

**Planning Commission
MINUTES - Workshop Meeting**

**May 14, 2014
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, May 14, 2014, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, C. Coleman, D. Miller, and R. Thomas. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary.

Approval of Minutes: March 26, 2014 – Regular Meeting.

MOTION: (Miller/Thomas) I make a motion to approve.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

The following amendment was made to the order of the agenda: add discussion of the proposed redevelopment of Sharrett Motors along the Dual Highway to the agenda before Item 4, Review of Urban Partners’ Draft Market and Physical Analysis Reports. All members present agreed to the amendment.

Professional Center (former Food Lion site) – 246 Eastern Boulevard North – Parking Lot Amendments, Case No. SA-2011-12.

Mr. Wright stated that he was very frustrated that he received the staff report and drawings for this project about an hour before the meeting. He asked that the matter be tabled until the next meeting. Mr. Thomas agreed. Mr. Coleman suggested that the staff and applicant make their presentations; and if there are still issues that are unclear, then the case could be continued until the next meeting. Commission members were agreeable to hearing the presentation.

Staff Report: (Report in meeting file) Mr. Bockmiller read the staff report. The intent of the site plan modifications is to reconfigure the parking and access areas along the south side of the building to accommodate a pending tenant. The applicant has obtained an easement from Eddie’s Tire to extend the parking area onto the Eddie’s Tire property with 26 perpendicular parking spaces. The applicant is also proposing Karl Foerster Reed Grass as the landscaping shrub along the new parking area. This type of shrub was planted on this property prior to its annexation into the City. Karl Foerster Reed Grass is not typically used in parking lot landscaping situations in the City, but the applicant would like to be consistent with the landscaping materials being used on the site.

All review agencies have approved the revisions with the exception of the Fire Marshal and the Planning and Code Administration Division. The Fire Marshal has given conditional approval pending review of minor revisions. Planning has given conditional approval subject to an easement being embedded into the site plan to demonstrate the consent of the adjacent property owner, and minor corrections in the “Site Data” listed on the site plan.

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Applicant/Commission Discussion: Mr. Wright had concerns with the stop and then a turn into the drive lane. He anticipates motorists bumping into the island. Mr. Bockmiller stated that the City Engineer did not have any concerns with this internal intersection. Traffic will be entering the site from Eastern Boulevard and continuing around the building in a clockwise direction and then turning right into the drop-off loop. The only straight shot is coming off Omega Court. There is no good way of getting into the loop in question by entering the site from Eastern Boulevard. Richard Brill of Fox & Associates, engineers for the project, stated that the access lane is for van drop off only for patients at that particular use. Delivery trucks will not be using this loop because of a low-hanging porch roof.

Robert Toft, the developer, stated that the future tenant is a dialysis provider. Most of the patients will be from nursing homes. Because of the amount of time it takes to get someone out of the vehicle, it could take a half hour. The plan is to remove the vans from the drive lanes altogether. The entire configuration is dedicated to that specific tenant and no one else will use the drive lanes. The island past the stop bar is being removed. The tenant anticipates vans coming in from the back. Mr. Toft pointed out that there is no curb in this location. Mr. Coleman suggested shortening the island and painting the difference.

Jim Bender, Assistant City Engineer, said his office did not consider the turning issue but could see the potential problems associated with it. The solution of shortening the median and painting would be agreeable to the City Engineer's Office. They figured the majority of the traffic would be coming in from Cameo Drive. The City Engineer does not have an issue with shortening the median.

Mr. Toft indicated that the drive lanes have not been modified from the time when this building was a grocery store. Before Cameo Drive was constructed it was a dead-end site. The trucks had no way out and used the loading docks in the rear. Mr. Bender suggested moving the center line in this area and extending the stop bar. Mr. Coleman agreed with Mr. Bender in that if the lanes are restriped or the median is moved back 15 feet, it would alleviate many of the turning radius problems.

Mr. Brubaker wanted to be certain that the easement will run with the property and not with the property owner. Mr. Bockmiller indicated that the easement would be placed on the site plan. Mr. Toft said the easement runs for 15 years and it will be tied to the future tenant's lease and not with the Eddie's Tire property. Mr. Toft noted it will be a cross parking easement in perpetuity until the parking is no longer needed. Eddie's Tire is not interested in selling the area to be encompassed in the easement to Mr. Toft; however, Mr. Toft has the first right to terminate and the easement can be transferred to whomever Mr. Toft designates. Mr. Bockmiller stated that the only issue staff has is that if conditions change on the property, the owner will still need to maintain parking in accordance with the requirements in place at the time in order to avoid a zoning violation.

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Mr. Miller was concerned about the use of Karl Foerster Reed Grass as the landscaping shrub since grasses grow very well and have the potential to flop over. The use of this type of landscaping material will require maintenance and he would not recommend it here. Mr. Toft said the Karl Foersters will not topple over in the rain or spread and they are able to handle snow accumulation. Mr. Miller said he would not object to the use of the Karl Foerster grass.

Based on the information presented and discussed by the commission, members had no reservations about proceeding to act on the site plan revision. In summary, staff was asked to make certain that appropriate measures are taken to ensure safe turning maneuvers from the counterclockwise traffic circulation around the building; and that the Planning staff's concerns about recordation of an easement and the minor corrections be added as a condition of approval.

MOTION: (Coleman/Miller) I move to approve that with the conditions just stated by the chair that either restriping of the eastern drive lanes or setback of the median with striping of the median in the proposed location would be acceptable and in accordance with the Planning staff's easement conditions as well. The developer's engineer should ensure that there is adequate turning and share it with staff.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Mr. Wright reiterated that packet materials should not be sent to the commission at the last minute. Cutoff for packet additions should be by the weekend prior to the meeting.

Mr. Bockmiller stated that he was not happy with the way this case played out either, but his intent was to reduce the number of special meetings. Mr. Wright was not in favor of special meetings, however, his main concern is about having adequate time to review plans before the meeting.

Preliminary Consultation: 350 East Washington Street – Jessie Unger – Alternate Landscaping Plan and Waivers.

Staff Report: (Report in meeting file) This workshop was requested by the property owner, Jessie Unger, to determine what site improvements will be necessary in order to comply with the Zoning Ordinance requirements for development of properties for a vehicles sales use. The property is a small, trapezoidal-shaped property with driveway access to East Franklin Street. Most of the property fronts on East Washington Street, with a small amount of frontage on the Dual Highway. The entire front of the property has been paved to the property lines, and an area of the East Washington Street right-of-way has been paved to the sidewalk. There is a small building in the center of the property and a garage near the rear of the site. Property to the east is improved with a nonconforming warehouse and unimproved areas that have been used for a rubble dump. Vegetation on this property has been allowed to grow out. The property to the west is occupied by a liquor store and is the former location of a Wendy's fast food restaurant.

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Ms. Unger has informed staff, in general, that she does not want to cut into the asphalt to install landscaping. Her alternative would be to use above-ground masonry planters (similar to those installed at Pope Tire on Frederick Street). Ms. Unger would like to discuss with the commission the issue of the ten-foot landscaping edge required around all property lines, and the landscaping required around the building.

Mr. Bockmiller stated that staff has no objection to the following waivers if requested:

- use of raised landscaping beds, provided the work is done in a professional and workmanlike manner. Staff would not be opposed to a reduction in the required width from ten feet to five feet or wider, provided the shrubbery contained in the elevated beds is sufficient to meet its purpose.
- requirement for landscaping around the building given its existing location and the configuration of the lot lines on either side of it.
- Deferred installation of landscaping along the east property line until such time as that property develops.

Mr. Bockmiller noted that the City Engineer's office is requiring that the existing asphalt be removed that is currently in the right-of-way and replace the asphalt with landscaping. The driveway entrance along East Washington Street needs to be narrowed—it's too wide now. The sidewalk area would remain.

Applicant/Commission Discussion:

Ms. Unger stated that when the property was purchased she received permission from the City to pave it, although she does not have that permission in writing. Prior to paving, it was a gravel parking lot. They never parked cars in this area when they had the lot.

Mr. Brubaker asked where the portable planters would be installed. The landscaping beds should be along the right-of-way and along the east property line to a point. Staff recommended not requiring Ms. Unger to screen the overgrown land until it develops. Also, some sort of feature needs to be installed to channelize the driveway. Landscaping is also required along the west property line. Staff did not have a concern about waiving the landscaping around the building.

Mr. Wright said he was not convinced that there is a need to reduce the width of the entrance. If the entrance is too narrow, there is a potential that traffic could back up on the Dual Highway. Mr. Bockmiller stated that a site plan will be required which would include review by the City Engineer. Sidewalk would need to be required to complete the sidewalk if the opening was narrowed.

Ms. Unger submitted a list of the waivers she is requesting (in meeting file). Mr. Bockmiller stated that the planters could be placed on the property line.

Commission members had no issues granting a waiver that would not require landscaping along the east property line until that property developed. However, most felt that some form of

improvements should be made along the west property line. Concerning the area in front of the building, Mr. Brubaker was in favor of adding to the green strip along the public right-of-way. It would be a lot less than what is required under current standards. Trees should be planted in the right-of-way green area. Mr. Bockmiller said they might be able to do everything in the right-of-way rather than along the sides. Commission members were in favor of trading out green area in the public right-of-way and waiving the landscaping beds on the sides. Mr. Brubaker cautioned that cars must not be allowed to park along the street adjacent to the street opening. The sidewalk should be extended to City standards to the driveway opening and sloped at the entrance. A five-foot wide planter box should be extended along the west side property lines back to the office. On the east side near the street, there should be landscaped areas. The commission had no issues with granting a waiver for the landscaping requirement around the building.

Ms. Maher noted that the sign pole in the vicinity of the southwest corner of the property needs to be removed. Ms. Unger indicated that the sign is on the Wendy's property and does not belong to her.

Ms. Unger was concerned about tree roots breaking up the pavement if they are planted along the right-of-way. Mr. Bockmiller pointed out that there are tree species that feature roots that grow downward.

Mr. Bockmiller will put together a list that summarizes all the points discussed at this meeting.

Proposed Redevelopment of Sharrett Motors Site on Dual Highway.

The Washington County Planning Commission is reviewing a concept plan for redevelopment of the former Sharrett Motors site on the Dual Highway at Mt. Aetna Road. The City Engineer's office received a copy of the concept plan; and Ms. Maher noted that based on information provided by the County it does not appear that the County will be requiring sidewalks to be installed as part of this project.

The Hagerstown Planning Commission has been a proponent of installing sidewalks and felt it was irresponsible to not require sidewalks along the Dual Highway in light of the recent pedestrian deaths along the Dual Highway. Ms. Maher stated that the City of Hagerstown has been diligent about chasing state grants for sidewalks along the Dual Highway to fill in the gaps in the City's sections.

The commission directed staff to write a letter if sidewalks are not a part of the concept and strongly urge the County to require sidewalks along the Dual Highway and Mt. Aetna Road since they are not shown on the concept plan.

(Mr. Miller left the meeting.)

Board of Zoning Appeals Agenda.

The commission had no comments to pass on to the BZA.

**Review of Urban Partners Draft Market and Physical Analysis Reports
(Continued from April 30 Meeting).**

The commission resumed its review of the Urban Partners Draft Market and Physical Analysis Reports that began at the last meeting.

Retail (Market Analysis)

Page 26 – Analysis specifies the need for a camera or photographic supply store. Mr. Wright pointed out that no one uses film anymore—major camera stores nationwide are going out of business. This comment should be removed.

Page 31 – Delete reference to camera store.

Cultural Arts/Education/Entertainment Market

Page 34 – With regard to the reference to a museum, Mr. Wright commented that museums are an intensive capital use that require a tremendous amount of money. Mr. Bockmiller stated that the City has been pursuing an alternative strategy and is approaching a few museums about creating a satellite of an existing museum.

Due to the late hour, Mr. Wright encouraged commission members to email any remaining comments on the draft analysis to staff. Mr. Coleman stated the he thought the music comments were weird. He was not opposed to the concept but felt like the comments were out of place.

Adjourn.

It was moved and seconded that the meeting adjourn at 5:55 p.m.

8/27/2014

Approved



Debra C. Calhoun - Secretary