

**Planning Commission
MINUTES - Workshop Meeting**

**October 8, 2014
City of Hagerstown, Maryland**

James W. Stone, vice chair, called the meeting to order at 4:00 p.m., on Wednesday, October 8, 2014, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, C. Coleman, D. Miller, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

Approval of Minutes – July 2, 2014 – Special Meeting.

Ms. Wheeler had two corrections on pages 6 and Page 9: page 6, third full paragraph, the acronym “CEPTD” should be spelled out and corrected to read “*Crime Prevention Through Environmental Design (CPTD)*”; and on page 9, the first sentence should read “Mr. Shaool stated that it *is* his goal . . .”

Mr. Brubaker indicated that he was not present at the July 2 meeting but wanted the commission to give him an overview of the discussion at that meeting. Ms. Wheeler noted that Mr. Coleman felt more studies should be done, which would have required approval of the concept. Mr. Coleman elaborated on his position for the vote. Many of the questions brought up by the public—letters, questions and comments—did not necessarily prove that it would be bad for the community. It could only move forward if the concept plan was approved. Mr. Stone said the Planning Commission suggested that if some of the forest conservation area was taken out of dedication it could be turned into usable community space. Ms. Wheeler said her concerns were that the proposed amenities were being shown in areas of high traffic volumes, which would not be an ideal situation where children will be playing. Mr. Brubaker asked about the density issue. Mr. Stone indicated that when the development was initially approved, it met the standards in place at that time. Ms. Wheeler noted that just because the owner was changing the configuration was not a guarantee that it would reduce the number of residents. The idea was to encourage the developer to come back with an expanded amenities plan for the commission to review. Mr. Coleman added that road access needs to be looked at as well at the site plan concept plan stage. Mr. Bockmiller stated for the record that the developer has submitted a revised concept plan that is currently under review.

MOTION: (Thomas/Wheeler) I move that we approve the minutes as corrected.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN – Brubaker, Miller)

Storm Water Management Concept Plan for National Golden Tissue and Waivers.

Staff Report: (Staff Report in meeting file.) The applicant is proposing to reconfigure the parking on the site to accommodate new uses, including retail, which was approved by the Board of Zoning Appeals via special exception. This project has been before the commission in the past

for workshops regarding parking lot design waivers, and the plan under review at this meeting is consistent with the previous discussions.

Concerning the storm water management approach, the applicant has submitted a waiver request from storm water management on the basis that there will be a net decrease in the amount of impervious area after development. In addition, there will be minimal disturbance other than paving existing gravel parking areas. The City Engineer's office indicated that this request will be considered even though it appears there may be more parking spaces provided than what are required by code. If more spaces are provided than what is required, the City Engineer would rather see the extra parking spaces eliminated to gain more pervious area. Even if the extra spaces are not removed, the City Engineer has recommended that the applicant explore converting some of the internal islands in the parking areas into "micro" stormwater management facilities. The City Engineer's Office indicated that it will support the waiver request in order to allow the property to be redeveloped; however, there are several low-cost upgrades that could be done to bring the project closer to meeting the intent of the ordinance.

Concerning unique site features, staff indicated that there are no unique features. The property was formerly used as a manufacturing and warehouse facility. Given the location and configuration of existing improvements, coupled with the logical reuse of existing parking spaces, the existing features of the site weigh heavily in the consideration of the design waivers being requested by the applicant.

The applicant is requesting numerous waivers in order to maximize use of existing facilities. A list of the waivers can be found in the meeting file. They include reductions in island width, buffer widths along roads, buffers along buildings, etc. The waivers are not uniform reductions but apply in certain situations. Also, where a waiver is requested, the amount of the waiver is a "worst case" location in an area where a buffer will gradually widen out from the narrowest requested distance. In some places buffers along roads will actually exceed the minimum requirements, partially offsetting the requested reduction. Staff noted that comments have been received from several review agencies that will impact final site plan design, but not these waivers. Since this is just a concept plan, it is subject to further refinement and detailed engineering at the site plan stage. All requests are consistent with the past Planning Commission workshop reviews on this matter, at which time commission members expressed general receptiveness to the requests.

Staff recommended that the plan be allowed to proceed to site plan with the understanding that additional measures may be required by the City Engineer at site plan to use some of the landscape islands as micro-stormwater management features and possible reduction of some excess parking spaces to further reduce impervious surface.

Mr. Bockmiller noted that Mr. Wright stated at a prior meeting that he had concerns about the absence of sidewalks in some locations along East First Street. At that time Mr. Wright felt the sidewalk should be extended to the rear driveway area. Many of the green spaces are in the right-of-way and buffers are only calculated from the property line. Jim Bender, Assistant City Engineer, indicated that his department will be pushing for raised curbs to better protect the

green areas. The Planning Commission agreed with Mr. Wright's previous comments that the sidewalk should be extended to the rear driveway entrance.

Commission/Applicant Discussion: Mr. Thomas asked if raised planting beds would suffice, similar to what was done at the tire company on Frederick Street. Mr. Bockmiller surmised that it would be more expensive to do raised beds than it would be to provide a traditional planting area. Mr. Stone pointed out that there is green space in the right-of-way which is in front of that if such a feature was done inside the property. Mr. Bockmiller said that on East First Street the right-of-way is wider in this location and there is more green space than what you would typically find behind the sidewalk in the street rights-of-way. The waiver goes to the property line so anything between the sidewalk and the property line is essentially a bonus. The developer would like to take the existing grassed area with minor adjustments and that would be what you would see with the parking formalized behind that. Landscaping bed widths will be determined by proximity to overhead lines.

Mr. Coleman stated that car fluids in the service bays should be filtered. Billie Swailes of Triad Engineering indicated that they will only be doing tires and batteries at this location; they do not anticipate spills such as oil or antifreeze. Mr. Bockmiller said if the tire business changes to another use in the future, it would require another site plan.

Mr. Brubaker noted the City Engineer's comment that there may be more parking spaces than are required by code and asked if the developer's business requires the extra parking spaces. Mr. Swailes said he had many discussions with Mr. Bender and Mr. Bockmiller on the parking. The parking was shown for the maximum build out for the retail portion of the project. Some parking spaces could be eliminated, mostly in the rear of the site. Mr. Bockmiller said primary parking generators will be in the front, but that is where the fewest number of spaces are located. If the retail spaces in the front are successful, demand for spaces will filter around to the sides of the property. None of the waiver requests are meant to maximize parking. The intent is to design the site to have as much parking in the front as possible. Mr. Swailes said the buffer widths are based on the existing pervious areas without tearing everything out and redoing it. The developer is trying to reuse what is already there. They will not be pushing out into the existing grass. The new entrance will allow them to add more green space.

Mr. Stone asked if the commission could tie the reduction of impervious space into the actual number of parking spaces needed or if the Planning Commission could stipulate that the impervious area be increased which would bring the number of spaces closer to the minimum required. Mr. Swailes stated that the owner would probably not object to reducing the number of parking spaces. Commission members said the expectation would be that the extra spaces would be converted to pervious area.

Concerning Waiver #10, the Planning Commission was opposed to this request to not provide sidewalk along East First Street. Mr. Swailes said the owner is not in favor of adding additional sidewalk especially since there is existing sidewalk on the other side of the street. It adds additional impervious area on the site and adds cost. Ms. Maher pointed out that it is a goal of

the City to close up gaps in the pedestrian network. Mr. Brubaker added that by not requiring it, it adds a gap that the City may have to fill in in the future.

It was the consensus of the commission that requested waivers 1 through 9 were appropriate; however, the commission was not in favor of waiving the sidewalk requirement (#10). Mr. Coleman indicated that he was also in agreement with the City Engineer's recommendation that some of the internal islands be transformed into bio retention ponds.

- MOTION:** (Miller/Thomas) I move to approve the concept plan with the condition that Waiver #10 is not approved, add drainage for the bays, and encourage the stormwater management approach explained by City Engineer.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

Proposed Locations for County Commuter Bus Shelters.

Staff Report: (City Engineer's Memo in meeting file.) Mark Mischler, Washington County Engineering Department, was present. Mr. Mischler said he has been working with Kevin Cerrone of the Washington County Commuter on this project.

Ms. Maher explained that the Washington County Commuter is pursuing funds to add additional bus shelters along its routes. According to the City Engineer's memo, there are four potential locations inside the City limits and within the public right-of-way:

- Cameo Drive, near its intersection with Professional Court;
- Frederick Street at the Potterfield Pool;
- 600 Block Frederick Street at Frederick Manor; and
- South Potomac Street at its intersection with West Baltimore Street.

The City Engineer's office endorses the locations in the right-of-way and Mr. Mischler stated that no easements are being requested. Mr. Bockmiller added that since the proposed shelters will be in the right-of-way itself, they will not be required to conform to setback requirements. All shelters will be maintained by the Washington County Commuter.

Mr. Brubaker raised a concern about the proposed shelter at South Potomac Street and West Baltimore Street. The Hagerstown Housing Authority owns this property, not the City of Hagerstown. Washington County Commuter would need to obtain approval from the Hagerstown Housing Authority. Mr. Mischler stated the shelter would replace the existing benches. The benches would be removed and replaced by an ADA curb and the shelter.

Mr. Thomas noted a crosswalk in the area of the proposed shelter at the South Potomac Street location. He was concerned that commuter buses could stop in a crosswalk and block any traffic attempting to continue east on East Baltimore Street. Commission members advised that bus

drivers should be warned not to park in the crosswalk. Mr. Bockmiller noted that if this shelter is located outside of the right-of-way, it would have to meet the setbacks of the RO zoning district.

Comprehensive Plan amendments – Future Land Use Plan.

(Staff Memo and supporting maps in meeting file.) This is a continuation of the discussion from August 25. Spurred by the commission’s concerns about redesignating the future land use maps in several areas, staff conducted additional research.

Three weeks ago, staff walked the Potomac Avenue/Maple Street area and the East Baltimore Street area. Mr. Rohrbaugh compiled maps showing the current land uses, the use status under the current zoning, and the use status if changed to the zoning proposed by staff (Potomac/Maple: CG to N-MU and RMED; and East Baltimore: CG to N-MU).

Potomac/Maple Street

Under the existing CG zoning in the Potomac/Maple area there is an open zoning violation at 715 Potomac Avenue. Also, Copy-Quik Printing is not a permitted use in CG. The map titled, “Potomac/Maple – Proposed N-MU Zoning,” also shows ten properties fronting Fairground Avenue that would be rezoned to RMED. The remainder would be N-MU. Three properties on the northern edge would become nonconforming uses. A text amendment is in the process that would make the Copy-Quik Printing use conforming.

Mr. Stone asked if there would be a way to leave H & S as CG zoning. He also heard that there are some in the community who would like to have a convenience store in this area, without gas pumps. With respect to H & S, Mr. Rohrbaugh said it would be difficult to leave one property with CG zoning. Mr. Bockmiller added that eliminating CG zoning prevents uses such as adult bookstores from locating in neighborhoods. This is long-range and the City needs to look at what is best for the area. The best situation is for redevelopment. Mr. Stone noted that there is a shortage of car repair shops.

Mr. Brubaker asked how the Copy-Quik use would be allowed. Mr. Rohrbaugh said a text amendment is in the process which would allow quick printing uses in CG and N-MU. Mr. Stone suggested that the commission consider adding small-scale automotive repair establishments as well. Ms. Wheeler recalled that in general during discussions the Planning Commission was not in favor of car repair in N-MU.

There was some discussion of possibly extending the industrial zoning along Manila Avenue. Mr. Bockmiller pointed out that setbacks in the industrial districts are significantly larger.

Mr. Miller suggested making the uses special exceptions, which would be a way to look at specifically what is there. Mr. Bockmiller’s concern is to not impact existing uses to the greatest extent possible. Auto repair tends to be noisy, not kept up, and has lots of traffic. His recommendation is that this is not the best use for this area. Mr. Stone argued that the property

abuts the railroad tracks so the houses do not have to look at the vehicles on the lot. Mr. Bockmiller said the commission needs to be careful about just considering current uses. Mr. Brubaker suggested leaving the CG zoning on the north side of the railroad tracks and for H & S Automotive.

It was the consensus of the commission that the “triangle” comprised of 780 and 790 Potomac Avenue and 735 and 734 Potomac Avenue remain zoned CG.

East Baltimore Street

Based on the survey conducted by staff it was determined that by redesignating this area to “Mixed Use” on the land use map and N-MU on the zoning map, almost all properties in this area would become conforming uses. Mr. Brubaker questioned whether adult day-care is a desired use in this district. Mr. Bockmiller stated that these uses are permitted by right downtown. Ms. Maher said at the time, these uses were considered to be similar to child care. Mr. Brubaker suggested making adult day-care a special exception use in this and other districts so it is less likely that they bunch up in one location. Mr. Rohrbaugh noted that in addition to the adult day-care use at 101 East Baltimore Street (shown in yellow on the map in the packet), there are also office uses in that building. This matter will be brought back for discussion at the next meeting for the supplemental text amendments.

Mr. Bockmiller stated that none of the buildings on East Baltimore Street currently meet setback requirements for the CG zoning district. Most buildings are built to the street and CG has a 15-foot front setback. N-MU has no setback requirements, so these buildings would also become conforming with regard to setbacks.

The Planning Commission had no issues or concerns with these map changes, although the adult day-care use issue needs to be addressed city-wide.

Lee and Sycamore Streets

The 2006 AIA Sustainable Design Assessment recommended extensive residential and mixed-use development in this area and those uses were reflected in the 2008 Comprehensive Plan future land use designation of “Mixed Use.” However, staff believes that based on paradigm shifts, the AIA Master Plan would be difficult to come to fruition as a whole. The more recent Urban Partners report addresses some of the areas in the Lee/Sycamore area, especially along Summit Avenue (new housing and the proposed walking trail to link between the City Park/Washington County Fine Arts Museum and City Center). Sycamore Street has possible environmental issues which makes the AIA plan not feasible. The high-density residential use for the Hagerstown Housing Authority and other industrial and commercial uses would be reflected as such. Parks and Recreation would be shown along Marsh Run and for Memorial Park.

Ms. Wheeler questioned the change to RMED for the properties at 307 and 309 Summit Avenue. Mr. Rohrbaugh explained that both of these lots are townhouses, currently zoned CL. RMED zoning would properly reflect their use.

The second change concerns 300-334 Summit Avenue. These five properties are being proposed for CL zoning. This would not adversely affect any of the existing businesses. Any residential uses would be conforming uses and would be allowed to be changed to a local commercial use. The third change is being proposed to reflect current mapping conventions of having zoning lines follow property lines. The last change is on South Street and would rezone an existing residential use that is zoned industrial to RO which would match the rest of the street. Also the Medium Density Residential designation would be extended on the land use map.

Mr. Rohrbaugh noted that the only remaining areas to be labeled are the former hospital site, the MELP plant, and the First Urban Fiber site.

Land Management Code Text Amendments: Storefront Protection Provision.

(Staff memo and proposed language in meeting file.) Staff made adjustments to the proposed text amendments based on the discussion at the last meeting, subsequent email exchanges with commission members, and input from the Economic Development staff. As a result, the area for the Storefront Protection Zone has been reduced from the entire CC-MU zoning district to just those streets that contain the most storefronts. Requirements for storefronts have been moved from Article 4, Zoning Ordinance, to Article 5 (Subdivision and Land Development Ordinance) so the provision can be reviewed and waived by the Planning Commission. In addition, several new storefront uses have been added, including brewpubs, photography studios, visitor welcome centers, and museums. Marks will be placed in the Land Use Chart to indicate what uses would be allowed in a storefront.

Mr. Stone indicated that the revised language goes a long way toward addressing the comments from the last meeting. He said he would be interested to hear what Mr. Wright's comments are on the revisions and asked that the text be brought back to the next meeting for more discussion.

Mr. Brubaker was concerned that the purpose statements make no reference to retail or restaurant uses (page 2) and only refer to arts education and cultural uses. Ms. Maher stated retail is covered under higher intensity uses that support the cluster. Mr. Brubaker wanted retail and service uses listed under the purpose statement. He questioned what "higher intensity uses" entails. The language should reflect that the City is interested in business, not just education.

Mr. Coleman noted that the Land Management Code does not specifically require Planning Commission members to be City residents. The commission may want to consider closing that loophole.

Board of Zoning Appeals Agenda – October Hearing.

The Planning Commission had no comments on the October 15, 2014, Board of Zoning Appeals agenda. The second case on the docket is being deferred to the November hearing because the applicants did not post the property in a timely manner.

Other Business.

This is Mr. Coleman's last meeting. Commission members thanked him for his service on the commission.

Adjourn.

It was moved and seconded that the meeting adjourn (6:10 p.m.).

2/25/2015

Approved



Debra C. Calhoun - Secretary