

Douglas S. Wright, Jr., chair, called the meeting to order at 4:05 p.m., on Wednesday, March 16, 2011, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker; D. Gysberts; D. Miller; J. Stone; R. Thomas; and J. Wheeler. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

WORKSHOP MEETING

Approval of Minutes: February 23, 2011 - Regular Meeting

MOTION: (Wheeler/Thomas) I'll move approval of the minutes.
DISCUSSION: Mr. Brubaker commented that staff did a good job on getting the maps together for the split parcel annexation project.
ACTION: APPROVED (ABSTAIN - Gysberts, Miller)

119-151 West Franklin Street - Washington County Bus Transfer Facility, Final Plat, Case No. S-2009-10

Staff Report: This is a final plat for the resubdivision of Lots 199, 67, 70, and 71, which are located along the south side of West Franklin Street and are owned by Washington County. The resubdivision is part of the County Commuter Bus Transfer Facility project. The County wishes to consolidate the four lots into one so that the facility is completely contained on a lot of record. Only a portion of Lot 199 which fronts on West Franklin Street, will remain as its own separate parcel. The forest conservation and stormwater runoff for this area were previously considered under the site plan for the Bus Transfer Facility (ZS-2009-05). The site plan was approved in 2009 and construction of the facility is currently in progress.

The site plan was routed to the review agencies and all agencies have approved the site plan. Staff recommended approval.

Applicant/Commission Discussion: Noting the date on the plan (2009), Mr. Wright wanted to make certain that staff was comfortable bringing it to the commission for approval two years later. Mr. Rohrbaugh stated that nothing has changed that would render the final plat invalid. The commission had questions about the purpose of the final plat, which is to remove the interior lot lines. Mr. Bockmiller added that there is a new property line in the rear because the County is dedicating additional right-of-way along the alley.

MOTION: (Miller/Gysberts) I make a motion to approve.

DISCUSSION: Mr. Wright reiterated his concern that the plat should have been updated for action today instead of showing data from 2009. Staff noted that the proposed lot lines on the plat are correct; there have been no subdivisions on this property since the final plat was prepared.

ACTION: APPROVED (Unanimous)

Mr. Stone asked if the City would be able to obtain additional right-of-way to widen the rest of Wareham Alley to Jonathan Street. Staff noted that there are few if any buildings in the way, but funding would be an issue.

Home Work Station Report - Effect of Land Management Code Revisions

Mr. Bockmiller updated the commission on how recent amendments to the Land Management Code have affected the Board of Zoning Appeals' caseload (report in meeting file). Since the home work station amendments have been in effect, the number of cases processed by the Board of Zoning Appeals has decreased between 65% and 75%. The decrease in the number of cases has resulted in cost savings for the City.

View Street Diner Quitclaim

Mr. Brubaker noted that the Mayor and Council approved a modified version of the quitclaim request to just include the rear portion of the diner building. During the commission's discussion at the February 9, 2011, meeting, concerns were raised about future access issues for the other two properties included in the original request.

Land Management Code - Overview of Proposed Amendments

Article 3 - Definitions:

- Page 3-2, Adult Entertainment Business, Adult Motion Picture Theater, Adult Mini Motion Picture Theater - staff will look into restructuring these definitions
- Page 3-3, Approved Forest Management Plan, 1 - this language is out of date and needs to be revised
- Page 3-3, Artist Live-Work Space - concerns raised about limiting residency to two adults and no children

- Page 3-4, Assisted Living Facility for the Elderly - staff to research the definition of “assisted living”; definition needs to be consistent with industry standards; assisted living does not apply to just the elderly
- Page 3-5, Certificate of Appropriateness - “preservation design district” should be “historic district”
- Page 3-5, Caliper - caliper is usually measured six inches above the ground; staff to check on this
- Page 3-6, City of Hagerstown Forest Conservation Technical Manual - delete “City of Hagerstown”; delete specific reference to which version is being used
- Page 3-6, Co-Location - move abbreviation, “WCF,” to after “wireless communication facilities” instead of deleting it
- Page 3-6, Commercial Farming - concern raised about the phrase “widespread distribution”; this will be discussed again when the definition of the AT district is considered
- Page 3-11, Essential Utility Equipment - sections within the definition are contradictory; staff to revisit this definition
- Page 3-12, Fence - add “wire” to the list of allowable materials; clarify that fences do not include shrubs
- Page 3-12, Flood Insurance Rate Map (FIRM) - “chapter” in the second line should be capitalized
- Page 3-13, Floodway Map - “chapter” in the second line should be capitalized
- Page 3-14, Graphic - delete “or billboard” in the second line
- Page 3-15, Home Work Station - reference at the bottom of the paragraph to Subsection K.7 is incorrect
- Page 3-15, High Density Residential Areas - delete reference to Downtown Mixed-Use and change to CC MU
- Page 3-15, Human Burial Site - columbarium is spelled wrong in the third line
- Page 3-17, Livestock - staff is adding a sentence after “seeing eye dogs” stating that all animals with hooves are considered livestock.
- Page 3-19, Mixed Use Building - change “allowed” to “permitted”
- Page 3-19, Manufactured Home (also Mobile Home) - staff will look into how this definition can be clarified and whether “Manufactured Home” can be removed
- Page 3-20, Nonconforming Structure, Lot, Parcel, or Tract of Land - add a reference to density
- Page 3-21, Owner - staff to look into other ways to address the issue of mortgage holders not maintaining properties
- Page 3-23, Preliminary Consultation - insert “Planning” before “Commission” in the first line
- Page 3-26 - add a blank line after No. 3 at the top of the page

**Planning Commission
MINUTES - Workshop Meeting**

**March 16, 2011
City of Hagerstown, Maryland**

- Page 3-29, Substantially Rehabilitated - should be "State" Tax Assessor, not "County"
- Page 3-30, Variance, Floodplain - add "of this Chapter" at the end of the line.
- Page 3-30, Wall - add a comma between "brick" and "tile" in the first line
- Page 3-32, Zoning Administrator - put the parenthetical statement after Hagerstown
- Page 3-32, Yard Sale - The last sentence should be changed to read, "A yard sale shall not include the sale of inventory purchased or acquired for the purpose of resale."

Adjourn: It was moved and seconded that the meeting adjourn at 6:00 p.m.

3/30/2011
Date

Debra C. Calhoun
Debra C. Calhoun - Secretary