

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, May 29, 2013, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, C. Coleman, D. Miller, J. Stone, and R. Thomas. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

PUBLIC REVIEW MEETING

West City Elementary School Rezoning - Hager's Crossing PUD Amendment, Case No. ZM-2013-01.

Staff Report: Mr. Rohrbaugh presented the staff report (a copy of the report and Mr. Rohrbaugh's PowerPoint presentation are in the meeting file). The Washington County Board of Commissioners filed an application to amend the existing Planned Unit Development (PUD) for the purpose of deleting the multi-family component and adding the proposed West City Elementary School at the northeast corner of Hager's Crossing and Bartow Drives. The underlying zoning is RMED (Residential-Medium Density).

Applicant's Presentation: Kirk Downey, County Attorney, 100 West Washington Street, Hagerstown, Maryland, and David Trostle, Frederick, Seibert & Associates, Inc., 128 South Potomac Street, Hagerstown, Maryland, were present on behalf of Washington County Board of Commissioners.

Mr. Downey stated that Washington County purchased the property with the intention of locating an elementary school at this site. This is a PUD and the PUD needs to be amended to allow for the school use. Even if this site was not part of a PUD, the underlying zoning would allow for an elementary school. At this time, the County is speaking in generalities and concepts, and not presenting a site plan. The exact placement of the school may change before a site plan is submitted.

Mr. Trostle stated that the approved PUD allows for a total of 906 housing units which would include 720 parking spaces and 48,000 gallons per day of water usage. Traffic generated by a multi-family housing development would be approximately 1,800 vehicle trips per day.

The proposed school would consist of five major components: a school building with room for future expansion; 125 parking spaces for employee and visitor parking; stacking in a student drop-off area for 80 cars; a bus drop off area which will be separate from the parent drop-off area; and open space/recreation fields and other open space throughout the site. The school use would allow for more open space, would have less impact on utilities, and contain fewer parking

spaces. There would be no impact on school capacity since there would be no residential units. Daily traffic for the school will be about 50% less, except for peak hours. They are estimating approximately 140 walkers from Hager's Crossing. Since many students will be from the development, there will be fewer vehicles going out onto City/County streets to get their children to school. Improvements will be needed for Centre Boulevard. Mr. Trostle spoke with Larry Rachuba, owner of the property, and entered into the record an email from Mr. Rachuba stating his belief that the school will be an asset to the existing residents and draw interest in the remainder of the development which will allow them to make the connection to McDade Road.

Mr. Brubaker asked what roadway lanes are proposed to be widened. Mr. Trostle stated that the road slated for widening is by McDonald's on the interior road. Mr. Brubaker also questioned how many more units need to be permitted before the McDade Road connection is required? Mr. Rohrbaugh stated that 20 to 30 permits remain until the connection must be made.

Mr. Stone questioned whether a more-detailed sketch plan is needed to amend the PUD. Ms. Maher pointed out that at this stage only a concept plan is required. Staff is completely comfortable with what has been submitted. Either of the proposed concepts will be fine; the impacts on the neighborhood will be the same regardless of where the school will be located on that site.

Mr. Rohrbaugh entered into the record the certificate of advertisement, the Planning Commission's file by reference, and a letter of support from a neighborhood resident who is in favor of the school site.

Public Testimony:

Kathleen Foley, 17660 Potter Bell Way, Hagerstown, Maryland. Ms. Foley stated she has two small children. She is in favor of having a school very close and believes it would be fantastic. As a homeowner she would much rather see a beautiful new school and open space than an apartment building. Having a school would help the community and would help property values.

Karen McCarthy, 12113 Fallen Timbers Circle, Hagerstown, Maryland. Ms. McCarthy also spoke in favor of the school which she feels will help solidify the community. Instead of adding more apartments and houses, having a school will bring a purpose to the lot. It could be used as a community gathering place. It would be fabulous.

There was no opposition to the proposed PUD amendment.
The public review meeting was closed. Planning Commission members had nothing to add.

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MOTION: (Miller/Thomas) I make a motion we keep the record open for ten (10) days.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Brubaker)

Multiple Land Management Code Amendments, Case No. ZT-2013-01.

Staff Report: Mr. Bockmiller entered into the record the certificate of advertisement and the Planning Commission's file by reference. As background, Mr. Bockmiller noted that this is the final phase of the three-step process to update the City's Land Management Code, which includes the Zoning Ordinance. (A copy of the staff report is in the meeting file.) After the update, there were areas that needed to be revised. Most changes are minor fixes to structural issues associated with the rehab of the ordinance. There are some new provisions: in some instances new uses are being added and in others revisions are proposed to existing text, such as vehicle sales lots in the CG zoning district. Mr. Bockmiller stated that an item was added to address Mr. Stone's concern about landscaping and car lots. Another change would make the Board of Zoning Appeals (BZA) the board of appeals for the off-premise sign ordinance. It was felt that the BZA was the preferable body to review variances. Also, the Land Management Code section of the City Code would be reduced with instructions to view the entire Land Management Code on the City's website. This will reduce the City Clerk's expenses for maintaining the accuracy of the City Code, and it ensures that interested parties are viewing the most up-to-date version of the Land Management Code. This has been done by other jurisdictions and keeps the ordinance in real time. There are provisions for the creation of certain on-premise signs. Mr. Bockmiller distributed revised language for the sign ordinance that clarifies what signs are permitted in residential districts.

Comments were received on the revisions from Jill Estavillo, Economic Development Manager. Ms. Estavillo has requested that a use be added in the IR, IG, and I-MU districts to include warehouse clubs, such as Costco and Sam's Club. She asked that this use be added to the language in the zoning chart.

Commission Discussion: Mr. Stone had questions about the Economic Development Director's proposal. Mr. Bockmiller explained that the proposed language gets into the nature of the sales. One of the land use chart changes last year was to allow home improvement stores, such as 84 Lumber or Home Depot, in industrial districts. Other retail sales in industrial districts is currently limited to a percentage of the building's principal use. Ms. Estavillo is requesting that warehouse clubs, such as a Sam's Club, Costco, or BJs, be allowed in industrial districts. (Note: This amendment would permit smaller versions of a Costco or a BJs since the full-size versions of membership club stores are usually three times the proposed allowed size of 75,000 square

feet.)

Mr. Wright stated he attended the National Association of Outdoor Advertisers meeting last week and sat in on a presentation about illumination. The presenter was saying that municipalities and states would be better off measuring the intensity of signs by “foot candles” rather than “NITS.” NITS is an absolute and if a sign is set at 750 NITS at night in one area with ambient light, it could be bright enough; however in another area with little ambient light, the intensity of the illumination could blast you away. Mr. Wright said he would get in touch with the presenter to get more information.

Mr. Bockmiller reviewed the vehicle sales lot changes for the benefit of the members of the audience who are interested in this portion of the text amendments. The provision would repeal the minimum 40,000 square-foot requirement for vehicle sales lots. There would be five performance requirements pertaining to landscaped buffers, adequacy of employee and customer parking, signage, site plan requirements, and grandfathered sales lots (see proposed text amendment for details on the requirements). The type of site plan would vary depending on how much work is proposed. Also, if a lot was previously used as a sales facility, and there is no intervening use, there is no time limit for another sales facility going in. Mr. Thomas questioned the section dealing with signage on the automobile sales lots. He wanted to know if the language dealing with permanent signage includes special sales banners. Mr. Bockmiller stated the provisions were added because some companies use banners for signage rather than investing in good quality permanent signage.

Public Testimony:

The following persons spoke in opposition to the proposed text amendments (in particular the vehicle sales lot amendments):

Bill Feuerstein, 1433 Salem Avenue, Hagerstown, Maryland. Mr. Feuerstein was concerned that the ordinance does not specifically state that banners are permitted. If the permanent sign requirement does not apply to sales banners, the text should say that. If cars over sidewalks is a problem, then why are other establishments such as pawn shops and variety shops allowed to display merchandise on sidewalks. Mr. Feuerstein did not feel it was right to expect compliance with the site plan standards if the business changes and then changes back to car sales. The site plan requirement is too expensive and time consuming. Concerning the buffer requirements, trees are bad for parking lots since they break up the pavement.

Matthew Sullivan, 210 South Mulberry Street, Hagerstown, Maryland. Mr. Sullivan stated if the change would make car sales lots conforming, then what is the purpose of having to update the site plan if there was a change of use? Also, Mr. Sullivan commented that landscaping, such

as shrubs, do not work for car sales lots because they obscure the visibility of the merchandise for sale.

Timothy Kipe, 210 South Mulberry Street, Hagerstown, Maryland. Mr. Kipe questioned why other commercial uses do not need to update their site plans if their uses change. Seems like the car sales businesses are being singled out. Auto repair was given as an example of a business that can be unsightly but is not addressed the same as the car sales lots in these amendments. Mr. Kipe requested flexibility for easy re-use of these properties. He believes these changes will make small commercial properties difficult or impossible to re-use.

Dave Barnes, 3 East Wilson Boulevard, Hagerstown, Maryland. Mr. Barnes requested that the ordinance should be amended to the way it was before the 2012 text amendments (permitted without a site plan update requirement). He feels the sites work fine and does not think the site plan updates will really beautify the streets in question.

Bill Feuerstein, 1433 Salem Avenue, Hagerstown, Maryland. Mr. Feuerstein wanted to know if there are any other businesses that are being targeted like car sales lots. Why require a change if the lots look good? The City needs to find another way to make businesses maintain their properties.

No one was present to speak in favor of the amendments.

The public review meeting was closed.

Staff clarified that this is the third phase of the comprehensive rezoning. There will be no more revisions based on the ordinance overhaul of 2012; however, there will always be chances to look at ways to improve the ordinance.

MOTION: (Miller/Thomas) I make a motion we keep the record open for ten (10) days.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Brubaker)

REGULAR MEETING

Roll Call

Ms. Wheeler was absent.

Approval of Minutes: May 8, 2013 - Workshop Meeting.

The minutes were not ready for approval.

Future Land Use Map Amendments.

Staff Report: In 2009 the state of Maryland passed and adopted the Smart and Sustainable Growth Act of 2009. As part of this legislation, consistency is required between a municipality's zoning map and the Future Land Use Plan in the Comprehensive Plan. After Hagerstown adopted its Comprehensive Plan in 2008, the City began implementing the plan. Between 2008 and 2010 four phases of comprehensive rezonings were completed in order to update the 30-year-old zoning map using the recommendations of the Future Land Use Plan as a guide. However, during the public review process all of the comprehensive rezonings did not follow all of the plan's recommendations resulting in areas with inconsistent zoning classifications and future land use. There are also several areas where staff would like the Planning Commission's guidance where the future land use classification could be changed based on requests from property owners, changing conditions, a shift in demand away from residential, and future public projects, such as a multi-use sports and events facility, schools, etc. It is the intent of the 2013 future land use amendments to correct the differences between zoning and future land use while bringing the City of Hagerstown into compliance with the state's 2009 Sustainable Growth Act. The process will also provide an opportunity for another comprehensive rezoning inside the City and help to better align City and County land use planning in the Medium-Range Growth Area (MRGA).

The review process will be separated into three parts: review of the Future Land Use Plan inside the City limits (May 29); review of the Future Land Use Plan outside the City; and review of the corresponding text and statistical changes to Chapter 2 of the Comprehensive Plan.

Future Land Use Amendments Inside the City Limits:

During the comprehensive rezoning process some areas of the City were either not rezoned or rezoned to a classification different than that recommended by the Future Land Use Plan (see

meeting file for staff report which includes the maps discussed). Approximately 83 areas exist where the current zoning and future land use are inconsistent. Staff initially was not planning to review all 83 areas, however the Planning Commission requested a list or a larger map than what was provided in the packet. Staff will provide a list of the properties at the next meeting.

In addition to those 83 areas, there are five other areas that should be reconsidered due to: 1) a changing reality for land use based on national economic conditions; 2) specific requests from property owners; or 3) an oversight or disconnect of the comprehensive rezoning and Future Land Use Plan based on existing land use conditions. The five areas in question include Poplar Square, the northeast corner of Church Street and North Burhans Boulevard, Oswald Park, 434-436 Carrollton Avenue, and Hager's Crossing/West City Elementary School. The list does not include the special planning areas such as the Lee/Sycamore area, the former hospital site, etc.

1. *Poplar Square.* This is a defunct subdivision. The future land use designations are currently split between Business-Employment and Medium-Density Residential. Staff is proposing that the future land use be changed to Industrial to reflect the uses on Sweeney Drive, except for the area west of the Linwood Road right-of-way which would remain residential. The land was slated for residential, but that does not appear to be a viable use. The property adjoins industrial property so Industrial makes the most sense. Mr. Bockmiller noted that the area has been rough graded. Mr. Stone stated that if the classification is changed to industrial uses, the property could not have access from Linwood Road. Mr. Rohrbaugh stated that access would be via Sweeney Drive.

The Planning Commission decided to recommend that the property be designated as Industrial in the Comprehensive Plan. Mr. Bockmiller stated that some trees have been removed and the storm water management pond has been constructed. Industrial development would require landscaped buffers along the backs of the industrial properties to shield residential uses.

2. *Northeast Corner of Church Street and Burhans Boulevard (Manbeck Bread site).* A few meetings ago the property owner came to the commission with a temporary mini-storage proposal for this site. The lot is too small to be effectively used for industrial purposes. Staff recommended that the future land use be changed from Industrial to Commercial General. The Planning Commission had no concerns about the staff's recommendation. Ms. Maher noted that staff contemplated this change at the time of the comprehensive rezoning, but the owner at the time was not in favor of changing the zoning; however, the current owner would be amenable to the change.
3. *Oswald Park.* The land is being used as a public park and is unsuitable for development. The future land use should be Parks/Open space. Current zoning is RMOD; however, the

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re is no zoning classification for Parks/Open Space. Planning Commission had no concerns with staff's recommendation.

4. *434-436 Carrollton Avenue.* At the last meeting there was a consultation by Antietam Tree & Turf. Property is developed by a duplex. The Future Land Use Plan shows this property as Commercial General, while the development to the south is Industrial.
5. *Hager's Crossing/West City Elementary School.* This site was purchased by Washington County for the proposed West City Elementary School, which would be in lieu of the proposed 240-unit apartment complex. The recommendation is to change the designation to Institutional.

Adjourn: It was moved and seconded that the meeting adjourn at 9:10 p.m.

6/12/2013

Date



Debra C. Calhoun - Secretary