

James W. Stone, vice chair, called the meeting to order at 4:00 p.m., on Wednesday, October 12, 2011, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts (late), D. Miller, and R. Thomas. 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: September 14, 2011 - Regular Meeting

Approval was continued until the next meeting so the mover and the seconder are members who were in attendance at the September 14 meeting.

The agenda was modified to consider the preliminary consultation for Pangborn Corporation first.

Preliminary Consultation: Pangborn Corporation Rezoning Request (N-MU to POM)

Staff Report: Pangborn Corporation has filed a rezoning application for its property on Pangborn Boulevard. A public review meeting has been scheduled for the October 26 Regular Meeting. The property in question was formerly the company's manufacturing facility but it has been vacant for a number of years. The currently zoning is N-MU (Neighborhood-Mixed Use). Prior to the comprehensive rezoning in 2010, the property was designated as IG (Industrial General). At the time of the rezoning, it was determined that N-MU would be appropriate due to the expectation of using the Pangborn buildings for a mixed residential and commercial development. Since then, Pangborn Corporation demolished all but 20,000 square feet of the buildings (Mr. Gysberts arrived).

Staff noted that a concurrent annexation is being processed. Pangborn has applied to annex 5.1 acres. In addition, staff met several times with five County property owners on Pangborn Boulevard south of the Pangborn factory to attempt to have them agree to annex so an enclave was not created when the Pangborn Corporation annexation becomes effective. Ultimately, the property owners did not agree to annexation; however, they did convey their opposition to any project on the Pangborn property that would create additional high-density residential development. As a result of all of these factors, Pangborn Corporation would like to rezone to POM. The residents are not opposed to POM zoning. The Planning Commission reviewed the appropriateness of the proposed zoning for the annexation request on September 14, 2011, and

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recommended to the Mayor and City Council that POM zoning was appropriate for the annexation.

In order to meet the "change or mistake" criteria under Maryland law, Pangborn's attorneys plan to use both arguments since all but one building remains on the property and their contention that there was insufficient analysis on the change to N-MU.

Commission/Applicant Discussion: Mr. Stone suggested that one of the arguments that would favor both change and mistake would be the annexation. A question was raised as to whether the Planning Commission can anticipate the rezoning in its discussions. Ms. Maher noted that the annexation and the rezoning are on track to be considered by the Mayor and Council in the same month. Tracie Clabaugh Weaver, attorney for Pangborn Corporation, explained her client's reasons for the rezoning request. The property has been an industrial site since the 1930s. POM was chosen based on the request from the property owners to the south and their desire for no additional residential development in the area. When the comprehensive rezoning was being processed, most of the Pangborn buildings were intact. One goal of the N-MU district is for a mix of residential and commercial uses, so the mistake is that there are no longer any buildings available for development.

Mr. Gysberts agreed with the argument concerning mistake and believed that maximizing employment in the area would be beneficial. Mr. Rohrbaugh noted that the Comprehensive Plan recommends mixed-use for this area; N-MU followed the Comprehensive Plan recommendation for mixed use on this property. Ms. Weaver said they were looking at the residential aspect of the entire area during Comprehensive Plan amendment process. Mr. Stone suggested that the applicant may want to address the economics behind taking the buildings down at the public review meeting. Because the buildings are no longer standing, Mr. Gysberts doubted that even a N-MU project could be built on the available land. Mr. Stone added that it would be difficult to build an industrial project on the property now as well. Staff stated that the property inside the City limits contains 7.288 acres. Mr. Brubaker wanted to make sure that POM will work for whatever development the applicant has in mind.

Staff should be ready to argue that this zoning would be better in terms of traffic impact, etc. Mr. Rohrbaugh stated that express approval will be necessary from the County Commissioners, although he is still waiting for a meeting date for that discussion. Mr. Thomas had concerns about asking to do something adjacent to a piece of property that has yet to be annexed and rezoned. Mr. Rohrbaugh explained that the annexation and the rezoning are being processed concurrently, and the annexation decision will be definitive a month before the vote on adoption of the rezoning.

First Choice Pediatrics - 1409 Pennsylvania Avenue, Site Plan, Case No. ZS-2011-08

Staff Report: This is a site plan for the conversion of an existing house into a medical office. The proposal includes a 36 x 30-foot addition to the rear of the building. The Planning Commission approved the sketch plan for this project on July 27, 2011. At that time, the commission expressed general agreement regarding certain landscaping waivers along the common property line with the adjacent bank. The site plan was routed for comment and the following agencies have outstanding comments: City Engineer, Water Division, Wastewater Division, Soil Conservation District, and the Planning Office.

The property is located on the west side of Pennsylvania Avenue and is zoned C1. The applicant applied for and received a special exception for a medical office building. The applicant will also be constructing a parking lot along the north side of the property. A water quality feature will be installed. In addition, the plans call for the installation of four trees in the rear and parking lot landscaping along the existing property boundaries with residential properties. Improvements along Pennsylvania Avenue have been approved by the City Engineer and the State Highway Administration (SHA). This property is on the edge of SHA and City maintenance area. SHA reviewed the proposed layout and had one minor change which has been incorporated into the site plan. Waiver requests were received from three sections of the Land Management Code. Concerning waivers for street trees—staff recommended that the applicant's argument about visibility of the business not be considered because it is not a unique situation.

Commission Discussion: Mr. Poffenberger defended the waiver request for eliminating the street tree in the front yard. Planting a street tree in this location would inhibit sight lines for vehicles since there is only 12 feet available. Mr. Bockmiller pointed out that the tree could be moved to a point behind the sidewalk on the applicant's property. There will be a wide shoulder along Pennsylvania Avenue before the travel lanes begin. Mr. Poffenberger stated that Dr. Mustafa does not want the trees because he is afraid they will obscure his practice. Dr. Mustafa told the commission that he was not opposed to placing a tree in the corner of his front yard.

Ms. Maher relayed a comment from Doug Wright, who was unable to attend the meeting. Mr. Wright stated in his comment that the sidewalk should be continued across the driveway to the north in order to allow for future connection across the bank property. An updated schematic was provided for discussion at the meeting and it appears from this drawing that the area to which Mr. Wright was referring is not part of Dr. Mustafa's property.

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- MOTION:** (Gysberts/Brubaker) I move that we approve this site plan, with the condition that the street tree provided for not in the "right-of-way" but somewhere in the front corner of the property, and that it meets all the specifications of the City's street tree requirement.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

Lyles Ventures - 12916 Conamar Drive - Office Building, Site Plan, Case No. ZS-2011-09

Staff Report: This site plan is for the creation of a two-story, 8,528 square-foot office building on a property containing an existing office building. The number of parking spaces required is 201 for the two buildings, and 201 spaces are provided. Forest conservation was previously addressed on this site. Significant landscaping has been provided around the base of the building. A fire escape is located on the north side of the building. It is intended for emergency use only. A hedgerow with significant trees is located along the north property line. Staff recommends allowing the hedgerow to serve as a landscaped edge, although the adjacent land (located in Washington County jurisdiction) is zoned Agricultural. The adjacent property is scheduled to be rezoned to BG (Business General) which will likely become C2 (Commercial General) if and when the land is annexed into the City. As such, no buffer between this use and the adjacent property is technically required. In order to address the exterior fire stairs being located in the buffer area, Planning staff recommended that a row of arborvitae trees be installed between the stairs and the property line and be allowed to mature to screen the stairs from future development on the adjacent land. Staff noted that the original site plan for this property included a three-story building and parking was provided for a three-story building. Therefore, the developer had sufficient parking to allow for construction of the second office building.

The plan was routed for review and all review agency approvals have been received, with the exception of Wastewater Division and the Planning Office. Both of these agencies have issued conditional approvals. Staff recommended approval of the site plan, subject to satisfaction of the outstanding Wastewater Division and Planning Office comments.

Commission Discussion: David Trostle of Frederick, Seibert & Associates, addressed the outstanding comments from the Wastewater Division. His firm is waiting for information from the City's Wastewater Division regarding a 30-foot right-of-way on the property to the east of his client's property. The purpose of the right-of-way is for the proposed stub of Conamar Drive that will connect this property with the adjacent property to the north. Mr. Trostle added the right-of-way to the site plan, but it cannot be verified by Wastewater that the right-of-way is in place, Mr. Trostle will remove it from the site plan.

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MOTION: (Miller/Thomas) I make a motion to approve the site plan, subject to the Wastewater clarification easement and the planting of the arborvitaes.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**Professional Center - 246 Eastern Boulevard, North - Addition, Staff-Approved Site Plan,
Case No. SA-2011-12**

Staff Report: Staff noted that this property was officially annexed last week. Given the time constraints and the optional nature of the annexation, this plan was processed as a staff-approved site plan, even though the disturbed area is larger than 2,500 square feet.

This site plan is for building access improvements and parking lot adjustments to the former Food Lion Supermarket on Eastern Boulevard, North. The existing lot configuration contains a minimum of landscaping and islands. Most of the improvements are for the creation of pedestrian access around the perimeter of the building and for changing the direction of traffic flow on site. Under the plan, the parking lot is being retrofitted with landscaping islands and plantings inasmuch as current conditions of the lot reasonably permit. Staff advised the commission to treat this landscaping plan as an alternate plan intended to meet the intent of the ordinance to avoid a lengthy list of waivers for the existing parking facilities.

Most of the work to be done is around the building and includes a combination of new pedestrian access and landscaping. As a supermarket the building was oriented toward Eastern Boulevard. The new use of the building provides for multiple entrances, and the intended orientation will be on three sides of the building. The developer would like to improve the overall appearance of the building. Regarding deviations from the landscaping requirements, in some places the planting area adjacent to the building is not six feet wide; however, currently there is no planting area. Additional trees were added between this property and the Eddie's Tire on the (north/south/east/west) side of the property. Landscaping was added between the sidewalk and street. Traffic will flow clockwise around the building.

Forest conservation is not required since the limit of disturbance is less than 40,000 square feet. The plan was routed for review and all review agency approvals have been received, with the exception of Wastewater Division and the City Engineer. Both of these agencies have issued conditional approvals. Staff recommended approval of the site plan, subject to satisfaction of the outstanding comments.

Commission/Applicant Discussion: Mr. Brubaker asked that signage be added that directs motorists to Professional Court so they can get to a traffic light to access Eastern Boulevard.

Michael Shifler of Fox & Associates stated he would work with the City Engineer to find the right locations for signs of this type. Mr. Brubaker also inquired about the nature of the City Engineer's comments concerning easement issues. Mr. Shifler said there was a ten-foot strip dedicated by plat only. The property was never deeded officially. The City Attorney has been in contact with the County Attorney. A second issue is that there is not enough room in the right-of-way for construction of a sidewalk. The developer is asking for an access easement to show the sidewalk on the property.

Commission members had concerns about traffic flow on the property, including:

- The proposed clockwise circulation pattern. According to Mr. Shifler this flow is at the request of the tenants.
- The possibility of placing a stop sign at the entrance point with Cameo Drive. Mr. Shifler stated that two-way flow along the rear—the Cameo Drive side—is necessary because of truck access to the loading dock. Mr. Gysberts observed that trucks at the dock would have to go against the flow of traffic to exit the loading dock area. Mr. Bockmiller suggested a “No Thru Traffic Beyond this Point” sign in the striped island along Cameo Drive. Planning Commission members felt this would adequately address their concerns.
- An island on the west side of the site appears to be more narrow than other points. Mr. Brubaker suggested moving the island back approximately two spaces to provide a wider point of passage. Staff noted that the developer has an excess of eight parking spaces beyond the parking requirements. Mr. Shifler stated that he believed his client would prefer to shave the island width down.

Ms. Maher stated that Mr. Wright contacted her with comments on this plan. Mr. Wright suggested adding a sidewalk stub to the Ewing site to the north. Mr. Shifler noted there is a steep slope and the storm water management pond is in this location. Mr. Wright also requested that a sidewalk be added in the rear because it is along a city street. Mr. Wright questioned why the handicap space is located so far from the entrance on the north side of the building. Mr. Shifler noted that there is a grade issue at this location and at this point the sidewalk becomes a wall. Finally, Mr. Wright asked if the landscaping island at the southwest corner could be widened by eliminating two parking spaces.

Because of the time sensitivity of this application, the Planning Commission was willing to give staff the latitude to work with the engineer to resolve the issues identified at this meeting. Mr. Bockmiller indicated that he received sufficient guidance from Planning Commission and the Planning Commission chair. Mr. Shifler said there will be an easement on the northwest side if the guardrails are removed around the area of the stormwater pond.

- MOTION:** (Gysberts/Miller) I move that we approve this alternate landscaping plan, with the conditions that we have expressed to the staff so that they can guide the applicant to carry forth with their project in a timely manner.
- DISCUSSION:** Gysberts amended his motion to state: I move that we approve with the conditions that we've outlined for this site plan, including the landscaping and improvements with parking and traffic. Mr. Miller seconded the amendment.
- ACTION:** APPROVED (Unanimous)

Fire-X - 1011 McCauley Court - Addition, Staff-Approved Site Plan, Case No. SA-2011-16

Staff Report: This site plan is for a 25 x 69-foot addition on the rear of the existing Fire-X building and a small increase in the paved circulation area adjacent to the new addition. Some excavation will be required, setting the limit of disturbance at approximately 4,800 square feet for all work proposed. The site is adjacent to a wooded area, and will be well screened from the adjacent commercial property. Even though the plan was routed as a staff-approved site plan, it meets all requirements of a full site plan.

Forest conservation is not required for this property. Given its simplicity the project was routed for direct comment and was not the subject of a PRC meeting. Planning staff looked for ways of improving the landscaping on the site, but the site is mostly wooded and there is some landscaping around the site. Staff considered requiring street trees, but there is a natural gas main that runs under the grass strip between the bulb of the cul-de-sac and the sidewalk. Therefore, adding street trees would conflict with the gas main.

The plan was routed for review and all review agency approvals have been received, with the exception of the Wastewater Division which is requesting a signature block and additional data. Staff recommended approval of the site plan, subject to satisfaction of the outstanding Wastewater Division comments.

Commission Discussion: None.

- MOTION:** (Miller/Gysberts) So moved.
- DISCUSSION:** None.
- ACTION:** APPROVED (Unanimous)

Preliminary Consultation: Sonic Outpost, LLC - 1710 Dual Highway - Request for Waivers from Design Standards for Landscaping and Buffers

Sonic is proposing to build a new fast food restaurant on the vacant lot between PNC Bank on the northeast corner of Dual Highway and Edgewood Drive and the Hampton Inn driveway. Due to the small size of the lot, Sonic is proposing a smaller-than-usual restaurant. In order to make the project work, the developer is seeking Planning Commission input on certain landscaping and buffer waivers it will request when the site plan is formally submitted. A letter was submitted by the applicant's engineer, Frederick, Seibert & Associates, Inc., which outlines the requested waivers (copy in meeting file).

Tony Taylor of Frederick, Seibert & Associates, Inc., outlined the five waivers that will be requested. Sonic's business plan includes drive-up canopies where customers order their meals over an intercom. The storm water management pond would be modified in order to obtain sufficient buildable area to install the parking lot. Mr. Taylor has been meeting with the City Engineer and the developer will be installing a bioretention area for water quality.

The commission was generally accepting of all the proposed waiver requests as outlined in Mr. Taylor's letter. Several observations were made about the site, including:

- Applicant study traffic flow to the site and on the site for the site plan review since the site may not be able to handle a large volume of traffic and vehicles may end up spilling onto the Dual Highway. (It was noted that a traffic study will not be necessary because the trip generation is under the threshold for traffic studies).
- A sidewalk connection should be installed between Route 40 and the building.
- Consider adding a triangle at the entrance point.

Mr. Bockmiller cautioned that the developer is proposing off-site parking lot landscaping.

The developer, John Louderback, stated he chose this site because he wanted to locate this restaurant inside the City and along the Dual Highway. Based on these criteria, site selection was limited and this lot was the only one that met his needs.

Overall, commission members did not have concerns with any of the proposed waiver requests. None of the requests are drastic and all of the adjacent properties are developed for commercial uses and the proposed landscaping and buffers will still be sufficient to screen the property. (Mr. Miller left the meeting.)

Land Management Code Amendments - Dog Day-Care; Conversion District

Land Management Code Amendments - Residential Districts

Ms. Maher said some issues have been raised by several prospective business owners in the City. Staff put together proposed amendments to attempt to address these issues (see memos in meeting file). Commission members felt it would be desirable to have more commission members in attendance to discuss these proposals. Members were willing to consider special meetings to review the proposed amendments. Staff noted that since time is of the essence, the intention is to move these two amendments ahead of the rest of the Land Management Code amendments.

The commission agreed to schedule a special meeting to discuss the Dog Day-Care and Conversion District amendments on Wednesday, October 19, at 4:00 p.m. In addition, staff will propose additional special meeting dates to get back on track with the Land Management Code revisions.

Ms. Maher introduced Jill Estavillo, the City's Economic Development Director.

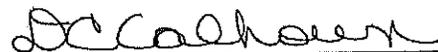
Board of Zoning Appeals Agenda - October Hearing

The only case on the docket is the application from the September hearing. The applicant missed the posting deadline so the case was continued to the October hearing. The commission did not have any additional comments to pass along to the Board of Zoning Appeals.

Adjourn: It was moved and seconded that the meeting adjourn at 6:06 p.m.

Date

11/9/11


Debra C. Calhoun - Secretary