

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, August 8, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts, 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

Approval of Minutes: June 27, 2012 - Regular Meeting; July 13, 2012 - Special Meeting

June 27, 2012 - Regular Meeting:

MOTION: (Wheeler/Miller) I will move approval of the June 27 minutes.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

July 13, 2012 - Special Meeting:

MOTION: (Wheeler/Gysberts) I will make a motion to approve the July 13 minutes.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - Wright)

**McDonald's - 330 East Washington Street - Drive-Thru Order Lane Reconfiguration,
Revised Site Plan, Case No. ZS-2005-09**

Staff Report: This site plan is for the modification of a previously approved and constructed site plan for the reconstruction of the McDonald's restaurant at the corner of East Washington Street and Cannon Avenue. The applicant is proposing to reconfigure the site circulation and channelization in order to create a two-lane, side-by-side ordering bay. Modifications to circulation patterns and the landscaped areas result. A fire lane has been added so fire apparatus can get close to the building in the event of an emergency. Landscaping has been added to bring the site up to current landscaping standards. All agencies have approved the site plan. Mr. Brubaker had concerns about the intersection, in particular how it will be marked, how the lanes will merge, and what, if any, signage is contemplated to warn motorists of the merge area.

Applicant/Commission Discussion: Carmen DiDiao of McIlvriad, DiDiano & Mox, LLC, civil engineers for the project, stated that the inherent movement is counterclockwise, the direction in which traffic currently flows. The dual ordering bays were designed so that the queuing matches the orders as they are received.

MOTION: (Wright/Thomas) I make a motion that we table this matter because of the outstanding traffic questions.

DISCUSSION: Mr. Gysberts questions whether the parking requirements for a restaurant will still be met because the proposed dual ordering lanes eliminates seven spaces. Mr. Stone noted that parking spaces provided still exceeds the number required by the Ordinance. Ms. Maher asked, if the size of the staff will increase because of the stated work volume increase associated with the additional ordering lanes, will there still be sufficient parking.

ACTION: APPROVED (Unanimous)

Mr. Wright asked that at the next meeting the proper number of table copies be provided and that another copy of the site plan be mounted on a board. Mr. Rohrbaugh pointed out that if a digital copy is provided it can be displayed on the Smart TV. Mr. Bockmiller stated that he will have a representative from the Parks & Engineering Department at the next meeting.

Alan and Frances Clingan - 800 View Street - Request for Time Extension on Local Conversion District Overlay

A local conversion district took effect for the use of the View Street Diner on October 28, 2010. The applicant has been working slowly toward activating the use with work to the interior of the building. The site plan is nearly complete and should be approved in August. Exterior work cannot begin until the site plan is approved. Section J.3.f(3) of the Zoning Ordinance states “the owners or developers must indicate that they plan to begin construction of the development or commence the use within one (1) year after final approval. If construction does not begin or the use does not commence within one (1) year, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and agreed to by the Planning Commission.” According to the applicants they did not realize there was a time limitation and would like to request an extension from the Planning Commission. Staff noted that during the public meetings for the Local Conversion District Overlay, no one opposed the designation.

Staff recommended that the commission consider approving the request for an extension of time up to October 28, 2013, so the applicant can complete the necessary exterior work (repave parking lot, landscaping, signage).

Applicant/Commission Discussion: Mr. Clingan stated that when he and his wife first attempted to reopen the restaurant, they found that the current codes would not allow the restaurant to be reopened. Since obtaining the Local Conversion District Overlay District, they have had to address several issues:

- A portion of the restaurant had been built on part of an alley; an agreement needed to be worked out with the city.
- Because of a mortgage on Mrs. Clingan's mother's house, the applicants' son will be moving to Hagerstown shortly from Indiana and will help with the mortgage and with the restaurant renovations.
- Mr. Clingan's hours at work have been reduced so they do not have the finances to work on the renovations full time.

Mr. Clingan assured the commission that he and his wife are still interested in making this property a viable business. He stated that an extension until December 31, 2013, should give them enough time to comply with the requirements and to move on with the project. Staff had no objection to this date.

MOTION: (Miller/Thomas) I move to grant the applicants' request for an extension until December 31, 2013.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Tier Designations for the Septic Bill

The Maryland legislature recently adopted the Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill 236, "The Septic Bill"). The intent of the bill is to minimize the adverse impacts from new development on the water quality of Maryland's rivers, streams, and estuaries and to preserve valuable farms and forest lands throughout the state. The bill affects residential development by identifying where new developments must occur on public sewer, where they may occur on septic, and where certain subdivisions are prohibited on septic. According to the bill, if jurisdictions do not adopt tiers they will not be permitted to approve major subdivisions. The bill does not affect commercial development. If jurisdictions fail to adopt tiers, the jurisdiction will be prohibited by the state from approving major subdivisions. Because the City of Hagerstown provides public water and sewer and prohibits septic systems, properties in Hagerstown will be classified as Tier 1; areas planned for growth and planned to be served by public sewer will be considered Tier 2. The City will only be dealing with Tiers 1 and 2.

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Tier 2 areas are planned for growth and planned to be served by public sewer. Staff is considering a recommendation that the City look into increasing the maximum number of lots in a minor subdivision from five to seven lots.

Mr. Stone asked how Senate Bill 236 affects existing subdivisions. Ms. Maher stated that existing subdivisions are considered Tier 1. The legislation does not affect recorded lots and only applies to new subdivisions.

Ms. Maher stated that Senate Bill 236 will not have an adverse impact on the city. It mostly impacts properties outside the corporate limits since all properties inside the city are on public sewer. Mr. Brubaker wanted to know how the legislation affects the MRGA. Ms. Maher said the city will limit tier designation activity to the Medium-Range Growth Area (MRGA) and has agreed with the county that it will designate all existing developments on sewer and developments underway on sewer (Emerald Point) as Tier 1. The county will have sole responsibility for designating properties outside the MRGA.

Mr. Wright noted that according to the map in the packet (meeting file), there are areas in Tier 2 that are completely surrounded by Tier 1. Ms. Maher explained that outside the city, we can only include in Tier 1 properties that are already connected. Tier 2 is only for vacant land or development on septic. Mr. Wright felt that everything in Tier 2 should be served by sewer. If sewer is provided to surrounding areas, it makes sense to have them connect to sewer with no exemptions for minor subdivisions.

The next step is a recommendation to the Mayor and Council. After the Mayor and Council reviews the tier designations, the City must send its recommendation on to the state. The Washington County Commissioners must agree on the designations that are outside the city limits. Ms. Maher said state law will not allow the Tier 2s outside of the city limits be designated as Tier 1s.

Concerning the proposal by staff to increase the maximum number of lots allowed in a minor subdivision from five to seven lots, Ms. Maher noted that with respect to the APFO, an increase would allow larger redevelopment projects. In terms of adaptive reuse, any increase in the number of lots would be beneficial. Mr. Bockmiller noted that he does not see much activity with minor subdivision developments. Mr. Rohrbaugh stated that he has processed three minor subdivisions of two to three lots each in five years.

Mr. Stone originally moved that the commission recommend to the Mayor and Council the tier structure proposed in the memo and drawing and that the city adopt seven (7) as the definition for the maximum number of lots for a minor subdivision. Mr. Wright recommended that the city

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wait to see what the County does so that what we do is consistent with the county on the minor subdivision definition.

MOTION: (Stone/Gysberts) I make a motion that we adopt the tier structure that was outlined in staff's memo.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Brubaker)

Mr. Wright asked if language could be added in the Adequate Public Facilities Ordinance that would grant waivers at a higher number for adaptive reuse projects than for new construction. It would be beneficial for the language to be more flexible for these types of uses in order to encourage adaptive reuse.

Adjourn: It was moved and seconded that the meeting adjourn at 5:03 p.m.

8/29/2012
Date


Debra C. Calhoun - Secretary