

Douglas S. Wright, Jr., chair, called the meeting to order at 7:03 p.m., on Wednesday, August 31, 2011, in the Council Chamber, Second Floor, City Hall. Also present were commission members D. Gysberts, 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.

**REGULAR MEETING**

**Roll Call**

Commission members M. Brubaker and D. Miller were absent.

**Approval of Minutes: August 10, 2011 - Workshop Meeting; and August 22, 2011 - Special Meeting**

**August 10, 2011:**

Typographical errors were noted on page 3, last paragraph.

**MOTION:** (Wheeler/Thomas) I move for approval of the minutes with the corrections.

**DISCUSSION:** None.

**ACTION:** APPROVED AS CORRECTED (ABSTAIN - Gysberts, Stone)

**August 22, 2011:**

**MOTION:** (Thomas/Gysberts) I move for approval.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN - Stone)

**Land Management Code Amendments - Article 4, Revisions to Section D; and Sections F through I**

Staff went through the changes to the residential sections of the Land Management Code (LMC) as discussed previously by the commission. Commission members had comments on the following sections:

Page 4-15, c., (1) - move "and accessory buildings" after 3 motor vehicles

Page 4-15, c (2) - Mr. Bockmiller said the proposed language was created to define a cap on the size of accessory structures. The intent is to place a cumulative cap on the square footage at 900 square feet for all garages and sheds. There was discussion about raising the cap above 900 square feet, but the commission decided to leave staff's language as proposed. A slight modification was made in the first line to delete "Garden, tool and storage sheds" and replace it with "Accessory buildings, not more than one story in height . . ."

Page 4-16, c. - Under the proposed language commercial vehicles (which by definition includes trailers) would not be allowed to be parked or stored in a residential zoning districts. The language would permit one commercial vehicle to be parked on a transient basis on a residential lot or parcel subject to four conditions. This would preclude trailers since a trailer would be considered a second commercial vehicle according to the definition. The commission discussed whether or not trailers should be included since many city residents bring vehicles home from their workplace that include trailers or small business owners use trailers in the course of their work. Some commission members were concerned about how commercial trailers might impact the integrity of a residential neighborhood. Mr. Bockmiller noted that as Zoning Administrator he has handled a number of complaints that involve commercial vehicles in residential districts. Staff recognized a need to draw a line someplace, but it was not sure where that line should be. If trailers are parked on the street, they are no longer under the jurisdiction of the Zoning Administrator.

Since trailers were the sticking point, the commission asked staff to study the different types and sizes of trailers that are available on the market, including surveying what types of trailers are currently parked on properties in the city. All commission members present felt there should be a size limit on trailers. Staff was asked to redraft the definition of "commercial vehicle" for a trailer based on its size and put back the language concerning home workstations which was inadvertently deleted from the draft included in the packet.

Page 4-18, Schools - There was discussion about including schools, churches, and day-care in the same category. Staff noted that per <sup>RLVIPA</sup> laws cannot discriminate against churches and they should be treated like all other places of assembly. Staff believed that schools should have more restrictive setbacks than churches. The proposed language would give schools the same lot area and lot width requirements as churches (20,000 square feet and 75 feet respectively), but the setbacks would be greater than those required for churches. The commission agreed to leave schools and churches as separate listings in the use chart. Staff will check the use chart to make sure they are consistent.

Religious Land Use and Institutional  
Persons Act (RLUIPA)

**Planning Commission  
MINUTES - Regular Meeting**

**August 31, 2011  
City of Hagerstown, Maryland**

Discussion will pick up at the next meeting with townhomes.

**Adjourn:** It was moved and seconded that the meeting adjourn at 9:00 p.m.

9/14/11  
Date

DC Calhoun  
Debra C. Calhoun - Secretary