

**Planning Commission  
MINUTES - Regular Meeting**

**February 27, 2013  
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, February 27, 2013, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, D. Miller, R. Thomas and J. Wheeler. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary.

**REGULAR MEETING**

**Roll Call**

Mr. Stone was absent.

**Approval of Minutes: February 13, 2013 - Workshop Meeting.**

The minutes were not ready for approval.

**Collegiate Acres (Phase I, Block E, Lots TH1-8, TH 108-119, and Lot 1), Final Plat, Case No. S-2011-07.**

**Staff Report:** The purpose of this final plat is to enable recordation of Lot 1, as well as 20 townhouse lots at the intersection of Nittany Lion Circle and Yellow Jacket Road. Lot 1 faces Terps Boulevard, just north of Cearfoss Pike. All review agencies have given their approval, however, staff is waiting to receive a hard copy of the Health Department approval. Staff recommended approval, contingent upon receipt of a hard copy of the Health Department's approval.

Mr. Bockmiller noted that when the development came in for preliminary plan approval, there were two irregular lots, including a shallow lot (Lot 1). At the time staff recommended, and the Planning Commission agreed, that the shallow lot (Lot 1) should be flagged as not eligible for variances. This plat will supercede any attempt to go to the Board of Zoning Appeals for variances. The developer will need to find a house plan that is shallow enough to fit on the lot as platted.

**Commission/Applicant Discussion:** Tony Taylor of Frederick, Seibert & Associates stated that he has not received a hard copy of the Health Department's approval of the plat. He noted that they went beyond the 18 lots that already have been approved for sewer allocation and have applied for the additional allocation. Mr. Bockmiller stated that normally he does not receive

comments from the Health Department on final plats. All review agencies that might have had a comment on the design have signed off. Mr. Brubaker questioned what the remaining build out is for Collegiate Acres. Mr. Taylor indicated that there are approximately 80 vacant lots left in the development. They hope to have the roads in place by the fall.

**MOTION:** (Wheeler/Thomas) I move approval of the final plat, contingent upon Health Department approval.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**The Reserve at Collegiate Acres (Phase I), Site Plan, Case No. ZS-2012-05.**

**Staff Report:** This site plan is for a 148-unit, multi-family development that has been the subject of a concept plan previously approved by the Planning Commission (see memo in meeting file). The development consists of four 28-unit apartment buildings, three 12-unit buildings, a clubhouse/leasing office with outdoor pool and passive outdoor recreational amenities, including walking trails, benches, and grills. Sixty-two garage parking spaces will be provided, with 284 surface spaces shown on the plan, resulting in a parking ratio for the development of 2.34 parking spaces per dwelling unit. Landscaping is provided in accordance with the ordinance. Along the northern property line, the applicant is relying on a row of Leyland Cypress trees, which will serve to meet the intent of the ordinance regarding landscaping, buffering densities, and mitigating headlights in the multi-family parking lot.

The development was included in the forest conservation plan for the entire Collegiate Acres subdivision, except for the 1.41-acre area annexed into the city and added to this property. This area consists of grass, the corner of a paved area, and a few individual trees. Rather than require a separate forest conservation plan, staff processed this as a minor adjustment to the much larger plan for the development. Development of this 1.41-acre area resulted in a requirement to provide 12,284 square feet of forest planting. The applicant proposes to address this issue by planting trees and recording an easement on this northern tract, adjacent to and enlarging an existing forest retention easement area along the ramp from Maugansville Road to southbound Interstate 81. A site plan for that development is expected to be filed shortly and will reflect this area as a forest replanting area. A plat will be required.

Most of the sewer allocation is in place, and the remaining needed allocation is expected to be released in April. The applicant is currently working with the Board of County Commissioners to address the Adequate Public Facilities Ordinance (APFO).

**Planning Commission  
MINUTES - Regular Meeting**

**February 27, 2013  
City of Hagerstown, Maryland**

All approvals have been received from the various review agencies, with the exception of the City Engineer. Staff recommended that the site plan be approved, contingent upon the following:

- Resolution of the City Engineer's concerns;
- Applicant obtaining the remaining sewer allocation; and
- Approval of an Adequate Public Facilities Ordinance mitigation plan within six (6) months of the date of this approval. If such approval is not obtained within six months, this approval will expire, and the site plan will have to be re-reviewed and re-approved by the Planning Commission before proceeding.

Mr. Bockmiller added that the developer would like to be able to show the County Commissioners that they have conditional approval of the site plan from the Planning Commission. Planning Commission approvals would also be added to their mitigation plan. Concerning the sewer allocations, Mr. Bockmiller was confident that those would be in place by early April; however, the APFO issues may take awhile longer. Mr. Bockmiller also pointed out that the commission requested a second point of access on the property at a workshop several meetings ago. The right-in, right-out access point shown on the site plan is consistent with what the commission previously reviewed at the workshop.

Commission/Applicant Discussion: Mr. Thomas asked if the shrubs along Terps Boulevard will impair the sight distance for motorists attempting to exit the development onto Terps Boulevard. Mr. Bockmiller noted that the City Engineer had no comments on the shrubs. Staff did request additional plantings around trash enclosure. Also, sidewalk sections were requested by staff to complete a walking loop. Benches and grills will be provided in the center of the passive recreation area. Mr. Brubaker asked if a playground will be provided. Mr. Bockmiller stated that no tot lots are shown on the site plan since the target market for tenants is "active adults" and does not include children. Trey Alter, the developer, stated the apartments are considered "mingles" (multiple singles) with two roommates (two master bedrooms). Mr. Alter added that he has been approached several times by potential developers of the adjacent property that fronts on Salem Avenue and the possibility of this lot becoming an access point for that lot. Concerning the common area, it is possible that a gazebo will be built in the middle. Mr. Bockmiller said this is consistent with the concept plan. The language in the ordinance is flexible when it comes to what types of amenities should be provided. Mr. Bockmiller stated that the community center will have a fitness facility, a large gathering/media room with kitchen, a business center, two offices, a bathroom, and pool storage. The community center will serve all development on the east side of Terps Boulevard.

It was noted that the recommendation is approval of the site plan, contingent upon satisfaction of the outstanding comments of the City Engineer for speed bumps, successful application for sewer allocation, and approval of an APFO mitigation plan within six (6) months of this meeting.

**MOTION:** (Miller/Thomas) I'll make that motion.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**Carolee Investments/Arthur Boyce - 1845 Dual Highway - Approval of a Previously Installed Gravel Parking/Storage Area, Minor Site Plan, Case No. SA-2013-01.**

Staff Report: This issue was recently brought to the Commission regarding reducing the site plan requirements for reuse of a gravel area that was constructed around 2003 without the required site plan. At the time, the applicant asked the Commission for a waiver from the requirement that the site plan be prepared by a certified professional, which the Planning Commission agreed to do, with the stipulation that if what was submitted to staff was unacceptable for sufficient review, a professionally prepared plan would be required.

A previous site plan from the early 1980s for a building addition was located in the City's files. Staff worked with the applicant to allow him to add information to this base drawing, using it as the site plan for this proposal. Staff found the site plan ultimately submitted for the gravel parking area to be acceptable. The existing gravel area is 13,954 square feet. Screening of the lot will be via adjacent mature wooded areas. No construction and no grading are being proposed.

Staff analyzed the site for ways to bring it more closely into compliance with current design standards. This analysis is normally done during site plan review for proposed development, or in this case retroactively. Since the adjacent property is under common ownership, staff agreed that rather than require a trash enclosure for a dumpster that is barely seen, a note would be added to the plan stating that if the adjacent property were to be developed, a trash enclosure would be required at that time. Staff requested that two items be added to the plan: 1) three street trees be planted along the Dual Highway, and 2) a row of shrubbery between the parking area and the public street (Dual Highway). The applicant has requested a waiver from the commission to these two staff requirements.

All applicable review agencies have approved the site plan. The Planning and Code Administration Division recommended approval of the site plan, and a denial of the requested waivers. Staff reiterated that this approval is for an existing gravel parking lot, and no new work is proposed.

At this point, Mr. Wright recused himself from the discussion since his firm rents space on the same property.

Commission/Applicant Discussion: Mr. Bockmiller stated that the lot was put in by the billiard parlor, a previous tenant. Currently Western Maryland Outdoor Power is leasing the building and the area in question will be used to store some of their inventory. The gravel lot will not be used for foot traffic. Mr. Brubaker asked about the future of the wooded area since a site plan could be submitted for development of the adjacent lot. Mr. Brubaker was concerned about waivers and setting precedents. Mr. Bockmiller explained what would happen if the larger parcel was developed. As of now the owners have no specific plans for the larger parcel. Mr. Brubaker did not want to set a precedent for other developers requesting waivers for other uses that are hidden by trees.

Arthur Boyce, representing the property owner, said Western Maryland Outdoor Power sells small tractors, weed whackers, and similar equipment, and they would like to store some of their equipment on the gravel lot. Several months ago, Mr. Boyce came to a workshop and the commission agreed to let them do an amendment to an existing site plan. Mr. Bockmiller felt it would be overkill to require Mr. Boyce to hire an engineering company to identify an area that has been used for a parking lot for a decade. No work is proposed for the property. In addition, the gravel area is in the middle of a 50+ acre lot.

Parking lot landscaping requires shrubs every four feet and trees every 40 feet (three trees). The Planning Commission agreed with staff that the landscaping should be installed.

**MOTION:** (Thomas/Wheeler) I make a motion that we accept the site plan with the condition that the landscaping be included also.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN - Wright)

Mr. Wright requested that the following items be added to the agenda for discussion:

**Concerns Raised at February 26 Mayor and Council Meeting Concerning Car Lots.**

Mr. Wright noted in the *Herald-Mail* this morning concerns by local car dealers about recent Land Management Code amendments concerning acreage requirements for car lots.

Mr. Bockmiller and Ms. Maher prepared a memorandum for the Mayor and Council explaining the situation. What sparked this discussion is the owner of the former car lot/Greyhound bus terminal/Hub City Shippers site learned of the new requirement that all new car lots need to be at least 40,000 square feet. The result of the recent ordinance amendment made approximately eight out of 11 lots in the city nonconforming uses. The owner began networking with all the other owners of used car lots. Mostly they are concerned about their businesses being rendered nonconforming. As a result of last night's meeting, the Mayor and Council want to study this

**Planning Commission  
MINUTES - Regular Meeting**

**February 27, 2013  
City of Hagerstown, Maryland**

particular amendment further. Staff will look at it again and possibly require parking lot landscaping as a retrofit. The City does not have change of use site plans like other jurisdictions. Instead of a square foot requirement, the City just has design requirements. The idea is to try to improve the appearance of this type of use. Staff studied other jurisdictions and this issue is not unique to Hagerstown—it is an industry issue.

Mr. Brubaker reported that the biggest complaint by the dealers was lack of notice. Staff stated that it is working on a letter to the affected property owners. Mr. Miller added that sign companies were also not notified that digital signs are no longer permitted in the city. Mr. Bockmiller said that there were many changes and hundreds of instances where the ordinance was changed. Staff did take steps through the City's Public Affairs Office and extra exposure in the *Herald-Mail*.

**Delwood Avenue Annexation.**

Mr. Wright asked if the Planning Commission made a recommendation on the Delwood Avenue annexation. Staff said it was brought before the commission for a recommendation to the Mayor and Council.

**Planning Commissioners Workshop.**

Mr. Wright announced that he will be attending and still has seats available in his car for the trip to Cockeyville. As it stands, Mr. Wright and Ms. Wheeler will be attending.

**Adjourn:** It was moved and seconded that the meeting adjourn at 8:00 p.m.

3/13/13  
Date

DC Calhoun  
Debra C. Calhoun - Secretary