

**Planning Commission
MINUTES - Regular Meeting**

**December 14, 2011
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, December 14, 2011, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts, J. Stone, R. Thomas (late) and J. Wheeler. The following staff members were present: K. Maher, Planning Director (late); S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary (late).

REGULAR MEETING

Roll Call

Commission member D. Miller was absent.

Approval of Minutes: October 26, 2011 - Regular Meeting and November 9, 2011 - Regular Meeting

Concerning the October 26 minutes:

MOTION: (Stone/Wheeler) I move for approval of the October 26 minutes.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - Wright)

Concerning the November 9 minutes:

MOTION: (Wheeler/Stone) I'll move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - Gysberts)

245-247 North Locust Street - April Hodge, Staff-Approved Site Plan, Case No. SA-2011-17

Staff Report: The proposed site plan is for the reuse of a vacant storefront in the southwest corner of the intersection of North Locust Street and Randolph Avenue which was recently approved for a Local Conversion District Overlay. The Zoning Ordinance requires the Planning Commission to approve a site plan for all Local Conversion Districts. Since the anticipated site disturbance is less than 2,500 square feet, the Planning Office processed the application as a staff-approved site plan. In actuality, the project involves no site disturbance but is required to

implement rezoning conditions and limitations, specifically the rehabilitation of the commercial storefront. The applicant is proposing to install a new door consistent with the storefront design submitted during the public review process. In addition, there are limitations on signage. Both of these issues have been addressed in the site plan. Staff noted that all review agencies have approved the site plan; the Planning Office recommended approval. It was noted that the Fire Marshal will require an inspection of the building prior to commencement of business.

Planning Commission/Engineer Discussion: There were no questions by the commission. It was noted that window signage is in place and that the door has been installed but not trimmed out.

MOTION: (Gysberts/Stone) I move that we approve the plan as presented.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

1710 Dual Highway - Falling Spring Corporation, Final Plat, Case No. S-2011-08

Staff Report: The proposed final plat is for the relocation of existing lot lines between two parcels for the purpose of creating a lot in accordance with the planned Sonic restaurant development on the Dual Highway, south of Edgewood Drive. No new lot is being created; the plat involves two existing parcels and will remain as two parcels upon completion of the subdivision. A final plat was required since there are plans to develop the property. The Planning Office is currently reviewing a site plan for the proposed Sonic restaurant.

The final plat was reviewed by the review agencies, and all but the City Engineer, the Fire Marshal, and the Planning Office have approved the plat (see meeting file for a description of the outstanding comments). Forest Conservation does not apply to this project due to the size of the property.

Planning Commission/Engineer Discussion: The commission had no comments on the final plat. Staff noted that the site plan will most likely be presented to the commission for approval at the January 25, 2012, meeting.

MOTION: (Brubaker/Gysberts) I'll move approval.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Workshop: Cortpark - Little Elliott Drive - Proposed Expansion/Access Issues

Staff Report: The owner of Cortpark would like to retrofit existing buildings to increase the number of dwelling units from 432 to 504 units. The original site plan was approved in 2003. They will be required to comply with the Adequate Public Facilities Ordinance. The Land Management Code's requirement of more than one access to a development of more than 100 units is an issue that needs to be addressed. Currently, there is one point of access in this development. The applicant proposes to turn the current emergency access point onto Eastern Boulevard into a full-time entry.

The developer and their engineer have met with the City Engineer and have been developing concepts for this proposal. However, staff suggested that they meet with the Planning Commission to gauge feedback and concerns that it feels should be addressed in the site plan due to the unconventional development proposal (see meeting file for explanatory documents). Mr. Bockmiller explained that the developer would like to take three-bedroom units and part of the hallway and break them into two units (one two-bedroom unit and a one bedroom unit). The density of the development will increase, but no building additions are being considered. The increase in the number of units still falls within the maximums under the R3 zoning district. The relevant issues concern the site plan and the Adequate Public Facilities Ordinance.

One major issue concerns the Land Management Code's requirement that no more than 100 units can use a single access point. In order for the developer to add the additional units, they will need to provide a second point of access. The proposal is to take the emergency access driveway from Eastern Boulevard and upgrade it to a full-service, right-in/right-out access point onto Eastern Boulevard. Currently the emergency access point is surrounded by the forest conservation easements for the property. If the alignment would change, the forest conservation easements for the property would need to be amended.

Planning staff comments included the necessity for a site plan due to the necessary improvements to the gravel service road into a full-service driveway and to assess where current improvements can be brought up to current standards. This will also allow the City to require that the entire development be brought up to current design standards (mostly landscaping).

Planning Commission/Engineer Discussion: Mr. Wright supported the idea of a second access point for this development but had concerns about the impact of it being located on Eastern Boulevard. He also had concerns about how the parking lots would be accessed. He felt they should be entered by traveling around the loop road and going back in. Mr. Stone felt there was sufficient distance to allow the second access point on Eastern Boulevard to be a full access intersection. Rodney Tissue, City Engineer, was present to address this issue. The Engineering Division recommends a right-in right-out due to the high traffic volumes. The access point

should be constructed to City standards and include a raised concrete median and right-turn deceleration lane into the site. Mr. Tissue said the full-access intersection could be evaluated. A full access point will introduce additional conflict points for the left turns in and out of the site. The developer would also have to add a dual outbound lane, a right-turn deceleration lane into the site, and a left turn lane into the site. The Engineering Department is comfortable with the right-in/right-out access point. It is not apparent whether a deceleration/acceleration lane will be necessary since the speed limit is only 35 m.p.h. in that area. Mr. Brubaker agreed with Mr. Stone that if the access point is constructed that it should be a full-service access point. Mr. Stone wanted to make sure that the road would be constructed to handle the amount of traffic it is certain to receive. A question was asked about whether a traffic signal would be necessary.

Mr. Brubaker asked Mr. Tissue to describe how the road would be constructed. Mr. Tissue replied that it would be curbed in the public right-of-way, a two-lane section. Typically, if it becomes a full-access it would be a three-lane section (one inbound, two outbound to the left and the right). Mr. Stone requested that Mr. Tissue's office explore the possibility of a full-service access point. Mr. Stone added that he is not in favor of the addition of median strips in Eastern Boulevard. Mr. Tissue said the point of the medians are to minimize the number of conflict points or to reduce left turns. Mr. Brubaker also requested information on whether a traffic signal would be necessary.

Mr. Tissue noted that when the Evergreen property to the west develops, the access for that property will be completely against this property and it would not have access onto Route 60. The City needs to consider how these two things will work together, if and when the property develops. Mr. Tissue also pointed out that the new, upgraded access road will be through a floodplain which will require waterway construction permits. Mr. Bockmiller noted that if the commission decides to recommend that the roadway extend through to Little Elliott Parkway, that some parking spaces will be lost and the developer may need to come up with extra parking spaces. Mr. Wright was concerned about access to the parking lots via the access road.

(Ms. Calhoun and Ms. Maher arrived.)

Mr. Stone stated that the existing R3 zoning permits the increase in units. The City should not use this as a means to prevent the expansion, however, any increase in units must be done right. Citizens' safety should be the main concern.

(Mr. Thomas arrived.)

Kennel and Conversion District Text Amendments, Case No. ZT-2011-01

Staff Report: The public review meeting on this text amendment was held on November 9. A letter of support was received for the kennel text amendments from Carol Kennedy; no additional testimony was received on the conversion district text amendments.

Ms. Maher noted that during the public review meeting an additional restriction was added about restricting the use of outdoor kennels between 9:00 p.m. and 7:00 a.m. A concern was raised at that time about kennels located adjacent to residential districts and their impact on the quality of life for the residents of those dwellings, although it would not be an issue for kennels located in industrial districts. After some consideration, commission members concluded that it might not be realistic to keep dogs inside for a ten-hour period.

MOTION: (Stone/Gysberts) I move that we recommend approval of this without the language amending outdoor activity.

DISCUSSION: Mr. Wright had concerns about allowing light industrial uses in residential districts (conversion district amendment). Ms. Maher stated there is an additional layer of protection in that the Mayor and Council must decide whether to allow the project based on the merits of the property and whether the proposed use is appropriate for a particular location. Mr. Wright did not want to allow these types of uses in residential districts, although he did not have an objection to allowing them in other districts. Mr. Bockmiller noted that when the uses are proposed initially, they would be part of the rezoning process.

ACTION: Mr. Stone withdrew his motion stating that it was premature since the application is for both the kennel text amendment and the conversion district text amendment.

Planning Commission/Engineer Discussion: Mr. Brubaker felt there was ample room for protection and also providing a degree of flexibility in trying to reuse some of the more difficult buildings. He contended that vacant industrial buildings in residential districts are nuisances too. Mr. Stone noted that the Planning Commission can raise concerns and make comments to the Mayor and Council. Mr. Wright felt that this amendment would ratchet up the uses by including residential districts. Ms. Wheeler stated that this provides ways to use existing buildings that would otherwise be blight. Staff noted that an example of this type of building in a residential district would be the former Bock Oil Company building adjacent to City Park. Mr. Bockmiller stated that given the unique nature of the City, staff felt the best course of action was to craft regulations with flexibility in mind. If the ordinance is flexible, the City would be able to consider uses on a case-by-case basis.

Ms. Maher pointed out that under the proposed amendments, light manufacturing uses must be conducted entirely indoors with little or no potential for the creation of noise, smoke, odors, etc. Mr. Thomas was concerned about what future commissions might interpret as acceptable uses in residential areas. Mr. Bockmiller reported that there are not too many of these types of buildings so it will most likely not pose much of a problem. Mr. Brubaker stated that the City is attempting to get a fresh start in economic development and this amendment is one way to think outside of the box. Mr. Wright noted that motivated and intrigued investors are not the only ones who want to develop property; there are also people who are not too concerned about the impact their property may have on the neighborhood. He said he understands the value of economic development but also would like to protect property owners' rights to enjoy their properties. Staff pointed out that there will be public hearings to allow property owners to voice their opposition.

MOTION: (Stone/Gysberts) I move that we make a recommendation to the Mayor and Council to adopt these code amendments with two changes: 1) that on the definition of "Light Manufacturing" there be a clarification that among the things we do not want the potential for is odor; and that we allow dogs to be outside [delete subsection (d) of Article F, Section F, 2., a., (8)].
Delete d.

DISCUSSION: None.

ACTION: APPROVED (YES - Stone, Gysberts, Thomas, Wheeler; NO - Wright; ABSTAIN - Brubaker; ABSENT - Miller)

Land Management Code Text Amendments - Multi-Family Development Design Standards

Even though these amendments have already been discussed during the Land Management Code amendment process, Mr. Bockmiller indicated that several developments may become active before the amendments are passed. Staff believed that the multi-family apartment design standards might be better adopted ahead of the total Land Management Code package of amendments. This would be an amendment to the existing ordinance as it currently stands.

The proposed amendments are standards for developments in the N-MU zoning district; however, apartment developments containing more than 24 units in the R3, R4 and PUDs would also fall under the new standards. Following are comments by the commission on the proposal (copy of the memo is in the meeting file):

Page 2, m. (b) - Mr. Stone commented that the proposed 35-foot setback from R1 and R2 districts is not necessary. Ms. Maher stated that the apartments on Lynnehaven Drive are at the minimum setbacks (20 feet) and the four-story apartment buildings loom over the single-story

residential dwellings on Pangborn Boulevard. Single-family residences and duplexes have a 35-foot rear yard setback requirement. Mr. Stone withdrew his concern.

Page 2, m. (c) - Mr. Stone did not agree with the requirement that a swimming pool be provided in multi-family developments of 360 units or more. Mr. Bockmiller said staff believes that at some point a major amenity should be required whether it be a pool or something else. Mr. Stone stated that the proposed language is too specific. He did not have an objection to language that would require the developer to provide amenities like in (e), he was just not in favor of specifying that the amenity needs to be a swimming pool. Most commission members agreed with Mr. Stone's perspective. Staff was directed to amend the language to make the provision of pools a strong recommendation.

Page 1, 10, a. - Mr. Wright was not comfortable with an end unit on a townhouse row being oriented to a side street. He supported the idea of the end unit being oriented toward the main street. Mr. Bockmiller said he will remove this from the piecemeal amendment to make it cleaner since it deals with townhouses.

Mr. Bockmiller stated that most of the multi-family amendments deal with setbacks and the location of parking lots.

Land Management Code Text Amendments (Article 5 through Article 8)

This discussion was postponed until the January 11, 2012, meeting.

Adjourn: It was moved and seconded that the meeting adjourn at 8:40 p.m.

Date

1/25/2012

Debra C. Calhoun - Secretary