

Douglas S. Wright, Jr., chair, called the meeting to order at 4:02 p.m., on Wednesday, May 8, 2013, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, C. Coleman, D. Miller, and 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. (NOTE: Planning Commission revisions are indicated in red text.)

WORKSHOP MEETING

Approval of Minutes: April 10, 2013 - Workshop Meeting.

MOTION: (Brubaker/Thomas) I'll move approval.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Preliminary Consultation: Antietam Tree and Turf - Carrollton Avenue Design Issues.

Staff Report: Mr. Bockmiller stated that he has been meeting with Roger Finn of Antietam Tree & Turf. Antietam Tree & Turf owns industrially zoned property on North Burhans Boulevard. Mr. Finn has been negotiating the possible purchase of an adjacent residentially zoned property on Carrollton Avenue and adding it to the property that contains their tree company. At one time, the residential properties on the east side of Carrollton were zoned industrially; however, they were rezoned to residential because the properties were being used for residential purposes. business. If Mr. Finn purchases the property to add to his storage yard, it would have to be rezoned back to industrial. Industrial uses would kick in substantial buffer areas from adjacent residential zoning. Mr. Finn would like feedback from the commission on the possibility of waiving the buffer requirements since the 60-foot required buffers would consume the entire lot.

Commission/Applicant Discussion: Roger Finn, Antietam & Turf was present. Mr. Brubaker asked how much of a waiver would be necessary. Mr. Finn stated that he would like a waiver to include no buffer. The subject property contains two 15-foot wide lots which is currently developed by a duplex. If he purchased the property, Mr. Finn would remove the duplex.

Planning Commission members were not comfortable with a waiver that would essentially create a situation with no buffer. Since the ordinance requires a 60-foot buffer, a waiver to 30 or 40 feet might be possible. Mr. Finn asked if the City would be amenable to waiving the buffer requirement if the neighbor next door signed off. Another option Mr. Finn mentioned was to acquire all the properties on Carrollton Avenue up to the former Deerfield Knolls property. In order for the property to be of any value to Mr. Finn, he needs to have as much storage space as

possible. He asked what constitutes a “buffer”? Mr. Wright said a buffer needs to be as dense as possible to minimize the impact of the property on the surrounding properties. Another option discussed was having Antietam Tree & Turf purchasing just the rear yards of the properties that front on Carrollton Avenue. Mr. Wright noted that Antietam Tree & Turf could sell the properties in the future, so the commission needs to consider the impact of any use on adjacent residential properties.

Mr. Finn stated he will talk to the owners and will get in touch with Mr. Bockmiller.

Preliminary Consultation: West City Elementary School.

Staff Report: The parcel proposed to be developed by the West City Elementary School is in the Hager’s Crossing Planned Unit Development (PUD) overlay. The tract is located on the northeast side of the traffic circle at Hager’s Crossing and Bartow Drives.

The original PUD called for 381 single-family dwellings 261 townhouse units, 240 multi-family dwellings, a community center, and various open space amenities. The parcel in question was supposed to be the location for the 240 multi-family dwellings, none of which have been constructed. In 2010 a committee comprised of staff members from the City of Hagerstown, Washington County, and the Board of Education began exploring sites for a new elementary school on the west side of Hagerstown. The new school will replace Winter Street Elementary and Conococheague Elementary Schools. Site selection criteria included size of tract, proximity to infrastructure, compatibility with adjacent land uses, and a central location that would minimize student travel distances. Out of the 22 sites considered, the location at Hager’s Crossing was deemed to be the best site. Last year Washington County purchased the property with the intent of constructing a school. Since the PUD did not have a plan for a school, the PUD overlay zone needs to be amended.

Staff also anticipates that a site plan will be submitted toward the end of the PUD amendment process. On April 24 a public meeting was held with the neighborhood residents to present the plan for the school and to receive comments from the neighborhood. Sixty neighbors attended and the overall reception to the proposal was favorable. A copy of the staff analysis for the rezoning for the school, the original concept plan for Hager’s Crossing, and two concepts for the school are in the meeting file.

Commission/Applicant Discussion: David Trostle of Frederick, Seibert & Associates noted that the original PUD called for 264 apartment units. Mr. Brubaker asked about the orientation of the school (facing the community center or Hager’s Crossing Drive). Staff would prefer to see the school closer to the road. Kirk Downey, Washington County Attorney, noted that orientation of the school will be determined at the site plan stage.

Mr. Trostle stated that the site will include the school building, a bus loop, a parent loop, open space, and recreation fields. Plans have not progressed far enough to pinpoint exactly where all the components will be located. Mr. Bockmiller noted that the recent Land Management Code amendments relaxed the setback requirements for schools. Boyd Michael, Washington County Public Schools, stated that student drop off and the bus loop are important components. The Board of Education wants to ensure as much green space as possible. However, at this point in the process, they are mainly interested in getting the school use approved for this site. Concept plans show room for future expansions. Ms. Maher noted that Planning staff would prefer the bus loops in front rather than the parking lot in front.

Mr. Wright questioned the extension of Hager's Crossing Drive to McDade Road. Mr. Rohrbaugh stated that extension of the road was a stipulation if development occurred west of the traffic circle. Vehicle trips to the school will be less than that generated by the housing units. Mr. Trostle indicated that the requirements for Broadfording Road have been reduced by Washington County to make it more feasible. If the developer starts building again, he would be able to make the improvements to Broadfording Road as required by Washington County.

The Planning Commission had no additional input into the proposal. Ms. Maher stated that staff believes this project would be a benefit to the development. An extra lane on Route 40 will still be required.

Northwest Connector - 2012 Traffic Study - Staff Presentation.

Rodney Tissue, City Engineer, made a presentation on the findings from the 2013 Traffic Study for the Northwest Connector. (A copy of the study and the Powerpoint presentation is in the meeting file.) The study was completed approximately a year ago and the Engineering Department wanted to get the Planning Commission's feedback. The goal is to have a plan in place when development occurs so the City can advise developers what sections they will be responsible for completing. A preliminary plan and profile of the road and bridge has been prepared.

Comments from the commission included:

- Concerning the proposed alignment, Mr. Wright would like to see the intersection along Salem Avenue line up with Key Street. The ideal situation would be to have a straight-on intersection at this location.
- A bike lane needs to be provided on the proposed bridge.
- Mr. Brubaker stated that the span might need to be **double tracked (does this mean two lanes in each direction?)** Mr. Brubaker also commented that it is important to make

- sure the span is correct in the plan, including the bike lane, since it would be better to have an accurate cost estimate than to not request adequate funding for the project.
- Accurate plans for the proposed route need to be in place.

Text Amendments - Multiple Topics.

Mr. Bockmiller reviewed the package of proposed revisions to the Land Management Code. Most of them are very minor, in the form of correcting formatting errors and clarifications. Also included are revisions of the regulations on car sales facilities and a few new regulations, such as the proposed sign regulations discussed at the April 24 meeting.

Page 1 - Issue 1:

- This amendment would remove the Land Management Code text from the City Code. There would be a website reference so an updated copy of the Land Management Code would always be available. The City Code is not updated as often as the Land Management Code. The City of Frederick handles its ordinance in this manner.

Page 1 - Issue 3 - Recycling:

- Commission was agreeable to requiring sorting and separating recycling activities be conducted indoors and allowed in the IR district.

Page 2 - Issue 7:

- Correct typo (“atea” should be “area”)

Page 3 - Issue 7:

- Added (e) which addresses when existing lots would be compelled to comply. Staff would like to codify this language so it is consistent. Mr. Wright was concerned about legal issues since there are no time limits for car dealerships whereas other nonconforming uses can be vacant for a maximum of two-years.

· Page 4 - Issue 10:

- This is a correction that adds uses that were mistakenly deleted and mislabeled.

Page 4 - Issue 11:

- Tightens restrictions on the use of tents for principal business locations.

Page 5 - Issue 12:

- Added “Visual and Performing Arts Studios” as a permitted use; added the ability to add a second dwelling unit if one already exists.

Page 5 - Issue 13:

- Added restaurants and artists’ studios to the list of permitted uses in the Conversion District.

Page 6 - Issue 17:

- Would prevent privacy fences along major thoroughfares. Short, open fences would be allowed up to the right-of-way; however, solid wood fences would need to meet setbacks along major roads.

Page 7 - Issue 18:

- BZA shall be the appeals board for the Off-Premise Sign Ordinance. Engineering staff requested this change because the Board of Technical Appeals is not accustomed to hearing these types of appeals.

Page 8 - Issue 21:

- Would permit re-occupancy of existing residential buildings that are clearly designed to be two units on lots that do not meet lot area requirements to be used as two units.

Page 9 - Issue 24:

- Amortizes car repair businesses that are stockpiling junk cars. This is meant to address junk cars on commercial properties.

Concerning the proposed Sign Ordinance, staff received comments from sign companies and incorporated changes. The language referring to “digital” signs was removed. Mr. Brubaker questioned how signage would be regulated in residential districts. Ms. Maher suggested changing the title of subsection 5 to read, “Street Graphics in the R Zoning Districts *for Permitted Nonresidential Uses.*”

Commission members agreed that the text amendments were ready for a public review meeting to be held at the end of the month.

Election of Officers.

MOTION: (Miller/Thomas) I make the motion that we re-elect the existing chair and vice chair for another term.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Board of Zoning Appeals - March Hearing.

Variance Application on Belview Avenue - Staff noted that the owner of 323 Belview Avenue would like to build a carport two feet from the side property line. Recent amendments to the Zoning Ordinance now require that features such as carports, when attached to the primary structure, are subject to setbacks. There are a significant number of houses on this side of Belview that have these types of additions. The problem with this variance application is that it goes against the purpose of the recent amendments. In addition, the subject lot is eight feet wider than the minimum requirements for lot width. This is the only house on that side of the street that does not have a carport.

Planning Commission members decided not to comment on this appeal and to let the applicant take her chances with the BZA.

The second case on the docket involves a zoning violation whereby the property owner has an industrial property that has been converted to a clubhouse. Assembly uses are not permitted in that zoning district.

**Planning Commission
MINUTES - Workshop Meeting**

**May 8, 2013
City of Hagerstown, Maryland**

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

6/12/2013

Date



Debra C. Calhoun - Secretary