

**Planning Commission
MINUTES – Regular Meeting**

**October 29, 2014
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, October 29, 2014, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, D. Miller, J. Stone, R. Thomas, and J. Wheeler (via teleconference). The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; and D. Calhoun, Secretary. **(NOTE: Planning Commission revisions are indicated in red text.)**

REGULAR MEETING

- MOTION:** (Stone/Thomas) Mr. Chairman, since probably the most significant item we are going to consider tonight involves a continuation of a special meeting that we had in July, at which one of the participants was Judith Wheeler, who is unavoidably out in California on personal business, and played a key role in those discussions and also because we are one member down and two members that have to recuse themselves, I would like to propose that we amend our rules to permit her to participate by telephone in this meeting. Which we understand from the City Attorney is permissible. I move that we amend our rules to allow Ms. Wheeler to participate by teleconference in this meeting.
- DISCUSSION:** None.
- ACTION:** APPROVED (Absent - Wheeler)

At this point, Ms. Wheeler joined the meeting on speaker phone.

Roll Call.

All commission members were present.

Approval of Minutes – July 9, 2014 – Workshop Meeting.

- MOTION:** (Miller/Thomas) I make a motion to approve the minutes as submitted.
- DISCUSSION:** None.
- ACTION:** APPROVED (ABSTAIN – Brubaker, Wheeler)

Shre Ganesh One (Days Inn) – 1101 Dual Highway – Proposed Storage Building – Design Waiver Requests, Case No. SA-2014-08.

Staff Report: Mr. Bockmiller presented this case to the commission. The minor site plan under review is for the construction of a 24 x 52-foot outbuilding southwest of the existing parking lot at the Days Inn. Property is zoned CG (Commercial General). The new outbuilding will be used for storage associated with the hotel. On October 15, 2014, the Board of Zoning Appeals granted variances to reduce some of the setbacks for the storage building. No parking spaces will be lost due to construction of the building. Applicant has been using a sea container which has several zoning violations against it. Once the building is constructed, the sea container will be removed.

The Subdivision/Land Development Ordinance requires a landscaping buffer of ten feet containing three canopy and/or five understory trees, and/or 25 shrubs per 100 linear feet against residentially zoned land (property to the west is in the County and is being used as a residence). The applicant is requesting a waiver from this requirement since there is an existing retaining wall and the adjacent residential property is 20 feet higher in elevation. Because the existing trees shown are on the adjacent property, it is likely that they may be removed. Mr. Bockmiller acknowledged the unique conditions of the site and the challenges of implementing the entire buffer; however, he believed that some landscaping, such as shrubs, could be installed in the buffer area without an adverse effect on the retaining wall. Staff suggested a modification or a reduction in the amount of landscaping required, rather than a full waiver.

Commission/Applicant Discussion: Mr. Wright noted the severe grade near Antietam Creek but did not understand the applicant's argument about a grade issue behind the building. Adam Hager, Frederick Seibert & Associates, representing the owner, Raj Patel, stated that the purpose of the container is to store extra materials accumulated whenever the hotel upgrades its furnishings. Retired furniture and fixtures are ultimately donated to charity. The storage building would only be accessed once or twice a month.

The immediate residential neighbor to the south is about 25 feet higher than the Days Inn site. Any landscaping installed will not affect the adjacent property. In addition, the adjacent property owner backs up some of his equipment occasionally across the property line where the landscaping would be planted. The adjacent property owner is not in favor of the landscaping either. Existing trees on the south side of the property were recently removed for maintenance and liability reasons. Along the building, between the wall and the building, there is a drainage way which could be blocked if trees and landscaping were planted as required. Mr. Hollinger, the adjacent property owner, is opposed to trees and landscaping being placed in the area between his garage and the proposed storage building. Mr. Breidenstein, owner of the nearby State Farm office, also does not want the trees installed.

Mr. Thomas asked if the debris that was pushed over the retaining wall near the creek will be removed. It appears that when the site was leveled, the grading was pushed over the side of the bank, and Mr. Thomas feels it should be removed so it does not end up in the creek. Mr. Hager assured the commission that that area would be cleaned up as part of the construction clean up. Mr. Brubaker wanted to make sure the engineering for site drainage is sufficient to avoid “gully washers.” Mr. Hager stated that the small area of the roof will not increase the runoff when you look at the entire size of everything. The majority of the runoff will come off the existing drive.

Mr. Stone observed that staff seems to feel that there should be some type of landscaping in the area. Mr. Bockmiller stated that there is enough room to plant something to break up the monotony of the wall. Ultimately someone else will be occupying the adjacent property. Mr. Hager argued that because of the grade, landscaping placed after a certain point will be under the wall. Plus, the current adjacent property owners do not want landscaping and the new storage building will not look much different than the garage on the neighboring property. Mr. Brubaker questioned what the height of the new storage building will be. Mr. Hager said it will be approximately ten feet tall and the retaining wall at the upper end is eight feet. Mr. Miller agreed with the applicant’s arguments for the waivers due to the height of the retaining wall and the fact that this area is a drainage area.

MOTION: (Stone/Miller) I’m willing to make a motion that we approve this waiver, but I would like to condition it upon their timely removal of the debris that is there now.

DISCUSSION: Staff noted that for enforceability, staff could place a note on the site plan for signature stating no use and occupancy without removal of the debris noted by Mr. Thomas.

ACTION: APPROVED (Unanimous)

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

Mr. Wright recused himself from the discussion on this case and relinquished the chair to vice chair, James Stone. Mr. Miller also recused himself.

Mr. Stone recapped that this is a continuation of this case from the meeting of July 2. At that meeting, the Planning Commission had concerns with the sufficiency of the amenities plan and was unwilling at that time to approve the concept plan. Guidance provided at the July 2 meeting to the developer was that the amenities plan needed to be significantly improved and there were also issues about the second means of ingress and egress to the site. Ms. Wheeler was at that meeting. Since that meeting, the applicant revised the concept plan in an attempt to address the commission’s concerns.

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Mr. Stone asked if the commission members participating in the discussion would be willing to entertain public comments since public comments were taken at the July 2 meeting. All were in favor of allowing public comment.

Staff Report: A copy of the staff report is in the meeting file. Mr. Bockmiller presented the case to the commission and provided an overview of the review process for the members of the audience.

During discussions on July 2, participating commission members had concerns about the nature and extent of the amenities to be provided by the developer for the expansion from 432 to 504 dwelling units. Feedback was provided by the commission to the applicant and the applicant's engineer at that time on ways to improve the concept plan. Another issue raised regarding the overall layout was the access point onto Eastern Boulevard.

The original plan called for a new entrance in the location of the current emergency access road, consisting of a right-in, right-out access. Some commission members had concerns about this design. One of the possible solutions discussed was an S-curve through the existing wooded area, creating a four-way intersection with the Fiery Funeral Home across Eastern Boulevard. Mr. Bockmiller pointed out that the wooded area is an existing, recorded forest conservation area. The revised concept plan provides two options for access.

Amenities proposed include a playfield, although the exact location of the playfield would vary depending on the location of the second access. The playfield, depending on its location, would be at least 120 feet from the right-of-way and buffered by the forest conservation area. Other issues addressed by the revised plans show sidewalks that connect to the back doors of the buildings. Pedestrian access throughout CortPark as it exists now is choppy and disjointed. Staff requested a unified sidewalk network. Generally it appears that this issue has been addressed in the revised plan. Staff will review the sidewalks more closely at the site plan stage to determine if more sidewalks are necessary.

Additional forest conservation areas are shown on the periphery of the site. Since the site was developed ten years ago, portions of the site have grown up with vegetation. These areas can be added to the total amount of forest conservation. The existing forest conservation easement is owned by the City. It is also the floodplain. In this particular case, if the concept plan moves forward, it will be necessary to amend the forest conservation plan and easements to take this area out of forest conservation and address it in other ways. An amendment of this nature has never been requested before and staff is not certain about the correct procedure. Mr. Bockmiller will check with the state to see how this should be handled. A variance from the Forest Conservation Ordinance may be required.

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As part of the proposal, regardless of which driveway configuration is chosen, the City Engineer's office and Planning & Code Administration Division expect the road to be designed to current standards as a closed-section road with a divided median, and a monumental entrance at Eastern Boulevard. If the S-curve version of the driveway configuration is adopted, any area in the emergency access easement up to the area of the playfield will be entered into the forest conservation plan.

The existing development consists of 12-unit buildings totaling 432 units; each floor has 4 three-bedroom units. The proposal is to take one three-bedroom unit and a portion of the hallway on the second and third floors of each building and reduce the existing three-bedroom unit to a two-bedroom unit and then take what is left from that unit, plus space in the hallway and create a one-bedroom unit. The number of bedrooms will not change, each building will increase by two units. Since this development is an already approved site plan, it needs to be resubmitted as a site plan because the developer would like to increase the number of units over what was originally approved. Mr. Bockmiller noted that if this proposal was submitted as a new development now, it would be rejected. With the new site plan, the developer will be required to bring the site up to current design standards as much as possible.

Staff reviewed the revised plan and the comments are pretty much the same. One of the issues raised at the last meeting was the three-party agreement to bring the current main access road up to standards. One of the requirements that Planning Staff would have is resolution of the topcoating issue on Cortland Drive before a site plan is even considered.

Staff recommended that if the concept plan is approved, the following issues should be corrected:

- All issues raised in the review of this revised concept plan by the Planning Staff, City Engineer, Water and Wastewater Departments, the Fire Marshal, and the site plan-related comments of the Police Department (see attachment to staff memo in meeting file) shall be addressed in the site plan to the satisfaction of those agencies.
- Trash enclosures shall be of uniform design, be made of masonry, designed to efficiently contain dumpsters without wasted space, have operating gates designed for durability, and a pedestrian access way to each enclosure incorporated into the design to allow residents to deposit materials in the dumpster without having to undo the gates.
- To the greatest extent logical, as determined by the Planning Staff, as many of the back entry ways as possible shall be connected to the sidewalk network of the development. The revised plan addresses most or all of this concern, but final determination will be made during site plan review.
- The applicant shall meet its requirement from the original development approval to participate in the topcoating of Cortland Drive, in cooperation with the two adjacent developments before a site plan is accepted by Planning staff for this development.

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- The issue of any necessary variances to the Forest Conservation Ordinance shall be resolved (and obtained, if necessary) prior to submission of a site plan.
- Prior to submitting a site plan, the applicant’s engineer shall walk the entire site with staff from Planning and the City Engineer’s office to identify all issues, sites and locations that need either 1) remedy of outstanding site plan noncompliance; and/or 2) should be brought into compliance to the greatest extent possible with current landscaping and site design standards of the Land Management Code. Required corrections, upgrades and improvements shall be as determined by the City Engineer and the Zoning Administrator.

Mr. Bockmiller noted that the City no longer has an Adequate Public Facilities Ordinance, therefore, any impact on schools will not need to be addressed. However, as a practical matter since there will be no increase in the number of bedrooms, there will be no impact on school facilities.

Mr. Brubaker clarified that staff is not recommending approval at this time. Ms. Wheeler clarified that this is a concept plan.

Applicant Presentation: Steve Zoretich of Frederick, Seibert & Associates, Inc., engineers for the project, and David Shaool, developer were present.

Mr. Shaool felt this project was an opportunity to change the mix of the development to reduce the number of families and rent to more singles. At the last meeting, the amenities plan was not approved. Several options were discussed with the Planning Commission. The athletic field could be located in the floodplain since nothing will be permanent in the field—it will be left in grass. They want to lock up forest conservation in another floodplain area as a trade off.

Planning Commission members also wanted a second major entrance onto Eastern Boulevard, which should be an improvement to the neighbors. All traffic will not be forced to use the same entrance and it is hoped that a second entrance would lessen the traffic impact. The proposed curved entrance would have a four-way entrance that would tie in to the funeral home entrance on Eastern Boulevard. Median and sidewalks would be constructed. The staff and the Planning Commission have requested sidewalks along Eastern Boulevard which would allow residents to safely walk to the YMCA, which they consider an amenity as well. A fitness trail with stations is proposed and the community swimming pool is already open. There will be numerous playgrounds targeting different age groups, a basketball court and the athletic field. Interior sidewalks will be improved. Even though it is tightly developed, there is a buffer around most of the development. Informal walking trails could be added to the buffer areas.

Concerning the various conditions staff mentioned in its presentation, Mr. Zoretich agreed that it would be beneficial for the Planning and Engineering staffs, developer, and Frederick, Seibert &

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Associates, to walk the property to identify problem areas. Mr. Zoretich asked the Planning Commission to approve the amenities plan so the developer can proceed to the next level.

Concerning the pavement issue, Mr. Shaool noted that he spoke with Roger Craig from Craig Paving this morning. Mr. Craig emailed Mr. Shaool an updated proposal for completing Cortpark's portion of the paving project. Craig Paving is fully committed to other projects until the first thing in the spring. Mr. Bockmiller clarified that staff is requiring that the paving be locked in or completed before a site plan will be accepted.

Concerning the dumpsters, Mr. Zoretich indicated that the developer may want to propose another material, other than masonry for the dumpsters. Mr. Shaool stated that the ordinance does not specifically require masonry dumpsters; in fact, the ordinance does allow for the materials currently used for the dumpsters. Mr. Shaool is in agreement with the staff requirement for pedestrian doors and would like to add them to the existing structures. Mr. Bockmiller stated that staff's position is that the trash enclosures went in willy-nilly and are oversized for what they contain. In addition, the existing doors do not work properly and are not maintained well. These types of structures in this density take a considerable amount of abuse. Staff felt that masonry would look better and hold up better. Mr. Zoretich countered that if the dumpster enclosures need to be reconstructed, they could be rebuilt with wood. He noted that the commercial vinyl fencing on some of the enclosures have held up better and suggested that the deteriorated enclosures could be rebuilt with vinyl. Mr. Bockmiller consulted the ordinance and noted that there is language in the ordinance that encourages trash enclosures to match the materials in the development.

Mr. Thomas questioned whether it is the issue of the gates and doors due to the construction or the supports that hold the doors or is it the materials that hold the doors. Mr. Bockmiller indicated that it is all of those conditions mentioned by Mr. Thomas. The enclosures are too big; the gates are extra wide making them awkward and cumbersome; and the gates open into the drive aisles. Therefore, the gates are propped open all the time. The enclosures were poorly designed from the beginning. Staff would recommend that all the enclosures be rebuilt. Mr. Shaool pointed out that even if they use masonry and rebuild the enclosures, the problem is with the doors and the doors are not made of masonry. Mr. Zoretich proposed flexibility at the site plan stage to allow the developer to suggest a different material.

Mr. Brubaker countered that an argument could be made that upgrading the appearance would contribute to orderliness on site. The dumpsters are a big thing. The developer needs to uplift and upgrade the development. Quality and that kind of investment can go a long way.

Mr. Stone asked if the developer is asking the commission to consider the S-curve design for the second access road. Mr. Zoretich confirmed that that is the configuration the developer prefers if the straight version does not work. Mr. Bockmiller added that another issue that might affect the

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alignment of the second access road is the recorded forest conservation easement. Mr. Stone also noted that if the S-curve design is used, the athletic field would be larger. Mr. Brubaker asked if the developer has discussed the access point on Eastern Boulevard with the City Engineer to see how that intersection might work with the funeral home access. Mr. Zoretich noted that the City Engineer stated that the intersection must be split with the funeral home.

Mr. Thomas had an issue with the selected location of the play areas and the soccer field in a potential floodplain. This is an area that has a considerable amount of growth that is absorbing moisture that would be conducive to standing water in a floodplain. Mr. Thomas contended that standing water is a breeding ground for mosquitoes. Mr. Zoretich disagreed, stating that water in this area would disappear faster since it will be exposed to sun and the water will evaporate sooner.

Public Testimony:

Jan Hiett (no address provided). Mr. Hiett had concerns about the change in the configuration of the apartments and the resulting need to increase the number of parking spaces that will be required. Based on staff comments, there will also be more concrete for the additional sidewalks and forest conservation trade-offs. Also, Mr. Hiett observed that there is a history of noncompliance in this development. He questioned why “we are” opening the door to more issues.

Mr. Bockmiller clarified there would be some reconfiguration of the parking lots and the expectation is that all parking requirements will need to be met. Per the ordinance, the developer will need to provide two spaces per unit. Mr. Bockmiller added that currently, the number of parking spaces significantly exceeds the number of spaces that will be required.

Arthur Rost Parsons (no address provided). Mr. Parsons stated that he is new to the area. His general impression is that Cortpark was poorly planned and executed. His concern is the increased number of transients in the neighborhood and maintaining the quality of neighborhood. He urged the commission to consider this carefully. If it was not a good idea to begin with, adding more transients is not a good idea.

Tonya Parsons, 42 East Irvin Avenue, Hagerstown. Ms. Parsons said she has never been afraid in her home before. She and her husband moved to the North End from Mississippi because it was supposed to be the safest. In the ten months since they have lived here there have been several home invasions, stolen items. She is a social worker, and from her experience, apartment complexes have a higher crime rate because the residents are not invested in their community.

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Don Munson, 117 West Magnolia Avenue, Hagerstown. Mr. Munson stated for the record that he is representing himself and not the Mayor and Council. He lives at 117 West Magnolia Avenue, which is a ten-minute walk from Cortpark. He has lived at this address since 1954 and has never seen a situation where the crime has anywhere approached what it is since Cortpark opened. His car was broken into last summer; the house across the street was broken into twice in the last three weeks. Mr. Munson stated that he is opposed to the Cortland Apartment expansion project and opposed to the whole development. He hopes when the commission makes its decision that the commission thinks about the impact on the community. If the Planning Commission decides to approve the expansion, he asked that the commission require a police substation, paid for by the developer of Cortpark. He emphasized that people are terrified of living in Hagerstown because of this development.

Officer Gerry Kendle, Hagerstown Police Department. Mr. Kendle stated that he is currently the Crime-Free Housing Officer with the Hagerstown Police Department; he runs the Excessive Use of City Services ordinance; and he does the Crime Prevention Through Environmental Design studies. He does the Police Department reviews of development plans. There have been issues with the development, and the previous management of the apartment community did not properly screen new tenants. Officer Kendle confirmed that Mr. Shaool has a new manager who has been working with the police to take care of issues.

Officer Kendle stated that to increase safety in the development, it will be necessary to reduce the number of juveniles. Amenities were not in place to give juveniles something to do. The juvenile criminal activity has been very high in this community. Recently, the number of calls to Cortpark have been reduced. There are many things that the Police Department is requesting and requiring as part of the physical part of the plan that is being proposed.

The apartment manager will be attending a seminar with Officer Kendle in the next few weeks. Management needs to properly screen tenants and weed out the criminal element within the community. The management issues are beyond this body and beyond the scope of the Police Department. Officer Kendle believes Mr. Shaool wants to be a good neighbor. Mr. Shaool added that the crime figures have been dropping regularly since the new property manager took over.

Mr. Thomas asked if the Police took note as to whether the perpetrators were residents or guests of residents at Cortpark. Officer Kendle stated that since the Excessive Use of Services ordinance became effective in April 2014, there have only been five qualifying calls for services in the entire community. A year ago he would have expected three times that number. Most of the calls now are more non-quality of life calls, such as repossessed vehicles, patrol checks, not drug or juvenile crime calls. Mr. Brubaker clarified that this does not include residents who commit crimes elsewhere –which is a big part of the issue. Officer Kendle said that is very difficult to track.

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Officer Kendle observed that based on his experience the surrounding neighborhoods had become complacent. Since then the neighbors have mobilized.

Mr. Thomas asked if Officer Kendle has noticed an increase in the lighting level in the development and asked whether the developer submitted a lighting plan. Officer Kendle said yes, but he has not been out there to check it out. If this proposal proceeds to site plan, he would require a full photometric plan for the entire property.

Deborah Staley, Dewey Avenue, Hagerstown. Ms. Staley concurred with the previous testimony. She is worried about the North End of town and the need to regain stability in the neighborhood. If we go over the cliff, all the older homes will be divided up into rentals, changing the landscape. She is worried about adding to the problem and is hopeful that there will be efforts to get to a better point. Ms. Staley is not in favor of adding more units before it can be determined whether a change for the better is occurring.

Ida DeGraw, West Magnolia Avenue, Hagerstown. Ms. DeGraw lives on West Magnolia Avenue near Mr. Munson and concurs with what he said. She has lived in her house for 30 years and has witnessed the dramatic change in the neighborhood. She also concurred with previous testimony.

Don DeGraw, 20 West Magnolia Avenue, Hagerstown. Mr. DeGraw told the commission that his vehicle was broken into three times and his bike was stolen. His biggest concern is there is a different type of person who lives in a one-bedroom unit than in a two-bedroom unit. They can put up with the kids.

Robert Naugle (no address provided). Mr. Naugle indicated that he will send an email.

Tom Allen (no address provided). Passed—did not provide testimony.

Nancy Allen, 924 Oak Hill Avenue, Hagerstown. Ms. Allen stated that she has lived in the area for 27 years. The thing that initially brought her to Hagerstown is the quality of life. Her concern is the change in her neighborhood. Ms. Allen would like to see what the crime reports are showing, such as where are the people coming from who are stealing cars and joyriding. Before the Planning Commission approves this concept plan, it should have all the information. According to crime reports, it seems that many of the perpetrators live in the Cortpark community.

Ms. Allen is also concerned about the effect on property values. Her home is an investment. When she sees a decline in property values because you have a statistical increase in crime, it creates fear in the community. There needs to be some measure of accountability as a community that what is put forth will be for the better good of the stakeholders who live here. There is more

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crime at the commercial centers in the North End (Weis, Carson’s Jewelers). Ms. Allen believes the Planning Commission needs more information and the developer should be given an opportunity to prove that the landscape has changed.

Ms. Allen reported that over 150 people attended neighborhood meeting recently because of neighborhood concerns about crime in the neighborhood. Ms. Allen asked the Planning Commission to make a responsible decision to make certain that the assurances provided by the developer come to fruition. The area needs residents that will increase the quality of life.

Mr. Brubaker clarified that the Planning Commission is required to entertain proposals that are submitted to the City for review.

Cathy Wantz, West Irvin Avenue, Hagerstown. Ms. Wantz stated that she has lived in this area for 30 years. Twelve years ago, when the Villas were built, residents were told that there would be high-end luxury apartments. As a local realtor, she has several Villas on the market that are not sellable because of the crime rate at Cortpark. Recently, she was showing potential buyers a unit at the Villas and because the DEA was at Cortpark, the buyers were no longer interested in the unit. Ms. Wantz agreed with Mr. Munson that the developer should be required to establish and pay for a police substation. Also, management at the apartments must ensure that someone is responsible for making sure that the names listed on the lease are actually the people living in the unit.

Marsha Fuller (no address provided). Ms. Fuller did not provide any comments.

Ruthann Mills (no address provided). Ms. Mills confirmed that she is one of the sellers referred to by Ms. Wantz. She has lived in the area for 21 years. Her home has been broken into three times. Hagerstown is a gem with the historic districts. She cannot imagine how many more amenities you could give that would replace that.

Robert Mills, 931 The Terrace, Hagerstown. Mr. Mills asked the commission to not reward poor development and poor management by allowing the developer to increase their revenues. Concerning the access on Eastern Boulevard, Mr. Mills noted that between 7:00 and 8:00 a.m., traffic is awful. He wants to see families in the area.

Timbre Day, Oak Hill Avenue, Hagerstown. Ms. Day agreed with Nancy Allen, but wanted to add into the record the losses at the Weis Market—the manager at Weis was unable to attend this meeting. Ms. Day had questions about the scope of the Planning Commission’s authority and the development review process.

End of Public Testimony. A brief recess was taken.

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Back on the record, Mr. Bockmiller clarified that the forest conservation area easement is deeded to the City. When the developer is asking to trade areas in and out of the forest conservation easement, it is not just a shuffle of land. The developer needs to ask for the Planning Commission's permission. Secondly, as a concept plan, staff has identified many issues that need to be addressed. There is much work that needs to be completed before a site plan would be accepted for the entire development. This is not a situation where a site plan would be back in front of the commission in a month. Mr. Zoretich noted that the permit in the floodplain will be a year-long process.

Ms. Wheeler stated that her thinking has not fundamentally changed since the first meeting. She said she understands this is a very challenging site as far as where the amenities will be located, but that does not mean the commission has to accept it as the best that can be done. The amenities are mostly in the same areas, and they are all near an entrance. Ms. Wheeler is disappointed with the new proposal in that this development has known problems. The desire by the developer to add more units is troubling to those people who spoke in opposition to the revised concept plan. This is the wrong thing at the wrong place at the wrong time.

Mr. Thomas agreed with Ms. Wheeler's comments. It is the Planning Commission's responsibility to follow the City's ordinances when reviewing concept plans. He agreed with the safety concerns and did not see anything in the concept plan presented that addressed the concerns for improving the quality of life by adding more units.

Mr. Brubaker stated that he believed the risks of increasing the density and the risk of adequate, capable, implementation and maintaining the results of that implementation are too great so he would be voting against it.

Mr. Stone said he appreciated the concerns raised. However, what the applicant has proposed is to reduce the number of families by increasing the number of units. There would be more units, but smaller. The City Police said most of the crime is youth driven. By reducing the number of larger apartments, this would, over time, result in a reduction in the number of juveniles and increase the number of adults. There are more amenities and the existing development was lawfully approved at the time it was proposed. He believed the proposal submitted does improve the development.

Mr. Brubaker initially moved that the concept plan not be approved. Ms. Maher informed the commission that the City Attorney advised her that motions should always be made to approve and then voted up or down. Mr. Brubaker and other commission members indicated that they were not willing to make a motion to approve the concept plan. Mr. Stone disagreed with the City Attorney's advice. It is the consensus of the Planning Commission that it is not in favor of the concept plan.

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MOTION: (Brubaker/Thomas) I'll make a motion for disapproval.
DISCUSSION: None.
ACTION: APPROVED (Yes – Brubaker, Thomas, Wheeler; NO – Stone; ABSTAIN – Miller, Wright)

Mr. Bockmiller asked what the developer will need to do if he would like to resubmit the concept plan for the third time. Ms. Wheeler said she wants to see improved units and an improved site. Mr. Stone felt that the commission may have given the developer inadvertent encouragement at the first meeting that all they had to do was enrich the amenities plan. He suggested that the only recommendation at this point would be that the developer should wait until more information is available to see whether the changes that have been implemented so far are working.

Ed Kuczynski, attorney for the developer, said at the first meeting the amenities plan was deemed to be inadequate. Mr. Shaool went back to the drawing board. Understandably the public is concerned. This is already a designed and approved, built-out development. The developer is attempting to improve the quality of the development by increasing the number of units. If the amenities plan meets the ordinance, the concept plan should be approved.

Mr. Stone stated that the commission made its decision; the matter has been covered.

Adjourn.

Mr. Wright re-assumed the chair and entertained a motion to adjourn.

MOTION: (Brubaker/Wheeler) I move adjournment (9:45 p.m.).
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

All remaining discussion items on the agenda were continued to the next meeting.

2/11/2015

Approved



Debra C. Calhoun - Secretary