 feet of width are permitted. The second row of street trees would be protected by an easement. Mr. Bockmiller noted for the record that the commission approved a similar arrangement with the site plan for Building 2 in this development.

Staff recommended that the proposed forest conservation plan be approved.

All review agencies have approved the site plan with the exception of the Parks and Engineering Department, and Water Division. Staff recommended approval of the site plan, contingent upon satisfaction of the outstanding comments from the Parks and Engineering Department and the Water Division.

Commission/Applicant Discussion: Tony Taylor of Frederick, Seibert & Associates, Inc., engineers for the project, participated in the meeting via Zoom. Mr. Wright questioned a “triangle” drawn on page L101 and asked what that represents. Mr. Taylor stated this is part of the “Kopper” site and there were some soils that needed to be remediated per the Maryland Department of the Environment (MDE). MDE ruled that the soil in that area cannot leave the site and needs to be placed back on the site. The existing gravel road will remain and be allowed to grow up since it will be too much trouble to remove it. Ms. Maher asked if there is a fence that will keep people from using it as a shortcut. Mr. Taylor said there is an existing fence and it will be cordoned off. He could not confirm whether a new fence will be installed. Currently there is no tenant for this building. Mr. Wright questioned a “round structure” with a square pad attached to it. Mr. Taylor noted this is a water tank that is part of the fire suppression system. There are also tanks for Buildings 1, 2 and 3.

There were no additional questions or comments by the commission.

MOTION: (Davis/Thomas) I’ll make a motion to approve the forest conservation plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

MOTION: (Davis/Thomas) I’ll make a motion to approve the site plan subject to conditions cited by Parks and Engineering and Water.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

NorthPoint Building 2 – 811 Wesel Boulevard, Site Plan, Case No. ZS-2021-03.

Staff Report: (Copy of the staff report is in the meeting file.) In case ZS-2020-08, a site plan was approved for the construction of a 798,309-square-foot warehouse/office building with associated 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. A forest conservation plan was approved that included two forest retention areas in the eastern portion of the property, and a second row of street trees along Wesel Boulevard. Forest conservation easements were also recorded on parts of the site of future Building 4, adjacent to the Ridge Avenue community.

Mr. Bockmiller modified the staff report at this point stating that the previously approved building will be reduced in size for the reason that the landlord who owns both Lots 11 and 12 will be able to use the western portion of Lot 12 to provide additional trailer parking for Building 1 on Lot 11. There will be no connection between the trailer parking on Lot 11 and the trailer parking and access on Lot 12. The access point for Lot 12 will line up with the access point for Building 4 on Lot 13.

The new site plan proposes a smaller building containing 278,206 square feet and improvements including: 273 trailer drops (adding trailer drops to support activity in Building 1); 79 loading dock spaces; 460 automobile parking spaces; a single direct connection to Wesel Boulevard; and two guard shacks. The trailer drop area supporting Building 1 will be accessed via what was originally going to be a shared driveway access with Building 1. With the new site plan, this driveway will only provide access on this property to the Building 1 trailer drop area. Access to Building 2 and the parking associated with it will be accessed by one driveway entrance on the eastern portion of the frontage along Wesel Boulevard. The stormwater management and forest conservation arrangements previously approved will not change.

All review agencies have approved the site plan with the exception of the Parks and Engineering Department, Water Division and Wastewater Division. Staff recommended approval subject to the outstanding comments from Parks and Engineering and the Water and Wastewater Divisions of the Utilities Department.

Commission/Applicant Discussion: Tony Taylor of Frederick, Seibert & Associates, Inc., engineers for the project, participated in the meeting via Zoom.

Mr. Wright was concerned that the proposed access and egress points will not be sufficient to serve these two buildings. Mr. Taylor stated that the shared access was originally planned for a much larger facility. This site plan reduces the size of Building 2 by almost 300,000 square feet. Currently their client is studying whether a traffic light will be necessary at the common entrance between Buildings 1 and 3. Mr. Taylor added that conduit has already been installed in

anticipation of a signal at this intersection. Their client looked at truck movements with the new configuration due to the reduced size of the building. In addition the number of docks has decreased and there will be fewer trailer drops. A traffic study conducted by the client showed that most traffic went to Halfway Blvd rather than going east on Wesel Boulevard. Mr. Wright was not convinced that the one intersection would be sufficient. One entrance will handle 80% of the trucks. Mr. Taylor stated that trucks can only leave the site from the exit on the south side of the building. Mr. Taylor offered to do a signal warrant analysis. Mr. Bockmiller noted that the City Engineer had no comments on the volume of truck traffic. Mr. Wright observed that the traffic study was based on two points of access.

There were no other comments or questions.

MOTION: (Thomas/Davis) I make a motion that we approve the site plan with the conditions of Water, Wastewater, and Parks and Engineering.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business.

Comprehensive Plan’s Proposed Alignment of R. Paul Smith Boulevard, North of Edgewood.

Staff Report: (Staff memo in meeting file). Staff has been discussing development prospects for a single user of the balance of the Harrison Tract on the north side of South Edgewood Drive. The extension of R. Paul Smith Boulevard through the Harrison Tract has arisen as a question. It was noted that development in Washington County has effectively blocked any of the planned connections to the Dual Highway at Mt. Aetna Road and at Alternate Route 40. Staff noted that an alignment south of Edgewood Drive to the Dual Highway is still possible, and an alignment extending south of Hebb Road to Beaver Creek Road might still be possible.

Staff had the following recommendations:

- If a development proposal comes forward for the Harrison Tract north of Edgewood Drive that involves a single user or single tax parcel, that the requirement for the segment of R. Paul Smith Boulevard through this tract be waived. Staff believed that in this scenario the road proposed in the Comprehensive Plan would no longer serve a public purpose given the nature of the development and the inability to reach the Dual Highway/Mt. Aetna Road. Any connections to Howell Road deemed prudent or necessary could be made via private driveways. The alignment of R. Paul Smith Boulevard south of Edgewood Drive would still be viable in some form and would help

to alleviate traffic constraints at Dual Highway/Edgewood Drive and Dual Highway/Hebb Road/Emmert Road.

- If alternative development proposals come forward for this tract that involve subdivision into separate tax parcels, the requirement for R. Paul Smith Boulevard should still be on the table as a means of accommodating such a development.

Staff also pointed out that the Land Management Code specifies that if a new road is recommended in the Comprehensive Plan it needs to be dedicated to the City or built if needed to serve traffic generated by the development. Mr. Wright had concerns about traffic volumes in the area if the property develops. Ms. Maher stated that a traffic study would be necessary and the southern portion of R Paul Smith will be vital.

(Mr. Thomas left the meeting temporarily.)

Mr. Wright asked for a motion to table a recommendation on this matter until more commission members can be present.

(Mr. Thomas returned to the commission.)

MOTION: (Davis/McIntire) Motion to table.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Staff was directed to put this item on the Special Meeting Agenda for April 5. If there are enough members present at that meeting it will be considered; if not, it should be placed on the April 14 agenda.

Announcements.

Mr. Bockmiller informed the commission that he is compiling a report on how forest conservation for the NorthPoint projects have panned out collectively, including the net result (how many trees were removed, preserved, and/or put back). For all of the trees that were on the site, they were either preserved or will be put back through forest conservation.

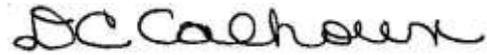
**Planning Commission
MINUTES – Regular Meeting**

**March 31, 2021
City of Hagerstown, Maryland**

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

4/28/2021

Approved



Debra C. Calhoun – Secretary