

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, November 13, 2013, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, C. Coleman, J. Stone, 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.)

REGULAR MEETING

Roll Call

Mr. Miller and Mr. Thomas were absent.

Approval of Minutes: October 9, 2013 - Workshop Meeting.

MOTION: (Brubaker/Coleman) Move approval.

DISCUSSION: Ms. Wheeler had two comments. First, on page 1, in the first paragraph for the Northern Middle School case, she asked that it be clarified that the new lot is intended for employee parking. Second, on page 2, the final paragraph on the same subject, the last sentence, was stronger than what is reflected in the minutes. She said that Mr. Brubaker observed that though the school's faculty would let them know if it was not adequate, the commission as a whole advised that the engineers should take the lighting into consideration. Mr. Brubaker suggested rewording the sentence to reflect, "The commission advised the engineer to take the lighting into consideration." Mr. Brubaker and Mr. Coleman agreed to accept Ms. Wheeler's amendments.

ACTION: APPROVED, AS AMENDED (Unanimous)

Kiwanis Park (Parking Lot) – 371 Dynasty Drive – Concept Plan for Storm Water Management.

Staff Report: Mr. Bockmiller explained that as part of the Kiwanis Park development, the City of Hagerstown is proposing to construct a ten-space parking lot at 371 Dynasty Drive in the Light Business Park. The new lot will be accessed via an 18-foot wide entrance driveway from the cul-de-sac of Dynasty Drive. Disturbed area will be 0.56 acres on the 4.66-acre property.

Both water quality and quantity will be addressed through environmental site design measures in the immediate vicinity of the lot. Two modified rain garden features will be constructed along the southern edge of the proposed parking area. These features were designed by the City Engineer's office to comply with the ordinances they administer.

Concerning the unique site features, the site is approximately 200 feet from Antietam Creek. A backwater floodplain is located about 25 feet from the eastern corner of the parking lot. The floodplain elevation is 478 feet above sea level and the lowest portion of the parking lot is at 482 feet. Much of this site is committed to forest conservation, but the improvements in this plan do not impact easement areas. The nearest forest conservation area is 60 feet south of the site. Additionally, there is the stone shell of a house adjacent to the parking lot which is listed on Washington County's Inventory of Historic Properties. It is subject to the ordinance provisions for consideration for landmark status should a demolition permit be filed to tear it down. This proposal does not involve any plans for the building. The City continues to weigh options for the structure, which will not be impacted by this parking lot site plan.

With regard to waivers, only one is being requested at this time. The corner of the westernmost parking space will be located 6.4 feet from the northern property line. The ordinance requires a ten-foot buffer from adjacent properties. The north edge of the parking lot is at a 30° angle from the property line, meaning the vast majority of the buffer area far exceeds the minimum ten-foot buffer requirement, more than offsetting the requested waiver. Mr. Bockmiller stated that the driveway entrance does not require a waiver in that it is approximately five feet from the property line. However, due to the grade, there is nowhere to move the driveway entrance so it meets the ten-foot requirement.

Staff recommended approval of the concept plan and waiver request.

Applicant/Commission Discussion: Jim Bender, Assistant City Engineer, stated that the other constraint on the parking lot is the 100-year floodplain. If the parking lot were to be pushed back farther, it would require permits from the Maryland Department of the Environment (MDE) and U.S. Army Corps of Engineers for building closer to the floodplain. Mr. Bockmiller pointed out that the City will be back at a future meeting with a site plan for the remainder of the improvements for the park.

MOTION: (Stone/Wheeler) I move for approval of the concept plan, including the waiver.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Brubaker)

Trilogy II Office Building – 1185 Imperial Drive (Lots 8R and 9R) – Amendment to Conditions of Site Plan Approval (Case No. ZS-2011-11).

Staff Report: In 2012 the commission approved a site plan for a new two-story office building at the end of Dynasty Drive. The developer has constructed a three-story building adjacent to this site and is ready to apply for building permits for the two-story building. One of the conditions imposed by the commission for the second building is that a subdivision be recorded before

building permits are issued. Due to the location of the second building, three lots would be impacted by the subdivision and the end result would be the combination of three lots into two. As the current conditions on the site plan are worded, Mr. Bockmiller cannot sign off on the building permits unless the final plat is recorded. Since the final plat has not been submitted, there would be a delay before the building permit could be issued. The developer is asking for an amendment to the site plan conditions that would allow the building permit to be issued but that no Use & Occupancy permit be issued until the final plat is recorded. The amendment would allow the building permits to move forward and not have the final plat rushed through the review process. It is anticipated that the final plat would be before the commission for approval in January 2014.

David Trostle of Frederick, Seibert & Associates, Inc., noted that the final plat was never submitted because the owner of the building did not want to pay taxes until there was a user for the building. Mr. Trostle stated that the final plat will be submitted for review by the end of this week. Mr. ~~Brubaker~~ Wright wanted to make certain that the site plan is exactly what the commission approved.

Mr. Stone clarified that the motion would be in the form of amending the site plan to condition approval based on submission of the final plat for review instead of conditioning approval on the recordation of the final plat. Building permits can be applied for but the Use & Occupancy permit will not be issued until the final plat is recorded, with the caveat that review will proceed at the developer's own risk.

MOTION: (Stone/Wheeler) I'll make that motion.

DISCUSSION: Mr. Wright gave warning that because this was a willful action on the part of the developer that he will fight any deviation request from the approved site plan. They (the developer) will be on the hook because it was a willful delay of the site plan condition.

ACTION: APPROVED (Unanimous)

National Golden Tissue – 700 Frederick Street – Request for Landscaping Waivers.

Staff Report: Bill Pompeii of Fox & Associates was present on behalf of National Golden Tissue. Mr. Bockmiller stated that the property is the former Lumber Yard facility at the corner of Frederick and East First Streets. The owner is proposing a mix of uses for the site, including a retail component. The ordinance allows for retail up to a certain percentage in industrial complexes, subject to approval of a special exception by the Board of Zoning Appeals (BZA). National Golden Tissue will be applying for a hearing with BZA in December.

The waiver request is for parking and landscaping. Based on the proposed usage, they need a total of 302 parking spaces. The general concept shows 321 existing parking spaces. Retail uses would be located along the East First Street side of the building, closer to the parking. The plan

initially calls for maintaining the existing line of landscaping along Frederick Street. Half of it is in the street right-of-way and half is on the subject property. There is a ten-foot landscaping requirement along a public street. If the City were to hold them to the ten-foot landscaping requirement along Frederick Street, half of the parking spaces along Frederick would be converted to landscaping, which would necessitate a modification to the drive aisles. The landscaping requirement will impact the number of parking spaces that could be provided on site. If the number of spaces falls below 302, a parking variance from the BZA would be necessary. Landscaping requirements would also affect spaces on the curve on East First Street and to the rear. Staff will work with the applicant to design the parking lot as close as possible to current standards, similar to what was done at the Long Meadow Shopping Center, short of taking it below 302 spaces. Staff asked the commission for feedback as to the overall parking lot design. The majority of the site would be manufacturing. Retail uses would constitute approximately 26,000 square feet of the building.

Mr. Pompeii explained the proposed uses of the building. One of the buildings on the property is currently being used by a building supply company. The front buildings will be retail and storage for the owners. Mr. Bockmiller added that a tire company is going to use the front portion of northernmost building.

Mr. Bockmiller said the list of waivers might include five to eight items, and he will bring it to the Planning Commission before the site plan is ready for approval so the commission does not have to review the requests at the eleventh hour. At this time, he is only looking for feedback from the commission on parking and landscaping. Mr. Coleman asked about tractor-trailer access to the site. Mr. Pompeii said truck access would be along the south side of the building. There are loading bays in the rear that will be used by the proposed warehouse area. Heavy trucks will not be using the front area of the site.

Mr. Wright observed that this will be a tremendous improvement to the building and they need to preserve as much parking in the front to support that. He said he does not want to see the grass disappear but believes the existing amount of green area is adequate at this time. Mr. Bockmiller pointed out that because of the overhead power lines along Frederick Street, probably street trees will be problematic to install. Bushes would be an adequate substitution for street trees. Mr. Stone advocated for acknowledging that the front of this site has been the way it is for a long time, and a more limited design approach would be appropriate. Ms. Wheeler disagreed. She understood that Mr. Bockmiller would work with the developer to bring the site as close to conformance as possible short of going below 302 parking spaces. If the commission does not ask for anything, there will not be anything. Whatever is reasonable for the site should be provided. Mr. Brubaker observed that it would be to the client's benefit to make the site a little more attractive than a flat expanse.

Annual Shopping Center Report.

Mr. Rohrbaugh presented the annual occupancy study of the 24 major retail shopping centers in the City of Hagerstown and within the Medium-Range Growth Area (MRGA). The purpose of the study is to analyze current occupancy levels of each shopping center, to study how these levels have changed over the last year, and to provide a summary of statistics and trends that could be useful tools for future land use planning and economic development.

The study is traditionally conducted during the months of September and October. Occupancy levels of shopping centers were determined using a variety of methods, including windshield surveys of vacant units, advertising brochures from shopping centers, GIS data, and both City of Hagerstown and Washington County permit data. A copy of the study is in the meeting file.

Mr. Rohrbaugh highlighted the following sections of the report:

Table 1 on page 2 highlights all the retail centers within the City limits of Hagerstown. For the current reporting period, Hagerstown centers are 88.4% occupied which is an increase over the previous reporting period. Contributors to the increase included the addition of El Ranchero at Hagerstown Commons in the former Blockbuster building; Auto Zone's new pad site building at the former Ames Shopping Center; and 2nd and Charles filling the vacant Border's space at Hager's Crossing.

Table 3 on page 4 lists shopping centers outside the City limits within the MRGA. These centers also saw an increase with just under 96% of those spaces occupied. Crosspoint saw an 8.8% increase because of a seasonal use (Spirit of Halloween). North Point Shopping Center saw a decrease because the Washington County Free Library moved back to its downtown location and left a fair amount of vacant space. At North Village a Chinese buffet restaurant left and created a large vacancy. Many of the decreases are coming at the expense of large users who are leaving or moving. Fountain Head Plaza lost the former Martin's grocery store space which was demolished and an office building was constructed in its place. Mr. Rohrbaugh said he found that many retail spaces in shopping centers are being converted to office space which helps to boost occupancy rates.

Table 5 on page 6 is a comparison of the total amount of shopping center occupancy (City vs. County). The combined occupancy rate of the MRGA is just under 92%. This is the highest percentage since he started the survey five years ago.

Table 6 on page 8 groups shopping centers by performance factors. All of the shopping centers gained ground in the various performance factors.

Mr. Stone pointed out that Fountain Head Plaza is on a major arterial road and he believes it is sited better than Stone House Square. Both shopping centers are on similar types of roads, but Fountain Head Plaza is closer to the interstate. How attractive a site is could be more subjective. Mr. Brubaker added that lease terms and how well the site is marketed are management issues

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that can affect a center. Ms. Maher stated that staff is not as familiar with management issues at sites outside the city and offered that this section could be eliminated next year. Ms. Wheeler noted that the better purpose might be to determine why shopping centers continue to struggle, and the performance indicators could be helpful.

A few new major centers are being planned. Mr. Wright stated that a significant Wal-Mart development is planned for just south of the City limits. Mr. Brubaker added that an outlet facility is proposed for the metro area which could impact the Premium Outlets south of town.

Mr. Stone asked if staff had any comparisons for Carroll or Frederick counties. Mr. Rohrbaugh replied that he would have to research that data further. He will contact those jurisdictions to see if they track retail data.

On a related note, Ms. Maher informed the commission that Washington County will be holding a second public hearing on the Emerald Point PUD amendment. If approved, that development would add additional commercial space.

2014 Planning Commission Meeting Schedule.

MOTION: (Wheeler/Coleman) I move to approve the schedule.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Adjourn: It was moved and seconded that the meeting adjourn at 8:05 p.m.

12/11/2013

Date



Debra C. Calhoun - Secretary