

**Planning Commission
MINUTES – Regular Meeting**

**May 27, 2015
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, May 27, 2015, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, 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.

REGULAR MEETING

Roll Call.

Mr. Stone was absent

Approval of Minutes:

None.

2015 Green Streets – Stormwater Management at Park Circle – 275 South Walnut Street, Site Plan, Case No. ZS-2015-05.

Staff Report: (Staff memo is in the meeting file.) This site plan is for a stormwater management bio-retention area in the lawn area on the west side of South Walnut Street, north of Park Circle. The project involves grading and installation of piping and plantings in the bed of the retention area. Minor grading will be involved, and the change in elevation is no more than three feet. It will be a minimum of 30 feet from the sidewalk on South Walnut Street. Disturbed area is 0.21 acres. The site is currently 0% impervious and no increase in that amount is proposed. The Forest Conservation Ordinance does not apply to this application. The plan was approved by all review agencies, with the exception of Planning which noted four minor data and spelling issues. Staff recommended approval, subject to the minor corrections required by Planning and Code Administration.

Applicant/Commission Discussion: Tim Young of the City Engineer’s office explained that this project is collecting water from the street and running it through a filter system before it goes into the stream. This is strictly to address water quality issues in the area of Park Circle. This is an underground system with stone, geotextile around the pipes and sand on top of the geotextiles. On top of that is earth. The pipes are perforated. An existing inlet will remain and handle any overflow.

MOTION: (Miller/Campbell) So moved (to approve the site plan).

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Consultation: Sears Building Rehab – Revision to Traffic Circulation at Northern Avenue Entrance.

At the May 13 meeting, Mr. Stone had concerns and asked the project engineer to look into the Northern Avenue entrance to Long Meadow Shopping Center. Fox & Associates hired a traffic engineer and the plan is to address the commission’s concerns through striping. Planning staff believes that some curbs and gutters should be installed to channelize traffic more thoroughly. The City Engineer’s office has reviewed the plan and has no objections. Planning staff asked the developer to consider stamping the pavement and coloring it to create a differentiation. The developer will provide additional landscaping, with some of it ending up on the west end of the project. The goal is to have this site plan ready for the June 10 meeting. The engineer would like the Planning Commission’s feedback before the striping and landscaping is added to the site plan.

Commission Discussion: Mr. Wright had concerns with the number of stop signs at the CVS. Mr. Brubaker wanted to be certain that the ingress and egress at the Northern Avenue location is well marked to ensure that motorists do not attempt to exit the Sears development from that location. One sign on each side would be beneficial.

Land Management Code Text Amendment – Mayor and Council Revision to Fence Height for Residential properties Adjacent to Commercial and Industrial Uses.

During its review of the 2014 Land Management Code Amendment package, the Mayor and City Council discussed a change to the language proposed by the Planning Commission regarding certain fence heights for residential properties that abut industrial-zoned property. The text of the Planning Commission’s proposal and staff’s proposed language that would address the Mayor and Council’s concerns is included in the staff memo in the meeting file. Photographs of “on-the-ground” examples were included with the staff memo.

The Mayor and City Council asked that language be inserted that would allow an adjacent residential property owner to install a fence consistent with the commercial and industrial uses. Requests would be from the residential property owner. Mr. Bockmiller asked for the commission’s input on whether these same permissions could be extended to properties that abut

nonresidential uses which are permitted in the residential districts such as churches, day-care centers, schools, etc. If the commission would be inclined to say yes, Mr. Bockmiller stated that all of the uses would need to be identified at this stage of the amendment process. Staff suggested it would be inconsistent to include permitted, nonresidential uses in the amendment since those types of uses are considered compatible. Mr. Miller stated that a property owner adjacent to a permitted nonresidential use could file a variance with the Board of Zoning Appeals if they wanted to install a fence taller than six feet. Planning Commission members agreed with staff.

Mr. Bockmiller asked if the commission wanted to make a recommendation on situations where adjacent nonconforming uses become abandoned and expire, and whether the adjacent property owner would then be required to replace the fence with a compliant fence since the adjacent nonconforming use is no longer in existence. Planning Commission members declined to make a recommendation on that scenario. The Planning Commission had no concerns about inserting the language proposed by staff in response to the Mayor and City Council’s comments.

MOTION: (Thomas/Campbell) I move that we accept the staff’s recommendation and forward to the Mayor and Council for review and approval.

DISCUSSION: Ms. Wheeler wanted clarification on the wording in the third sentence and whether it needed to spell out “nonconforming commercial or industrial use.” Mr. Bockmiller stated that there may be some uses that may be commercial in nature but permitted in industrial districts. Ms. Wheeler said she had no concerns as long as it was a deliberate decision to include that language.

ACTION: APPROVED (ABSTAIN – Brubaker)

Adjourn. It was moved and seconded that the meeting adjourn (7:25 p.m.)

7/22/2015

Approved



Debra C. Calhoun - Secretary