

**Planning Commission
MINUTES – Regular Meeting**

**January 25, 2017
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, January 25, 2017, in the Conference Room, Fourth Floor, City Hall. Also present were commission members R. Campbell (late), P. Corderman, and R. Thomas. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary. **(NOTE: Planning Commission revisions are indicated in red text.)**

REGULAR MEETING

Before quorum was attained, the commission discussed items that did not require action.

Planning Commission Business:

Comprehensive Plan Update: Introduction/Implementation.

Staff Report: (A copy of staff memo is in the meeting file.) This is a follow-up on the Introduction and Implementation elements from the January 11, 2017, Planning Commission meeting. Based on comments from the Commission, the following changes were made to the Introduction element:

- Page 1-1: Modified the second bullet point to emphasize both Wastewater and Water Resources.
- Page 1-6: Modified language in the second paragraph concerning manufacturing per Ms. Wheeler’s comments. Mr. Wright suggested in the second paragraph, second line, instead of “was contracting” use “began to contract.”
- Page 1-7: Corrected a typo (“strengthen” should be “strengthening” in the first paragraph).
- Page 1-14: Household income data was added using the American Community Survey Five-Year Estimates.
- Page 1-37: A short introductory statement was added about the chart.

Mr. Wright noted that he had requested that percentage figures listed in the charts be italicized. One or two of the charts were changed, but there are some charts that were not revised.

The Implementation Element identifies a timeframe in which the action items in the previous ten elements will be completed. (Ms. Campbell arrived.) Commission members had the following comments about Element 11, Implementation:

Page 11-2:

Action Item 2-3: Mr. Wright had questions about this action item. Ms. Maher was not in attendance to answer his questions; however, Mr. Rohrbaugh believed it is part of Hopewell Valley and its targeted economic development area status. This was in the 2008 Plan. Commission members did not recommend a change to the timing.

Page 11-3:

Action Item 3-6: This is a new item—not in the 2008 Plan. It did not pass the General Assembly last year, but Mr. Corderman stated that the sponsor is planning to bring it back. No changes were recommended.

Page 11-5:

Action Item 6-5: Added: “. . . and other opportunities as they present themselves.”

Page 11-6:

Action Item 9-2: Mr. Wright asked that this be moved to the 0-2 years category. Commission members had no concerns about moving this item.

Page 11-7:

Action Item 9-6: This action pertains boat access along the entire length of the Antietam Creek. Mr. Wright noted that the dam near the former Municipal Electric Light Plant is dangerous and the City should consider breaching it.

Action Item 9-7: Mr. Bockmiller questioned why this item is in the 6-10 year range. He felt this is an ongoing project. Mr. Rohrbaugh will check with Rodney Tissue, City Engineer, to determine if the stated timeframe is accurate.

Action Item 9-9: The commission asked if this could be moved to the 3-5 year range.

Mr. Rohrbaugh outlined the next steps in the comprehensive plan update process. He will make the commission’s changes from tonight’s discussion. Currently he is working on the public survey and will speak with the Planning Director about beginning the 60-day review period, which will include a preliminary review by the Mayor and City Council. After the 60-day review period, the plan will go to public review.

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With the arrival of Ms. Campbell, a quorum was present. Mr. Wright officially called the meeting to order at 7:37 p.m.

Roll Call.

Commission members D. Miller, J. Stone, and J. Wheeler were absent.

Approval of Minutes:

December 14, 2016 – Clarification on Carter Lumber Discussion.

At the January 11 meeting, the commission’s secretary was directed to research the discussion on Carter Lumber to tie the mention of enclosed dumpsters in the motion with the discussion prior to the motion. The December 14 minutes were amended to read “Existing dumpsters without enclosures will ~~connect them~~ be enclosed.” Commission members agreed to the amendment.

MOTION: (Campbell/Thomas) I will move approval.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN – Corderman)

January 11, 2017 – Workshop Minutes.

On page 6, Mr. Thomas pointed out that Mr. Wright’s motion, under “Minor Site Plan Policy,” is confusing and questioned what Mr. Wright’s intent was when the motion was made. Mr. Wright agreed that the motion is not clear and recommended that the commission make a correction in this meeting’s minutes that the motion on the Minor Site Plan Policy from January 11 be clarified to state that a letter be “generated by either the City Planning Staff or the Planning Commission to the property owner and the engineer of record”

MOTION: (Campbell/Thomas) I move to make the motion to amend the motion from the prior meeting to be clarified as Doug reported.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Mr. Bockmiller reported that the letter in question will be mailed shortly. He had a conversation with the engineer and he was very apologetic for the error.

Mr. Thomas pointed out that Mr. Rohrbaugh needs to revise the language in the draft comprehensive plan to make the language consistent with Ms. Wheeler’s intent on page 1-6. What is reflected in the plan is not how Ms. Wheeler worded her correction.

MOTION: (Campbell/Thomas) I will move approval.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Development Review:

Workshop: 503 Dual Highway – Waiver Requests for Construction of a Pad Site.

Staff Report: (Copy of staff report in meeting file) Peter Seckinger, P.E., of Omni Group, Inc.; Mo Rivas with Krispy Kreme; and Sally Feather, representing the manager/owner of Hagerstown Shopping Center were present.

Within the last year or two the owner of the Hagerstown Shopping Center began marketing a pad site along the Dual Highway adjacent to the existing Burger King restaurant. In this same time period design professionals contacted staff about constructing a Krispy Kreme donut store in this area. Staff provided the necessary development process information and advised Krispy Kreme representatives to carefully analyze the site due to the small size of the area in question and inherent limited development potential. Staff advised that proposing more development than a site can expect to reasonably contain while complying with adopted design requirements is not grounds for a waiver.

Recently, the owners of the Hagerstown Shopping Center and the Burger King property approached staff about jointly developing a Krispy Kreme franchise and redeveloping the Burger King which would involve demolition of the existing Burger King building and a build out of the two pad sites which would be constructed at the same time. Staff advised Burger King that a tear-down-and-rebuild development is viewed as raw land development and full compliance with current design standards would be expected; however, the uniqueness inherent to the nature of the property (other than its current improvements) may justify some design waivers.

In the meeting packet, staff included a marked-up air photo showing a possible design concept for the two uses each of which would extend onto the other’s property and disregard the interior property lines.

The concept coordinates the two developments rather than leaving each to develop only within their own areas and boundaries, and it is generally within the public interest to permit some deviation from the design standards to make this arrangement work. Staff’s main concern is

maintenance of the required ten-foot landscape buffer along most of the Dual Highway and South Cleveland Avenue (shown compliant on the Krispy Kreme site but not the Burger King site). Staff would support a variance from the Board of Zoning Appeals (BZA) if the developer chose to move the proposed Burger King restaurant farther south and maintain design standards in the front of the building over supporting landscaping design waivers in the more visible areas. Staff also has concerns about the proposed location of a dumpster along the Dual Highway.

The City Engineer reviewed the proposal and provided comments. Mr. Bockmiller added that there are existing deed restrictions on this property that limit the use of both properties, however, both owners are cooperating so they may overcome the restrictions.

Commission/Developers Discussion: Mr. Thomas had concerns about the Papa John's drive-thru and the location of the dumpster. One of the developers noted that the Papa John's restaurant does not use its drive-thru—it is shown only on the plans. Mr. Bockmiller indicated that staff would expect landscaping areas consistent with the auto parts store farther east along the Dual Highway.

Ms. Feather, representing Hagerstown Shopping Center, said they will need a waiver from the parking requirements. Mr. Bockmiller stated that that is addressed through a variance from the Board of Zoning Appeals.

Mr. Seckinger informed the commission and staff that they would be requesting a waiver to reduce the ten-foot landscaping requirement along the street frontages. Overall they will be increasing the amount of landscaping on the site. Mr. Bockmiller stated that when a site is rebuilt, the idea is that it needs to be completed to meet current design standards as close as possible. The standard is this is new development, and landscaping needs to be taken into consideration. He would not be opposed to some waivers from the landscaping requirements.

There was a question about whether a smaller Krispy Kreme model could be built on the site. Mr. Rivas, representing Krispy Kreme, indicated that the model proposed is the smallest model they have. Ms. Feather added that the new Burger King restaurant will be smaller than the existing restaurant.

Mr. Wright pointed out that the buffering is very important along South Cleveland Avenue, citing vehicle headlights in the parking lot shining directly onto the roadway and drivers. He did not believe locating the Burger King restaurant closer to Papa John's would help with creating more space for landscaping. Mr. Bockmiller suggested converting seven perpendicular parking spaces on the west side of the Burger King to three parallel spaces. The developer will need parking variances from the BZA regardless and this would minimally add to the variance request. With that change there would still be close to 40 parking spaces. Mr. Wright pointed out there is an existing grassed area along the Dual Highway frontage, even though most of it is **in**

the State Highway Administration right-of-way. He felt it achieves the goal of a reasonable screen. The Planning Commission was supportive of including the SHA right-of-way as a screen. The right-of-way in this location is wider than typical. Mr. Corderman suggested eliminating all of the spaces in the location previously discussed on the west side of the Burger King. The developers were advised they could go with either the three parallel spaces or eliminate them at this location. The Planning Commission indicated that it would support the parking variance request before the Board of Zoning Appeals. It also suggested that the developer approach the State Highway Administration about locating bushes in the right-of-way; the Planning Commission would offer its support of this request as well.

The City Engineer has concerns about conflicts with parking at shown at “numbers 2 and 3” on the marked up air photo provided in the meeting packet. Ms. Feather questioned the sidewalk for the Krispy Kreme. Mr. Wright stated that he would be willing to sacrifice landscaping for another sidewalk. It was noted that the minimum width for a sidewalk is five feet and it should terminate at the end of the landscape island. Mr. Bockmiller noted that the east-west drive aisle will be shifted somewhat under this plan. Ms. Feather suggested that the Krispy Kreme sidewalk wrap around the landscape area. Commission members agreed.

Mr. Bockmiller discussed the Environmental Site Design (ESD) concept plan and noted that it is primarily for stormwater management; however, staff also uses the ESD concept plan to more clearly identify waivers that will be necessary. After the ESD concept plan is approved, the site plan or grading plan can be submitted.

Mr. Bockmiller recommended that any variance requests from the BZA be done at the same time as the concept plan review.

Planning Commission Business – Continued:

2009 Salem Avenue North, LLC – Review of Appropriateness of Zoning, Annexation, Case No. A-2017-01.

Staff Report: (Staff report and maps are in the meeting file.) The Fulton family has assembled some properties on the north side of Salem Avenue in anticipation of future redevelopment. Annexation is proposed at this time to get the tract ready for redevelopment so the four- to six-month time delay associated with the annexation process will not become an impediment to securing future commercial prospects.

Currently, the properties are zoned HI (Highway Interchange) in the County and contain a commercial building on four acres, three small houses, and a small commercial building. Public water and wastewater are not currently available along Salem Avenue in this area. As

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redevelopment plans materialize, the Fultons anticipate extending utility lines and constructing a roadway/driveway connection to Terps Boulevard and an extension of Garland Groh Boulevard into this area to serve commercial development between Terps Boulevard and Interstate 81.

The total area proposed for annexation is approximately 5.75 acres. Since the property is zoned HI in the County, staff recommended that the zoning in the City should be CG (Commercial General). The zoning classifications are consistent with one another; therefore, no express approval of a zoning change is required from the County Commissioners. The Future Land Use Plan in the City’s 2008 Comprehensive Plan identifies this area as Medium-Density Residential and Industrial. The draft Comprehensive Plan update, *visionHagerstown 2035*, has preliminarily identified the Salem Avenue corridor north of I-81 (which includes the area of annexation) as Commercial General.

Commission Discussion: Commission members felt the requested zoning of CG is appropriate.

MOTION: (Campbell/Thomas) I motion to recommend to the Mayor and Council that the zoning is appropriate.

DISCUSSION: Mr. Corderman asked if the zoning district could be changed in the future. Planning staff members explained the rezoning process in Maryland. Any rezoning requests must be based on a mistake in the original zoning and/or a change in the character of the neighborhood since the last comprehensive zoning plan.

ACTION: APPROVED (ABSTAIN - Corderman)

Adjourn. It was moved and seconded that the meeting adjourn (8:33 p.m.)

2/8/2017

Approved



Debra C. Calhoun - Secretary