



CITY OF HAGERSTOWN, MARYLAND

Planning & Code Administration Department

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PLANNING COMMISSION MEETING MINUTES

Date: Wednesday, July 12, 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 Chair called the meeting to order at 4:07 p.m.

Approval of Minutes –

Approval of minutes from meetings of June 14, 2023 and June 28, 2023.

Motion - Mr. Stone moved to approve the minutes of June 14, 2023, subject to two corrections. Mr. Thomas seconded, and the motion passed with a vote of 3-0-2, Ms. Davis and Ms. Wheeler abstained. Mr. Thomas moved to approve the June 28, 2023, minutes with no changes. Mr. Stone seconded. The motion passed by a vote of 3-0-2. Mr. Schindler and Ms. Wheeler abstained.

Development Review –

Quit Claims:

Kuhn Avenue – Raymond Higgins.

In February 2021, the City received a request from Raymond Higgins to quit claim a portion of the unimproved right-of-way of Third Street; that request was approved by the City Council, and became

effective May 2021. In September 2022, Mr. Higgins submitted another quit claim request for a portion of Alley #3 -13 that adjoins the western side of his property; that quit claim was also approved. Mr. Higgins has now requested an additional quit claim for another portion of Alley #3-13.

Jim Bender, City Engineer, provided additional background regarding this right-of-way request as well as the two previous requests submitted by Raymond Higgins.

Mr. Stone moved to forward this quit claim request to Mayor and Council for approval. Ms. Wheeler seconded. The motion passed by a vote of 4-0-1. Mr. Schindler abstained.

813 – 815 West Washington Street – Joel Merrbaugh.

Alley# 2-25 is an existing 12-foot-wide alley located at the rear of the 800 block of West Washington Street, running between Ross Street and Summer Street. At a point about three quarters of the distance from Ross Street, the physical alley angles south to intersect with alley# 2-27; however right-of-way line continues straight ahead until it intersects the property at 811 West Washington Street. This layout left a triangular area of right-of-way that was not needed to accommodate the alley. Joel Merrbaugh, the owner of 813-815 West Washington Street, mistakenly assumed that his property extended back as far as the property at 811 West Washington Street; he paved that part of the right-of-way to use as a private parking area. When he discovered that this part of the right-of-way was not his property, he submitted a request to the City to quit claim the portion that he had paved.

None of the City departments consulted had any objection to the quit claim request.

Mr. Stone moved to forward this quit claim request to Mayor and Council for approval. Ms. Wheeler seconded. The motion passed with a vote of 4-0-1. Mr. Schindler abstained.

West Wilson Boulevard – George Bradley Moss.

Alley# 2-82 is a fourteen-foot-wide unimproved right-of-way between #325 and #403 West Wilson Boulevard. The City has received a request from both of the adjoining property owners (George Moss and Taryn Cave) to quit claim the alley to them.

Mr. Stone moved to forward this quit claim request to Mayor and council for approval. Ms. Wheeler seconded. The motion passed by a vote of 4-0-1. Mr. Schindler abstained.

P-2022-01 and FC-2006-05 – Fountainhead West, End of Haven Road – Development Plan, Design Waiver Request and Forest Conservation Plan – Fox & Associates (G. Poffenberger).

This plan is for a residential subdivision surrounding Stoneridge Apartments at the end of Haven Road. The development will consist of 94 single-family lots and 149 townhouses (243 units total). Points of access will be 1) existing Haven Road to the east, 2) connection to Crestwood Drive to the north, 3) connection to Kensington Drive to the south, and 4) existing Outer Drive to the south. The subdivision road on the western edge of the development will carry street right of way to the Mack Trucks property line to permit possible future connection with redevelopment of that site if that is to ever occur, and reservation of right of way on the south end of this road to carry it over the adjacent railroad tracks as part of the "Northwest Connector" road that is called for in the Comprehensive Plan.

Although the initial plan submitted called for some forest retention area to be included in some rear yards, this is strongly discouraged by the Ordinance, and at the request of staff, the project engineer reconfigured those lot lines to ensure all forest are protected by easement will not be located on individual residential lots. Therefore, the development of this 54+ acre site will include 10.3 acres of existing and expanded forest and 10.05 acres of street trees.

Gordon Poffenberger of Fox and Associates, confirmed all the requirements that have been met, except for the length of some driveways exceeding ordinance requirements and a waiver application has been filed regarding those.

Mr. Stone moved to approve the waiver per criteria A (avoids an undue hardship). Mr. Schindler seconded. The motion passed with a vote of 5-0-0.

Mr. Stone moved to approve the forest conservation plan as presented. Mr. Thomas seconded. The motion passed with a vote of 5-0-0.

Ms. Wheeler moved to approve the development plan. Mr. Stone seconded. The motion passed with a vote of 5-0-0.

No File Number – 17980 Garland Groh Blvd. - ESD Sketch Plan – Site Design Concepts, Inc. (A. Anderson).

This ESD sketch plan is for a proposed fast food restaurant with a drive-thru. This plan appears to have the potential to comply with all design requirements without a waiver. Given that this a greenfield site, if the owner desires to construct or allow for construction of two uses between the Jocelyn Drive entrance and the floodplain to the north, they should be required to do so on both pad sites without consideration of waivers. There is nothing unique about this area that creates problems with complying with the ordinance and any need would be driven by the number of buildings/uses proposed and their size of intensity.

Engineering provided the following comments:

1. The driveway entrance closest to Garland Groh Boulevard does not provide adequate separation between vehicles exiting the restaurant and inbound traffic from Garland Groh. It is recommended that the entrance be one-way into the site, with the exit being the driveway entrance onto Justine Trail. If an exit onto Jocelyn Drive is desired, it needs to be further from Garland Groh Boulevard, ideally across the street from the western entrance into the Verizon store.
2. The stormwater management approach indicates that micro-bioretenion facilities will be used to provide water quality management; however, two of the areas identified on the plan appear to be partially/totally under pavement. During detailed design, the Engineer should investigate other types of BMPs to meet stormwater management requirement.
3. The location of the proposed street trees along Garland Groh Boulevard, needs to be coordinated with the existing street lights.
4. The Engineer should examine the layout of the handicap parking spaces and the regular parking spaces at the northeast corner of the parking lot to ensure that there won't be any conflicts with vehicles backing out of these spaces.
5. We reserve the right to make additional comments during our review of site development plans.

Adam Anderson was present to answer questions about the layout of the site to include the entrance.

Mr. Thomas moved to approve subject to Engineer's comments. Mr. Schindler seconded. The motion passed with a vote of 5-0-0.

No File Number – Lot 7, Eldridge Drive (Boosalis Storage Yard) – ESD Sketch Plan – FSA (T. Frederick)

The attached ESD sketch plan is for a proposed storage yard for a paving contractor. The plan appears to have the potential to comply with all design requirements without a waiver, with one exception, fencing is shown around the perimeter of the site, and the property will be used to store vehicles, equipment, and supplies for a paving contractor. The Land Management Code requires that landscaping be installed outside of fenced areas on commercial and institutional developments. Given that this is a greenfield site, any proposed development should not include any waivers to current design requirements. While the buffer issue is minor enough not to require revision of this sketch, when it is submitted, the site plan should show the fencing to be at least 10 feet from the side of the property lines with the buffering outside of the fence.

The following comments were provided by Engineering;

1. The plan proposes the construction of two 5,000 square foot storage buildings and approximately 1.4 acres of asphalt pavement on one of the existing lots in the Hagerstown Industrial Park.
2. The southwestern portion of the site is wooded; however, the front portion of the lot was previously graded, and gravel was installed in some areas. The majority of the site drains from the southwestern to northeast; a small portion of the southeast corner of the property drains to the south. It appears that there are existing steep slopes on the wooded portion of the lot, along with some steep slopes near the front of the lot created by previous grading efforts. The concept plan shows a proposed forest conservation area at the southwestern corner of the site.
3. The stormwater management concept plan calls for the installation of a bioswale along the eastern property line, and a submerged gravel wetland at the front of the property along Eldridge Drive. Discharges from both of these facilities will be directed to an existing drainage culvert that carries flows under Eldridge Drive and north to discharge into Antietam Creek. The computations submitted with the concept plan indicate that these two facilities will provide the necessary treatment volume required by the Stormwater Management Ordinance.
4. Assuming that these facilities are designed in accordance with the Maryland Stormwater Design Manual, they should meet the requirements of the City's Stormwater Management Ordinance. A final stormwater management design report will be reviewed when site development plans are submitted.
5. We reserve the right to make additional comments during the review of the site development plans.

Trevor Frederick was present to answer questions and provide additional information.

Mr. Thomas moved to approve subject to the Engineer's comments. Mr. Schindler seconded. The motion passed with a vote of 5-0-0.

1 East Wilson Boulevard – Approval of waivers from design requirements for auto sales – EleanorChristine Motors

The Commission held a workshop at its last meeting regarding this issue. The applicant proposes to address the design standards by installing a railing system across the frontage of Wilson and South Potomac where there are not driveway openings. The railing will be designed with a motor vehicle

color/theme and design. After the last meeting, staff discovered that the right of way of East Wilson is about 3 to 4 feet back of the sidewalk. The applicant has discussed obtaining a license agreement from the City Engineer to install the railing closer to the sidewalk than the property line and the City Engineer is working with them to this goal.

Randy Herman, the owner of Eleanor Christine Motors, provided a few details as to what the property owner wanted as far as the railings.

Mr. Stone moved to approve a waiver to allow the railing units to be the only buffering along the frontages on Wilson Boulevard and South Potomac Street, and waive the requirement for a minor site plan, permitting review to be conducted with an application for a fence permit. Mr. Schindler seconded. The motion passed with a vote of 5-0-0. Mr. Schindler seconded. The motion passed with a vote of 5-0-0.

Mr. Bockmiller stated that, in order to effectively track this decision over time, staff will open a minor site plan file on this project, and a copy of the fence permit and these minutes will be included in that minor site plan file, and serve as that submission.

Workshops –

None.

New Business –

Annexation Plan – 13-17 Western Maryland Parkway.

It is a goal of the Mayor and City Council of Hagerstown to ensure that the City of Hagerstown has a diverse, business-friendly economy that supports the community's needs. A priority adopted by the Mayor and City Council to implement that goal is to review pre-annexation agreements and continue to explore new possibilities for annexation opportunities. Annexation, particularly of properties utilizing City services, is a fiscally responsible means of growing the assessable base to ensure that our customers and our citizens continue to benefit from a high level of municipal services and an outstanding quality of life.

Annexation of 2 Western Maryland Parkway became effective on July 1, 2023. This annexation makes the properties at 13-17 Western Maryland Parkway contiguous to the corporate boundary and thus subject to annexation under the terms and conditions of the 2005 pre-annexation agreement.

The current County zoning for the property is Office, Research and Technology (ORT). Staff proposes providing Industrial-Mixed Use (I-MU) District zoning, a comparable City zoning classification to the current designation which allows for the uses present on the property as well as many other commercial and industrial uses.

Annexation Plan

- The area of the properties is approximately 9.665 acres.
- It is within the City's MRGA, County's UGA, and State's PFA.
- Wastewater is by the City.
- Water is provided by the City.
- Electric is provided by Potomac Edison.

- Maintenance of right-of-ways will be performed by SHA on Western Maryland Parkway and the County on West Washington Street.

Ms. Wheeler moved to forward the annexation plan and recommended I-MU zoning to Mayor and Council for approval. Mr. Thomas seconded. The motion passed with a vote of 4-0-1. Mr. Schindler abstained.

Old Business -

Briefing for Public Review Meeting Scheduled for July 26:

1. ZM-2021-01 - 4 Cypress Street - Rezoning - Everett Eklund.

The property at 4 Cypress Street was approved as a Local Conversion District Overlay on May 24, 2022. The tract consists of 0.227 acres and was approved for the permitted uses of dental offices on the first floor and second floor apartments. A parking area was also added, the first time a Local Conversion Overlay actually added parking to a site.

Proposed Changes:

The applicant is seeking to construct a 304 square foot addition to the front of the building. The addition would enclose the existing staircase, add hallway space, and a patient restroom. They would also amend the overlay by altering the use of the second floor to be used for administrative purposes and storage, rather than an apartment.

Everett Eklund explained the benefits of the proposed changes.

2. ZT-2023-02 - Multiple Text Amendments - City of Hagerstown.

Mr. Bockmiller reviewed the following changes directed by the Commission at its last meeting: Proposal 8 - Updated to include ATM machines on the prohibition of vending machines on non-commercially zoned properties. Entirely new wording is added to this proposal to address this issue. Proposal 13 - Update to permit a logo or seal instead of the name of a business or institution permitted in up to 40 percent of an exempt freestanding banner.

Announcements -

None.

Adjourn -

Mr. Thomas moved to adjourn and Mr. Stone seconded. The meeting adjourned at 5:45 p.m.


Mary Revilla, Recording Secretary