

James W. Stone, vice chair, called the meeting to order at 7:03 p.m., on Wednesday, October 26, 2011, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts, D. Miller, 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.

### PUBLIC REVIEW MEETING

#### Pangborn Corporation - 529 Pangborn Boulevard, Rezoning, Case No. ZM-2011-02

Staff Presentation: Mr. Rohrbaugh gave the staff analysis, which included a PowerPoint presentation (copies in the meeting file). The property is bisected by the corporate boundary with 7.28 acres located inside the City limits and 5.3 acres located in the County. The site had been developed by a manufacturing facility, however, recently most of the industrial buildings were demolished. The surrounding properties are developed with medium- and high-density residential uses and an active rail line.

In 2010 the site was part of the Comprehensive Rezoning and was rezoned from IG (Industrial General) to N-MU (Neighborhood-Mixed Use). At that time, the expectation was that the factory buildings would be adaptively reused. Since that time all but one of the buildings have been demolished by Pangborn Corporation. Neighbors have expressed concerns about additional high-density residential development in the vicinity.

Pangborn is proposing to rezone this property from I-MU to POM (Professional Office Mixed) and the rezoning request is being processed in conjunction with an annexation request for the 5.3 acres located in the County. Both applications will run through their respective processes concurrently. The Planning Commission reviewed the annexation proposal and recommended to the Mayor and Council that POM was an appropriate zoning district for the acreage outside the City limits.

Mr. Rohrbaugh entered the Certificate of Advertisement and the Planning Commission's file by reference into the record of this case.

#### Applicant's Presentation:

The applicant, Pangborn Corporation, was represented by Jason Divelbiss, Esquire, 13424 Pennsylvania Avenue, Hagerstown, Maryland 21742.

Mr. Divelbiss presented the following with regard to the rezoning request. The criteria bases for the rezoning is both substantial change in the character of the neighborhood and a mistake in the original zoning.

- The property in question is part of a 13-acre tract of which 7,288 acres is zoned N-MU zoning. The balance in the county is still zoned IG. There is a pending annexation for the 5.16 acres located outside the City limits. The Mayor and Council's public hearing for the annexation will be at the same time as the public hearing for the rezoning request. Ultimately both properties will be zoned POM.
- Concerning mistake in the original zoning, Mr. Divelbiss stated that when the rezoning was approved in 2009, the property was developed by several industrial-style buildings. Since then the buildings were demolished. When the property was comprehensively rezoned in 2009, the presumption was that the existing buildings could be reused in accordance with the N-MU zoning district, i.e., commercial uses on the ground floors with a residential component on the upper floors. With the buildings gone, the presumption that the buildings could be used is in error. There is an additional error in the assumption that the property would be most appropriately used for residential. The basis of that is that the surrounding area is residential. In discussions with the neighborhood and Pangborn Corporation's failure to market the property, the residential reuse assumption was an error.
- With regard to substantial change in the character of the neighborhood, the buildings are gone. Mr. Divelbiss identified the neighborhood as being bounded to the north by the rail line; to the south by Pangborn Park and Security Road; to the east by the LynneHaven apartment complex; and to the southwest by Park Overlook. Mr. Divelbiss noted that the orientation of the residential development to the south is oriented toward Security Road. In that neighborhood, given its position and size, Pangborn Corporation was the most predominant influence on the neighborhood. When it went from a complex of buildings to a vacant piece of ground it created a substantial change in the character of the neighborhood. As result, commercial reuse of the property become the most logical plan.

Concerning traffic counts, Mr. Divelbiss stated that there is no definite reuse proposal for the property. Not knowing how the property will be used makes it difficult to project the difference between traffic generated by N-MU and POM uses. Using a representative 20,000 square-foot building being used for general office purposes would generate about 30 peak hour trips. A 20,000 square-foot mixed-use building with 13 apartments and retail would generate approximately 62 trips per peak hour. An entirely residential development would generate the least amount of trips. Mr. Brubaker indicated that he would like to see the traffic estimates and the assumptions.

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Public Testimony:

No one was present to offer testimony either in favor of or in opposition to the proposed rezoning request.

**MOTION:** (Miller/Gysberts) I move to keep the record open for ten days.

**DISCUSSION:** None.

**ACTION:** APPROVED(Unanimous)

The Planning Commission will make a recommendation to the Mayor and City Council at the next regularly scheduled meeting on November 9; the public hearing is tentatively scheduled for November 22, 2011.

**REGULAR MEETING**

**Roll Call**

Commission member D. Wright was absent.

**Approval of Minutes: September 14, 2011 - Regular Meeting**

Ms. Wheeler noted a typographical error on page 4, six lines from the bottom; and suggested clarifying language at the bottom of page 1.

**MOTION:** (Brubaker/Wheeler) I move approval with corrections.

**DISCUSSION:** None.

**ACTION:** APPROVED AS CORRECTED (ABSTAIN - Gysberts, Miller, Thomas)

**Land Management Code Text Amendments**

Special Meetings:

The commission and staff discussed potential special meetings for review of the proposed Land Management Code revisions. The following dates were selected: Wednesday, November 30, and Wednesday, December 7. Both meetings would be held at 7:00 p.m.

Revisions to Residential Districts Section of Land Management Code Update

Page 4-20, (4) - This language would require that when an end townhouse is located at the intersection of two public streets, the end unit should be designed to present a front facade to the side street rather than a side facade. The Planning Commission would be able to grant waivers to this requirement, rather than having developers go to the Board of Zoning Appeals. The presumption is that unless there is a good reason not to, this should be the standard for townhouse development. This language would be included with the design requirements in Article 5. It was the consensus of the commission to include this language.

Page 4-20, f. - Definitions section will be amended to allow for mansion house or stacked apartments in row houses.

Page 4-21 - The commission previously reviewed these revisions. If a structure is truly permanent it would be treated as structure. However, if a mobile home is merely pulled onto a lot and skirted, it will be required to be located in a mobile home park. Anchoring requirements would be up to building code inspectors.

Page 4-22, h - Omit "parking" in first line and add a requirement that the lot must front an existing alley.

Page 4-22, j, "Multi-Family Design Standards in the RH and RO Districts - The commission had no comments on this new section, which was added since the initial review.

Trailers (September 5 memo)

Staff proposed not allowing trailers for home-based businesses. Mr. Bockmiller is currently dealing with a zoning complaint involving trailers on Randolph Avenue, which has very little on-street parking. The vast majority of the houses in the city provide two or fewer off-street parking spaces. Adding trailers in certain parts of the city will exacerbate existing parking problems. In addition, trailers will clutter the streetscape. A typical parallel parking space is 22 feet long; the average vehicle is about 17 feet long. One requirement of home-based businesses is that there must be no exterior evidence that a business is being conducted at a particular address.

Mr. Stone had reservations about the proposed language, in particular anything that would not allow commercial vehicles to be parked in residential neighborhoods. Most commission members did not share Mr. Stone's concern with the proposed language, so by consensus the language will remain as it is.

F. Commercial Zoning Districts (back to the original draft)

Page 4-39, 2, a - Add a comma after the word, "permitted"

Page 4-44, (7) - Should read "Temporary outdoor principal use sales facilities established for the sole purpose of engaging *in* sales or commerce *are prohibited unless they are associated with a special event or seasonal need.*" Staff should work to make the language flow better.

Page 4-45 - The setbacks apply to buildings and are measured to the property line with the adjacent residential use. A question was raised as to whether the setback should be measured from the use itself or from the building, i.e., outdoor storage yards. Staff was unsure of an answer to this question and will be looking at the setbacks in the C and I districts at a later date.

Page 4-57 - 8, a. will be moved to Section Z.

Page 4-58 - Add the word "building" to the first line. Mr. Brubaker asked about reasonable performance standards for lighting. Staff will look into other performance standards for site lighting.

Page 4-58, c - Correct typo in first line.

Page 4-61 - There is no real content change; changes mostly deal with terminology. Need to reference to digital media in 1, (1).

Page 4-68, I - Counting garage space as off-street parking creates problems because more than likely, residents do not use their garages for parking, which creates a parking shortage. The proposed language stipulates that garage parking will not be counted towards the parking requirements. This is mostly an issue in new townhouse projects.

Page 4-68, j - The minimum amount of acreage was changed to 15 acres because staff has found that more land is necessary to achieve the true nature of a PUD.

Page 4-69 - Open space requirements were created. The labels on the table must be clarified.

Page 4-69, 3, (a) - Correct typo ("compliment" should be "complement")

Page 4-69, 3, (c) - Add a hyphen ("character-defining")

Page 4-70, 3, (g) - A provision was created that would enable owners to dedicate open space to the City if they choose, subject to Mayor and Council approval.

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Page 4-70 - Setbacks are smaller reflecting new urbanism.

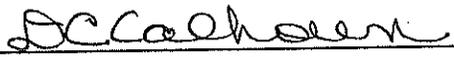
There was discussion about livestock inside the city limits. Mr. Bockmiller stated he has been dealing with complaints about chickens, goats, and a pig. The Zoning Ordinance does not permit livestock. Staff's interpretation is that in a 21<sup>st</sup> century city, livestock and foul are not permitted. An amendments will be made to Accessory Uses to provide universal language on this matter throughout the Zoning Ordinance. Livestock is dealt with in the definitions section (Article 3).

Discussion on the Land Management Code revisions will resume on Page 4-70 at the next meeting.

**Adjourn:** It was moved and seconded that the meeting adjourn at 8:45 p.m.

Date

12/14/2011

  
Debra C. Calhoun - Secretary