

**Planning Commission
MINUTES – Regular Meeting**

**September 11, 2019
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 3:58 p.m., on Wednesday, September 11, 2019, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Ploscaru, 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; M. Flick, Planner; and D. Calhoun, Secretary.

REGULAR MEETING

Roll Call.

Commission members C. Davis and S. McIntire were absent.

Approval of Minutes:

August 14, 2019.

The minutes were not ready for approval.

Development Review:

1301 Potomac Avenue – Eklund Family, LLC – Request for Extension of Local Conversion District Overlay, Case No. ZM-2017-02.

Staff Report: (Staff Report and Applicant’s Attorney’s letter in the meeting file.) Mr. Bockmiller entered the staff report into the record. The Eklund local conversion district was approved by the Mayor and Council in April 2018. The applicants have since obtained approval of their site plan, received quitclaim control of an adjacent alley, and building permits have been approved. In anticipation of not being ready for occupancy by the required two-year mark, the applicant is requesting a one-year extension from the April 2020 expiration date until April 2021.

Staff noted that the applicant diligently pursued approval of a site plan which was complicated by site factors including the alley quit claim and is now ready to begin construction. Staff recommended approval of the request. On-site demolition began within the last day.

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Applicant/Commission Discussion: Commission members had no concerns with granting the requested extension.

MOTION: (Stone/Wheeler) I move that we grant the extension to April 2021.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Thomas)

Planning Commission Business:

2019 Land Management Code Amendments – Phase 2.

Staff Report: (Proposed amendments are in the meeting file.)

Issue 14. Sign Regulations. Last time there was much debate and the Planning Commission asked that amendments to the sign regulations be taken out of consideration. Nothing has changed since and staff proposed three options: move forward as proposed; do not regulate temporary signage; and limit the regulation to commercial districts which would address the biggest concern that has been identified.

Mr. Wright suggested that the best recourse would be to get direction from the Mayor and City Council before settling on a particular option. He also pointed out an error in the second paragraph “Commercial messages are still ‘off-premise’ signs and still regulated” is incorrect. Staff will rewrite this sentence. Commission members agreed that Mayor and Council feedback should be the next step before crafting language for the ordinance.

Issue 15. Sea Container Construction. Sea containers are currently regulated under a separate code and they are typically used for storage on a temporary basis. The use of sea containers is gaining popularity as a building construction material. International Building Code (IBC) is working on or has adopted standards to create a building code for sea container construction.

Commission members recalled that in the past modular homes were looked upon with disdain. It was noted that the City’s ordinance does not regulate other types of homes. Staff pointed out that discord arises when sea container homes are located in existing neighborhoods on infill lots in a traditional neighborhood. Mr. Wright did not believe the City could regulate sea container construction unless it starts regulating all building materials. Mr. Bockmiller will review the “Portable Storage Container” ordinance (Chapter 184 of the City Code) to see how the existing regulations would apply to residential sea containers. Mr. Wright said they need to meet all bulk requirements of all other types of construction.

Commission members directed staff to check existing building codes to determine if there are barriers preventing these types of buildings. If there are no barriers, people could start applying for permits now as long as their proposals meet building codes.

Issue 16. Permanent Food Trucks and Trailers and Tents Used for Permanent Uses. There is nothing in the code that prevents a permanent use in a tent or a permanent business operating out of trucks/trailers in a fixed location. Staff wanted to know whether the commission wanted to pursue language that would regulate permanent temporary uses. Commission members agreed that staff should pursue creating language to address these types of uses. Staff will research other avenues and bring a different perspective.

Issue 17. Buffers and Regulations for Steep Slopes and Streams. The Environmental Resources section of the Comprehensive Plan contains language pertaining to development in areas with steep slopes and/or floodplain areas. Staff proposed loosening up the regulations and moving it to Article 5 which would give the commission authority to grant waivers.

Under the new proposal, the definition of a steep slope would be an area with a grade of 25% or greater (currently it is 15%) covering an area of 2,500 square feet or greater, within 200 feet of a floodplain or perennial stream or within 100 feet from an intermittent stream. Development of defined steep slope areas would require a waiver approved by the Planning Commission, subject to written justification acceptable to the commission. A stream buffer would be 40 feet from a floodplain or perennial stream or within 25 feet from an intermittent stream. Development of required buffer areas would require a waiver approved by the commission, again subject to written justification that is acceptable to the Planning Commission.

Mr. Wright was concerned that the goals of the Comprehensive Plan will not be met by relaxing the threshold for steep slopes from 15% to 25%. Ms. Maher recommended looking into why the 15% is used in the Comprehensive Plan. Commission members were concerned about erosion issues such as along railroad overpasses. Prospect Street also has a slope greater than 15%. Mr. Bockmiller questioned how permissive the commission wants to be in allowing developers to get rid of steep slopes in their developments. Mr. Stone asked if it is a goal of the plan to preserve steep slopes. Mr. Ploscaru suggested not regulating it if it will not impact other considerations such as erosion control. Mr. Wright liked the idea of 2,500 square feet or greater of area.

Issue 18. Definition of Mixture of Housing Types. Staff proposed a definition of “Mixture of Dwelling Types” to codify the City’s intent that this term means a mixture of physical dwelling types, such as single-family homes and/or townhomes, and/or other physical types of dwellings. Commission members were in favor of codifying this definition.

Issue 19. Minor Correction to Fence Regulations. During the last ordinance amendment package there was an oversight and a reference to vinyl fencing in a front yard was overlooked. This would remove “vinyl” from the list of prohibitions in Article 4, Section K.1.b.(1)(c). Commission members had no concerns about this proposed amendment.

Issue 20. “Little Free Libraries” and “Little Free Food Pantries.” A recent activity has been brought to staff’s attention regarding a full-service social assistance provider operating from their home under the guise of a “blessing box” or “little free food pantry.” The “little free food pantry” concept is similar to the “little free libraries.” Staff received a complaint from an adjoining property owner about a “blessing box” in a residential area that is generating a significant amount of traffic and has become a nuisance to the neighborhood. This example caused staff to look at definitions for these types of uses and regulations for their location.

After discussion, commission members advised using existing home work station language to regulate these. If the home workstation language needs to be tightened up, the commission would support that.

Issue 21. Duplicative Definitions. When the boarding house regulations were adopted last year, there was an existing definition of boarding house that should have been removed on page 3-6 of the current ordinance. Commission members had no concerns about removing this repetitive definition.

Issue 22. Transferability of Zoning Permits/Certificates. Staff noted that the ordinance is silent on the life expectancy of a zoning certificate. The proposed amendment would require that when a business or property changes ownership the new owner or operator would need to obtain a new zoning certificate. This would allow staff to review the property for compliance with zoning or site plan requirements. In the past any time someone applied for a business license they needed a zoning certificate before the license would be issued. The County Commissioners changed that requirement and as a result new business owners could possibly be locating their businesses in properties that are not zoned correctly or that might need a change of use building permit. The zoning certificate is a protection for business owners to make sure the location they chose is zoned correctly for the use of the property. Commission members had no objections to this proposal.

Announcements.

None.

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Adjourn. It was moved and seconded that the meeting adjourn (5:36 p.m.)

9/25/2019

Approved



Debra C. Calhoun - Secretary