

**Planning Commission
MINUTES – Regular Meeting**

**May 12, 2021
City of Hagerstown, Maryland**

James Stone, vice chair, opened the meeting at 4:02 p.m., on Wednesday, May 12, 2021, in the Council Chamber, Second Floor, City Hall. Also in attendance were C. Davis (via Zoom), S. McIntire (via Zoom), C. Ploscaru (via Zoom), R. Thomas, and J. Wheeler. The following staff members participated in the meeting: K. Maher, Director of Planning & Code Administration; S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Planning Commission Secretary. **(NOTE: Planning Commission revisions are indicated in red text.)**

REGULAR MEETING

Roll Call.

Commission members D. Wright and S. McIntire, were absent.

Approval of Minutes:

April 14, 2021.

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

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

April 28, 2021.

Mr. Thomas pointed out a typographical error on page 2, second full paragraph, at the end of the third line (Sheet 3 *of* 8 not Sheet 3 or 8).

MOTION: (Thomas/Davis) I make a motion to accept the minutes with the correction.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Wheeler)

Mr. Stone noted for the record that Ms. McIntire was now in attendance via Zoom.

Development Review:

**Urban Improvement Project (Cultural Trail-Phase II) – 19 Rochester Place, Site Plan,
Case No. ZS-2021-04.**

Staff Report. (Staff memo is in the meeting file.) This site plan is for the improvements associated with the extension of the Cultural Trail north from West Antietam Street, past the west side of the District Court building, across Library Alley and into the vacant space fronting West Washington Street. This vacant space was formerly occupied by the circa 1830/1860 Updegraff home and store between the County office building and the 1880s Updegraff factory now commonly known as “The Bead Store.” The space has been assigned the name “Hatter’s Plaza” to reflect the site’s history of the use of the property for decades in the 19th and early 20th centuries as a hat store.

The area between the buildings and behind the County office building will be developed as a pocket park with a multi-purpose area behind the County office building that will double as an assembly space and truck offloading for the Maryland Theatre and the Barbara Ingram School for the Arts facilities. A walkway will extend along the west side of the District Court House from West Antietam Street to Library Alley and connect into a walkway that will go through Hatter’s Plaza to West Washington Street. A two-story brick street wall approximating the appearance of the masonry elements of the original two-story, 1830s Updegraff building will be erected between the front right corner of the County office building, and the front left corner of the Bead Store building. Window and storefront display area openings create openness and visibility into the space while maintaining the historical environment of the street wall; however, actual windows and storefronts will not be installed. The feature will be entirely masonry. A masonry trash enclosure will be located off the southwest corner of the County office building.

The area is completely existing impervious surface making the project exempt from the requirements of the Forest Conservation Ordinance. A concise description of the plan would be “walkways, landscaping and approval of a revised paving area to the rear of the County office building.” The development is located in the Downtown Historic District and the overall layout and the specific proposed improvements were recently approved by the Historic District Commission.

The site plan was routed for comments and all review agencies have approved the plan with the exception of the Light Department which has requested a note be placed on the site plan. Staff recommended approval, subject to the outstanding approval of the Light Department.

Planning Commission/Applicant Discussion. Rodney Tissue, City Engineer, was present on behalf of the City of Hagerstown. In answer to a question by Mr. Stone, Mr. Bockmiller explained the street wall is in response to the Historic District Commission’s concern about the

impact of demolitions on historic streetscapes. The proposed wall will help to close in the streetscape while also providing visibility into the space for security. The street wall will be built to mimic the historic rhythms of West Washington Street.

Mr. Thomas asked what **the** project’s impact will be on the existing Cultural Trail. Mr. Tissue stated that this phase of the trail will begin at the District Court on West Antietam Street, continue along the District Court property, and come out in front of University Plaza at which point the existing Market Walk continues on to the Market House. Mr. Tissue mentioned that the stair and elevator tower is being built to help with re-energizing the Bead Company building. The goal of this phase of the trail is to make the area more useable including flexible space options that do not exist now. This will be the main walk route from Downtown to the new stadium.

MOTION: (Davis/Wheeler) I’ll move to approve the site plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

South Hagerstown High School - 1101 South Potomac Street- Modular Classroom Building, Site Plan, Case No. ZS-2021-06.

Staff Report: (Staff memo is in the meeting file.) Due to capacity issues, the Board of Education is replacing ten individual modular classrooms with two eight-room modular classroom buildings, increasing the number of classrooms by six rooms. Six additional staff members will be hired. Staff noted that parking at South High is ample; no additional parking areas are proposed with this site plan. The modular classroom buildings will be enclosed by fencing to control access to the buildings. Persons will only be able to access this area through the interior of the school; however, gates will be installed as part of the fencing. The nearest the new buildings will be to property lines is approximately 160 feet. As a result of the nature of the proposal, specific site requirements of the ordinances are limited. The disturbed area is less than 40,000 square feet making it exempt from the Forest Conservation Ordinance.

The site plan was routed for comments and all review agencies have provided approval with the exception of conditional approval by the Planning and Code Administration Department and the City Engineer’s office. Staff recommended approval, subject to the conditions provided by Planning and Code Administration and the Parks and Engineering Department.

Planning Commission/Applicant Discussion: Gordon Poffenberger of Fox & Associates was present on behalf of Washington County Public Schools. Commission members were concerned about Washington County Public Schools’ solution to overcrowding through the addition of temporary classroom buildings. The Planning Commission has no purview over this issue. Mr. Poffenberger stated that his client must believe that it is more cost effective to install

temporary buildings rather than building an addition on the school. He added that these buildings will contain restroom facilities and they are sprinklered. Students will have to go outside of the main school building to access the modular buildings.

MOTION: (Wheeler/Thomas) I'll move to approve the site plan.

DISCUSSION: Mr. Stone noted the motion should be amended to include “subject to Planning and Code Administration and Engineering Department comments.” Ms. Wheeler and Mr. Thomas agreed to the amendment.

ACTION: APPROVED AS AMENDED (Unanimous)

Planning Commission Business:

Small-Scale Brewery Text Amendment.

Staff Report: (Staff memo is in the meeting file.) The City’s economic development team has been receiving inquiries for breweries in the downtown area that would exceed the 15,000-square-foot limit defined by the Land Management Code. Staff suggested they discuss with the commission their experiences with prospects and a possible amendment of the recently approved text amendments for this use. As this affects a serious prospect, the goal is to begin review at this meeting, and if the Planning Commission agrees, hold the Commission’s public review meeting at the last meeting in June.

Doug Reaser, Business Development Specialist, with the City’s Department of Community and Economic Development (DCED) was present. He indicated that breweries in the Frederick County area are looking west for additional branches of their businesses. DCED staff are expecting a letter of intent in the near future for a request that is beyond the 15,000-square-foot maximum. This potential user would provide an outlet for local artists, and would impact tourism and education.

In general as breweries look to expand and look for additional tasting rooms, all of this could impact the Downtown and provide additional business opportunities for residents. DCED’s prospect is not known publicly but is looking for a space larger than the allowable 15,000 square foot maximum—their use would need about 25,000 square feet. Mr. Reaser suggested that if the commission was amenable to amending the ordinance, it could be permitted as a special exception use. The current prospect is interested in a building located in the CC-MU zoning district; however, he foresaw interest in properties outside of the downtown area by other breweries.

Mr. Thomas asked about the multi-use entertainment component of the brewery. Mr. Reaser agreed that these types of uses generally include a small entertainment function, art galleries, and social gathering locations for residents and for out of town visitors. The intended user plans to have both a brewery and a distillery in the space. Mr. Reaser could foresee requests for larger spaces in the future. DCED's intent is to establish sites that are destination locations.

Ms. Maher asked the commission whether it wanted to increase the size limit by right or to allow facilities larger than 15,000 square feet with a special exception through the Board of Zoning Appeals. She added that these uses usually have outdoor events with amplified sound. Mr. Reaser said there could be events or festivals on occasion. The restriction on amplified sound outdoors could be a deterrent to some of these uses locating downtown. Mr. Ploscaru asked if there are time limits for the events. Mr. Stone had concerns about the open-ended nature of the events. Ms. Maher stated that currently if the noise level is anticipated to exceed the decibel level in the Noise Ordinance, the event needs to obtain approval from the Mayor and City Council. Mr. Reaser does not want to supersede the Noise Ordinance. Ms. McIntire did not believe these types of uses would interfere with the businesses downtown. Mr. Ploscaru had no issues with noise in his neighborhood as long as it ends at 11:00 p.m.

Ms. McIntire stated that the city is "crying out" for entertainment opportunities. The City has to evolve and lower the barrier to entry. If someone wants to do something exciting, the City should find a way to accommodate them. The City needs to be able to accommodate new ideas to become the City we want to become. Mr. Ploscaru agreed.

Ms. Maher explained the text amendment could be a stand-alone amendment. A public review meeting could be scheduled for the last meeting in June. Timing is important since DCED has an interested prospect. It is too late to add this amendment to the 2020 Land Management Code text amendment package because the ordinance has already been introduced. Mr. Reaser indicated that the time frame as proposed would not negatively impact his prospect.

Mr. Stone believed a special exception would be the best process. Presumptively the use would be allowed; however, in areas where the use would not be appropriate, the Board of Zoning Appeals would have review and control rather than the use being a matter of right. Mr. Reaser stated that for the square footage issue, a special exception would make sense. He argued that for the amplified music restriction, breweries/distilleries/wineries would be the only uses that would have a noise limitation. Mr. Bockmiller elaborated stating that there are uses downtown that make noise (car shows, restaurants with decks, and the future stadium). Mr. Reaser said that events would occur on the user's site and if an outdoor event does not violate the Noise Ordinance, he did not believe it would be a negative for downtown. Several existing restaurants were identified that have amplified outside music now. Staff asked the commission to remove the restriction on outdoor amplified music.

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Commission members participating in the meeting agreed to hold a public review meeting for a proposed amendment that would expand the size limitation for breweries and distilleries to 25,000 square feet as a special exception and to eliminate the restriction on outdoor speakers. Mr. Thomas had concerns about the decibel level. Staff stated that if a decibel level is listed in the Zoning Ordinance, the Zoning Administrator would be the enforcer and the Noise Ordinance addresses this concern. Zoning staff have no interest in becoming the enforcement agency for the Noise Ordinance.

Commission members agreed that staff should advertise for a public review meeting for the meeting at the end of June.

Board of Zoning Appeals – May Hearing.

The commission had no comments on the administrative appeal filed in response to a zoning violation notice for converting a single-family residence into a two-family dwelling without the proper amount of square footage.

Announcements.

None.

Adjourn. It was moved and seconded that the meeting adjourn (4:58 p.m.)

Approved

Debra C. Calhoun – Secretary