

**Planning Commission
MINUTES – Regular Meeting**

**June 29, 2016
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, June 29, 2016, in the Conference Room, Fourth Floor, City Hall. Also present were commission members R. Campbell, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration; S. Bockmiller, Development Planner/Zoning Administrator; and A. Rohrbaugh, Planner.

REGULAR MEETING

Roll Call.

The chair noted that M. Brubaker and D. Miller were absent.

Approval of Minutes:

May 25, 2016 – Regular Meeting.

On page 2, Mr. Wright questioned a statement attributed to him at the end of the first paragraph; on page 6, first paragraph, add “on behalf of Doug Moul” to explain Mr. Lyles’ connection to the case being discussed; and page 6, beginning of the last paragraph, move the word “either” from the beginning of the first enumerated object to after the word “to” and before the colon (“... are designed to *either*: 1) make the future . . .”). The commission’s secretary was asked to review the recording to determine whether Mr. Wright made the comment in question on page 2. **After review, the minutes are accurate as originally written.*

MOTION: (Wheeler/Campbell) I’ll move approval of the minutes with the changes.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

June 8, 2016 – Workshop Meeting.

The commission’s secretary was asked to make certain the commission did not have any concerns about the Corner Pub discussion with regard to Comprehensive Plan updates (page 5). (No changes requested at this time pending review of the recording.)

MOTION: (Campbell/Thomas) I’ll move for approval pending Debbie (Calhoun) checking (the recording).

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – Stone, Wheeler)

Mr. Bockmiller announced that the developer of the proposed D & D Auto site on the Dual Highway has withdrawn their site plan because of too many expectations as part of the development review process.

Development Review:

18013 Terps Boulevard (Parcel A) – The Reserve at Collegiate Acres, Final Plat (Acquisition and Future Road Right-of-Way), Case No. S-2016-04 (with discussion of connection to adjacent lands currently being annexed).

Staff Report: (Copy of staff report can be found in the meeting file.) This plat is for the creation of one 0.23-acre lot from the small pipestem fronting on Terps Boulevard on the south end of The Reserve at Collegiate Acres apartments. The owner of adjacent lands currently being annexed is purchasing this property for the purpose of creating a four-way intersection with Terps Boulevard and Nittany Lion Circle. The lot will be the location of a future fourth leg of the intersection which will either be a private driveway or a public street. The plat includes right-of-way dedication for future intersection improvements, shown on the plat as 60 feet wide. The plat was reviewed and approved by all review agencies; staff recommended approval.

Since this proposal will serve future development of lands in the process of annexation, Brad Fulton, owner of the adjacent property, and his counsel, Jason Divelbiss, were present to discuss plans for the site. The developer is moving forward with the plat at this point in order to secure the land necessary to make the connection in the future; however, there are no specific plans for uses in this area. Several traffic circulation arrangements have been discussed. Nothing in the future development of the adjacent lands is certain at this point.

Applicant/Commission Discussion: The commission had no additional questions. Commission members were pleased with the developer's foresight in ensuring adequate access for the future development. The total number of acres proposed for annexation is 5.5 acres. Mr. Bockmiller pointed out that a buffer will be required between the future road and the backs of the apartment buildings in The Reserve at Collegiate Acres.

MOTION: (Stone/Campbell) I motion for approval of the final plat.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**806-808 Marshall Street – 30 East Antietam LLC, Waiver Request and Plat Approval,
Case No. S-2016-03.**

Staff Report: (Copy of staff report can be found in the meeting file.) The property owner, Greg Taylor, d/b/a 30 E Antietam Street LLC, owns two adjacent lots on Marshall Street. Lot 11 contains a single-family dwelling and almost all of a two-family dwelling. Lot 10 contains only a corner of the two-family dwelling. The owner would like to separate the two buildings by re-subdividing Lots 11 and 10 to put each building on its own lot. No variances from the Board of Zoning Appeals are necessary for the proposed subdivision because the Zoning Ordinance allows subdivision of existing dwellings that do not meet lot size, width, or setbacks provided the dwellings were created legally at time of their construction and the intent is for transfer of ownership (Article 4, Section A.7).

The proposed subdivision shows a panhandle lot that does not meet the requirements of the Subdivision/Land Development Ordinance (SALDO). As a result the applicant is requesting waivers from the Planning Commission from two requirements of the SALDO:

- *A panhandle lot shall contain no more than one dwelling and any uninhabited accessory dwellings [Section E.2.r.(1)].* Since the property at 806 contains an existing two-family dwelling, there would be no increase in density.
- *The minimum panhandle width shall be not less than 25 feet [Section E.2.r.(3)].* The proposed width of the panhandle is 15 feet. The applicant states that since a driveway cannot be installed due to topographical constraints and only a walkway to Marshall Street is proposed, the full 25-foot wide panhandle is not necessary.

The Planning Commission reviewed a concept of this subdivision at a meeting on September 30, 2015 and indicated a willingness to see the property subdivided to increase homeownership opportunities. The plat was routed to review agencies; approvals have been received from the City Engineer, Water, Wastewater, Electric, and the Fire Marshal. Planning staff recommended that the subdivision be approved, subject to the Commission’s approval of the requested waivers.

Applicant/Commission Discussion: Mr. Stone asked if the sidewalk from the street to the duplex on the rear panhandle lot is being provided. The commission discussed the sidewalk at the earlier meeting. Staff indicated that there is a note on the plat that a walkway will be built. It is not shown on the plat because plats do not typically show improvements.

A motion was made and seconded (Wheeler/Campbell) to approve the waiver requests. A second motion was made to approve the plat (Wheeler/Campbell). Both motions were rescinded in favor of the following motion:

MOTION: (Campbell/Thomas) I'll move approval of the plat with the waivers

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Planning Commission Business:

Comprehensive Plan Update: Growth Management & Land Use Element.

(Packet memo is in the meeting file.) Mr. Rohrbaugh reviewed the revisions that he made based on the feedback from the June 8 meeting.

- Modified Table 2-1 to include 2010 Census population data (in red).
- Corrections were made to the “Goals, Issues, Policies, Actions” comparison chart (in red).
- The future land use designation of the former Corner Pub property on South Mulberry Street was revised from “Commercial General” to “Mixed Use.” The change is reflected on Map 2-7.
- The County’s current Urban Growth Area (UGA) has been added to Map 2-4.

During the June 8 discussion, the commission asked staff to follow-up with Washington County Planning staff on the following issues:

- *House and vacant lot on the southwest corner of Pennsylvania Avenue and Maugans Avenue (Area 108)* – The Commission had questioned why the County zoned the parcels Business General (BG). County Planning believes this corner will eventually develop as commercial, and there apparently has been some interest from a national pharmacy chain to locate there. Hagerstown Planning Commission members were not convinced this was a good idea and felt the zoning should remain Moderate Density Residential. If the County is adamant about commercial zoning for this area, it should extend to Sprigg Street to the west.
- *Residential Properties at 13243-13249 Maugansville Road (Area 112)* – The commission had asked why these two small residential lots are zoned Industrial General (IG). County Planning said these residential properties are owned by the operators of the grain mill to the south and that they felt it made sense to zone them the same as the mill. With this explanation, Hagerstown Planning Commission members had no additional comments.
- *Are there any Urban Growth Area expansions proposed in the County Comprehensive Plan update?* County Planning staff reported that they are not far enough along in the planning process to definitively say one way or another. However, they do anticipate at

least one request from an owner/operator of a mobile home park on Crossfield Road (south of US 40 and I-70 interchange) for inclusion in the UGA.

Review of the Growth Management and Land Use Element started on page 1 since several members were absent when this element was first discussed.

Page 2-2 – There was a question about what is the “fringe.” Mr. Rohrbaugh explained that the “fringe” was established in the 2008 Plan. It is an area that is slightly larger than the UGA and includes suburbs and some of the exurbs of the city and is based on Census figures. A note needs to be added that population figures in the fringe do not include those people living inside the City Limits of Hagerstown.

Page 2-2 – Correct a map reference in the second line under “Growth Trends.”

Page 2-3 – Need to make the same note about the fringe.

Page 2-4 – On Table 2-1 Mr. Rohrbaugh noted that the 2010 population figures were added per the Planning Commission’s request. The model is based on household growth and there is no geographic component in this.

Page 2-5 – Need to add a “c” in the text of Table 2-2, “Future Development Potential in the City (Rapid Growth Scenario)” to correspond with the footnote. The Rapid Growth Scenario assumes 2.1 residents per unit which was the figure used in the 2008 Plan. Mr. Rohrbaugh noted that the trend is toward smaller households. In developing this element, his task was to determine what a household size would be for this projection (2.1 vs. 2.44). Mr. Stone observed that young adults are living at home with their parents longer than in the past. Also, lower income households have more people in a dwelling. Mr. Rohrbaugh explained that the Rapid Growth Scenario assumes that every residential lot is built out, key annexations occur, and that each unit has 2.1 residents.

Commission members discussed what it costs to live in Frederick, Maryland, vs. Hagerstown. Gas prices are low which could spur another migration to Hagerstown. Water and wastewater restrictions will make it more difficult to develop larger developments that are not connected to public water and sewer. Mr. Wright noted that there is a significant amount of land in the city with existing infrastructure. This land should be developed instead of greenfields. He also believed there will still be an issue with sewer capacity. He was not in favor of extending the UGA boundary. Mr. Rohrbaugh stated that there may be more of an issue with water plant capacity. Ms. Maher noted that the water plant itself is big enough for more capacity, however, the City would need to get a larger permit from the state which would allow them to take more water out of the Potomac River.

Commission members did not want to squander the City's capacity on properties outside the UGA; capacity should be saved for the open lots inside the UGA before the boundaries are enlarged. Commission members felt that sentiment should be stated. When possible, always emphasize the existing demand from vacant or underutilized land for future water/wastewater capacity that exists inside the UGA before expansion of the boundary. Annexation is not the only answer. The City needs to manage what is in the city and find incentives to develop the land. Annexation is good, but even an even better situation would be more development inside city limits.

Page 2-8, Growth Area Considerations – In the fourth line from the bottom, change Map 2-5 to Map 2-4.

Page 2-10 – Mr. Stone noted that in the past the commission discussed incentives that could be offered to make annexation more attractive to property owners outside the City limits. Mr. Rohrbaugh stated that incentives for annexation have been used in one or two recent instances as a means to get other annexations. However, incentives have not been used on a large scale for existing neighborhoods. Ms. Maher said that staff is hoping to analyze the fiscal impact from annexation of five or so strategically located properties for a future discussion with the Mayor and City Council on an incentive package to make annexation more appealing to property owners.

Page 2-11 – Mr. Stone was astonished at the amount of vacant/underutilized properties in the city (almost three square miles). In its heyday, Hagerstown was all about industry. Mr. Bockmiller noted that Hagerstown has a larger than normal amount of industrially and commercially zoned land within its jurisdiction. Most jurisdictions have a higher percentage of residential zoning. Ms. Maher noted challenges in the Wesel Boulevard area with the railroad. As a rule, CSX does not proactively market its properties. A further complication is that the Norfolk Southern line, on the south side of Wesel Boulevard, is a competitor of CSX.

Page 2-13 – Mr. Rohrbaugh stated that much of this page is about *PlanMaryland* and the statewide plan. He consulted with Washington County Planning staff and looked at the City's internal analysis which the state would like municipalities to incorporate.

Page 2-14, Policies, Policy 2-1 – Mr. Wright noted that infrastructure and land development in the city are discussed in the policies; also, at the top of the page change Map 2-5 to Map 2-4.

Page 2-15 – Ms. Wheeler recommended that the photograph of South Prospect Street should be of buildings in the 100 block, rather than the 200 block.

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Commission members commended Mr. Rohrbaugh and the work he did on this element. Mr. Rohrbaugh stated that when the plan is put online (including for public comment) all maps will be available in full resolution.

Adjourn. It was moved and seconded that the meeting adjourn (8:47 p.m.)

7/27/2016
Approved


Debra C. Calhoun - Secretary