

**James W. Stone, vice chair, called the meeting to order at 4:00 p.m., on Wednesday, November 14, 2012, in the Conference Room, Fourth 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.**

**REGULAR MEETING**

**Roll Call**

Commission member D. Wright was absent.

**Approval of Minutes: October 31, 2012 - Regular Meeting.**

**MOTION:** (Wheeler/Gysberts) I move approval of the minutes.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (PRESENT, NOT VOTING - Miller)

**Light Business Park (Lot 20) - South Side Dynasty Drive, Final Plat, Case No. S-2012-05.**

**Staff Report:** This subdivision is for the recordation of Lot 20 of the Light Business Park, as well as platting sections of street right-of-way for Imperial Drive and the entirety of Dynasty Drive. The lot is 4.66 acres in area, contains the stone house identified at annexation as a potential landmark (a slight deviation from the subdivision's preliminary plan), and frontage on Antietam Creek. Access is from Dynasty Drive via a 40-foot wide ingress/egress easement across Parcel A from the cul-de-sac of Dynasty Drive. Much of this property is consumed by a forest conservation easement for the subdivision, including some retention area and some reforestation area. Nothing in this plat should be interpreted to be plans for the intended Kiwanis Park. A site plan for the development will be submitted in the future. In order for the Planning Commission to approve this site plan, a waiver to the Subdivision Ordinance provision that requires all lots to front on a public street will be necessary. This lot will not front a public street, but the proposed access arrangement (a 40-foot wide easement from Dynasty Drive) will result in built conditions that would otherwise have been achieved through the design for a fee-simple pipestem to Dynasty Drive.

Staff recommended approval. The lot is currently owned by Lyles Developers, and once the lot is recorded ownership will be transferred to the City of Hagerstown. The Kiwanis Club will function as an intermediary by helping to maintain the property. Road prep work will be done by Lyles, while improvements for the road and parking area will be done by the City. Dave Trostle of Frederick, Seibert & Associates, engineers for the project, said the road is currently base paved, with curbs installed up to Lot 20. In addition, the water and sewer services have been stubbed. An easement will be recorded in the Land Records. Most of Lot 20 is designated as forest conservation; only a small portion of Lot 20 is able to be developed. A gate is planned for the entrance to the park, but the gate will not affect access to the approved lot on Parcel A (Trilogy II).

- MOTION:** (Miller/Wheeler) I move for approval, including a waiver from the requirement that the lot must front on a public street.
- DISCUSSION:** None.
- ACTION:** APPROVED (ABSTAIN - Brubaker)

**State Farm Insurance - 23 South Colonial Drive - Addition, Site Plan, Case No. ZS-2012-04.**

Staff Report: A site plan has been submitted for the construction of an addition to an office, including associated parking and site improvements. This building was originally constructed as a residence. A concept plan, including description of a lengthy list of landscaping waivers had been previously reviewed by the Planning Commission earlier this year, and the plan is consistent with the concept plan reviewed and approved at that time, except for the one on-street parking space that was planned between the two driveway entrances. This space has been removed. Nine parking spaces are required and 13 have been provided. The forest conservation ordinance does not apply to this project due to the size of the site. All review agencies have approved the site plan. Staff recommended approval.

- MOTION:** (Miller/Thomas) I'll make a motion to approve.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

**The Reserve at Collegiate Acres - Both Sides Terps Boulevard, Concept Plan,  
Case No. C-2012-01.**

Staff Report: This concept plan is for the three multi-family parcels at Collegiate Acres. Stormwater management would be handled via regional stormwater management system

originally constructed for the development. Forest conservation was addressed at the subdivision level, and these lots would be affected by required street trees and one lot contains a forest retention area in an isolated area. All three parcels are zoned RH (Residential-High Density).

Parcel 3, located on the east side of Terps Boulevard (between Cearfoss Pike and Wolfpack Way) contains 8.55 acres, including part of the original Collegiate Acres subdivision and lands annexed into the city from an adjacent trucking facility. The proposal for this lot includes seven multi-family buildings with a total of 148 units. A management building and clubhouse will be located on this lot near the entrance with walking trails, picnic tables, and other site amenities located throughout. A pool is adjacent to the management building. A four-way intersection with Terps Boulevard and Yellow Jacket Road would be created with the access to this lot. Buildings will be heavily articulated and will include garages built into three sides of the larger buildings and into the fronts of the smaller buildings.

Parcel 4, located at the northeast corner of the intersection of Terps Boulevard and Hoosier Court, contains 4.82 acres with frontage on Hoosier Court, Terps Boulevard, and Maugansville Road. The development consists of three buildings containing 68 acres. The two larger buildings will have garages on three sides and the smaller building will have garages on the front. At the request of staff, the two larger buildings were designed to be incorporated into the streetscapes of Terps Boulevard and Hoosier Court. The driveways will access directly onto Hoosier Court, but not Terps Boulevard because it is a collector road. Open space areas with passive amenities are provided. Residents on this parcel will have access to the recreational facilities provided on Parcel 3. Access to the buildings on Parcel 4 will be via two driveway entrances onto Hoosier Court.

Parcel 5, located at the northwest corner of the intersection of Terps Boulevard and Nittany Lion Circle, contains 3.25 acres, with street frontage on Nittany Lion Circle, Terps Boulevard, and a portion of Maugansville Road. The development consists of two buildings containing 56 units with garages on three sides. Staff requested that the building facing Nittany Lion Circle be designed so that it is incorporated into the streetscape. Due to the shape of the property and the classification of Terps Boulevard, the second building will be set back in a more suburban configuration. Open space areas with passive amenities will be provided to the residents of Parcel 5; however, like Parcel 4, these residents will also be able to access the recreational facilities provided on Lot 3. Access to Parcel 5 will be via one driveway entrance onto Nittany Lion Circle.

Staff noted that the plan for Parcel 3 is consistent with the concepts that have been previously reviewed by the Planning Commission. The applicant has been receptive to staff suggestions for creating a design for the remaining two parcels that help the design of those developments fit in within the existing streetscape of the Collegiate Acres subdivision. The applicant is working to meet the goals of the Comprehensive Plan and the intent of the newly revised ordinance which

aim to have new developments be more urban in nature (pedestrian friendly, not isolated). The developer is proposing building models that work well in this environment which are new products for the local market.

The Planning and Code Administration Division recommends approval of this concept plan. Staff noted that these plans are more detailed than the typical concept plan due to their complexity. Staff cautioned that this approval should be understood as being approval of a concept and not a detailed plan. There are certain relatively minor elements of the plan that are not optimal (e.g., trash enclosure in the front yard along Terps Boulevard on Parcel 4). However, this issue will be addressed at the site plan stage. The Fire Marshal has concerns that the turning radii on Parcel 3 will be inadequate for emergency vehicles. The City Engineer's office had concerns about the potential for double parking in the driveways. Staff plans to work closely with the developer to resolve these details and fully develop the landscaping and amenities plans as part of the site plan process.

Developer/Commission Discussion: Mr. Stone asked if Parcel 3 had an additional entrance onto Terps Boulevard. Mr. Bockmiller stated that at this point there is only one access point, but it is an issue that needs to be addressed given the number of units. The developer has a few options available. Staff recommended another consultation with the Planning Commission to determine the best location for the entrance prior to submission of a site plan. This issue only affects Parcel 3. Mr. Bockmiller noted that a second access could be in the form of an emergency entrance. Commission members were curious about the size of the units. Trey Alter, developer, stated there will be a few one bedroom units. The majority of the units will be two bedrooms with a den or three bedrooms. The smaller units will be 848 square feet, although most will be between 1,200 and 1,400 square feet.

Mr. Thomas asked about the APFO. Ms. Maher said with the Adequate Public Facilities Ordinance (APFO), the Planning Commission cannot approve a site plan, but can approve the concept plan. An approved concept plan will help the developers through the APFO process and the developer can then begin work on mitigation. However, the Planning Commission must first determine that the project fails the school test.

Mr. Brubaker asked how the upper level units will be accessed. Mr. Alter said the buildings are actually three separate buildings linked together and include 12 direct accesses based on the garages. Mr. Bockmiller stated that on Parcel 4, the building along Terps Boulevard will need to have an architectural treatment so it looks like a building front.

Mr. Alter stated that this project was designed for people who want to rent by choice. Mr. Miller said the biggest issue appears to be the second access point for Parcel 3. Based on the number of units, the second access should be permanent and not just for emergency vehicles.

**Planning Commission  
MINUTES - Regular Meeting**

**November 14, 2012  
City of Hagerstown, Maryland**

**MOTION:** (Wheeler/Miller) I move approval of the concept plan.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

Concerning the School Test, Ms. Maher stated that The Reserve is subject to the school test since at the time of the original preliminary plat approval these tracts were included as vacant parcels. The project proposes 272 apartment units across three parcels (see meeting file for memo). According to the school test formula, these 272 units would generate 82 elementary, 33 middle school, and 30 high school students. The elementary and high schools would go over the enrollment projections.

Regarding mitigation alternatives, Washington County Public Schools (WCPS) has indicated that there are no funded projects that would provide additional student capacity at any of the impacted schools within the current or next school year. While there will be a redistricting when the new West City Elementary School opens, there is no telling if it would result in additional capacity at the affected elementary school. The developer has provided a phasing schedule for mitigation, which is outlined in the memorandum from Divilbiss & Associates (meeting file). School system staff noted that generally class sizes are 23 students for elementary, with averages for middle and high school at 25 students per classroom. At North High, the overages could mean about 2.5 portable classrooms. Mr. Brubaker pointed out that the school board projects to be overcapacity at North High even without The Reserve at Collegiate Acres.

The commission must determine whether the proposal has passed or failed the school test. Staff stated that the development does not pass the test regardless of any issue of phasing. Ms. Maher said if the development does not meet the formulas based on the projections, it automatically fails the test. Mr. Stone said that per the ordinance, the commission needs to use the "generation rates" and cannot question the assumptions. Jason Divilbiss, attorney for the developer, said they concede that the development does not pass the test. However, the applicant would take issue with the overcapacity projections at North High. Mr. Divilbiss and his client would be satisfied with the general "does not pass" and will negotiate with the County Commissioners to determine how to resolve the matter.

**MOTION:** (Thomas/Wheeler) I move we accept the Planning Staff's conclusion that overall the project fails the school test.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN - Brubaker)

**Proposed Land Management Code Text Amendment: Definition of Minor Subdivision,  
Case No. ZT-2012-03.**

**Proposed Adequate Public Facilities Ordinance Amendment: Definition of Minor  
Subdivision**

Both amendments were considered together. Concerning the Proposed Land Management Code amendment, the public review meeting was held on October 31, 2012. No comments were received during the 10-day comment period. The City Attorney has advised that a public hearing is unnecessary to amend the APFO. Ms. Maher stated that the motion should include the APFO so that the definitions match.

- MOTION:** (Wheeler/Thomas) I move we recommend approval to the Mayor and Council.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN - Brubaker)

**Adjourn:** It was moved and seconded that the meeting adjourn at 5:07 p.m.

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Date 1/9/2013

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Debra C. Calhoun - Secretary