

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, January 26, 2022, in the Council Chamber, Second Floor, City Hall.

I. Roll Call

Also present were commission members:

- o J. Stone, vice-chair
- o R. Thomas
- o T. Martinez – via Zoom

Absent member:

- o C. Davis
- o J. Wheeler
- o S. McIntire, ex-officio

The following staff members were present:

- o K. Maher, PCAD Director
- o S. Bockmiller, Development Planner/Zoning Administrator – via Zoom
- o Megan Flick, Planner

II. Public Review Meeting

Mr. Wright explained how the process would work for the public review meeting.

1. ZM-2021-01 – Eklund Local Conversion District, 4 Cypress Street

Staff presentation: Ms. Flick presented the PowerPoint which is in the meeting file, and entered into the record the Planning Commission file by reference ZM-2021-01 and the legal advertisement.

Applicant presentation: Mr. Bill Wantz represented the applicant and presented his explanatory statement and the history of the property which is in the meeting file.

Commission Discussion: Mr. Wright raised concerns about neighborhood impact from a catering kitchen. Mr. Wantz said they would strike that use from the list of proposed future uses. Mr. Wright also corrected a statement in the staff analysis which said that the building was oriented towards both Cypress Street and Potomac Avenue. Staff agreed to correct this statement as the property is oriented only towards Cypress Street.

Public testimony:

Edward Little, 8 Cypress Street – Not opposed to the proposed overlay, but have concerns about the traffic impacts from when it was previously a dental office and the littering by clients as they waited to enter the building during

COVID. The street parking by the dental clients created conflicts for the neighborhood. If they do not build the proposed parking lot, it will be a problem.

Mr. Wright - observed that with the parking lot it would hopefully improve the prior parking conflicts.

Brenda Little, 8 Cypress Street – repeated concerns about parking.

Applicant rebuttal – Mr. Wantz stated that if they do not build the parking lot, they will lose the Local Conversion District overlay. He said he would bring the littering concern to Dr. Eklund’s attention. They had put out a cigarette butt collector in an effort to address that issue previously.

Public review meeting was closed.

MOTION: Mr. Stone made a motion to keep the record open for ten days. Mr. Thomas seconded, and the motion passed unanimously.

III. Regular Meeting

Development Review

1. **Minor Site Plan & Waivers – R&M 7&6 Inc, 890 Pennsylvania Avenue (SA-2021-07)**

Staff presentation - Mr. Bockmiller presented the staff report which is in the meeting packet.

Representative of the applicant – Adam Hager, engineer, and property owners, Malik Mahboob and Bashir Rajha.

Commission discussion - Mr. Wright asked about the barbed wire on the fence in the rear impound lot. Mr. Bockmiller indicated the barbed wire would be removed as part of this site plan. Mr. Wright asked about planned signage for the business. Mr. Hager said the plan was to reuse the existing pylon sign and panels. Mr. Hager said the proposed alternate landscape plan is necessary because street trees would conflict with the overhead utility wires. Ms. Martinez asked why the owners decided to start used car sales at the gas/service station, when there is another used car lot in the vicinity. Mr. Mahboob said they felt it would be a nice business venture addition to their existing State inspection, gas sales, and car repair business. Mr. Hager and Mr. Bockmiller reported that there had been used car sales on this lot in the past. Mr. Bockmiller said if the Commission was concerned about over-stacking of cars, a limit could be placed on inventory as part of the site plan approval. The Commission decided that would not be necessary, as it would become an enforcement burden.

MOTION: Mr. Stone made a motion to approve the waiver request for the alternative landscape plan. Mr. Thomas seconded, and the motion passed unanimously.

MOTION: Mr. Stone made a motion to approve the site plan subject to the outstanding Planning comments. Mr Thomas seconded, and the motion passed unanimously.

2. **ZS-2021-12 – Higgins Property** – Staff removed this item from the agenda prior to the meeting.

Planning Commission Business

Redesignation of 2017 Sustainable Community Plan

Ms. Flick presented the staff memo which is in the meeting packet. The 2017 Sustainable Community Plan and 2021 Mayor and Council Strategic Plan were included in the packet. Some work group meetings are being scheduled for early February to get additional input for the update. A presentation will be made to the Mayor and City Council on February 8 and approval of submittal of the plan will be made on February 22. Staff will inform the Commission of the work group Zoom meeting dates.

Other Business

Follow-up on Mayor and City Council Public Hearing on 2021 Land Management Code Text Amendments Package

Mr. Bockmiller updated the Commission on the public testimony made and received for the January 25 public hearing held by the Mayor and City Council. All of the testimony revolved around the “expected” language and alleys for the proposed revisions to the subdivision development standards. Mr. Bockmiller asked if the Commission would like to send the draft rebuttal letter circulated prior to this meeting to the Mayor and City Council while the record remains open for the public hearing.

Commission discussion: Mr. Wright indicated he felt the Commission and staff know more about Planning than Dr. Unger and additionally Dr. Unger has a financial stake in the outcome of this text amendment due to upcoming development plans for his property off Virginia Avenue. Mr. Wright felt Mr. Ferrandi was cutting Hagerstown short and that we should strive for more than mediocre for future residents. Mr. Wright feels the staff memorandum addresses the Commission’s concerns appropriately. Mr. Thomas indicated he did not have time to study the memorandum. Mr. Stone agreed with the concept proposed in the amendments for traditional development designs, but feels the change to “expected” is too strong and feels the code should be more flexible. Mr. Wright observed it is hard to codify flexibility. Mr. Stone stated he felt the existing code is adequate and has resulted in good development. Ms. Maher observed that the City has not had good luck with townhouse developments that have been built since 2005 or so, due to overparking on lawns and over sidewalks, because the garage is not used for parking, the driveway is not long enough for two plus cars, and there is no on-street parking because

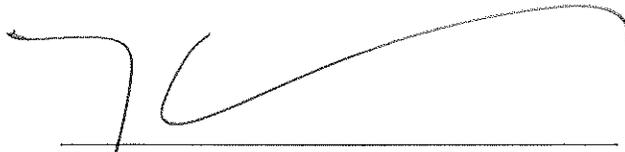
there are driveways every 10 feet. This problem occurs routinely when everyone is home from work. Examples of this problem cited were Collegiate Acres (multi-story section), Pangborn Park Townhomes, and Park Overlook. Mr. Wright said there are three options: preferred, expected and required. Mr. Wright said we are not at "required" and there is room for negotiation by the Commission at "expected." Mr. Wright said we need to step up our game. There are many good reasons why developers would want to build here, such as lower utility fees and no impact fees. Mr. Wright feels those testifying are not looking at the total picture. Mr. Thomas observed that each subdivision tract is unique with different topographic characteristics which affect development design. Mr. Bockmiller observed if we do not make this change from "preferred" to "expected", he does not feel the Commission is in a good position to push back strongly if applicants refuse to consider or utilize the traditional development standards. Mr. Stone said development should be driven by the market place. Mr. Thomas said it has to do with what people are looking for in house choices.

Mr. Bockmiller said no one has contested the standards themselves but the objection is to the expectation change. Mr. Bockmiller feels the change puts the Commission in a stronger position to say not good enough. Mr. Wright observed that COVID has revolutionized the work place and how people live and work which makes "tertiary markets" more desirable because commuting is less an issue. Mr. Wright stated we need to capitalize on this opportunity and expect higher standards. Mr. Stone feels we will be at a competitive disadvantage, but time will tell. Mr. Bockmiller observed that with Frederick building out, development will get pushed our way. Mr. Wright recommended going with staff's letter but brushed up to reflect this discussion. Ms. Davis had previously indicated support for the letter. Mr. Thomas and Ms. Martinez support sending the letter. Mr. Stone said he felt the letter summarized the position of the majority of the Commission. Staff will adjust the memo and send it back around before forwarding to the Mayor and City Council for the record of their hearing.

Meeting Packets – Mr. Thomas asked that the packets be photocopied in a way that makes it easier to tell where one application ends and another begins. Ms. Maher said staff could put a blank page in there, so the front-and-back copying doesn't run it together. Commission members observed that would make it easier to pull it all apart and re-staple it by case. Mr. Wright stated he also likes getting the PDFs for his records.

IV. Adjournment: 8:28 pm

2/23/22
Date


Kathleen A. Maher, Director, PCAD

APPROVED BY PLANNING COMMISSION
FEB 9, 2022