

James W. Stone, vice chair, called the meeting to order at 7:00 p.m., on Wednesday, December 11, 2013, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, C. Coleman, D. Miller, 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.

REGULAR MEETING

Roll Call

Mr. Thomas and Mr. Wright were absent.

Approval of Minutes: November 13, 2013 – Regular Meeting.

- MOTION:** (Brubaker/Coleman) Move approval.
DISCUSSION: Ms. Wheeler stated that on page 3, the last sentence should be attributed to Mr. Wright and not Mr. Brubaker. Mr. Brubaker said he thought he made the comment as reflected in the minutes; however, both Mr. Brubaker and Mr. Coleman agreed to amend the motion per Ms. Wheeler’s comment.
ACTION: APPROVED, AS AMENDED (Present, Not Voting - Miller)

800 View Street – Frances and Alan Clingan, Local Conversion District Overlay – Request for Extension, Case No. ZM-2010-02.

Staff Report: Mr. and Mrs. Clingan received a Local Conversion District Overlay to reinstate a restaurant at 800 View Street, former site of the View Street Diner. Due to time limits in the text of the ordinance, the Clingans asked for an extension last year. The current extension expires at the end of December 2013. At this time, the Clingans would like to request a second extension. There have been setbacks with building codes and they need additional time to get the restaurant ready to open.

Applicant/Commission Discussion: Alan Clingan told the commission that he submitted a letter that describes the dynamics they are dealing with (copy of the letter is in the meeting file). One of the issues Mr. Clingan wanted to discuss with the commission was being able to delay paving the parking lot until the renovation project has been completed. Currently the Clingans are considering options for the parking lot (all of which would be temporary). According to a contractor they spoke to, the Clingans were advised that the lot should be paved last because trucks will be driving over it. Mr. Stone questioned the request to do the paving last since he was not aware that improvements had to be made in a particular sequence. Staff clarified that there is no set order in which improvements need to be made.

Mr. Clingan submitted recent photographs of the property which support his belief that the curb appeal has been upgraded. The building has been painted and the grass has been removed from the parking lot. Mr. Clingan also plans to remove the weeds from along the railroad embankment the entire length of the property, which will also enhance the building's appearance.

Mr. Stone asked how long of an extension will be necessary. Mr. Clingan asked for an extension to the end of 2014. The last time they asked for an extension was in August 2012. Mr. Bockmiller added that staff believes the Clingans are proceeding in good faith.

There were no additional questions by the commission.

MOTION: (Miller/Wheeler) I'll make a motion to grant an extension for a year.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

2012 Church Street LLC – 358 West Church Street – Concept Plan for Stormwater Management.

Staff Report: The applicant proposes to mass grade the site to prepare it for future development. No construction is proposed at this time. The property is 2.59 acres in area, and 2.39 acres of it is currently impervious. With regard to the proposed storm water management approach, no measures are required given that the site will be returned to pervious cover. The development will be credited with whatever net reduction between current conditions and impervious created with a development once a site plan comes in for development of the site. Concerning unique site features, there are no unique environmental site features. The site is a former wholesale bakery building that was recently demolished. Other than four street trees along Burhans Boulevard, there is one tree on the property.

The Forest Conservation Ordinance requires a grading plan to comply with the Ordinance. Staff believes it is impractical and unwise to require a Forest Conservation Plan and plantings at this time. The Forest Conservation Ordinance requirements would be better applied when a site plan for the redevelopment comes in since it is difficult to calculate street tree credit unless there is a plan for frontage improvements. Any planting done as a result of this grading plan would likely be impacted by construction activity implementing the improvements approved with a later site plan. Staff has contacted the Maryland Department of Natural Resources (DNR) for guidance on the appropriate process for deferring compliance to the site plan. Staff will report back to the commission once a response is received from DNR. It may be able to be done administratively, or it may require a formal variance request to the terms of the Forest Conservation ordinance. Mr. Stone asked what the amount of the fee-in-lieu would be based upon the City's current regulations. Mr. Bockmiller estimated the amount would be a few thousand dollars. Based on

the location of the site at the intersection of two streets, there is a considerable amount of street frontage on which street trees can be planted for credit.

Staff recommended that the concept plan be approved.

Applicant/Commission Discussion: Mr. Brubaker commented that the commission should note that the City Engineer's comments state that not much information was provided with the plan and it is not known at this time what is going to be built on the site (see copy of City Engineer's comments in meeting file). Mr. Brubaker emphasized the final paragraph in the memo that states "... we recommend approval of the stormwater management strategy for the submitted plan; we will re-evaluate the strategy when final development plans for the site are submitted in the future." Speaking to the developer's engineer, Adam Hager, Mr. Brubaker said if something is required of the developer during the site plan review, the developer cannot fall back on something shown on the concept plan and claim the City made them do it "this way." This is an interim strategy and we reserve the right to make any changes necessary on the final development plan regardless of what shown on the concept plan.

Ms. Wheeler asked for clarification that the commission is not saying anything about the street trees at this point. She agreed that it makes sense to delay planting until it is known how the site will develop. Mr. Stone said the proposal in front of the commission is just a concept plan for the grading. Ms. Wheeler said her point is that if the commission wanted anything in the minutes that the commission was comfortable with the fact that it does not make sense to do forest conservation at this point. Mr. Bockmiller said that if the commission approves the concept plan for the grading, a final site plan will be submitted when a use is determined. At that point one of two things will happen with the site plan: a request for a variance to the Forest Conservation ordinance waiving further compliance for further redevelopment of the property if a lawful way can be found to do that; or a Forest Conservation Plan will be submitted.

Mr. Stone said he believed the commission could find a way to grant a variance. Mr. Bockmiller said he is working with the state to find a way to do that.

MOTION: (Coleman/Wheeler) I move to approve the stormwater management approach at this time based on the current plans.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Washington County Senior Center – 21 Willard Street, Site Plan and Forest Conservation Plan, Case No. ZS-2013-06 and FC-2013-02.

Staff Report: This site plan is for modifications to the former U. S. Army Reserve facility for use as a County government-owned and operated senior activity center. The most significant of the proposed improvements include construction of an entry portico; reconfiguration of existing

marked and unmarked parking and a helipad into defined parking for the facility; landscaping improvements; a small addition and covered patio on the main building; and a 1,600 square foot pavilion. Eighty-nine parking spaces are required and 130 are being provided. The applicant seeks waivers to the following landscaping requirements: 1) ten-foot landscaped buffer along the common property line with the City-owned golf course; and 2) one landscaped island on the end of a bank of five handicapped parking spaces on the southern portion of the property. This waiver is requested due to the existing configuration of the area, and the need to maintain access to support buildings for deliveries by trucks in this area. The Planning Commission discussed these potential waivers to the landscaping along the south side of the property at a prior meeting. Staff recommended approval of the waiver requests.

The Forest Conservation Ordinance applies to this project. Tract size is based on the overall property, minus the footprint of existing buildings and the stormwater management pond. Based on the net tract area, the applicant proposes to meet the requirements of the ordinance by protecting the existing 17 street trees on the property with an easement given to the City, adding one street tree to fill a hole in the row of trees, and planting the area along the western property line reforestation. No fee-in-lieu is involved, and the proposed easements exceed the ordinance requirement for this property by 0.02 acres. Existing trees were not planted using Forest Conservation funds. Mr. Bockmiller added in response to a question by Mr. Miller that trees to be planted will have substantial trunk diameters of at least a 2.5 inch caliper.

All review agencies have approved, with the exception of the City Engineer (see memo in meeting file), Water and Wastewater Divisions (minor drafting revisions). Planning has approved the site plan, but is working with the developer on final approval of the forest conservation plan for the western property line. A type of safety net system is being discussed by the City and the County for the property boundary of the subject property and the Greens at Hamilton Run. Mr. Bockmiller noted that the vast majority of the site is paved and as part of this project most of the impervious area will be removed. The site will be greener after construction.

Commission/Applicant discussion: Concerning handicapped parking, Mr. Brubaker asked if any handicapped parking is proposed near the main entrance to the building, in addition to handicapped spaces elsewhere on the site. Mr. Bockmiller said there will be handicapped parking near the main entrance.

MOTION: (Wheeler/Miller) I recommend approval of the site plan, subject to the conditional approvals from Engineering, Water, Wastewater, and the waivers to the landscaping requirements.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Board of Zoning Appeals Agenda – December Hearing.

The commission had no comments on the Board of Zoning Appeals agenda.

Update on Downtown Planning Project.

Ms. Maher reported that last week the Mayor and City Council authorized staff to enter into a contract with Urban Partners, an economics and planning firm in Philadelphia, Pennsylvania. Urban Partners will be conducting an economic analysis and preparing an implementation plan for Hagerstown's 2012 Sustainable Community Plan. The project will be 100% grant funded by the Maryland Department of Business and Economic Development (see memo in meeting file). A primary goal is to raise community awareness and support for the downtown vision and plan, as well as investor confidence in the strategies recommended to implement our vision.

In addition to the economic analysis of Hagerstown's 2012 Sustainable Community Plan, a community engagement exercise will be conducted. This exercise will further develop tactics and strategies to implement the plan's objectives and build community support for the downtown vision and projects intended to catalyze revitalization. As a result of their analysis and community engagement process, the consultant will prepare a cost benefit analysis of eight catalyst projects to spark revitalization of the City Center and an implementation plan to achieve our vision for downtown. Staff anticipates a project start date of mid-December 2013 with project completion by the end of June 2014.

Community engagement will include a steering committee of city representatives and potential "implementation partners," interviews with community stakeholders, a public input workshop in late February, and a public information forum on the proposed report in mid June. The Mayor and Councilmember Brubaker will serve on the steering committee with City planning and economic development staff. Steering committee members will meet approximately three times over the course of the project. Staff is currently working with Urban Partners on appropriate community slots for the committee. Planning staff will keep the Planning Commission apprised of the progress of this project in the upcoming months. Ms. Maher noted that the project came in under budget, and there is the potential for expanding the project.

Urban Partners will be interviewing prospective stakeholders, which could include developers, university, school for the arts, neighborhood groups, cultural groups, property owners. When doing the market analysis the consultants will want to meet with them to see if project makes sense. In response to a question by Mr. Coleman, Ms. Maher stated that the project will be focused on the City Center, but the consultants will be looking for links to surrounding neighborhoods and community assets in the Sustainable Community area.

**Planning Commission
MINUTES - Regular Meeting**

**December 11, 2013
City of Hagerstown, Maryland**

Local Conversion District Status Review.

Discussion on this topic was deferred until the next meeting. Staff was hoping to have more commission members in attendance for the discussion.

Adjourn: It was moved and seconded that the meeting adjourn at 7:50 p.m.

1/8/2014

Approved



Debra C. Calhoun - Secretary