

**Planning Commission
MINUTES – Regular Meeting**

**July 30, 2014
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:01 p.m., on Wednesday, July 30, 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.

REGULAR MEETING

Roll Call.

All commission members were present with the exception of J. Stone and J. Wheeler.

Approval of Minutes.

Minutes were not ready for approval. Mr. Wright requested support from Mr. Brubaker, the ex officio member of the commission, in front of the Mayor and City Council to add administrative help so the secretary can once again prepare minutes in a timely manner.

**12 South Potomac Street – Faith Chapel/Bridge of Life, Final Plat,
Case No. S-2014-04.**

Staff Report: (Staff report in meeting file.) This subdivision is for the consolidation of two lots into one. It is being processed as a final plat and not a simplified plat in case future work occurs on the building. This is the church’s “fellowship hall” and the former Snow White Grill. The restaurant is recorded as its own separate lot. The church is in the process of renovating these spaces into a common space, and desires to combine the two lots into one, eliminating a lot line that bisects the building. The sanctuary (former theater) building is not impacted by this proposal. The church and the parish hall will remain on separate lots.

The plat was routed for comment and all agencies have approved the plan. Planning staff recommended approval.

Applicant/Commission Discussion: The commission had no additional comments.

MOTION: (Miller/Coleman) I make a motion to approve.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Schuster Concrete – 1088 Sherman Avenue – Waiver from Landscape Buffer Requirements for a Fence.

Staff Report: (Staff memo in meeting file.) Schuster Concrete filed a nonresidential fence permit at the request of the owner of the residential property at 1088 Sherman Avenue. The purpose of the fence is to create a visual and physical barrier between the two properties. The proposal is for an eight-foot tall, solid wood fence to run all along the side property line of Schuster Concrete as it abuts 1088 Sherman Avenue. There is an existing chain link fence with barbed wire around the Schuster Concrete property which is setback slightly from the property line. The proposed new fence would be outside the existing fence along the property line. The owner of 1088 Sherman Avenue would like the landscape buffer requirement waived to allow the fence in the industrial zoning district to be constructed along the property line. The fence will be on Schuster’s property since a variance would be required for an eight-foot fence on a residential property. Schuster Concrete is paying for the fence. Mr. Bockmiller noted that there will be other instances where waivers will be necessary for other neighbors along the Schuster Concrete property lines. The commission’s motion could include any other connecting properties that share circumstances to the request by the owner of 1088 Sherman Avenue.

Commission Discussion: Mr. Wright was not in favor of granting blanket approval for these types of fences. Mr. Thomas stated that he thought the fences should match. Mr. Brubaker sympathized with the property owner, Mr. McMillan, and wanted to be sure that Mr. McMillan is comfortable with the height. Mr. Brubaker had no problem with the request but felt any other requests should be dealt with on a case-by-case basis. Ms. Maher clarified that each property owner will be putting up their own fences; however, Schuster Concrete will be paying for the materials. Mr. Brubaker pointed out that the fences will be most visible from inside the plant.

Mr. McMillan stated that he will maintain the fence and that he tries to keep his yard clean. He asked whether the fence could be located on the property line. Mr. Bockmiller indicated that he would not have an issue with that.

MOTION: (Brubaker/Thomas) I move that we waive the required landscape buffer for the nonresidential fence as it applies to the Schuster property where it is adjacent to 1088 Sherman Avenue.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Update on Urban Partners Project.

Urban Partners is wrapping up preparation of the final products for The Community's City Center Plan – the economic analysis and implementation plan for Hagerstown's Sustainable Community Plan. Urban Partners presented the plan to the Mayor and City Council on June 17 and returned to town last week to present the plan at a series of stakeholder meetings and at a public meeting at the Washington County Free Library on July 17. The Mayor and City Council fully support the projects and the plan.

As presented to the Planning Commission a few months ago, Urban Partners has recommended, based on their market analysis and more than 130 hours of input from the community, that the community implement eight catalyst projects to generate momentum and investment. The intent is to jump start projects designed to achieve the visions of the Sustainable Community Plan and the Comprehensive Plan, of the City Center as the commercial, institutional, and cultural center of the region. The eight catalyst initiatives are a combination of development projects and programmatic projects, including five new development initiatives and expansion of three programs already underway (see memo and report in meeting file).

On July 17 the Mayor and Council authorized staff to pursue a number of actions to implement initial steps on two of the catalytic projects: Strategy for Office Development and Recruitment (#1); Student Housing Project (#3); and the Linking Trail (#5). The City of Hagerstown has applied for Community Legacy funds for Project #1 and Project #3 in the amount of \$270,000.

Mr. Wright commented that as far as the targeted housing, he would liked to have seen a project where the housing would be greeted with more excitement such as in the first block of either East Franklin or East Washington Streets which would provide a visible sign to the naysayers. He asked if it would be possible to pick up at least three quarters of the unit block of East Franklin Street. Ms. Maher noted that the City is targeting East Franklin Street in that the Community and Economic Development Department has adopted East Franklin Street. When there is a turnaround, he would like it to be more visible.

Mr. Wright was least impressed with the Conference Center/Hotel project as far as projects that would be beneficial to the city. The best thing it will do is to support some of the restaurant trade. Everyone hired in the hotel/convention center will be making minimum wage.

Mr. Coleman believed this project would be a way to tap into the Civil War tourism market. There are only so many places in the world that can say they are located between two of the biggest battlefields. Mr. Coleman said this project would generate tourism and daytrips to Hagerstown. If a heritage site/conference center/museum was dedicated strictly to the Civil War it would be more of a target area. Mr. Bockmiller noted that this provision in the Urban Partners report was built around a core idea. It is a proactive way of dealing with the former hospital site. If the Hagerstown Battlefield Park is used as a launch site, then a heritage trail could be created

through the Downtown focused specifically on the battle story. Urban Partners expanded the staff's vision and paired it off with the hotel and conference center across the street. Mr. Brubaker added that the hotel/conference center would not rely on the Civil War Park. Mr. Wright was not convinced that the return on the convention center would be realized as opposed to some of the other projects. Mr. Thomas pointed out that the Clarion on the Dual Highway also has a convention center which would be a competitor. Mr. Wright noted that trade show business is not like it was in response to an observation by Mr. Bockmiller that two conference centers could work together for similar trade shows. Mr. Coleman said a conference center would be well suited in this location since it is near to Interstates 81 and 70—which could be marketed from New York to Florida as being a middle point. Mr. Bockmiller stated that it is not a question of competition, but rather a question of positioning. For example, a war museum in Harrisburg almost closed but successfully retooled its marketing to attract tourists on their way from New England and New York to Gettysburg.

Review of Proposed Amendments to Land Management Code (2014) – Sign Regulations.

Staff and commission resumed review of the proposed Land Management Code amendments:

Page 1 – Definitions. The proposed definitions were discussed. Concerning the definition for “Graphic, Window,” Mr. Thomas was concerned about businesses using this as a loophole for using a flat screen display in a window. Ms. Maher stated that there is language further on addressing Mr. Thomas’s concerns.

Page 2:

- Mr. Wright pointed out inconsistencies in the language used in the text and with terminology that is used in definitions.
- In I., 1., a. and b., reference is made to Subsection 6 and it should be Subsection 5 (there is no Subsection 6).
- Mr. Brubaker asked that qualification language concerning “workmanlike manner” be added since it is a subjective term.
- Mr. Wright asked if the City Attorney has reviewed the proposed amendments. Staff indicated that the language was provided to the City Attorney, however, no comments have been received to date. Copies of the proposed amendments were also provided to Sign Here and Kenney Signs and they made no comments. Mr. Wright asked that the City Attorneys ensure that the City can defend itself against claims from right of commercial free speech because the City is requiring that signs “look professional.” He mentioned that many years ago a lawsuit was brought by the American Civil Liberties

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Union (ACLU) on behalf of a local political candidate. As a result, that local law was rescinded because of the suit.

Page 2 – Continued:

- In I., 1., b., (5), Mr. Wright suggested rewording this section or create another subsection, beginning with “No sign shall obstruct public visibility. . . .”

Page 3:

- Mr. Wright suggested Subsections a. and b. be rewritten for clarity.
- Procedures should be added for measuring signs.
- In Subsection 2., a., 1., Mr. Wright felt that descenders should be included; Ms. Maher noted that one of the sign companies consulted recommended that descenders not be included. Staff suggested clarifying language that would specify descenders of letters not designs or logos.

Page 4:

- In Subsection 3., b., Mr. Wright was concerned about subsequent businesses, and whether this provision would prohibit them from having signage. Mr. Bockmiller noted that this language is geared toward office buildings.
- Add “on the number of wall-mounted signs” after the second word, to read “No limitation *on the number of wall-mounted signs* provided square footage of total falls within”

Page 8:

- There is a numbering/lettering discrepancy that needs to be resolved for the sections labeled 8. and 9. (should be h. and i.) that are part of Subsection 5, Temporary Street Graphics (which begins on page 7).
- Need to add language concerning graphics for approved temporary businesses provided that all such signs expire when the temporary business expires (i.e., Spirit Halloween stores).
- Concerning the last sentence of Subsection d, it was noted that there is an inconsistency between this language and prohibition language on page 2. The last sentence of I., 1., a., (1) on page 2 should be deleted.
- Mr. Brubaker said for Subsection i., aesthetic and decorative graphics that do not convey a message, do not have a time limit imposed. All other temporary signs have established time limits. A sign is not temporary if it does not have an expiration date. He felt this section should be moved out of the “temporary” category.

- Mr. Wright asked what is meant in Subsection d., page 8, second to last sentence. Mr. Bockmiller stated that advertising signs cannot be placed that promote an event or a business located elsewhere. Mr. Wright asked if guerilla advertising signs are permitted anywhere in the city. According to Mr. Bockmiller those types of signs are not permitted in any street right-of-way. Mr. Bockmiller stated that the current zoning regulations do not allow signage for a home-based business located on the same property. Mr. Wright was concerned that he would be prohibited from erecting a vacation Bible school sign on his property. Mr. Wright urged staff to look at this again.
- Mr. Brubaker noted a hand-lettered sign in one of the City’s industrial parks. He felt the hand-lettered sign detracted from the appearance of the industrial park. Mr. Wright cautioned that there may be denial of free speech issues involved with prohibiting these types of signs and there is Supreme Court case law. Staff will check with the City Attorneys on this.
- Back to yard sale signs, Mr. Wright felt three days for display is too short. He suggested a week and Mr. Bockmiller lengthened that by one day to eight days. Commission members agreed with the extended number of days.
- Pages 1 and 7 – Mr. Brubaker asked why the word, street, is part of the label for “Temporary Street Graphic.” Mr. Bockmiller said a temporary street graphic is a temporary sign that is visible from a public right-of-way and it refers back to another definition. Mr. Bockmiller asked if a temporary street graphic is not visible from a public way, would the City still want to prohibit them (such as at the South End Shopping Center, or the coffee shop in Long Meadow Shopping Center, or the Centre at Antietam). Ms. Maher suggested that the definition be refined to say graphics that are visible from the public right-of-way as well as the common parking area for that facility.

Board of Education Facility – Frederick Street.

Mr. Bockmiller reported that the Board of Education would like to convert the former Maintenance/Planning offices into a small boutique high school. The ordinance requires that parking for a school be based on what the Planning Commission determines to be fair and reasonable. However, in this case a site plan will not be required since it is strictly a reuse of an existing building. The City does not require change of use site plans, so no determination of how much parking is required will come into play. Staff has determined that there will be no issue with parking based on the number of students that will be at this facility. Students at this facility will be bused to and from their “base” high schools where they will be taking their academic classes. Mr. Bockmiller noted that there is a large paved area in the back of the building which could be re-striped if the need arises. At this time, only seven faculty members are proposed for this site. Mr. Wright pointed out that the facility is rated for 150 students and Mr. Thomas stated that 75 parking spaces are provided on site.

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Adjourn.

It was moved and seconded that the meeting adjourn at 8:44 p.m.

11/12/2014

Approved



Debra C. Calhoun - Secretary