

Douglas S. Wright, Jr., chair, called the meeting to order at 4:02 p.m., on Wednesday, February 13, 2013, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, 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.

WORKSHOP MEETING

Approval of Minutes: January 30, 2013 - Regular Meeting

The following corrections were noted:

- On page 2, add a note that Mr. Brubaker arrived at the conclusion of the consultant's presentation.
- On page 4 - correct typo in sixth bullet point under "Other Public Comments" (change "propoed" to "proposed").
- On page 4 - Under "Planning Commission Comments," the first bullet should be attributed to Mr. Miller; the second bullet should be attributed to Mr. Thomas.

MOTION: (Wheeler/Miller) I move to approve with the corrections.

DISCUSSION: None.

ACTION: APPROVED, WITH CORRECTIONS (Unanimous)

Mr. Thomas arrived.

Workshop: 354 Dual Highway.

Staff Report: Ms. Amber Rodbell and Charity Stagg were present. Mr. Bockmiller told the commission that Ms. Rodbell would like to open an Italian ice sales business at the former Hub City Shippers location, adjacent to Dual Highway Liquors (see meeting file memo). The Italian ice shop would include a drive-up window, a walk-up window, picnic tables, and possibly some playground equipment. From a site plan standpoint, the site plan process is triggered because a new use and improvements to the property are being proposed. The purpose of requiring a minor site plan is to retrofit the improvements as close as possible to the current ordinance requirements. This property is approximately one-third of an acre.

Reasonable improvements that staff would expect include:

- Landscape island along west property line (three feet or wider) and improved with columnar trees such as Leyland cypress; a raised curb and gutter would not be required.
- Landscape island across the front of the property, varying in width, to include channelization of the driveway entrance; raised curb and gutter not required; installation of two street trees and shrubs four feet on center, per the ordinance.
- Landscape island across the east side of the property, reduced from 10 feet in width to three feet, and installation of landscaping. Staff had no objection to the substitution of a privacy fence in lieu of landscaping in this location (adjacent use is a warehouse).
- Installation of landscaping within the island that would be created between the building and the left edge of the proposed drive-thru lane, which would necessarily swing out to create a turning radius around the building.
- Stripe all parking spaces, drive-thru lane, and install arrows on the drive aisles to create a counterclockwise circulation pattern.

The property owner is unwilling to allow Ms. Rodbell to make improvements to the lot. At one time the property owner operated a used car lot on the property and she does not want to make changes in case another used car lot could be established on the site. Staff noted that the site no longer meets the criteria in the ordinance for auto sales lots.

Applicant/Commission Discussion: Amber Rodbell, the potential tenant, stated that Jessie Unger, the owner of the property, felt she invested significant amounts of money in asphalt and is not agreeable to tearing up the asphalt for landscaping islands. Ms. Unger's fear is that the Italian ice business will fail and then Ms. Unger will have to take the property, as altered, and try to retrofit it for a used car lot. Ms. Unger is completely opposed to making any site improvements. Ms. Rodbell stated that she considered using raised beds and planting boxes in lieu of the landscaped islands. Also, parking lot lighting will be necessary. At this point the only item that Ms. Unger will agree to is that if Ms. Rodbell's business is successful for a set period of time, then Ms. Unger would allow Ms. Rodbell to make improvements to the property. Ms. Rodbell noted that Ms. Unger is agreeable to the fence along the east property line and making any site improvements that will not ruin the blacktop. She will not allow Ms. Rodbell to remove any asphalt or add any green space.

Because this type of business is seasonal, Ms. Rodbell believes her business needs to be up and running by April. If they are not open by then, once May hits they will miss prime time. Their goal is to make the site look presentable, agree upon a set time period to determine whether the Italian ice stand is here to stay. This is Ms. Rodbell's only option with the property owner. If she can get a long-term lease with Ms. Unger, she would have no problem making the required site improvements. She would add concrete barriers and trees as a barrier from the liquor store to the west. There is a separate building to the rear of the site in which Ms. Rodbell plans to eventually make Italian ice cakes. Her only obstacle is getting some type of approval so she can

**Planning Commission
MINUTES - Workshop Meeting**

**February 13, 2013
City of Hagerstown, Maryland**

move forward. Once Ms. Unger feels "safe" with Ms. Rodbell, Ms. Rodbell would need to get permission in writing from Ms. Unger to make the long-term improvements required by staff.

Mr. Bockmiller explained that he believes it sets a bad precedent for future applicants to allow a situation where improvements to a property would be required at a later date. Commission members felt some type of agreement stating the time frame for improvements between the tenant and the property owner is necessary. Mr. Bockmiller added that he would need details on improvements and a minor site plan approved on the front end so everyone knows what the expectations are after 12 months. This should be embedded in the lease. Mr. Bockmiller explained that he outlined the ordinance requirements in a letter, including the fact that a car sales lot would no longer be permitted on this site. Even if a car lot would be permitted on this site, the City would still expect the improvements outlined above to be made. The existing asphalt encroaches into the right-of-way for East Washington Street and that area would need to be returned to grass. If everything is agreeable in the next week, it might be possible to open by mid April.

The Assistant City Engineer, Jim Bender, was in the audience, and Mr. Brubaker asked if the existing ingress and egress is acceptable for this site. Mr. Bender noted that the site is an unusual configuration, in that there is no direct access to the Dual Highway, which means the State Highway Administration (SHA) would not be involved. Access is actually via East Washington Street. The existing entrance operated without issues for the previous use.

Mr. Wright noted there are many benefits to helping this project move forward. Speaking on his own behalf, he encouraged staff to help this project move forward. If it has to come back to the commission for review, it could slow the project up and an extra two weeks in the review process could make or break the business. Ms. Rodbell reported that she has a meeting scheduled soon with Ms. Unger and Ms. Unger's son. It is her hope that the son will realize that the Italian ice project will be a positive move for them.

Parking will be located mostly in the front, with some employee parking in the rear. They will be able to meet parking requirements for this type of use. The building in the rear will need to be renovated to meet Health Department requirements before they can start using the building in the rear to make Italian ice cakes.

Downtown Employment Statistics

Mr. Rohrbaugh reviewed a report he compiled detailing City Center employment statistics. Staff conducted an employment survey in the second half of 2012 to see how many employees work in the City Center and to get an idea of the types of employers in the City Center area (see memo in meeting file). According to the survey, the largest industry in City Center is public administration (35%). The next largest types of employers include professional services (all types of offices, law, accounting, engineering) at 21%; and institutional uses (churches, private clubs) at 13%. The average number of employees per establishment is about 11 per business. Overall there are approximately 310 employers and 3,293 employees. The top employers in the City Center are Maryland State government (495 employees); Washington County government (292 employees); Herald-Mail (200 employees, although this number needs to be re-verified); and the City of Hagerstown (197 employees). Mr. Rohrbaugh noted that volunteers were included in the employee numbers.

Mr. Wright commented that this survey should be updated every year and would make a good project for an intern.

Sage Report - Developing an Arts, Entertainment, and Educators Cluster in Washington County.

Staff presented highlights of the Sage Report, which was presented on October 9, 2012, at a joint meeting of the Mayor and City Council and the Washington County Commissioners. The report summarizes the results of the Sage Policy Group's Arts and Entertainment Study for the Washington County Arts Council. Since the study offers a number of insights and recommendations related to Downtown planning, staff felt it was important to share the findings with the commission and give members an opportunity to discuss the findings. (A copy of staff's memo and the report are in the meeting file.)

- Commission members discussed the data on the city's challenging demographics (pages 11-15 of the report), particularly the paragraph after Exhibit 2 on page 12 which states: In Hagerstown, nearly 50% of households are living below an income of \$35,000 . . . [and] more than four in five Hagerstown households are associated with annual incomes less than \$75,000."
- Commission members questioned what the community can do about our demographic challenges and the concentration of low-income housing. The Planning Commission pondered whether the City is deliberately attracting these populations or whether the economy worsened the situation for our own population. The probability of cheap real estate attracting social service providers and new residents from outside our area was

**Planning Commission
MINUTES - Workshop Meeting**

**February 13, 2013
City of Hagerstown, Maryland**

discussed. A discussion followed on whether these populations would persist if the City did de-concentrate low-income housing.

- The question was raised: what is a better pie chart for demographics that the City should be shooting for?
- Staff advised the commission that City staff members have been meeting with members of the faith-based community to discuss these social issues and the possibility of forming partnerships to provide workforce training and GED training in City Center locations to serve the unemployed and underemployed urban population. The commission agreed that the investment in education is important and that the County school system has been making good strides in this area.
- Discussion followed on the need for help in attracting new employers.
- An observation was made that the report does not mention the drug trade as a debilitating phenomenon for investment in the City Center and our close-in neighborhoods.
- Staff will contact the Sage Policy Group to determine what is meant by "reconsider City zoning" on page 37.

As commission members finish reading the report, discussions may continue at future meetings.

Board of Zoning Appeals Agenda - February 20, 2013 Hearing.

The commission had no comments to pass on to the Board of Zoning Appeals on the case filed for the February 20 hearing.

Adjourn: It was moved and seconded that the meeting adjourn at 5:45 p.m.

3/13/13
Date

DC Calhoun
Debra C. Calhoun - Secretary