

**Planning Commission  
MINUTES - Workshop Meeting**

**July 9, 2014  
City of Hagerstown, Maryland**

**Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, July 9, 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: S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.**

**Approval of Minutes.**

Minutes were not ready for approval.

**Urban Partners Project Update.**

Mr. Rohrbaugh informed the commission that the Urban Partners report has been completed. One of the next steps in the process will be to inform the community about the plan and to explain the implementation process. An open meeting will be held on July 17, 2014, at 7:00 p.m. at the Washington County Free Library.

**Christ Evangelical Lutheran Church – 518 Liberty Street – Design Waivers, Case No. S-2014-02.**

Mr. Thomas recused himself from the discussion on this case since he is a member of this congregation.

Staff Report: (Report in meeting file) This request is for two design waivers from the Subdivision and Land Development Ordinance as follows: 1) to allow creation of a panhandle lot for a nonresidential property; and 2) to reduce the minimum panhandle lot width from 25 feet to 16 feet.

The location of the proposed consolidation plat is on the north side of Liberty Street and to the east of the Christ Evangelical Lutheran Church building which fronts North Cleveland Avenue. The purpose of the plat is to consolidate several lots that contain the church's parking lot into one unified parcel through acquisition of two alley rights-of-way. The consolidation of the interior lots will create two panhandles which are needed for street frontage on a public street; however, the Subdivision and Land Development Ordinance requires panhandle lots to be a minimum of 25 feet in width and used for single-family dwellings only.

Staff recommended approval of the design waiver requests. It was noted that once all review agencies have approved the plat, staff will approve it since it is a simplified plat.

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**MOTION:** (Miller/Coleman) I make that motion.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN - Thomas)

**Bowman Hollyhock LLC (formerly Venetian Investment) – Garland Groh  
Boulevard at Broadfording Road, Forest Conservation Plan,  
Case No. FC-2008-01.**

Staff Report: (Report in meeting file) The applicant and staff requested that the Planning Commission approve a preliminary forest conservation approach to the proposed site plan for South Market Plaza on Garland Groh Boulevard.

The applicant would like to remove the trees on the property as part of the current adjacent construction and grading associated with the widening of Garland Groh Boulevard and the grading for the adjacent development by Fulton. Forest conservation requirements would be met through the use of street tree credit, where possible, with the remainder in a fee-in-lieu contribution (details of the exact square footage for the fee-in-lieu calculation are being worked out) and/or off-site mitigation at a location outside of the city.

Since it is common practice for the Planning Commission to approve the use of street trees and fee-in-lieu to address forest conservation compliance for commercial development, staff asked the commission to consider preliminary approval to allow removal of the trees in preparation for development of the site. The final forest conservation plan with the calculation of street trees and the fee-in-lieu and/or off-site mitigation at a location outside of the city will be brought back to the commission with the site plan for approval at a later date.

Staff noted there are no unique environmental conditions on the property. There is one specimen-sized tree on the property; however, it is broken and in extremely poor health. Staff did not recommend modification of the site plan currently under review to attempt to save this tree.

Staff recommended preliminary approval of the forest conservation plan in order to allow the developer to remove the trees on site and remove the specimen tree. Final approval of a forest conservation plan with final strategy would be forthcoming at a future meeting.

Applicant/Commission Discussion: Mr. Wright was concerned that there was no time limit on when the property needed to be developed. He was in favor of requiring compliance if the project does not move forward within two years. David Trostle of Frederick, Seibert & Associates, engineer for the project, stated that the developer has submitted a forest conservation plan and will be ready to have it approved in the near future. Mr. Bockmiller noted that the developer would like to take advantage of the equipment that is already on site. Mr. Wright asked what the consequence would be if development does not occur within three years. Mr. Bockmiller stated that the Planning Commission could put a condition on the approval that a final forest conservation plan must be in place by the end of the year.

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Mr. Wright wanted to know what could be done to ensure that the Planning Commission has recourse to force the developer to restore the land and trees that have been removed by a certain date. Mr. Trostle stated that the developer is agreeable with the end-of-the-year date. The forest conservation plan will ensure that trees are planted should the development plans fall through. Mr. Bockmiller stated that at the next meeting or so a final forest conservation plan will be fleshed out and the commission will have the opportunity to review it.

Mr. Miller questioned why the developer is proposing offsite plantings in Washington County. Mr. Trostle said it is his understanding that it is becoming difficult to find places to plant trees inside the city limits. Mr. Bockmiller noted that the developer owns land near Hancock, Maryland, and would use the trees on that property as part of the credit. Trees will not be added; however, the trees on the Hancock site will be locked up in forest conservation and will never be permitted to be removed. Mr. Bockmiller added that the state of Maryland is agreeable to this approach. Off-premise plantings have been approved before in the City.

**MOTION:** (Stone/Thomas) I'll move that we approve the applicant's request to remove the existing trees, subject to the stipulation that by the end of the year the applicant must submit and get our approval on a full site plan that provides for all the aspects of the forest conservation plan.

**DISCUSSION:** Mr. Trostle noted that the forest conservation plan has already been submitted to staff for review. Mr. Bockmiller added that if the developer removes trees and has not complied with this requirement, he does have grounds to enact enforcement action if necessary.

**ACTION:** APPROVED (ABSTAIN - Coleman)

**Adjourn.**

It was moved and seconded that the meeting adjourn (around 4:45 p.m.).

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Approved



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Debra C. Calhoun - Secretary