

James W. Stone, vice chair, called the meeting to order at 4:00 p.m., on Wednesday, October 10, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members S. McIntire, R. Thomas, and J. Wheeler. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Secretary. (NOTE: Planning Commission revisions are indicated in red text.)

**Approval of Minutes:**

September 26, 2018 – Regular Meeting (if ready).

The minutes were not ready for approval.

**North Hagerstown High School Stealth Wireless Communications Facility – 1110 Pennsylvania Avenue, Minor Site Plan, Case No. SA-2018-10.**

Staff Report: (The staff report is in the meeting file.) Milestone Communications entered into an agreement with the Board of Education to erect at a 115-foot tall “stealth” telecommunications facility on the campus of North Hagerstown High School. The facility will be in the parking lot south of the school between the tennis courts and Callas Stadium. The facility will be disguised as a large sign with logos/promotion of the school, its mascot, etc. The enclosure at the base of the facility will be an eight-foot tall privacy fence with landscaping.

The Zoning Ordinance permits stealth facilities without limitation on height; however, since the tower is being disguised as a sign, and the Ordinance has limitations on the height of signs, the applicant obtained a variance from the Board of Zoning Appeals (BZA) to increase the height of a sign on this property from the maximum ten feet to 115 feet. No variance would have been required had they proposed the facility to be a stealth facility disguised as a tree or a flagpole. The BZA imposed several conditions to its approval and those conditions have been embedded into the site plan. A violation of the BZA conditions would also be a violation of the site plan. The BZA’s decision was appealed to the Circuit Court by a nearby property owner but has since been withdrawn.

The site plan was processed as a minor site plan due to the amount of disturbance; however, given the level of public interest in the project, staff declined to approve it at the minor site plan level. Also due to the amount of disturbance, Soil Conservation District approval and a forest conservation plan are not required. All agencies have reviewed and approved the site plan with the exception of the City Engineer, who had the following comments:

- A recorded plat will need to be submitted to legally establishment easements; and
- The proposed ten-foot wide trench easement overlaps the existing 15-foot wide trees easement by as much as seven feet at east end of tree easement. The trench easement for this project has to be moved to avoid the existing tree easement.

Staff noted that the second comment has been addressed and recommended approval, contingent upon the applicant recording the appropriate easement plats per the Engineering Department comments.

Staff expanded on the details of the sign in that it will be limited to an on-site sign for use by the high school and will feature the school’s mascot, the name of school, logo, etc. The messages on the sign will be permanent and will not change. There will be five panels on each of the three sides.

Commission/Applicant Discussion: Matt Penning of Milestone Communications, and Gordon Poffenberger from Fox & Associates were present. Mr. Penning stated that one panel measures 13 feet wide and nine feet tall. The Planning Commission had no questions for the applicant or the engineer for the project.

**MOTION:** (Wheeler/Thomas) I move for approval of the site plan, subject to recording of the easements.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Workshop: 901-947 North Burhans Boulevard – Proposed Pad Sites at “County Market Shopping Center.”**

Staff Report: (The staff report is in the meeting file.) Property is at Pennsylvania Avenue and Burhans Boulevard in the former County Market Shopping Center. The owner would like to construct an addition to the front of the existing building and create two pad sites. Staff had several comments:

- There should be an allowance for a connection between the shopping center site and the Middlekauff property which is a stand-alone landmark to the north. The zoning in this area is CG (Commercial General); however, because of the intersection of Burhans Boulevard and Pennsylvania Avenue the City Engineer has concerns about how traffic would enter and exit the Middlekauff property. There should be a way to get access to and from this site across the applicant’s property.

- There are no sidewalks along the fronts of these streets. Staff will be reviewing this similar to how the Long Meadow Shopping Center re-design was reviewed. Staff will expect the developer to bring the site closer to compliance with current landscaping standards, with the understanding that full compliance may not be possible.
- Possible drive-thru and expansion for the Rite Aid. The site was built as a shopping Center. The current occupants (WIC and Washington County Health Department) could leave and another commercial could locate here. Based on the number of parking spaces, other commercial uses should not be an issue.

Staff's biggest concerns are improving landscaping compliance, sidewalks, and some sort of accommodation of cross access onto the adjacent Middlekauff property.

Commission/Applicant Discussion: Sam Cressler, owner of the property, and Stephen Cvijanovich of Fox & Associates were present. Mr. Cvijanovich noted that this site is an early 1960s era shopping center and everything was paved. Islands were accomplished with paint. The project as proposed would increase the pervious surface due to the addition of landscape islands within areas that are currently paved. There is no drain in the parking field or on the Groh property (Middlekauff). The developer would be interested in obtaining a waiver to allow the painted islands closer to the building. They would like to limit the grading activities and disturbances. Curbs are a hassle with snow plow operations. In exchange, landscaping would be increased closer to the street.

Plans for the stone house to the north are inconclusive. The developer would be amenable to granting a right-of-way to tie into the Middlekauff property with the promise of a cost-sharing arrangement for the maintenance of the northern access into the Cressler site. Mr. Cvijanovich indicated that the Grohs have been reluctant to enter into an easement without a use in mind for the Middlekauff House.

Mr. Cvijanovich discussed with the Planning Commission a potential quitclaim of the extension of West Hillcrest Road. Mr. Cvijanovich stated this option has not been pursued since it would be up to the City and visibility at that intersection is not great. In addition there is a constant green arrow at this point. It is not uncertain whether the City would permit an entrance at this location for a commercial establishment.

Commission members advised that the developer should provide for an access point on the site plan and part of the conditions of approval would be that when the time for access is necessary, the developer and the property owner to the north would need to come to an agreement about an access point. The site should be designed to accommodate an access point to the property to the north in that a building should not be planned in a location where an access could potentially be located. Mr. Cvijanovich agreed to craft language for the site plan to provide for the connection so there is a space where the access point could be located so there is no issue. The commission

advised the developer to do what they can but provide for it on the plan if there is no cooperation from the property owner to the north.

Mr. Cvijanovich stated that Rite-Aid (an existing tenant) has been talking about increasing their footprint to 15,000 square feet with a drive-through prescription window. Unlike a restaurant drive-through window, they do not believe the window will be very busy so the queue should not be an issue. Mr. Cressler noted that one of the entrances on Mitchell Avenue will be removed.

Mr. Cvijanovich asked if the commission would consider design waivers for the painted islands closer to the existing buildings rather than plantings. Staff indicated that it is more concerned about what is visible from the street. Concerning the long bank of parking along Burhans/Pennsylvania, staff will be expecting one or two islands in that section. Mr. Cvijanovich noted that adding two landscaped islands would eliminate two parking spaces.

The developer is proposing two painted islands along the front and is not in favor of adding landscaping closer to Mitchell and Pennsylvania due to snow plowing issues. Commission members agreed that sidewalks will be required along Pennsylvania Avenue/Burhans Boulevard.

### **Workshop: 1301 Potomac Avenue – Dr. Eklund – Proposed Building Modifications to Site of Local Conversion District.**

Staff Report: (The staff report is in the meeting file.) Earlier this year the Mayor and City Council approved a Local Conversion District Overlay for the Allegheny Electronics building at 1301 Potomac Avenue. The proposal was to reuse the building as a medical office for Potomac Dental. As part of that approval the Mayor and City Council issued the following condition: “The approved required site plan shall be substantially consistent with the rezoning exhibit and building elevation exhibits proposed with this rezoning application.” The elevations that were approved showed the building being renovated to approximate its original construction as an automobile sales and service facility.

Since then the owner has come up with another façade design that is more contemporary in appearance. Staff recommended that the owner discuss the changes with the Planning Commission.

Commission/Applicant Discussion: Dr. Everett Eklund and Susie Plott, Office Manager for Potomac Dental, were present. Dr. Eklund stated that their concern about the first design is that they need to be profitable. Ms. Plott stated that they like the idea of keeping the older structure, but are not keen on reinstating the garage bays on the Magnolia Avenue façade. They would like to install windows instead of the garage bays. The cut block façade will be retained on the sides.

Staff requested that the Planning Commission make a determination as to whether the design is consistent with what was approved, and if not, narrowing it down to what is workable. Staff believed the proposal looks more like a contemporary office building in a residential neighborhood and believed it is getting away from a renovation and more like retrofitted new construction.

Planning Commission members agreed that one of the key features of this building is the cornice line on the Potomac Avenue side of the building. Members felt this element is essential to the look and feel of the building. Ms. Plott noted that there is damage against the roof, so this element would need to be rebuilt regardless. Commission members suggested moving one or several of the pediment elements to above the entrance way. Some members were concerned that the proposed canopies bring a more commercial feel to the neighborhood, but in the end agreed that the modern canopies would be acceptable.

The developer was advised to:

- Maintain the cut block on the two side facades.
- Incorporate elements of the historic cornice line in the new design.
- Embed the revised design into the site plan.

### **2018 Land Management Code Text Amendments – Recommendation to Mayor and City Council, Case No. ZT-2018-01.**

(The staff report and other documentation is in the meeting file.) The ten-day comment period yielded comments from various parties.

- ~~Dante~~ **Devonte** Dinkins. Mr. Dinkins would like to create a live/work space with a dormitory component. His concern is with the requirement for 24-hour on-site management. His model would have management being handled by a property management company that would most likely not be on site. Staff did not recommend changing the ordinance to allow unsupervised rooming houses. What is being proposed by Mr. Dinkins would be difficult to enforce.
- Raj Patel and Bharat Patel. The Patels were present to discuss with the commission alternatives for the “tower” section of the former Clarion Hotel on the Dual Highway. The Patels are having difficulty finding another hotel use for the front portion of the building which is under a condominium regime. Hotels do not want another hotel adjacent to their new hotel. The Patels are proposing senior living in the “tower.” Their attorney advised them that it would be a nonmedical residential care facility for the

elderly. A common area for guests would be provided and guests would be limited to senior citizens. Staff and commission members agreed that “senior living” is more of a high-density residential use which is not permitted in the CG zoning district; only nursing homes are permitted in this district. Staff stated that this needs to be a general conversation not specific to any one property because it would affect all CG-zoned properties.

The Planning Director provided a memo (copy in the meeting file) that states the hotel would probably need to combine a few hotel rooms to create a living space that would meet the requirements. Commission members felt this proposal defeated the purpose of the zoning district, but encouraged Mr. Patel to attend the public hearing before the Mayor and Council.

- Staff received an inquiry from a property owner in the Oak Hill Historic District about whether very large houses in the Oak Hill Historic District could be broken up into apartments. Staff analyzed the request and the area and discovered there are only 13 houses larger than 4,000 square feet in that historic district. The apartments would not have to be condominiums. Mansion house apartments are permitted in RMED (Residential – Medium Density) and RO (Residential – Office) historic districts and the CC-MU but not in RMOD. The house in question was not built as an apartment building. The number of units would be based on the square footage of the house (one unit per 4,000 square feet). Commission members were not in favor of this proposal because of the potential impact on the surrounding neighborhood.
- Supportive Living Homes/Group Homes. As a result of comments from Scott Rose, at Way Station (comments in meeting file), staff proposed adjustments to bring the ordinance language into compliance. Commission members asked to schedule a special meeting so these changes can be discussed with the Planning Director. Commission members agreed to a special meeting on Wednesday, October 24, 2018, at 7:00 p.m., to discuss the supportive living homes/group homes text amendments proposed by Scott Rose.

### **Proposed 2019 Planning Commission Meeting Schedule.**

**MOTION:** (Wheeler/Thomas) I make a motion to approve the Planning Commission schedule for the following year.

**DISCUSSION:** The October workshop meeting will be held on October 2 to avoid a conflict with Yom Kippur.

**ACTION:** APPROVED (Unanimous)

**December 12, 2018 Planning Commission Meeting.**

As it stands now the commission will not be able to attain a quorum for the December 12 meeting (when polled recently about availability for the remaining meetings two members indicated that they had previous engagements for that meeting). There is no guarantee that the Mayor will have appointed another member to fill one of the two current vacancies. Staff asked if the commission would be willing to reschedule this meeting.

Commission members agreed to reschedule the December 12 meeting to December 19 at 4:00 p.m.

**Board of Zoning Appeals Agenda – October Hearing.**

Planning Commission members had no comments on the Board of Zoning Appeals agenda for the October 17 hearing.

**Adjourn.**

It was moved and seconded that the meeting adjourn (6:25 p.m.).

10/31/2018

Approved



Debra C. Calhoun - Secretary