

MINUTES - HAGERSTOWN PLANNING COMMISSION

Date: July 13, 2022
Time: 4:00 p.m.
Location: Room 407, City Hall, 1 East Franklin Street
Attendance:

Name	In-Person	Remote	Absent
Douglas S. Wright, Chairperson	X		
James W. Stone, Vice Chairperson			X
Judy Wheeler			X
Ronald Thomas	X		
Christina Davis	X		
Tamara Martinez	X		
Shelley McIntire, Ex-Officio	X		
Staff:			
K. Maher, Director, PCAD	X		
S. Bockmiller, Development Review Planner and Zoning Administrator	X		
Vacant, Planner			
Vacant, Recording Secretary			

Preliminary Matters:

1. **Call to Order and Instructions from the Chair** - The Chairperson called the meeting to order at 4:05 p.m. Attendance of members and staff are reflected in the chart above.
2. **Approval of Minutes** – June 8, 2022 - Ms. Davis moved to **approve** the minutes of June 8, 2022 as presented. Mr. Thomas seconded the motion which **passed** by a vote of 3-0-2 (Ms. McIntire and Ms. Martinez abstained). June 29, 2022 – Mr. Wright directed that a correction be made to reflect the correct date of the first meeting in July from July 11 to July 13, on page 1 under “approval of minutes.” Ms. Davis moved to **approve** the minutes of June 29, 2022, subject to Mr. Wright’s correction. Ms. McIntire seconded the motion which **passed** by a vote of 4-0-1 (Mr. Wright abstained).

Development Review:

1. **Potomac Dental Parking Lot** – 4 Cypress Street – (SA-2022-03) – Site plan with landscaping waivers; Engineer: A. Hager, Frederick, Seibert and Associates.

The summary memorandum, which is in the meeting file, was presented by Mr. Bockmiller. The applicant was represented by Adam Hager of Frederick, Seibert and Associates.

This property is subject to a local conversion district overlay. Staff pointed out that the parking area doesn’t comply in places with the required 10-foot buffer width requirement from the adjacent property, from Potomac Avenue and from Cypress Street. As a precaution, Staff required the applicant to complete a waiver request, within which they cited Criterion C as justification for approval. The issue is not new to anyone and the drawing, as shown, is consistent with the exhibit reviewed by the Planning Commission and approved by the Mayor and Council as part of the Local Conversion District Overlay which is now in effect for this property. Since it appeared on the rezoning exhibit, it may be implied to be approved as depicted, but the waiver should be acted upon as a procedural protection.

Mr. Wright expressed concern with stormwater run-off being directed to the front yard of the property to the north. Mr. Hager explained that the lot will drain toward the intersection to a storm drain, and Mr. Wright was satisfied with the explanation.

Action: After discussion, Mr. Thomas made a motion to **approve** the requested waivers for the width of certain landscaping buffers, citing Criterion C in the Ordinance used in evaluating requests for waivers. Ms. Davis seconded the motion which **passed** by a vote of 5-0. Mr. Thomas then moved to **approve** the site plan, and Ms. Davis seconded the motion. The motion **passed** by a vote of 5-0.

2. **Pangborn Mini-Warehouses (Bruno 580, LLC)** – 580 Pangborn Boulevard - (no file number assigned) - ESD sketch plan - Engineer: A. Hager, Frederick, Seibert & Associates.

The summary memorandum, which is in the meeting file, was presented by Mr. Bockmiller. The applicant was represented by Adam Hager of Frederick, Seibert and Associates. A setback variance was obtained from the Board of Zoning Appeals for a setback variance of up to five feet for one of the buildings on the proposal.

Staff raised concern with the proposed subdivision of the property, which would cause the design to be noncompliant with the requirement regarding design and buffering as it relates to adjacent properties, however felt that this issue could be resolved during the site plan process and there was no need to delay approval of the sketch plan over this issue. Mr. Hager said that he would review the situation with the property owner, who was unavailable to attend this meeting. The suggestion was made to reorient the buildings on the interior of the site to run north-south to reduce impact on the residue of this parcel from which the project would be subdivided. Mr. Hager said the site plan design for this project will be complex due to the environmental limitations on the property, but he would look at that option.

Discussion was also had regarding the condition of the retaining wall to the east, the municipal boundary that runs through the eastern edge of the site, and the issue of the impact of traffic entering and exiting the site on homes to the south. Mr. Hager responded that a masonry landscaping wall would be located along the south property line where a small retaining wall is located, and the Board of Zoning Appeals required as a condition of approval that the retaining wall to the east be repaired as necessary.

Action: After discussion, Mr. Thomas made a motion to **approve** the ESD Sketch Plan, permitting it to move forward to the Site Plan stage. Ms. McIntire seconded the motion. There being no further discussion, the motion **passed** by a vote of 5-0.

3. **Zion Reformed Church of Christ** – 229 North Potomac Street - (S-2022-10) – Subdivision plat for one lot for existing former parsonage building - Engineer: E. Schreiber, Frederick, Seibert and Associates.

The summary memorandum, which is in the meeting file, was presented by Mr. Bockmiller. The Applicant was represented by Ed Schreiber of Frederick, Seibert and Associates, and Becky Owens representing the Church.

This subdivision plat divides off the former church parsonage onto its own lot, retaining the rear of the site, containing parking for the church, for the Church's use. A driveway easement on the existing driveway network wraps the parsonage, providing driveway access to the rear for the new lot being created. There are no building setback requirements since the building is in the CC-MU (City Center - Mixed Use) Zoning District.

Members of the Commission had concerns that there was no dedicated parking for the proposed lot. Staff explained that, technically, none is required by the Zoning Ordinance due to the lot containing an existing building in the CC-MU zoning district. Mr. Schreiber and Ms. Owens explained that the Church must retain full control of all parking on the site due to the limited amount it has available for church members. However, the church is open to a "gentlemen's agreement" to permit parking by those using the former parsonage at all times other than Sunday mornings to accommodate the Church's own needs.

After further discussion, the applicant did agree to add to the plat a pedestrian easement in the area between the building and the driveway easement part to the rear (west), so that those who may exit their vehicles in this easement can approach rear entrances to the building without trespass issue on church property.

Action: Ms. McIntire made a motion to **approve** the plat, subject to adding the discussed pedestrian easement. Mr. Thomas seconded the motion. There being no further discussion, the motion **passed** by a vote of 5-0.

4. **Kilpatrick Woods, Section 1** – South side of Marshall Street – (S-2021-10) – Final plat for 107 single-family lots, open space and stormwater lots and forest conservation – Engineer: G. Poffenberger, Fox and Associates.

The summary memorandum, which is in the meeting file, was presented by Mr. Bockmiller. The Applicant was represented by Gordon Poffenberger of Fox and Associates. Mr. Bockmiller provided a brief history of the project, and clarified the areas of the parent tract that this plat addresses. Staff also reiterated its concern that a cluster subdivision with exclusively single-story homes that use almost all of the dedicated building envelope and without any basements will create a difficult situation for residents storing their excess belongings. However, there is nothing in the proposal that conflicts with City Ordinances and if the City were to take issue with this, it should have been done at the Development Plan stage, which it wasn't. Staff said that its review of the subdivision homeowners' association creation and covenants is almost complete. The HOA will have to be created and the documents recorded before the plat is recorded.

There was some discussion about the pedestrian connections to the schools on the north side of Marshall Street.

Action: After discussion, Mr. Thomas made a motion to **approve** the plat. Ms. McIntire seconded the motion. There being no further discussion, the motion **passed** by a vote of 5-0.

Consultations and Workshops:

Carmax – 1923 Dual Highway – (no file number assigned) – Consultation for a car sales facility and adjacent new public street – Project Manager: B. Lauth, Centerpoint Integrated Solutions.

The following persons appeared on behalf of Carmax: Brad Lauth, Centerpoint Integrated Solutions, Steve Hudak and Brian Pusifer of Carmax and Jeff Smith from Kimley-Horn Engineers. The Applicants sought the Commissions input on the proposed development of this site for a Carmax car dealership, and subdivision of the property to include a new public street between Hamilton Nissan and the Carmax to provide access to properties to the south. It was clarified that the landscaping requirements for a car display lot are the same as a parking lot as they account for buffering from adjacent properties and public streets, but not internal to the lot.

The Commission was okay with their request to cluster street trees along Dual Highway to create openings in the canopy for vehicle visibility from the street. The Commission was okay with the configuration of the improvements of the street and associated driveways on both sides, and was okay with the fact that the front bay of parking at Hamilton Nissan would be located within 10 feet of the new street right of way. Staff clarified that this feedback gives the applicant a "level of comfort" regarding these issues, but a waiver application would be required for any deviations from the requirements of Article 5, which would come to the commission with the site plan for final approval. Based on the wording in the Ordinance, interior parking lot islands appear not to be required by the design requirements for a vehicle merchandise display area like would be required in a standard use parking lot.

Planning Commission Business:

None.

Adjournment:

There being no further business and hearing no objection, the Chairperson adjourned the meeting at approximately 5:55 p.m.



Stephen R. Bockmiller, AICP
Acting Recording Secretary

7/27/22