

Douglas S. Wright, Jr., chair, called the meeting to order at 4:30 p.m., on Wednesday, April 11, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members D. Gysberts, D. Miller, and J. Wheeler. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

WORKSHOP MEETING

Approval of Minutes: March 14, 2012 - Workshop Meeting

- MOTION:** (Wheeler/Miller) I will move approval of the minutes.
DISCUSSION: Mr. Wright noted on Page 2, second paragraph, sixth line, the word, “uses” should be changed to “buildings.”
ACTION: APPROVED, WITH CORRECTION (Unanimous)

Preliminary Consultation: East First Street Rezoning, Case No. ZM-2012-01

Staff Report: The public review meeting for this proposed rezoning has been advertised for April 25, 2012. Three property owners have filed applications for rezoning including Kline Associated Roofing Contractors for two parcels at 350 East First Street; Hagerstown Block Company for properties located at 448 East First Street, a parcel on the west side of Oak Street, 645 East First Street, and 701 East First Street; and Lycher, Inc., for property at 701 East First Street. Two different zoning classifications are being proposed. “Area 1” includes 350 and 448 East First Street and the property on the west side of Oak Street which would be rezoned from R1 (Residential) to IG (Industrial General). “Area 2” includes 648 and 701 East First Street which would be rezoned from R1 (Residential) to POM (Professional Office Mixed).

Both Areas 1 and 2 were originally zoned Residential during comprehensive rezoning in 1977. Historically, the properties have been used for industrial and office purposes, although one of the parcels contains a single-family dwelling (part of the Hagerstown Block Company holdings). The 2008 Comprehensive Plan’s Future Land Use Map identified this area as Medium-Density Residential, and during Phase I of the comprehensive rezoning, no changes were proposed for these properties. Since then, Doy Sneckenberger, one of the property owners, approached the Planning staff about rezoning the properties owned by Hagerstown Block Company to IG.

The applicants are requesting the rezonings based on a mistake in the original zoning because these areas were inadvertently overlooked on the Future Land Use Map of the 2008 Comprehensive Plan and for the subsequent comprehensive rezoning. Staff agreed that the R1

was not deliberate. Staff met with the City Attorney who generally concurs that facts existed that support a rezoning but were never considered at the time of the comprehensive rezoning based upon mistake.

Commission/Applicant Discussion:

Referring to the parcel at 448 East First Street,
Mr. Wright asked if there were no buildings on the property, what the setbacks would be in the IG district. Mr. Bockmiller stated that since the property is adjacent to residential zoning, the rear and side setbacks would be 200 feet and the front setback would be 50 feet. Mr. Wright observed that the applicant would have a significant setback issue under the IG zoning designation. The POM setbacks are similar to the C2 (Commercial General) district and not as stringent. Mr. Wright was concerned that the applicant is setting up a situation where the land cannot be developed without variances. Mr. Bockmiller stated that the reason for the zoning request is that banks hesitate to finance projects that are nonconforming uses. Mr. Rohrbaugh added that the proposed POM zoning (Area 2) would provide a better transition from the industrial uses on the north side of East First Street to the residential neighborhood on Kenly Avenue.

Mr. Sneckenberger noted that Rose Hill Cemetery is interested in purchasing the Hagerstown Block property for future expansion of the cemetery. Mr. Bockmiller noted that cemeteries are currently not permitted in the IG district. Mr. Wright was concerned that if Hagerstown Block Company plans to sell to Rose Hill Cemetery that they would be better off leaving the zoning as R1. Mr. Bockmiller stated that it will be difficult to rezone the property back to Residential with the required change or mistake criteria so Rose Hill Cemetery can purchase the property.

The Planning Commission encouraged Mr. Sneckenberger to rethink "Area 1."
Mr. Sneckenberger was reluctant to retain the R1 zoning because he cannot do anything else with the property. Mr. Bockmiller stated if the R1 zoning was retained, Hagerstown Block Company would need an expansion of a nonconforming use from the Board of Zoning Appeals and a site plan for any expansion plans for the block storage area; with the rezoning, they would need a site plan if they want to expand the block storage area.

Draft FY 2013 Capital Improvements Program

Commission/Applicant Discussion: Ms. Wheeler had a comment on the CIP review process. She stated she had difficulty making any meaningful comments because there is no information on what has been accomplished from previous years. This lack of information makes it difficult to give feedback since only the projections going forward are presented. There is nothing to

indicate what the thinking was because anyone who analyzes the chart does not know why things have changed from the previous year.

Commission members discussed the following projects:

Page 1:

City Hall Improvements (45-C0326) - funding in previous years was \$200,000 and in FY2013 it is \$5,000. There are no notes as to why the funding been cut.

Page 2:

36-40 N Potomac Street (58-C0836) - Mr. Wright questioned whether this was the facade program. Mr. Bockmiller said the City purchased 36-40 North Potomac Street and is currently renovating it for artist live-work space.

Page 4:

George Washington Statue (45-C0837) - Mr. Bockmiller stated that the City has allocated \$15,000 from CIP projects that came in under bid. In addition, Washington County has promised a comparable amount, along with other in-kind contributions. The last third will be obtained via grants and donations. The statue will be about seven feet tall and mounted on a four- to six-foot high boulder. The intent is to install the statue in front of the Washington County Circuit Court building.

Page 5:

Frederick Street Culvert (45-C0811) - Commission members noted that this issue was identified as a concern during the HBP site plan review several years ago.

Page 6:

Stadium/Multi-use Facility Construction (45-C0332) - Mr. Gysberts had concerns about the proposed location in City Center. The City owns land already in the east end in the area of the old hospital site.

North Potomac Street Parking Deck (56-C0749) - Mr. Wright asked why money was being allocated to the parking deck.

Page 8:

Mr. Wright noted that none of the Planning Commission's major objectives are addressed in the FY 2013 CIP. Last year's CIP contained mostly studies. The commission questioned whether any of the studies proposed last year were completed.

Page 10:

Mr. Wright noted that the CIP continues to address the I and I issues and collection issues of previous years.

It was noted that no one was present at the meeting from City staff that could answer the commission's questions on projects of concern. In addition, only four commission members were present out of seven. Given these two facts, commission members were ambivalent about making a recommendation on the CIP to the Mayor and City Council.

MOTION: Gysberts/ Wheeler I move that we pass on making a recommendation because there was not enough information.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Commission members also expressed concern it has not been given sufficient time to review the CIP over the last few years. They feel as if they do not know enough about the projects to make recommendations.

WASHCO Tristate Plaza - 1740 Dual Highway

Mr. Bockmiller stated that the commission recently reviewed a site plan for changes to the Tristate property on the Dual Highway. Subsequently, a staff-approved site plan was submitted and approved for modifications requested by a tenant that wanted to use the front part of the building. When Mr. Bockmiller did the inspection he found deviations from the approved plans.

~~(Steve, I know I didn't get all of this . . .)~~

The landscape island next to the front driveway was only striped; a parking space was located in it. A proposed landscape island was not installed to preserve an existing parking space with only a three foot island remaining. The developer indicated they are getting pressure from the urgent care facility to create as much parking as possible.

The developer brought in a compromise which includes a reduced-width landscape island with a raised island with landscaping will be installed. Landscaping will be installed in the narrow existing island and a third island will be installed about midway and install landscaping there.

Mr. Bockmiller asked the Planning Commission to approve the compromise plan . The landscape island will go in next to driveway, just would be narrower than what is required. The dumpster pad was not shown originally. The proposed location is next to the warehouse building.

The Planning Commission had no issues with the revised proposal.

The Shoppes at Hagerstown - Garland Groh Boulevard

The property in question is the wedge between Garland Groh Boulevard and Interstate 81, specifically the area between the driveway and the point on the south end of the parcel. The developer has not been able to get the required forest conservation trees to thrive in this forest conservation area. As an alternative, staff is amenable to converting the area to lawn with a fee-in lieu payment to the forest conservation fund. The area in question only amounts to a third of an acre. The fee-in-lieu contribution would amount to \$4,300.

The commission was agreeable to the plan to convert this section of the property to fee-in-lieu. Mr. Wright suggested marsh grasses be planted; Mr. Bockmiller will check to see whether this would be practical.

McDonald's - Northern Avenue

Mr. Miller stated that the lights that were approved by the commission on the site plan and what has been installed is not what was approved. Mr. Bockmiller stated that he visited the site and agreed that the lights are not in compliance with the approved site plan. He stated that the lights on the street facing the site might be acceptable as their angle helps direct lighting away from adjacent homes; however, the lights on the north side of the site are in violation.

Land Management Code - Distribution of Second Draft (Tentative)

Revisions will be completed on Thursday, April 12. The revised Land Management Code copies will be delivered to commission members on Friday, April 13. Because the review started over a year ago, there are a handful of new items in the draft. To assist the commission in it's review of the second draft, Mr. Bockmiller has prepared a chart of the changes.

**Planning Commission
MINUTES - Workshop Meeting**

**April 11, 2012
City of Hagerstown, Maryland**

Concerning the Floodplain Management Ordinance, Mr. Bockmiller will copy the draft he received from the state. The commission can review and comment on it as a separate document before he "dismantles" it so it fits the format of the Land Management Code.

Two special meetings were scheduled for review of the second draft on April 18 and May 2. Both meetings would begin at 4:00 p.m. and last until 6:00 p.m. Mr. Gysberts noted that he would be unavailable for the meeting on April 18. The hope is that the public review meeting can be held at the May 30 meeting.

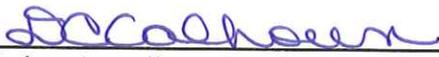
Board of Zoning Appeals Agenda - April Hearing

The commission had no comments on the agenda.

Adjourn: It was moved and seconded that the meeting adjourn at 6:00 p.m.

Date

4/25/2012


Debra C. Calhoun - Secretary