

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, July 8, 2015, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, D. Miller, J. Stone, 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. **(NOTE: Planning Commission revisions are indicated in red text.)**

Approval of Minutes: May 13, 2015 – Workshop Meeting.

MOTION: (Wheeler/Campbell) I'll move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN – Miller, Wright)

Site Plan Renewals:

- **Scarlet Hills Apartments – 1152 South Potomac Street, Case No. ZS-2006-05.**
- **Oak Ridge Mills – 1362 South Potomac Street, Case No. ZS-2008-03.**
- **Collegiate Acres (Ph. I, Apartments) – Terps Boulevard, Case No. ZS-2008-18.**
- **ProBuild – 1743 Dual Highway, Case No. ZS-2011-05.**

Staff Report: (Staff reports for each case are contained in the meeting file.) Staff noted that nothing on these applications has changed, but there has been a change to the state stormwater management regulations and also the Planning Commission's site plan approvals are now only valid for two years. Re-approval will keep these projects from lapsing and stay under their waiver from the old stormwater management regulations. In those cases the projects will need to be constructed by May 4, 2017 or else they will need to submit revised plans that comply with current stormwater management requirements. This will probably spur a small upturn in re-approvals of uncompleted projects. (Mr. Brubaker arrived.) Mr. Wright asked if the Planning Commission could re-examine site plans during a request for re-approval and ask for changes. Mr. Bockmiller said yes it could but suggested that if the commission had concerns with any of the cases up for re-approval that the case in question be deferred so the applicant can prepare. None of the cases are up for re-approval with conditions.

Mr. Wright had questions about the proposed storage sheds at Scarlet Hills Apartments and how the applicant plans to maintain them so they do not look dilapidated. Mr. Bockmiller stated that the sheds are frame construction with heavy landscaping on the southern property line. Gordon Poffenberger of Fox & Associates stated that the developer is Paul Crampton and his developments (i.e., South Pointe and Emerald Pointe) are high quality. Mr. Wright also questioned the large vacant area to the north. Staff stated this is forest conservation area.

Mr. Poffenberger added that it is undevelopable because of the culvert for the railroad tracks. Mr. Bockmiller said much of the forest conservation planting has been completed. There were no questions on any of the remaining cases.

MOTION: (Miller/Stone) I so move (to re-approve the site plans listed above).
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Mr. Wright wanted it read into the record that if the Scarlet Hills project is not built out by May 4, 2017, they will need to submit a revised plan that complies with all the requirements at that time. For the Oak Ridge Mills mass grading plan, if the project is not built out by May 4, 2017, the developer will need to submit new revised plans that comply with current regulations.

Mr. Stone asked for clarification on what is meant by “built out.” In response Jim Bender, Assistant City Engineer, explained that all work shown on the approved site plan (all phases of the development) needs to be substantially complete by that date. Mr. Bender said this concern was raised in 2009 when the new regulations were being considered. The original deadline for completion was 2010. This is the state’s grandfathering solution to give developers time to get the work done. The bigger concern will be for large developments such as Hager’s Crossing where there are multiple phases that have not yet started. Mr. Stone observed that if the Planning Commission or Mayor and City Council can do anything—this is an absurdity that needs to be addressed. This is a statewide issue and state mandated.

Regarding the Terps Boulevard-The Reserve at Collegiate Acres site, Mr. Bockmiller interjected that the requirements do not apply to this site. Mr. Wright continued with ProBuild on Dual Highway and that site plan needs to be complete by May 4, 2017, or the developer will need to submit revised plans to comply with current regulations. Mr. Bockmiller revised his earlier statement to state that ProBuild is under the current regulations. Collegiate Acres would need to comply by 2017. Mr. Wright then announced that the Collegiate Acres site plan needs to be completed by May 4, 2017, or the developer will need to submit revised plans to comply with current regulations. Mr. Brubaker asked that a reminder letter be sent to the affected property owners. He also asked Mr. Bender to double check his information about the statement requirements; Mr. Stone asked Mr. Bender to provide the specific section for the code so he can investigate further. Mr. Poffenberger advised there are engineers that are trying to meet with Washington County to clarify this situation. Staff was also instructed to investigate this matter so it can be discussed again later in more detail.

Twigg Cycles Building Addition, ESD Concept Plan.

Staff Report: (Memo is in the meeting file.) The applicant proposes to construct **an addition to the front of the building and** a two-story storage addition on the rear of the existing building. The **rear** addition will measure approximately 82 feet by 74 feet. Meetings with the applicant have been very productive in creating a strategy to bring the site development up to current standards as far as parking lot landscaping, dumpster screening, and outdoor storage. This is especially important in that, as Paul Smith Boulevard will be developed in the future, it will become less of a service road accessing a few businesses to what will ultimately be a significant intersection and corridor.

Storm Water Management Approach:

The City Engineer's analysis is as follows:

This project entails the construction of approximately 7,500 square feet of additional building area to the existing Twigg Cycle building at the intersection of S. Edgewood Drive and Paul Smith Blvd. Because this site was previously developed, this project meets the criteria to be considered as a "redevelopment" project with respect to stormwater management. Given the previous development at the site, there are no significant natural resources or critical areas that will be disturbed by the proposed construction. Existing drainage patterns at the site will generally be maintained after construction. The Applicant has proposed the installation of a micro-bioretenion facility on the south side of the site, adjacent to the largest proposed building addition. This proposed strategy meets the City's Stormwater Management Ordinance's requirements for Environmental Site Design, and we recommend approval of the ESD concept. Staff will review the final design of the facility during our review of the site development plans.

Site Features:

The development involves an existing building and a proposed addition to the rear of the building. The parking area on the site is existing; as a site feature it will influence how the site can be expanded in a cost-effective manner. The location and nature of the existing building is such that it is the principal site feature that will impact the design of building expansion. There are no rock outcrops, forest, wetland or other physical site features that impact development. Property is at a corner and the side of the building along the side street has, in the past, been casually used for access and storage, but the proposed improvements will result in improvement to this area.

Waivers:

The site features listed above influence site design. The development was built before current parking lot design standards and landscaping standards were in place. The applicant's sketch plan shows admirable work toward coming into compliance with current regulations, although there will be a few instances where full compliance will not be possible due to existing site

improvements. Specific deviations are not listed at this time and will likely be the continuation of noncompliant elements of an aggressive plan of improvement. The proposed improvements will be a significant improvement over current conditions and landscaping attention on the side facing Paul Smith Boulevard will go a long way to set this facility's place as a business with good street presence along two frontages at a significant street corner.

Staff recommended approval. There will be a 1,400 square-foot addition on the front of the building and a larger addition on the rear. Mr. Twigg has been cooperative and is proposing landscaping. No waivers are being requested at this time, but a few might be brought up during the site plan stage.

Applicant/Commission Discussion: Adam Hager of Frederick, Seibert & Associates, Inc., explained the function of the stormwater management facility. Drainage is toward the southeast corner of the site. This will be a water quality structure, not a quantity control. The smaller addition will be for a storefront display area. Overflow will go into the inlet rather than backing up. The filter is designed to treat water quality—the first inch of a rain event. Mr. Wright asked how many spaces the addition will eliminate. Mr. Hager explained that the area of the addition is currently designated as motorcycle parking. The site has more than enough parking; even with the addition they will meet the ordinance requirements for parking. Mr. Miller asked if the dumpster screening will be chain link. Mr. Hager replied that the plan has not been elevated to that level of detail. As it stands now the enclosure will be either vinyl or masonry to match the building.

MOTION: (Stone/Brubaker) I move we approve the stormwater management approach.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

CortPark Decision Remand.

Mr. Wright and Mr. Miller abstained from the discussion of this item.

Staff Report: (See staff memo in meeting file.) Staff recapped the Circuit Court's decision. Staff was upheld by the court that a sketch plan and a site plan are required and that they need to meet current requirements. However, the court found that the applicant is not subject to the requirements for amenities due to disconnects in the way the ordinance amendments that created that provision were structured. There was a problem in the wording of the Land Management Code, which staff believes was a technical glitch. Because the ordinance read R3 and not specifically RH (Residential High Density) Judge Long determined that the amenities

requirement does not apply. Even though RH is the new name for R3 and nothing else changed. As a result of the findings, the case was remanded back to the Planning Commission for a new hearing.

If the project is to move forward, a site plan will be required which needs to include bringing the property up to current standards as much as circumstances will allow. This will include correcting outstanding deficiencies from the original development. Staff felt that its most effective tool in improving the quality of this development lies more with repairing the site and meeting current development and design standards. It is anticipated that this will be placed on the commission's July 29 agenda. Applicant's engineer has indicated that the applicant would like to move forward with the sketch plan as submitted at the last meeting, continuing to offer the amenities previously shown, and retain the "Option A/Option B" access proposals to Eastern Boulevard.

When large developments are planned the requirement for an amenities plan was intended to be shown on the sketch plan prior to site plan submittal. CortPark was already developed so the existing conditions had to be figured in. Staff and the commission had to separate existing and what was being proposed as amenities. The ordinance says this requirement is required in R3, however, the R3 zoning district was renamed to RH. Judge Long did not recognize the argument that R3 is the same as RH, only the name was changed. A text amendment is being drafted and will be included in the 2015 Land Management Code amendments package.

Staff contended that the biggest tool to fix the problem at CortPark is the site plan. All the landscaping, trash enclosures, and access issues are on the table to be brought up to current requirements. Mr. Stone pointed out that the court ruled that the applicant did not need to submit an amenities plan, but the Planning Commission denied it because there were insufficient amenities. Based on Judge Long's ruling, he did not believe the commission could hold the developer to an amenities plan. During the remand review the commission needs to take into account the original plan was approved when the requirements were different. Mr. Bockmiller said deficiencies in items such as landscaping and access can be held to current standards.

Ms. Wheeler noted her concern is that the work has to be done better than what was done before. Mr. Bockmiller noted that there were no apartment standards or landscaping standards. Mr. Stone said the commission has to take into account that the commission approved a development that would not have been approved today. There was discussion about whether the proposed changes would increase the amount of traffic to the development. Mr. Brubaker indicated that traffic patterns must be checked out early on.

The commission compiled a list of points that need to be addressed to the commission's satisfaction. The list is not intended to be inclusive.

- Landscaping
- Soil erosion and stabilization.
- Access.
- Existing poor grading/slopes
- Forest Conservation
- Parking
- General condition of the site (lighting, trash, etc.)
- Unification of the property (two parcels)
- Amenities within justifiable circumstances.

Comprehensive Plan - Future Land Use Amendments.

(Staff memo is in the meeting file.) As part of the ongoing Comprehensive Plan future land use review and update, Mr. Rohrbaugh presented several proposals for additional changes to the future land use map. The purpose of these proposals is to change the land use designations to better align with the changes in economic condition since the 2008 Plan was adopted or to apply future land use designations that more accurately reflect the physical characteristics or needs of an area. No rezonings are being proposed as a result of the amendments. Five areas were discussed including:

Eastern Portion of Poplar Square.

Current Zoning: RMED

Current Future Land Use Designation: "Business Employment"

Proposed Future Land Use Designation: "Medium Density-Residential"

Since the last time the commission discussed this area the Housing Authority purchased the property with the intent of building houses. Planning Commission suggested "Industrial" the last time it was discussed. Staff recommended changing the designation to "Residential."

Mr. Wright asked staff to find out if the City has any interest in extending Sweeney Drive. Staff will talk with City staff and the Hagerstown Housing Authority. Ms. Maher noted that it is her understanding that the Housing Authority just plans to develop the lower portion of the tract.

Commission members deferred making a recommendation on this amendment until it has more information.

Terrapin Park, Collegiate Acres.

Current Zoning: RMED

Current Future Land Use Designation: "Medium Density-Residential"

Proposed Future Land Use Designation: "Parks Rec Open Space"

This is the park space of Collegiate Acres which was recently transferred to the City. This space is large enough to be identified on the Future Land Use Map and it is called out in the Comprehensive Plan.

The Planning Commission concurred with this recommendation.

Former Hospital Site.

Current Zoning: RO

Current Future Land Use Designation: "Medium Density-Residential/Special Planning Area"

Proposed Future Land Use Designation: "Parks Rec Open Space"

The Community's City Center Plan identified this property for Heritage Park as part of the catalyst project for a hotel/conference center. Mr. Brubaker said the conference center project is not a focus at this time.

The commission decided to leave this project as a special planning area until a better idea is developed.

MELP Site.

Current Zoning: IR

Current Future Land Use Designation: "Business Employment/Special Planning Area"

Proposed Future Land Use Designation: "Parks Rec Open Space"

Currently the structure is being demolished and the property faces significant redevelopment challenges due to site conditions. The Utilities Department has plans for a solar storage area on a portion of this site. The designation of Parks Rec Open Space does not mean that a park needs to be developed in this location. It could remain in open space. Mr. Brubaker asked how this would affect plans to possibly redevelop the stadium and an overflow parking lot on this property. Mr. Rohrbaugh said parking on this property could be considered an accessory use. Mr. Wright felt this would be an appropriate designation and it would tie in with the Antietam Creek recreation initiatives other places in the city.

The commission concurred with the staff recommendation for Parks Rec Open Space.

Winter Street School.

Current Zoning: RMED

Current Future Land Use Designation: “Institutional”

Proposed Future Land Use Designation: “Parks Rec Open Space”

After 2016 this property will no longer be used for a school. Per the park analysis on Map 9-5, this neighborhood is in high need of park space. Any plans to designate this area as a park would require coordination with the Washington County Board of Education and the Washington County Board of County Commissioners. Mr. Brubaker asked what if there is a use for the building. Mr. Rohrbaugh stated that the zoning on the property is RMED and the list of alternative uses is limited. Mr. Bockmiller handed out a copy of the City’s inventory of parks, and most of them are tucked back on secondary streets. This site presents an opportunity to get an entire square block of open space and possibly jump start revitalization of the area. It could be designed as an amenity—not ballfields—which could affect the neighborhood around it. Staff has identified this site as a possible catalyst for the neighborhood. Mr. Campbell agreed that children need a place to go other than the streets. Mr. Stone suggested staff check with Washington County about their plans for the area. Ms. Maher said the school building could be separated from the open space area with a recreation area developed on the vacant area. Mr. Brubaker said the proper channels would be to present the idea to the Mayor and Council and have them present the idea to the County Commissioners. (Mr. Miller left the meeting).

Staff suggested that the commission could write a letter to the Mayor and Council requesting that conversations begin with the County about future use of the Winter Street School property and whether there is an opportunity for public use there. Mr. Wright noted that there at least two agencies that are interested in moving into the school building. Based on the amount of housing in the area, Mr. Thomas agreed that this would be an ideal place for a park.

MOTION: (Campbell/Thomas) I move we recommend to the Mayor and Council that the commission likes the idea of a park on this site and it would like the City to explore it.

DISCUSSION: Mr. Campbell suggested that this could be a topic for the City/County Joint Planning Commission meeting at the end of August. Mr. Wright indicated that Holly Place is interested in this building to expand their operations. The Girls Club has also expressed interest in the property as a whole.

ACTION: APPROVED (YES – Campbell, Stone, Thomas, Wheeler; NO – Wright; ABSTAIN – Brubaker; ABSENT - Miller)

Adjourn.

It was moved and seconded that the meeting adjourn (6:00 p.m.).

8/12/2015

Approved



Debra C. Calhoun - Secretary