

**Planning Commission  
MINUTES - Workshop Meeting**

**June 11, 2014  
City of Hagerstown, Maryland**

**Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, June 11, 2014, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Coleman, D. Miller, J. Stone, and R. Thomas. The following staff members were present: J. Lestitian, Director of Community and Economic Development; K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and Christopher Wren, Intern.**

**Approval of Minutes: April 9, 2014 – Regular Meeting.**

**MOTION:** (Stone/Coleman) I'll move for approval.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN – Miller, Wright)

**CortPark Apartments – Concept Plan for Expansion of the Number of Units, Case No. C-2014-01.**

At the applicant's request, this item was removed from the agenda.

**Board of Zoning Appeals Agenda – June Hearing.**

The Planning Commission made no comments on any of the cases scheduled for the June 18 Board of Zoning Appeals agenda.

**Continue Review of Proposed Amendments to Land Management Code (2014).**

Commission members continued review of the 2014 proposed Amendments to the Land Management Code, picking up on page 2, number 2:

Page 2, No. 2:

There was discussion on “less objectionable” standard for change of nonconforming uses and “presumptive judgment” for special exceptions. Staff recommended the list of uses not to be approved for a change of nonconforming use because some of the uses were subject of recent Mayor and City Council action to restrict the uses from certain districts and it seemed appropriate to close the back door that allow the uses into these districts through the change of nonconforming use process. Staff also believes these are uses that should never be introduced into residential districts. Mr. Stone felt it is not illegal, but is unwise. Mr. Miller felt it sets the guidelines right up front of what would not be allowed. Mr. Wright objected to the inclusion of “social assistance – services for the elderly and persons with disabilities” on that list.

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Mr. Thomas agreed with Mr. Wright. Mr. Miller and Mr. Coleman preferred it as proposed by staff. There seemed to be consensus of the five members present to move forward with this proposal if the “social assistance” category was removed from the list.

Page 3, No. 3:

Discussion followed on the appropriateness of staff writing the decisions resulting from Board of Zoning Appeals hearings and action versus the Board members writing the decisions, as is the current practice. Mr. Stone felt strongly that it would not be an appropriate change. Mr. Thomas and Mr. Coleman expressed the view that this change would merely have staff writing the interpretation of the Board of Zoning Appeals decision and ensuring that their decisions as written have enough substance for administration. Staff will report back on how other jurisdictions handle this issue.

Page 3, No. 4:

Commission members had no concerns about this change but suggested that “or radius” would be redundant.

Page 4, No. 5:

- Section 5.1 – Commission would like to be advised what the standards are in the City Code chapter that addresses sea containers. Commission agreed that any provision in the Land Management Code should not conflict with that chapter.
- Section 5.2 – Discussion to clarify what this section means.
- Section 5.3 – Definition of “professional and workmanlike manner” did not make it into this package, which led to some confusion on what was meant by that term. Commission members were not sure how such a term would be enforced. Mr. Coleman and Mr. Wright indicated they agreed with the intent, but the wording may need to be refined to be more enforceable. Discussion followed on whether this type of provision would be better in the Building Code rather than in the Land Management Code. A question was raised about the appropriateness of inclusion of the phrase “required element of a site plan” for certain of these items.
- Section 5.4 – Discussion of the appropriateness of the proposed prohibition of “Tarps and Pliable Materials as Building Materials” and its reasonableness of regulation versus protection of property values. Commission suggested the wording needs to be tweaked to allow canvas or other pliable materials to use on structures that are engineered or professionally designed. Mr. Coleman indicated his feeling that when you are in a more tightly knit environment where you are close to your neighbors, you should regulate these types of things. Discussion followed on what impact this would have on homemade treehouses and skateboard ramps. The commission felt staff needs to be certain it is not excluding things we do not see as a problem. Staff will take another look at this language.

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Page 5, No. 6:

Commission members suggested putting the text in subsection ii into a chart format.

Page 6, No. 7:

The second sentence in subsection 1 is difficult to follow.

Page 7, No. 8:

Commission had no comments or concerns.

Page 8, No. 9:

Commission had no comments or concerns.

Page 8, No. 10:

The commission indicated that these were worthy issues to address, but believed these provisions belong in another City Code Chapter.

Page 9, No. 11:

Staff explained that it has heard from neighborhood representatives that they would like the expiration period for nonconforming apartment buildings to be shortened. There did not appear to be a consensus among commission members to move forward with this change.

Page 9, No. 12:

Staff explained that the setbacks in the industrial districts apply to buildings but not to outdoor uses. Staff provided an example of the proposed new outdoor concrete crusher at Shuster Concrete on Sherman Avenue. Staff expressed some reservations on requiring use setbacks because it would make some industrial properties unusable for outdoor activities. Commission expressed concerns that it would make it more difficult to market City industrial properties with such a change. There was no commission support for requiring setbacks for outdoor uses.

Additional Item:

Staff explained that an open space set aside requirement applies to residential subdivisions for single-family homes, duplexes, and townhomes, but it does not apply to site plans for multiple-family developments. Commission agreed with the proposed changes.

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**Adjourn.**

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

9/10/2014

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Approved



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Debra C. Calhoun - Secretary