

City of Hagerstown, Maryland
 Committed to Safety
 Dedicated to Partnership and Progress

Hagerstown Planning Commission

July 28, 2021 – 7:00 p.m. – Council Chamber, Second Floor – City Hall

Agenda

*Please visit the City’s website at www.hagerstownplanning.org for information about options for participating in the public review meeting and for viewing the meeting on the Planning and Code Administration Department’s YouTube channel. Documents regarding cases and topics to be reviewed can be found at these links beginning at 11:00 a.m. on Monday, July 26.

Time	Subject	Action
7:00 p.m.	Regular Meeting. Roll Call. Rules of Procedure. Extension of State of Emergency Rules of Procedure through August 30, 2021. Approval of Minutes. June 30, 2021 & July 14, 2021	Motion
7:10 p.m.	Development Review. Workshop – Proposed Ecklund Local Conversion District – Potomac Avenue at Cypress Street (4 Cypress Street)	Discussion
7:30 p.m.	Planning Commission Business. Field trip report –Staff field trip to “Walden” in Cumberland County, PA and implications on possible amendments to the Land Management Code in the 2021 Text Amendment Package Discussion of post-Covid use of communication technology as it relates to the Rules of Procedure.	Discussion Discussion
8:30 p.m.	Adjourn.	Motion

Next Meeting: August 11, 2021 – 4:00 p.m.
All Meetings are recorded and posted on YouTube

Douglas S. Wright, Jr., chair, opened the meeting at 7:01 p.m., on Wednesday, June 30, 2021. Also present or participating via Zoom were Commission Members C. Davis (Zoom), J. Stone and R. Thomas. The following staff members were present: K. Maher, Director of Planning and Code Administration; S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner (Zoom); and A. Haught, Planning Commission Secretary.

Roll Call.

Commission members D. Wright, J. Stone, C. Davis and R. Thomas were present and members S. McIntire, C. Ploscaru, and J. Wheeler were absent.

PUBLIC REVIEW MEETING

Small-Scale Breweries Text Amendment, Case No. ZT-2021-02.

An amendment to the text of the zoning ordinance (Article 4), to adjust current language regarding small scale breweries, wineries and distilleries. The proposals include increasing the maximum square footage in the definitions (Article 3) from 15,000 to 25,000 square feet, increase the maximum square footage permitted by special exception in the CG, POM, IR and IG Districts from 15,000 square feet to 25,000 square feet, permit the use by special exception up to 25,000 square feet in the CC-MU District and Conversion Overlay District. Restrictions on outdoor amplification of sound would be removed, to be regulated by the Noise Ordinance.

No persons testified at the hearing.

Mr. Wright asked why should the City increase the maximum size to 25,000 square feet. Kathy Maher responded that the City is working with a developer that is looking for space in the city to create such a use, but the 15,000 square foot area maximum is too small for their intended use. For them to locate here, the ordinance would need to be amended to increase the maximum area.

Mr. Wright was trying to get a concept and feel for the square footage of 25, 000 for the distillery pub this establishment. The discussion struggled to identify a comparable facility as a guide, and Kathy Maher also pointed out that the facilities that large would require a special exception, so there would be opportunity to review them on a case-by-case basis. Mr. Stone pointed out that prior discussion on the matter concluded that what is proposed is consistent with what is seen in nearby jurisdictions. Kathy Maher also mentioned that the current regulation of outdoor speakers would be removed from the text. She stated that the Economic Development staff pointed out that this is the only entertainment type use that is specifically regulated for noise within the zoning ordinance, whereas other uses have the ability to approach the Mayor and

Council for an exception to the Noise Ordinance. Steve Bockmiller also pointed out that, as zoning administrator, it would be best if he not become the “noise enforcer” for a single use within the zoning ordinance, when everything else is addressed by the Noise Ordinance, which is enforced by another city agency.

Megan Flick entered the case file and the certificate of advertising into the record by reference.

MOTION: (Stone/Davis) I move to leave the record open for ten days. Motion passed unanimously.

REGULAR MEETING

Approval of Minutes:

May 26, 2021:

MOTION: (Davis/Thomas) Motion to approve the May 26 minutes.

DISCUSSION: None.

ACTION: Approved 4-0.

Development Review:

Darren Quillin and Courtney Rector representing the applicant

Columbia Gas of Maryland – 55 Sycamore Street – Environmental Remediation Plan, Site Plan, Case No. ZS-2020-11.

Staff Report: Steve Bockmiller presented the staff report, which is in the meeting file. This site plan will allow the applicant to remediate suspected contaminated soil and install an impervious cap (paving) over some suspected contaminated soil that may remain. This will be through removal and replacement. The overall configuration of the site will not change greatly. Staff had encouraged the applicant to install an evergreen screen along the eastern alley, providing a buffer for this industrial use from the adjacent homes that front South Potomac Street. Just west of this screen, a stormwater management area (quality control) is provided. There is some retrofit of landscaped islands on parking areas that will be disrupted by the construction.

This project is exempt from the forest conservation ordinance since it is an existing impervious surface project.

The applicant requested a waiver to the requirement for installing sidewalks along the south side of Sycamore Street. They cite the existence of sidewalks on the north side of the street and concerns from the Fire Department. The Fire Department will have an access through this site to their intended new headquarters and fire station building which is planned for the southern end of this property and lands the city owns fronting South Potomac Street (see attached Schedule W, Waiver Application).

No Plan Review Committee meeting was held due to the health emergency. The site plan was routed for review and all agencies have provided approval with the exception of the Planning and Code Administration Department concerning a few minor drafting issues.

Staff made no recommendation regarding the waiver; and recommended approval, subject to the minor drafting corrections noted by the Planning and Code Administration Department, should the Commission decide to approve the requested waiver for the sidewalks.

Staff clarified that, since the publishing of the agenda and preparation of the Staff Report, the Fire Department has informed staff that they have no objection to the installation of the sidewalks.

David Yates, Darren Quillen and Courtney Rector represented Columbia Gas [participated in the meeting via Zoom.]. They made themselves available to answer any questions.

Mr. Wright believes the citizens of the city would be much better served if the sidewalk were to be installed as required by the Ordinance along Sycamore Street, and opposed the waiver.

Mr. Quillen pointed out that the property immediately adjacent to the site to the west is a vacant railroad property, so any sidewalk they install would not extend to the next intersection. He stated that it would promote foot traffic in an area with unmanaged crossing. Also, the site would be used by large utility vehicles, and with that, additional risk to pedestrians, often they leave the site responding to an emergency, and the fire department will have an egress route through their property to Sycamore Street from the proposed new fire station which will be on the southeast corner of this site (fronting Potomac Street). Mr. Yates pointed out that this site plan is not for development or expand operations. It is a remediation of environmental issues on site, and as such, that should be taken into account in this decision, and as such, felt that adding sidewalks when they are addressing environmental issues and not expanding operations is inappropriate in this situation.

Mr. Wright pointed out that sites with utility trucks and emergency equipment entering and existing sites has never before been used as justification for not installing sidewalks. We need to define safe spaces to walk and provide safe opportunities where possible. Mr. Thomas supported

this position. Ms. Davis pointed out that segments of missing sidewalk have been routinely required in the past, to create opportunities for pedestrians to get out of the street.

Steve Bockmiller explained that staff remained neutral on the waiver, since it is not for the expansion of a use, and informed the applicant of the Commission’s strong long-standing position on installing sidewalks as part of site plan approvals when sidewalks do not exist. This is also the default situation within the Ordinance, and to omit the sidewalk requires the Planning Commission granting a waiver. Had this site plan been for the expansion of operations, the request for the waiver would have received a flat recommendation of denial, but since it was for a “net neutral” development situation, staff made no recommendation, leaving it to the applicant and the Commission to work out.

MOTION: (Stone/Thomas) Motion to approve the site plan subject to addressing minor staff comments and adding the public sidewalk to the plan before staff signs the plan. (Note: By imposing the condition to add sidewalks to the plan, the waiver request was essentially denied or rendered moot, without a specific motion on that matter).

DISCUSSION: No additional discussion.

ACTION: Approved 4-0

Planning Commission Business.

Residential Subdivisions in the 21st Century – Review of Recent Memorandum to Development Engineers.

Mr. Bockmiller made a presentation to the Commission regarding observation of new, creative subdivision designs in other communities (examples mostly observed in Lancaster County, Pennsylvania). He explained that the subdivision ordinance was re-written before the “Great Recession” to promote more traditional, yet creative subdivision designs (steering away from late 20th Century suburban designs), but they have not been used due to the dearth of residential subdivisions in the last 10+ years due to the condition of the local housing market. Now conditions are such that the City is receiving proposals for significant subdivisions, but the sketches being shown to staff reflect more the pre-2007 subdivision ordinance.

Elements observed and discussed included, but not limited to:

Promoting alley access and parking, limiting the use of front yards for parking pads (with or without attached garages).

Exploring allowing lots to front open space and park areas, and not front public streets, if adequate alley access is provided to the rear for parking and firefighting.

Limiting curb cuts in streets, allowing for more parallel parking.

Mixing housing types within streetscapes.

Maintain flexibility by allowing front loading properties around edges of development where the development does not obtain the benefit by loading on both sides of an alley.

Recognize that relying on garage parking has been problematic in the past and should not be considered in designs. (Not all elements of the models we looked at were desirable).

Implementing these standards will create new subdivisions more consistent with north end and south end communities.

The Commission received this information favorably and emphasized that this direction is the preferred model for future development, but the standards should be written with flexibility to allow for creativity in design and accommodate unique conditions of properties.

Staff agreed that the most important element is flexibility and cooperation with the developer and design engineer. However, the current wording of the ordinance puts the majority of the discretion in the hands of the developer, when it should be in the hands of the Planning Commission. The expected design should be the default position, with the applicant making arguments for deviating from them in places. At this time, traditional designs are “encouraged” but “encouraged” does not give the Commission the leverage to expect compliance. The language of the ordinance needs to be adjusted some to address this. The Commission concurred.

Mr. Wright suggested that the ordinance be adjusted where when there is a proposed development over a certain number of lots is proposed, a planning charrette with the Commission is a required part of the process. Staff agreed this would be good if limited to the applicant, staff and Commission.

Other Business

The Commission directed staff to prepare a resolution thanking Debra Calhoun for her many years of service to the City and to the Planning Commission. Staff will follow up. Amy C Haught has replaced Debbie Calhoun who has retired as of June 30, 2021.

**Planning Commission
MINUTES – Regular Meeting**

**June 30, 2021
City of Hagerstown, Maryland**

Adjourn. Meeting adjourned at 8:34 p.m.

Approved

Debra C. Calhoun – Secretary

Douglas S. Wright, Jr., chair, called the meeting to order at 4:02 p.m., on Wednesday, July 14, 2021, in the Council Chamber, Second Floor, City Hall. Also present were commission members J. Wheeler, R. Thomas and S. McIntire. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; and M. Flick, Planner.

REGULAR MEETING

Roll Call

Mr. Stone and Ms. Davis were absent.

Approval of Minutes: There were no minutes ready for approval.

Development Review

Sketch Plan for Stormwater Management – Higgins Property – East Side of Kuhn Avenue (4,000 sq.ft. warehouse) – The applicant was not present so the case was pushed back on the agenda.

Site Plan for Pump Island/Canopy Rebuild – Board of Education Transportation Center – Commonwealth Avenue – ZS-2021-07

Brad Otto, representing the Washington County Public Schools, and Claire Husselbee of EA Engineering, Science, Technology, Inc., represented the applicant on Zoom. Steve Bockmiller presented the staff report which is in the meeting file.

The project will reconstruct the fueling area for the Board of Education’s buses at the transportation facility on Commonwealth Avenue. The existing facility will be rebuilt and reconfigured and a canopy will be constructed over the area. A discussion followed about a small structure shown on the plan. Ms. Husselbee indicated it was a proposed new diesel storage tank on existing gravel. Mr. Otto explained that removal of underground storage tanks was a major goal of the project. The new aboveground tanks are in a new location as shown on page 3 of the plan.

Ms. McIntire asked about the City Engineer’s suggestion that more trees be added or imperious area removed to help with stormwater quality. Mr. Otto indicated he had not seen the City Engineer’s letter and there were no plans for that at this time.

MOTION: McIntire/Wheeler - Motion to approve the site plan. Motion passed unanimously.

**Sketch Plan for Stormwater Management – Higgins Property – East Side of Kuhn Avenue
(4,000 sq.ft. warehouse)**

Clint Rock, Fox & Associates, represented the applicant on Zoom. Steve Bockmiller presented the staff report which is in the meeting file. The sketch plan is for stormwater management for a proposed 4,000 square foot warehouse, driveway, and small parking lot. The tract will be accessed via a driveway in the quit-claimed Third Street right-of-way area.

A discussion followed on whether the Commission was aware of the planned development when they reviewed the quit claim request. Staff's recollection is that the plan to develop the industrially zoned property was shared at that time. Mr. Rock indicated the high point of the site is in the southeast corner and so stormwater management will be located in the north end plus a small infiltration area will be located along the driveway near Kuhn Avenue. Steve Bockmiller indicated the site is appropriately zoned for this use and he does not see any issues that would require a request for a waiver to development standards.

MOTION: McIntire/Thomas – Motion to approve the sketch plan. Motion passed unanimously.

**Site Plan Renewal – City Chapel – Corner of E. Washington Street and S. Cannon Avenue
– SA-2019-03**

Pastor Zachary Camp represented the case via Zoom. Steve Bockmiller presented the staff report which is in the meeting file. The request is for another extension to the site plan approval for this temporary use. A discussion followed on whether there is a maximum time that can be provided for a temporary site plan. The Commission decided that six months was appropriate.

MOTION: Wheeler/McIntire – motion to approve the temporary site plan for another six months beyond the current expiration date of August 12, 2021. Motion passed unanimously.

Planning Commission Business

**Small-Scale Breweries Text Amendment – Recommendation to Mayor and City Council,
Case No. ZT-2021-02**

Megan Flick presented her staff report which is in the meeting file, and reported that no public testimony was received at the hearing or came in following the hearing. A recommendation is needed from the Commission to the Mayor and City Council on the proposed text amendment.

MOTION: Thomas/Wheeler – Motion to recommend the proposed text amendments to the Mayor and City Council. The motion passed 3-0, with S. McIntire abstaining.

Board of Zoning Appeals Agenda – July Hearing

Steve Bockmiller explained that the variance requested at 852 Snyder Avenue is to allow a six foot tall privacy fence in the front yard of Snyder Avenue and the secondary front yard of Noland Drive to shield the existing pool and keep people from trespassing in the pool. Because of the closeness of the fence to the intersection, the Board of Traffic & Parking has been invited to comment. The Commission decided not to comment on the variance request.

Other Business

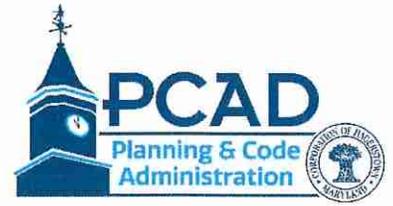
Mr. Wright expressed concerns about poor sound quality of Zoom and as a result the inability to have good dialogue with zooming project engineers. Ms. McIntire said it might help if the zooming reps had their videos on. Kathy Maher offered that it is within the Commission’s purview to require someone to be present in person at the meeting to represent the case, as was the requirement before zooming was offered. The Commission’s By-Laws will be reviewed to see how the language affects this issue.

Ms. McIntire offered condolences to the family of Colin Ploscaru, our Commission member who unexpectedly passed recently. Kathy Maher put condolences in the Rest Haven Funeral Home condolence book on behalf of the department. D. Wright put condolences in the Rest Haven Funeral Home condolence book on behalf of the Commission.

ADJOURNMENT – 4:45 p.m.

Date

Kathleen A. Maher, Director



City of Hagerstown, Maryland
Committed to Safety
Dedicated to Partnership and Progress

Memorandum

TO: Hagerstown Planning Commission Members

FROM:  Stephen R. Bockmiller, AICP
Development Review Planner/Zoning Administrator

SUBJECT: Field Trip to Walden Development, Cumberland County, Pennsylvania

DATE: July 23, 2021

Staff will present a slide show on our recent field trip to the Walden development in Cumberland County. This development has numerous creative features that are consistent with our new subdivision ordinance, and we took many photos to share with you.

No material is provided with this package.

For those members who miss this meeting, the material will be available for your review later on our Youtube channel.

Walden is the development that we discussed in the latter half of our discussion on the subdivision design memo at your last meeting.

Memorandum

TO: Hagerstown Planning Commission Members

FROM: Stephen R. Bockmiller, AICP
Development Review Planner/Zoning Administrator

SUBJECT: Ecklund Dental Office – 4 Cypress Street
Consultation before Submitting for a Local Conversion District

DATE: July 23, 2021

Dr. Ecklund obtained a local conversion district for the former Allegheny Electronics Building on Potomac Avenue, renovated that building, and moved most of his practice to that location. Now, he desires to prepare his original location at 4 Cypress Street for sale. They plan to obtain approval of a Local Conversion Overlay for 4 Cypress Street to make it more marketable than its current status as a nonconforming use.

They are considering including the creation of a small off-street parking area in the yard area between the building and Potomac Avenue as part of their overlay proposal. The Zoning Ordinance exempts these uses from compliance with current parking requirements, requiring only any parking that exists beneath current requirements be retained as part of the proposal.

Although no local conversion applicant to this point has proposed doing so, there does not appear to be anything in the ordinance that prohibits proposing the installation of new, additional parking. Staff's only concern is that it is sufficiently buffered from the adjacent house with heavy landscaping and/or fencing.

Given this minor complexity, we suggested the applicant workshop this idea with you before officially submitting a rezoning application.

