

Douglas S. Wright, Jr., chair, called the meeting to order at 4:05 p.m., on Wednesday, February 9, 2011, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker; D. Miller; J. Stone; R. Thomas; and J. Wheeler. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

WORKSHOP MEETING

Roll Call

Commission member D. Gysberts was absent.

Approval of Minutes: January 12, 2011 - Workshop Meeting

MOTION: (Wheeler/Brubaker) I move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

PNC Bank - 1700 Dual Highway - Parking Lot and Drive-Thru Reconfiguration, Site Plan, Case No. ZS-2010-12

Staff Report: This site plan is for the reconstruction and redesign of the parking lot and partial demolition of the existing building and relocation of the drive-thru service lanes. Twenty parking spaces are required and 25 are proposed. Landscaping of the parking area complies with ordinance requirements. The Dual Highway entrance will be moved farther to the east, creating more distance between it and the Edgewood Drive intersection. Also, the Edgewood Drive entrance will be relocated slightly farther north to increase its distance from the Dual Highway.

The plan is consistent with the sketch plan approved by the Planning Commission in October, 2010.

The site plan was routed to the review agencies and all agencies have approved the site plan, with the exception of the Wastewater Division, and the Department of Parks and Engineering. The Wastewater Division granted conditional approval pending completion of a few minor drafting revisions. The Parks and Engineering Department's comments are in the meeting file. In addition, the applicant received comment this afternoon from the State Highway Administration

(SHA). SHA is requesting that PNC Bank redesign the parking lot so that the Dual Highway entrance is moved further east onto the adjoining property by creating a joint entrance which will require an easement. Since the comments were received just this afternoon, Bohler Engineering, has not had much time to work out the issues with SHA. Bohler's hope is that the SHA comments will be dropped. If SHA is not willing to drop its comments, PNC Bank will have to come back for approval of the parking lot redesign. (Mr. Stone arrived.)

The requirement for forest conservation in this case is 0.153 acres of planting. The applicant seeks credit for five street trees to be planted along Dual Highway which will exceed this requirement. No additional planting will be required (although street trees will also be provided along Edgewood Drive), and no fee-in-lieu contribution will be necessary.

Planning staff recommended approval of the site plan, subject to the conditions of the Water and Wastewater Divisions, and the City Engineer, and gaining SHA approval of the proposed access.

Applicant/Commission Discussion: Joe Uccifero of Bohler Engineering, indicated that he has not had much time to discuss the comments with SHA. He was not certain how the adjacent property owner will feel about having to create an entrance in the middle of their lot since the lot is undeveloped. The new access point may not fit in where it is placed and it might not make sense for the potential developer of the adjacent lot.

MOTION: (Thomas/Miller) I move for approval of the site plan as submitted, subject to satisfying the conditions of the City Engineer, the Wastewater Division, resolving the issues with the State Highway Administration; and approval of the forest conservation plan.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Quit Claim Request: 800, 814, and 818 View Street

Staff Report: Jim Bender, Assistant City Engineer, told the commission that his department received a request from the owners of 800, 814, and 818 View Street to quit claim a portion of an unimproved alley right-of-way across the rear of these properties and the adjoining CSX railroad tracks (see memo in meeting file). The City Engineer noted that the alley right-of-way in question is unimproved, and there is no evidence that it has been used as a vehicular passageway. It was assumed that this strip of land was either part of the adjoining lots, or part of the CSX railroad right-of-way. If the quit claim request is approved, the adjoining properties to the north will continue to have access to the rear of their properties from Alley #5-72 which is improved.

The City Engineer's office routed the proposed request and received no objections; however, the Wastewater Division would like to retain a 20-foot easement along an existing sanitary sewer main and lateral that cross the right-of-way. The Parks and Engineering Department have recommended to the Mayor and City Council that the quit claim request be approved.

Commission Discussion: Mr. Wright was concerned that future owners of 814 View Street could possibly lose access to the back of their property. Currently the quitclaim area appears to be paved. If in the future there is a "falling out" between the owners of 814 and the owners of 818, access to 814 View Street could be denied. Mr. Miller questioned why the quit claim is needed. Mr. Bender stated that the owner of 800 View Street has indicated that the corner of the View Street Diner already encroaches into the right-of-way.

Mr. Wright proposed that the City only abandon the right-of-way behind 800 and 814 View Street. If 818 is sold, 814 could lose access to the back of their yard. By not quit claiming the right-of-way behind 818, 814 View Street could still access their property from the rear. Mr. Stone did not think this was a concern of the commission. He suggested that a notice or disclosure could be drafted to let future owners of 814 View Street know that they would not have access to the rear of their property.

Mr. Bockmiller stated that the residents of 814 View Street built a driveway in their backyard. If they are not able to access that parking, they could be forced into noncompliance because the Zoning Ordinance states that you cannot remove parking once it has been established. Mr. Stone replied that if that is the case, the City should not grant a quit claim for either 814 or 818 View Street. Ms. Maher explained that the City of Hagerstown does not own the land in question—the City never officially accepted the land as public alleys. The properties are in limbo; they are not owned by either the City or the adjacent property owners. They were offered to the City in the past, but not yet accepted.

Mr. Brubaker asked if a decision in the matter could be deferred until the next meeting so he can visit the site. Ms. Maher said an ideal situation would be for the owner of 818 View Street to give an easement to 814 to allow access over their property so access can be gained to 814 View Street.

The commission had no issue with recommending that paper alley behind 800 View Street by quit claimed; however, it felt more investigation was necessary for the quit claim of 814 and 818 View Street.

MOTION: (Stone/Wheeler) I make a motion to recommend approval of the request as to 800 and to defer consideration on 814 and 818. The City Engineer

should speak with the applicant to make sure they know the implications of their request.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Land Management Code - Overview of Proposed Amendments

Staff Report: Mr. Bockmiller presented a general overview on the types of amendments proposed (see memo in meeting file). The purpose of these amendments is to implement policies identified in the 2008 Comprehensive Plan and to address any deficiencies of the Ordinance. Staff attempted to identify issues that may arise in the next 20 years to address annexed lands.

Concerning the Forest Conservation Ordinance, the State of Maryland has signed off on staff's proposed changes as being consistent with new state law. Conversely, very little was done to the Floodplain Management Ordinance since the state has not finished its re-write of the state model ordinance. When the state finalizes its revisions, staff will make adjustments to the City's ordinance and bring it back for review and approval.

One of the significant proposed changes is to the allowed densities in the R2 (R-MOD), R3 (R-MED), and R4 (RO) districts. When the City ordinance was adopted in 1977, the model used was a suburban zoning ordinance adopted for an urban area. Staff is attempting to bring back an emphasis on urban design. The new lot sizes were determined by looking at lot size averages, etc., to come up with setbacks and lot area requirements.

The City Attorney has reviewed the draft ordinance at the staff level review. Mr. Stone asked staff to let the commission know as it is going through the reviews when the City Attorney had comments on certain sections.

Concerning a strategy for review, the commission agreed with the staff's recommendation of assigning articles or pages for a certain meeting date and then reviewing each article page by page, similar to how the original Land Management Code reorganization was handled several years ago. Mr. Brubaker recommended assigning a "chunk" of text and specifying a time frame.

After the first review, staff will present additional amendments that did not make it into the first round of amendments. The commission cautioned staff that it does not want to be allowed to get into a debate about a particular amendment if there is a possibility that it might be changed with the presentation of the additional amendments.

Commission members should be prepared to discuss Articles 1, 2, and 3 at the next meeting.

**Planning Commission
MINUTES - Workshop Meeting**

**February 9, 2011
City of Hagerstown, Maryland**

Armory on North Potomac Street. Mr. Wright alerted staff to a potential expansion of the building over the existing parking lots. Mr. Bockmiller will check in with the developer and the City's Code Administration Office.

Adjourn: It was moved and seconded that the meeting adjourn at 5:15 p.m.

2/23/2011
Date

DC Calhoun
Debra C. Calhoun - Secretary