

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, April 27, 2011, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, D. Miller, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; and A. Rohrbaugh, Planner.

REGULAR MEETING

Roll Call

Commission member D. Gysberts was absent.

Approval of Minutes: April 13, 2011 - Workshop Meeting

The minutes were not ready for approval.

Preliminary Consultation: State Farm - 23 South Colonial Drive - General Site Layout and Waivers

The property is located off the Dual Highway on the east side of the Antietam Creek. The site is currently developed by a building being used for an insurance company for office space. The applicant is planning an addition and asked the commission for advice about a proposed retaining wall, landscaping, and a parking lot reconfiguration that would result in two fewer parking spaces.

The applicant is requesting waivers from the landscaping requirements on the sides and the front. The height of the retaining wall will range between two and seven feet. A railing is required for the top of the retaining wall. Materials for the wall will be Allan block.

Commission members did not have an issue with the requested variances. It is a small site and the site conditions almost require variances. Some commissioners had questions about an existing sign. Ed Schreiber of Frederick, Seibert & Associates, Inc., noted the developer would like to improve the sign and the new sign would be very similar to the existing sign.

Land Management Code - Review of Article 4

Page 4-3, A, 2 - Mr. Wright pointed out that in the second paragraph it references the 2002 edition. The current edition is 2007 and a new one will be coming out next year. Mr. Bockmiller said staff would need to check with the City Attorney in case there are changes that would not be in the best interests of the city. The commission would like guidance from the City Attorney as to whether the language added by staff to allow flexibility is too flexible and whether it would hold up if challenged in court.

Page 4-3, A, 3 - Mr. Wright asked what standards should the commission use to approve the larger projects mentioned in the second sentence, such as substations. Mr. Stone felt the language should clarify that this exception applies to lines up to a certain capacity and let it go at that. The commission is not in a position to define standards for this type of thing. Staff will look at this language more closely.

Page 4-4, A, 7 - change the word "property" at the end of the first line to "lot."

Page 4-5, A, 10, d, (1) and (2) - Mr. Stone recommended that the notification language remain for clarification. Mr. Bockmiller explained the notification language was deleted because it is not required by state law. Commission members asked that the wording be changed to use the language of Article 66B instead of just referencing Article 66B. For comparison purposes, the commission would also like to see what is required by state law and what the City's zoning regulations require.

Page 4-8 - A note should be placed on all blank pages that "This page was intentionally left blank."

Page 4-9, B, 1 - Mr. Stone was not sure the City could declare that *Schultz v. Pritz* does not apply for rezonings in the AT District. Staff was asked to check with the City Attorney that the proposed change is permitted by law.

General - For consistency, when referring to sections in the ordinance, if the reference is in the same article it will be referenced as "Section 'X' of this Article." If reference is being made to language in a different article, it will be referenced as "Article 'X', Section 'x', Subsection 'x'".

Page 4-10 - There is a typographic error at the top of the page, first line, delete one of the "uses."

Page 4-10, 7 - The title of the subsection should be "Subdivision Prohibited."

Page 4-14, b - The first line should read, "No special exception use shall be granted . . ."

Planning Commission
MINUTES - Regular Meeting

April 27, 2011
City of Hagerstown, Maryland

Page 4-15, c, 2 - Concerning garden, tool and storage sheds, there was concern on the limitations placed on accessory buildings in residential districts. Staff indicated it would revisit the issue.

Page 4-16, c - Need to add a definition of "commercial vehicle." Staff was asked to look at this issue as it relates to emergency responders.

Adjourn: It was moved and seconded that the meeting adjourn at 8:30 p.m.

5/25/11
Date

DC Calhoun
Debra C. Calhoun - Secretary