

Douglas S. Wright, Jr., chair, called the meeting to order at 7:00 p.m., on Wednesday, January 25, 2012, in the Council Chamber, Second Floor, City Hall. Also present were commission members M. Brubaker, 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.

PUBLIC REVIEW MEETING

Multi-Family Development Design Standards, Text Amendment, Case No. ZT-2012-01

A need has been identified for accelerating review and approval of Land Management Code amendments to set design standards for multi-family developments in the City. Several amendments are being proposed to strengthen design standards for multiple-family development projects. The proposed text reflects changes the commission requested at the last meeting. It also contains minor structural adjustments that are immaterial to the text.

The public review meeting was advertised in the *Herald-Mail* according to the text amendment process requirements.

Commission members received a memorandum from staff that outlined the proposed requirements. One thing the commission requested at the last meeting was the removal of the requirement for a pool after a certain number of units.

There was discussion about revisions that add additional setback requirements for developments between 3 and 24 units. Developments containing more than 24 units would follow the setbacks listed in the charts. Mr. Bockmiller noted that mixed-use districts have build-to lines; in the N-MU there are built-in maximum setbacks.

Commission members discussed the requirement for an amenities plan. Many felt this requirement was extreme and sent a negative message to potential developers. Members stated that the language should be modified to allow single buildings with a small number of units to be exempt from providing an amenities plan. Staff stated that it would not be dictating what types of amenities developers would have to provide, just that they should consider providing amenities for the residents.

Ms. Maher noted that the impetus for this amendment is coming from the administration. There is still some interest by developers in the multi-family product. Since review of the Land Management Code amendments is taking longer than anticipated, staff would like to have the new regulations in place as soon as possible in anticipation of potential site plan activity.

**Planning Commission
MINUTES - Regular Meeting**

**January 25, 2012
City of Hagerstown, Maryland**

The commission discussed what the minimum number of units should be before an amenities plan is required. Mr. Wright felt three units was too small, but that eight units would be a good break point. Ms. Maher suggested adding language to Section D.5.2.,d. and Section J.1.j.7.b.4. that states: "For small projects of eight (8) or fewer units, provision of a backyard for the enjoyment of the residents may be adequate." The commission was satisfied with that revision. Mr. Gysberts noted that it might be helpful to add a definition that clarifies what is meant by "amenities."

Public Testimony:

No one was present to speak either in favor of or against the proposed text amendments.

MOTION: (Stone/Wheeler) I move that we leave the record open for ten (10) days to receive additional testimony.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

REGULAR MEETING

Roll Call

Commission member D. Miller was absent.

Approval of Minutes: November 30, 2011 - Special Meeting; December 7, 2011 - Special Meeting; December 14, 2011 - Regular Meeting; and January 11, 2012 - Workshop Meeting

November 30, 2011:

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

December 7, 2011:

MOTION: (Thomas/Gysberts) I'll move to accept the minutes.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - Wheeler, Wright)

December 14, 2011:

MOTION: (Wheeler/Thomas) Move approval of the minutes.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

January 11, 2012:

Mr. Wright noted a typographical error on page 3. The third line should begin "The applicant would like to proceed . . ." He also asked that staff find another name for the development projects known as "Staff-Approved Site Plans." He believes this is confusing nomenclature. Commission and staff decided that the appropriate name should be "Minor Site Plans," and Page 1 was changed to reflect the new name.

MOTION: (Wheeler/Gysberts) I'll move approval of the minutes as amended.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Consultation: Expansion of a Nonconforming Use Site Plan - AC & T Garage on Florida Avenue (Tabled on January 11, 2012)

This case was tabled at the last meeting to give members a chance to visit the property. In addition, the applicant's engineer provided a cross-section drawing that includes photo simulations of the building with the proposed addition; a simulation including the trees as proposed; and a simulation with the trees three to five years after planting. Staff explained that the intention behind the request for the taller trees was to create a green screen wall. Staff was of the opinion that whatever land is not used for parking, should be landscaped.

Concerning the landscaped island at the end of the parking bay, commission members were initially supportive of staff's recommendation that all areas not used for parking should be converted to landscaped beds. Mr. Bockmiller said that staff believes since the applicant is requesting several waivers that they should be required to make the rest of the property look as attractive as possible. Adam Hager, of Frederick, Seibert & Associates, stated that this area is used to move the sea containers about the site. The applicant, Brad Fulton, is concerned that his forklift operators will have difficulty maneuvering around the island, and ultimately will destroy it. Mr. Fulton informed Mr. Hager that he was not in favor of landscaping this area. The four parking spaces that were located in this area have been moved to another part of the site. The only parking space in the front would be the handicapped space. Commission members were

sympathetic to Mr. Fulton's concerns and decided to eliminate the landscaped area in the front of the building so he would not lose the use of his property in that area.

Another waiver request concerns a six-foot landscaped bed along the east side of the building. Mr. Fulton would like to use elevated planting pots instead, again because of the forklifts.

Staff is requiring heavy landscaping along Florida Avenue to hide the stacked rows of sea containers. The sea containers are stacked two containers high along Florida Avenue and three high beside the building. The present use is nonconforming in an area zoned Professional Office Mixed (POM) with residences across Florida Avenue. Staff would like to see conditions placed on the site plan to mitigate the view of the sea containers from the residential uses across the street. Staff recommended that from Florida Avenue back to the building line that no sea containers be stored. The applicant would like to be able to stack the containers two high back to the building line and then three high from the building line back.

Mr. Thomas suggested that the two-high limitation be extended by one or two rows before the owner would be allowed to start stacking the containers three high. Mr. Wright did not believe anything could be done to mitigate the visual impact of the sea containers. Mr. Thomas asked if any of the neighbors across the street had complained about the use. Mr. Bockmiller said no; therefore, Mr. Thomas decided to back off his objection.

Jason Divelbiss, attorney for Mr. Fulton, said his client does not expect an appreciable increase in the volume of sea containers that they repair. Mr. Stone believed that what the applicants have proposed is enough in that it is a betterment of the existing conditions. Mr. Wright added that if the property were to be developed under the POM guidelines, a 100-foot high building could be built, which is higher than three stacked sea containers. Ms. Wheeler countered that a building is a different type of use than stacked sea containers.

The commission decided to require eight-foot trees along Florida Avenue; however, they were not opposed to the applicant's remaining waiver requests.

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

The Hagerstown Beautification Advisory Committee (HBAC) recently reviewed the landscaping section of the Land Management Code. As a result, the committee had several recommendations for revisions that it asked the Planning Commission to consider (memo in meeting file). The amendments include reducing the shrub requirement in buffer yards in commercial and industrial districts to 10 shrubs per 100 linear feet; requiring that no more than 60% of trees can be of the same species in buffer yards; and removing 11 trees and shrubs from the recommended materials

type lists. One of the trees removed from the list was the Leyland cypress. Mr. Rohrbaugh stated that one of the HBAC members who is a master gardener felt that the Leyland cypress is not a good choice for an urban environment because they are susceptible to blight. It was noted that Leyland cypress can still be used, they are just not a recommended species. The commission asked staff to have the HBAC make suggestions for other recommended shrubs that can be used as a landscaped screen.

Review of the Land Management Code picked up with the Certifications in Article 5.

Pages 5-71 through 5-78, Certifications - Staff noted that these changes just codify signature blocks that are already being used. Mr. Wright asked that date lines be added to signature blocks where they are missing.

Pages 6-3 through 6-22, Article 6 - Floodplain - No changes are proposed in this round of revisions. The new model ordinance arrived from the state in June or July last year. Staff will insert the new model ordinance in time for the second round of reviews. The model reflects changes to meet the requirements of the Federal Emergency Management Administration.

Pages 7-3 through 7-33, Article 7 - Forest Conservation - The majority of the revisions are those that are required by state law.

Article 8 - Appeals, Violations, and Penalties - Generally, revisions were made to achieve consistency with similar ordinances within the city.

Page 8-3 - Mr. Stone noted that letter d under subsection 1 is redundant (see a). Mr. Bockmiller will review this again. Mr. Stone also pointed out that the specific subsection of Article 66B, Section 4.08 that allows the appeal to Circuit Court should be cited.

For the next meeting, staff will bring the final two issues (landscaping issues and a follow-up to the cemetery discussion). Staff anticipates that the second draft will be distributed in mid- to late February.

Adjourn: It was moved and seconded that the meeting adjourn at 8:35 p.m.

Date

2/8/2012

Debra C. Calhoun - Secretary

DC Calhoun