

**Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, October 28, 2015, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, D. Miller, J. Stone, and R. Thomas. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.**

## **PUBLIC REVIEW MEETING**

**702 West Washington Street/Alex Kreyn – Local Conversion District Overlay, Rezoning, Case No. ZM-2015-01.**

Staff Report: (The chair’s opening statement, Staff Analysis, and PowerPoint presentation can be found in the meeting file.) Previously the subject property was occupied by retail on the first floor and apartments on the second floor; however, the nonconforming use status for the commercial use was lost many years ago. Mr. Kreyn would like to retain the four existing apartment units and reuse the commercial storefront for artist live/work space, ambulatory health care services, business offices, catering kitchen, restaurant, or retail/wholesale. The City Attorney has determined that applicants can identify a list of potential uses for the Local Conversion District Overlay. There are no minimum parking requirements for this building, however, existing parking cannot be reduced. Two off-street spaces exist on the west side of the building. Staff recommended the following conditions if the commission decides to make a recommendation in favor of the Local Conversion District Overlay:

- The Washington Street storefront shall be reinstalled or the space be infilled with brick to match the rest of the building. During the preliminary consultation on September 30 commission members were in agreement that the Washington Street storefront should be exposed.
- No more than 50% of the storefront space shall be used for window signs. At the workshop on September 30, commission members were in favor of placing a limit on the signage.

Mr. Rohrbaugh entered into the record the certificate of advertisement and the Planning Commission’s file by reference.

Mr. Wright expressed concerns about the multiple proposed uses because one of the uses could open the door for potential detrimental uses, for example a pawn shop. Mr. Bockmiller noted that a pawn shop would not be a permitted use in the overlay district as it is a separately enumerated use and does not fall under retail.

Applicant Testimony: Alex Kreyn, applicant and owner of the building, was present. As discussed earlier, his preference would be a retail store, namely an organic produce store. He spoke with many people and has received positive feedback. But that does not guarantee success. Other uses could include a convenience store, a restaurant, artist live/work space, or an urgent care facility. He did not envision a pawn shop in response to Mr. Wright's concern.

Mr. Wright asked Mr. Kreyn if he would be receptive to restoring the corner storefront and Mr. Kreyn said yes. He would prefer to see the display windows in the corner, although he is not sure if the room on the corner will be accessible to the public. The costs to brick in the window versus opening it up with a window would be similar. Mr. Stone pointed out that there is an ordinance requirement that if a building like this has storefronts that have been taken out of service, they must be opened back up under the Local Conversion District overlay. Mr. Bockmiller stated that the Washington Street frontage may end up being used for a back office area and not something that should be exposed to the street. Staff could work with the owner as long as the status quo is not maintained and the storefront is reinstalled or improved with brick.

For exposure purposes Mr. Wright observed that the main exposure is on the corner of West Washington Street. Traffic on Washington Street, especially eastbound, will have a better view if the corner is developed. If windows are added on the corner to match the entrance on Winter Street, it would not preclude a back room. Mr. Kreyn stressed that he would like to stay conservative. Mr. Brubaker restated that windows on the corner would be a requirement, not an option under the ordinance. Mr. Kreyn said he would comply, but he would like to leave the corner as an option. Mr. Bockmiller added that the window (without door) could be more flexible and a knee wall could be built a few feet back on the interior to create a private space and a storefront display area without direct access.

Mr. Campbell questioned the proposed organic produce shop and whether that type of merchandise would be affordable to the neighborhood residents. Mr. Kreyn indicated that he is familiar with the neighborhood and would strive to make the merchandise affordable. Mr. Wright suggested Mr. Kreyn visit the Locust Point Market which specializes in food, soups, and groceries as a business model. Also, Dick's Market on Salem Avenue would be a similar use. Mr. Wright's main concern is that whatever commercial use is established in this building it should be compatible with the neighborhood.

As a side note, vending machines are not permitted as part of the Local Conversion District Overlay. Also, Mr. Kreyn indicated that he plans to install security cameras on the site.

Public Testimony:

There was no public testimony either in favor of or in opposition to the application.

**MOTION:** (Miller/Thomas) I make a motion that we keep the record open for ten days.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

**MOTION:** (Miller/Thomas) I'll move to close the public review meeting.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

## **REGULAR MEETING**

Roll Call.

Commission member J. Wheeler was absent.

Approval of Minutes:

September 30, 2015 – Regular Meeting.

**MOTION:** (Campbell/Thomas) I make a motion we approve the minutes of September 30.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN – Brubaker, Miller; ABSENT – Wheeler)

October 14, 2015 – Workshop Meeting.

**MOTION:** (Miller/Campbell) Make a motion to approve.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (ABSTAIN – Stone; ABSENT - Wheeler)

Development Review:

**CortPark Access – Traffic Study.**

Mr. Wright and Mr. Miller did not participate in the discussion of this matter.

Staff Report: (Copy of staff report can be found in the meeting file.) CortPark's engineers submitted their traffic analysis of the right-in-right-out-only and full-movement intersection for the proposed second access point which CortPark needs for access to Eastern Boulevard. The traffic engineer recommends the right-in-right-out-only option, which has also been endorsed by the City Engineer and the City's independent traffic consultant. A copy of the City Engineer's memo, as well as the study provided by Street Traffic Studies, LTD, is included with the staff report in the meeting file. The access issue must be addressed before the applicant's engineers can begin designing the site.

Planning staff recommended the right-in-right-out-only access for the following reasons:

- Maintenance of traffic flow on Eastern Boulevard;
- Staff strongly urged leaving the existing forest conservation afforestation area undisturbed. Over the last 12 years this area has matured into an effective landscaped buffer which shields view of the development from Eastern Boulevard. Relocation of the driveway to the east to create the full-movement intersection at the funeral home would devastate this buffer area. Removal of such a large forest conservation area has never been done before and staff recommended not doing so now. This area is also in the floodplain which is a priority reforestation area. To do so would require a variance from the requirements of the Forest Conservation Ordinance, and copies of that variance application are required to be forwarded to the Department of Natural Resources (DNR). Staff has informally discussed this matter with DNR staff. Their unofficial and cursory opinion of the situation as described by Planning staff was that DNR would likely recommend against granting the variance.
- The roads in CortPark are below City public street standards. By adding the necessary second access point, there will be the introduction of additional traffic due to cut-through traffic, in addition to the traffic generated by the additional development itself. With a right-in-right-out-only access point, this cut-through traffic will be kept to a minimum. To install a full-access intersection with additional turning movements would only encourage more pass-through traffic that the roads will not effectively bear over time.

Staff recommended that the Planning Commission direct the applicant to move forward with the site design incorporating the right-in-right-out only driveway entrance at the existing fire access road.

Commission/Applicant Discussion: Mr. Brubaker was concerned about emergency access with the right-in-right-out-only access point. Mr. Stone and Mr. Thomas shared Mr. Brubaker's concerns about emergency access. Mr. Bender stated that if the right-in-right-out only access is designed to be accessible for emergency purposes the public will use it. The only way to prevent that is to construct a median in the road.

Mr. Bockmiller noted that the area not held in forest conservation where the emergency access road currently passes through is 60 feet which should be plenty wide enough. According to Mr. Stone, the last time this was discussed it was for emergency access due to an ordinance amendment requiring a second access point for developments over a certain size. The access needs to be sufficient for access by emergency vehicles.

Mr. Brubaker questioned Mr. Bender to find out if the City Engineer's office reviewed the emergency access. Mr. Bender stated that they concentrated on the right-in-right-out only. Mr. Stone indicated that he has no issues with the right-in-right-out concept, but believes that this access needs to be done in such a way that it will be an acceptable emergency access. Mr. Hager noted that there is a fire station further south on Eastern Boulevard, but commission members pointed out that emergency vehicles could come from any direction. Emergency vehicles could include rescue/ambulance or police vehicles, not only fire apparatus. These types of vehicles usually respond from wherever they are at the moment they get a call.

Commission members stated they had no issues with a right-in-right-out only access point; however, the access needs to have full emergency access capabilities. Mr. Bender said he did not foresee any issues with the police and ambulance services; but there may be pushback from the fire department. There will need to be some type of mountable barrier. Mr. Hager indicated that he will meet with the City Engineer and the Fire Marshal to work out the details.

## Planning Commission Business:

### **Comprehensive Plan Update – Second Review: Transportation and Urban Design and Historic Preservation Elements.**

Staff Report: (The staff memo is in the meeting file.) Per the Planning Commission's direction, Mr. Rohrbaugh presented revised versions of the draft Transportation Element and the Urban Design/Historic Preservation Element which highlighted changes discussed by the commission at the September 30 and October 14 meetings. The chart on page 2 contains the Planning Commission's comments and how they were addressed by staff.

Mr. Wright asked that the requirement for sidewalks in the City be added as an action item in the Comprehensive Plan so there is some "meat" behind it. The City needs to take a more proactive stand about walkability in the city including stricter policies about sidewalks. Mr. Rohrbaugh stated the better place for language about the sidewalk policy would be under the policy for pedestrian safety. Staff will bring the curb and sidewalk policy to the commission for review at a future meeting.

Concerning the Urban Design/Historic Preservation Element, Mr. Stone asked about one of the potential landmarks that staff promised to research further. Ms. Maher stated that the potential landmark at 1201 Hamilton Boulevard was probably put on the list because it is a very unique building. Commission members agreed to leave this building on the Potential Landmarks list.

Planning Commission members were satisfied with the changes made by staff.

The next element up for review will be probably be the Community Facilities element.

**Car Wash on Dual Highway.**

This item was added. Mr. Wright asked about whether Washington County will insist that sidewalks be installed in front of the new development at the intersection of the Dual Highway and Mt. Aetna Road or whether they will wait until the next development phase comes in and then force that developer to install the sidewalks. Ms. Maher stated that the sidewalks would need to be installed in the Dual Highway right-of-way (the topography dips in this area and the existing swale makes it difficult to install sidewalks). The County will not be requiring that sidewalks be installed as part of the car wash project; once the next phase of development comes in, the County will look at the issue again.

Mr. Brubaker noted that this will need to be pushed up to a higher level. County staff is laying it all on the State Highway Administration. He has not seen the latest proposal, but it appears that they are still going in that direction. Ms. Maher stated that the County is relying on the state to make a decision. They have decided not to require sidewalks at this point and wait until the next phase comes in. Mr. Wright stated that the Hagerstown Planning Commission has asked developers to put in sidewalks. He did not understand why the City Planning Commission can require sidewalk installation from a developer and the County cannot.

A motion was made and seconded that the Planning Commission write a letter to the Washington County Planning Commission (Stone/Campbell); however, Ms. Maher indicated that staff sent a letter on Friday, October 23. She offered to follow up on that letter. Mr. Brubaker stated that after the commission was polled on the matter, a letter was sent.

Adjourn. It was moved and seconded that the meeting adjourn (8:15 p.m.)

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Approved

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Debra C. Calhoun - Secretary