



CITY OF HAGERSTOWN, MARYLAND

Planning & Code Administration Department

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PLANNING COMMISSION MEETING MINUTES

Date: Wednesday June 14, 2023
 Time: 4:00 p.m.
 Location: Room 407, 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 Acting Chair called the meeting to order at 4:06 p.m.

Approval of Minutes –

Approval of the minutes of May 31, 2023.

Mr. Thomas moved to approve the minutes of May 31, 2023 with one correction on page two to reflect "dine-in area." instead of "dine in are." Mr. Flaherty seconded. The motion passed with a vote of 5-0-0.

Development Review –

Land Cruiser Heaven – 219 Frederick Street – Waiver for a fence.

The applicant desires to erect a six-foot ornamental metal fence along the right of way of Frederick Street. Instead of the required 10 foot buffer, they propose to install it on the right of way line but being that this is the former "National Road" with a 66 foot right of way, there is larger than typical distance between the curb and the right of way line. A gate would be located across the driveway opening, which will remain open throughout the day, and be closed at night to secure the lot. The applicant has had issues with criminal activity on the property in recent months. The applicant proposes to remove the asphalt that would remain

between the fence and the public sidewalk and install landscaping between the fence and the sidewalk. This area is between 4 to 5 feet in width. Given the site conditions, staff recommends approval subject to installation of landscaping.

Frank Diaz, owner of Land Cruiser Heaven, and his assistant Joella Simons spoke of all the conditions the property presents and why the need to request the waivers.

Staff recommended approval of the three waivers per the following criteria:

- A. Hardship was not created by the owner.
- C. This property offers no alternative standard.
- D. The property allows for this layout.

Mr. Thomas made a motion to approve the waivers per criteria A, C, and D. Mr. Schindler seconded. The motion passed with a vote of 5-0-0.

Workshops –

1. Middletown Valley Bank - 1101 Professional Court – Driveway connection to adjacent property.

The City Engineer has requested this be placed on your agenda for discussion. Middletown Valley Bank owns a branch at the corner of Eastern Boulevard and Professional Court (soon to be Professional Boulevard). They desire to discuss with their adjacent neighbor to the south about the possibility of creating a driveway link between the properties, so that 1) their employees and customers can gain access to the traffic light on Eastern Boulevard at Opal Court, since traffic exiting their site will not be able to make a left hand turn on Professional to access Eastern Boulevard, and 2) the employees and customers of the adjacent property would also have a direct access to go eastbound on Professional Boulevard when it opens, without having to use Eastern Boulevard.

City Interim Engineer, Jim Bender, provided more details regarding road connections as well as driveway and road safety on Eastern Boulevard and Opal Court. The Commission is leaning towards approving a temporary driveway, but details still need to be worked out.

2. American Hall- 132 Bethel Street – Proposed Local Conversion Overlay District.

The applicant plans to reintroduce a Masonic lodge to the building, using the second floor as the lodge room. The first floor would be used for a flexible meeting and exhibit space with interpretive exhibits explaining the history of the building. The first floor would be made available for rent or donation for small meetings and gatherings by outside parties with the proceeds used to help support maintenance of the building. Lodge meetings and outside meetings will not be held at the same time. The specific use of the basement has yet to be determined but would be used for the furtherance of the lodge and maintenance and interpretation of the building. No more than perhaps 35 people at most may be in the building at one time, and most of the time, the building will be closed. The building would be completely renovated, with all new systems, and renovation would be implemented in accordance with Maryland Historical Trust standards. A small addition, approximately 10 feet by 10 feet, will likely be necessary on the rear of the building to provide an A.D.A. compliant restroom on the first floor. The addition would likely be two-stories, with the second floor space being used for an office or other support activities for the lodge, or perhaps a warming kitchen, to be determined later.

Barry Hackey a representative of the Prince Hall Masons, provided history details regarding the property as well as explained the project plans. Commission was in agreement that the applicant could move forward.

2022 LMC Amendment on N-MU Standards Regarding Mix of Dwelling Types

Representatives of Burkentine Land Development/Investments were at the June 14 work shop meeting to discuss their desire for a revision to the required maximum split of different dwelling types for developments over 5 acres in the N-MU. Burkentine has a contract on the 94-acre, N-MU zoned Lorich Tract off the Dual Highway and Day Road and is exploring concept plan options for a mixed-use development. The current split requirement adopted with the 2022 LMC amendments for large tracts in the N-MU is problematic for them and they believe atypical for what they experience with development of mixed-use communities in the Mid-Atlantic region. The following text in italics is the language of concern for Burkentine:

Article 4, Section E.6.c (page 4-31)

a. **Densities.**

Residential densities in the mixed-use districts will vary based on the planning process, but it is anticipated that the average density in the City Center Mixed Use District will be between ten and 22 units per acre and the average density in the Neighborhood Mixed-Use District will be between six and ten units per acre. Individual sites within the mixed-use districts may have much higher densities; however, the average for all properties in a single district is anticipated to be as stated above.

When developing any tract, tracts or part of a tract in the N-MU District that was or were undeveloped as of May 1, 2023, and that tract, tracts or part of a tract is five acres in area or more, no sketch plan shall be approved by the Planning Commission for any development that shall be entirely of a single housing type. Any sketch plan for such development shall not permit more than 35 percent of the total dwelling units that could be developed on the tract or tracts to be multi-family dwelling units, and townhouse and multi-family dwellings together shall not exceed a total of 50 percent of the total number of dwelling units on the tract or tracts. This ratio shall be applied to those parts of the tract designated for exclusively residential development. Parts of the development dedicated to mixed use structures including dwellings and commercial/institutional uses shall not be included in the calculation for the purpose of determining the number of multi-family units and townhouses may be permitted. Those parts of the tract designated for exclusively residential development. Parts of the development dedicated to mixed use structures including dwellings and commercial/institutional uses shall not be included in the calculation for the purpose of determining the number of multi-family units and townhouses may be permitted.

Jeff Smith of Kimley - Horn and Kyle Lillerpre of Burkentine Builders presented preliminary concept plans for each community as well as statistics for how many single, duplex, and townhomes will be built in each of them.

Mr. Bockmiller also provided more background on the N-MU district history, specifically the Lorich Tract.

After a lengthy discussion, the Commission agreed the next steps are that Burkentine can apply for a text amendment or City staff could process a City-initiated amendment.

New Business –

None.

Old Business –

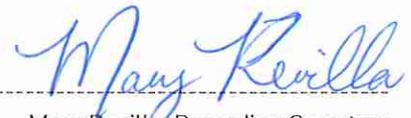
None.

Announcements –

None.

Adjourn –

Mr. Thomas moved to adjourn and Mr. Flaherty seconded. The meeting adjourned at 5:33 p.m.



Mary Revilla, Recording Secretary