



CITY OF HAGERSTOWN, MARYLAND

Planning & Code Administration Department

One East Franklin Street • Hagerstown, MD 21740

E-mail: planning@hagerstownmd.org

Telephone: 301-739-8577, ext. 138 • Website: www.hagerstownmd.org

PLANNING COMMISSION MEETING MINUTES

Date: Wednesday, March 29, 2023
 Time: 7 p.m.
 Location: City Council Chambers, second floor, City Hall, 1 East Franklin Street
 Attendance:

Name	In-Person	Remote	Absent
Christina Davis, Chairperson	X		
James W. Stone, Vice Chairperson	X		
Judy Wheeler	X		
Ronald Thomas	X		
Tamara Martinez			X
Sean Flaherty	X		
Matthew Schindler Ex-Officio			X
Staff			
K. Maher, Director, PCAD	X		
S. Bockmiller, Development Review Planner and Zoning Administrator	X		
J. Wu, Planner	X		
M. Revilla, Recording Secretary	X		

Call to Order and Instruction from the Chair -

The Chair called the meeting to order at 7:08 p.m.

Public Review Meeting -

ZT-2023-01 – This application includes four amendment proposals to the Land Management Code, including adjustments to the Local Conversion Overlay District, simplified plat requirements, amending provisions for dog day care, and regulation of legalized recreational cannabis.

Below are the Staff suggestions for these amendments. This includes issues that have been brought up by the public and internally by Staff. Some items are time sensitive and cannot or should not wait until later in the year. All proposals have been assigned a file number and will be presented in one final packet under file ZT-2023-01.

The proposals include:

Issue 2023-01 – Modify restrictions to building additions in the Local Conversion District. This was submitted at the request of Dr. Eklund, who desires to put an addition on the front of his facility on Cypress Street. He submitted an application for a text amendment seeking to move this as a piecemeal amendment. However, since staff must move on other time sensitive issues, it is included in this staff-initiated package. Staff identified clarification language necessary to address the issue of setback incursions that may be approved in this process.

Issue 2023-02 – Permitting Dog Day Care Facilities in the CC-MU and N-MU Districts, and making adjustments to this use and to kennels in the CG, CR, and I-MU Districts. Economic Development is receiving inquiries about potential dog day care businesses in the downtown area. This type of use is usually a sign of increasing and affluent residential use in an area, and would be a desirable service as the downtown revitalization unfolds provided adverse impacts are minimized.

Issue 2023-03 – Tighten and clarify provisions related to cannabis uses in advance of pending State legislation, which goes into effect July 1, 2023. See the explanation in the proposal.

Issue 2023-04 – Simplified plat process corrections and a minor adjustment to the appendix containing signature blocks.

There was no public testimony.

Motion- Mr. Stone made a motion to keep the public record open for 10 days. Ms. Wheeler seconded. The motion passed by a vote of 5-0-0.

Approval of Minutes –

Minutes of February 8, 2023 and February 24, 2023.

Motion- Ms. Wheeler moved to approve the minutes of February 08, 2023 with no changes and Mr. Stone seconded. The motion passed by a vote of 4-0-1. Mr. Flaherty abstained.

Motion- Mr. Stone moved to approve the minutes of February 24, 2023 and Ms. Wheeler seconded. The motion passed by a vote of 3-0-2. Mr. Thomas and Mr. Flaherty abstained.

Development Review –

S-2023-05 – Southeast corner of West Franklin Street and Jonathan Street, final plat to consolidate two properties into one.

This property is located at the southeast corner of Jonathan Street and Franklin Street in the CC-MU zoning district, within the Downtown Historic District. The property owners are combining the two existing lots into one, totaling 0.24 acres.

All agencies provided approvals without conditions. Staff recommended approval for this final plat.

Motion – Ms. Wheeler moved to approve the plat and Mr. Stone seconded. The motion passed by a vote of 5-0-0.

SA-2019-03 – 227 East Washington Street, renewal of a minor site plan for church services held within a tent (Rev. Zachary Camp, Applicant).

The applicant seeks a 6th approval of the minor site plan. There were no objections or comments.

Motion – Ms. Wheeler made a motion to extend the site plan approval for another 6 months. Mr. Stone seconded. The motion passed by a vote of 5-0-0.

ZS 2022-15 – 1921 Dual Highway, CarMax site plan, forest conservation plan, four Article 5 waivers and a variance to the Forest Conservation Ordinance (J. Smith – Kimley-Horn & Associates).

The site plan is for the construction of a CarMax auto sales facility and adjacent new public street. The area in front of the building will be for vehicle display and the only access to it by customers would be on foot through the building. Customer and employee parking would be to the side and rear of the building accessed off of Trolley Drive.

The following design waivers are requested or needed:

- 1) Permit parking lot light poles to be 26 feet tall (Ordinance limits these to 20 feet).
- 2) Permit the building not to front on the front street in order to allow the front area to be used for for-sale motor vehicle display (Ordinance requires buildings to be oriented to the front street and located near the street).
- 3) A waiver to reduce the required 6 feet of landscaping around the building was not requested, but is raised here by staff. There is very little landscaping around the base of the building.
- 4) A waiver to reduce the required 10 feet of landscaping between the existing vehicle display area at the adjacent Nissan facility was not requested, but is necessary given the location of the proposed design and right of way of Trolley Drive. See previous page to these minutes.

The delineated area for this forest conservation plan consists of the CarMax lot and the dedicated street right of way for Trolley Drive. The rest of the tract will have a separate forest conservation plan later when development moves forward. Cleared forest will amount to 1.44 acres. Forest conservation compliance for this project consists of:

- 1) Retention of a 0.29 acre forested area on the rear of the site which will also serve as a buffer from adjoining uses to the south when that area develops.
- 2) 1.28 acres of planting commitment, which will be addressed via street tree credit for 1.08 acres of coverage provided by 19 street trees, and
- 3) 0.20 acres of use of the fee-in-lieu contribution program for the remainder.

The applicant also seeks a variance to the Forest Conservation Ordinance in order to remove four specimen trees that are located near the center of what will be the CarMax facility. This application is consistent with others that you have seen in the past where their unfortunate location would severely damage the usability of a site if the trees were required to be retained. The variance application is attached.

Staff recommends approval, subject to the following conditions:

- a. Minor correction of Note 8 on page 1.
- b. Minor corrections of Note 13 on page 1 and adding the required notation language from Article 5, Sections K.3 and K.6.a, and found on page 8 of the site plan application.
- c. General building elevations shall be added to the site plan, and if it requires adding a page to the plans, renumbering the pages accordingly.
- d. Add a note that this business does not store wrecked, damaged, or unroadworthy vehicles, therefore, no special provisions are necessary to screen that use from adjacent properties.
- e. Location and generalized elevations of any freestanding sign planned along the streets shall be included in the plan.

Jeff Smith explained there will be a temporary cul-de-sac that will remain until the rest of the tract is developed. It is anticipated that Trolley Drive will connect to Emmert Road when the tract is developed. He stated the table copies of the plan address most of the conditional approval.

Motion – Mr. Stone moved to approve the Forest Conservation Ordinance variance. Mr. Thomas seconded. The motion was passed by a vote of 5-0-0.

Motion – Mr. Stone moved to approve the Forest Conservation Plan subject to the stated three conditions, permitting 0.2 acres of the commitment to be met via fee payment. Mr. Thomas seconded. The motion was passed by a vote of 5-0-0.

Motion – Mr. Stone moved to approve all of the design waivers. Ms. Wheeler seconded. The motion was passed by a vote of 5-0-0.

Motion – Mr. Stone moved to approve the Site Plan, subject to the conditions cited by the agencies. Ms. Wheeler seconded. The motion was passed by a vote of 5-0-0.

ZS 2022-12 – North and east side of Pangborn Boulevard, site plan and waiver for a mini-storage facility. (A Hager – Frederick, Seibert and Associates).

This site plan is for the construction of a mini-storage facility on two-thirds of the former Pangborn Factory. There will be two points of access. The buildings closest to Pangborn Boulevard will back to the street, be faced with brick veneer with regular faux-window recesses to break up the mass of the façade.

Landscaping would be between the building and the sidewalk, and an ornamental black metal fence would be at the right of way line. (A waiver to the design requirements that place landscaping outside of fences. Staff endorses such a waiver, given the esthetic upgrade of the fencing material). The facility will not look like a ministorage facility from the street or Pangborn Park. Garage doors will not be visible from any angle from Pangborn Boulevard. Due to extreme topographic issues, there is no way to mitigate the appearance of this site from the apartment buildings to the east.

The Board of Zoning Appeals approved a variance for minor encroachments of two of the buildings into the setback along the eastern property line in case Z-2022-03. Two parking spaces are provided at the rental office. The applicant seeks approval of a Declaration of Intent, waiving the requirements of the Forest Conservation Ordinance, citing the standard that the site is currently entirely paved and qualifies for it. Staff is concerned with the plan to mount a large back-lit sign cabinet on the building. The applicant amended the application to show a sign which is 50 square feet (5 feet tall and 10 feet wide), without an electronic message board illuminated by flood lights mounted in the eaves of the building.

This plan was reviewed by the Plan Review Committee on December 13. The following agencies have provided approval: City Engineer, Fire Marshal, Light Department, Water, Wastewater, Potomac Edison, Maryland Department of the Environment (for work on a property that contains floodplain), and Planning, subject to the following conditions:

1. The sign be limited to a flat mounted sign, measuring no greater than 50 square feet, without an electronic message board, illuminated by floodlights mounted in the eaves of the building it is attached to and shining down onto the sign, and of colors complimentary to the architecture and materials in the building it is attached to. Color choice shall be reviewed and approved by the Zoning Administrator.
2. Add the photometric plan to the document, renumbering pages if necessary.
3. Add file number ZS-2022-12 to the bottom right hand corner of page 1.
4. Revise page 2 to remove reference to on-street parking spaces being provided to comply with parking requirements.
5. Identify a location for and add one additional parking space in the interior of the site as close as practicable to the rental office, since there are only two spaces provided, one is a handicapped space and presumably the other would be used by an employee, leaving no parking for customers and visitors to the office. The third space will be identified on the plans and marked on site as "employee parking".
6. The applicant provide a waiver application for the fence being placed outside of the landscaping.

Mr. Hager clarified that the material used for the fence will be aluminum. The purpose of the fence is to protect the building from vandalism.

Motion- Ms. Wheeler moved to approve the site plan subject to the six conditions and the waiver for landscaping. Mr. Flaherty seconded. The motion passed by a vote of 5-0-0.

Workshops –

None.

New Business –

None.

Old Business –

None.

Announcements –

Adjourn –

Mr. Thomas made a motion to adjourn and Mr. Stone seconded. The motion passed by a vote of 5-0-0. The meeting adjourned at 7:58 p.m.



Mary Revilla, Recording Secretary