

Douglas S. Wright, Jr., chair, called the meeting to order at 4:05 p.m., on Wednesday, February 8, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts (late), D. Miller, 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.

WORKSHOP MEETING

Approval of Minutes: January 25, 2012 - Regular Meeting

MOTION: (Wheeler/Thomas) I'll move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED (Present, Not Voting - Miller)

Sonic - 1710 Dual Highway, Site Plan, Case No. ZS-2011-12

Staff Report: This site plan is for a new Sonic fast food restaurant on a vacant lot between the PNC Bank on the northeast corner of the Dual Highway and Edgewood Drive and the Hampton Inn driveway. The lot contains 0.623 acres. The proposed single-story building will be 1,460 square feet and provide drive-thru service. A total of 12 parking spaces are required, including one handicapped space. The site plan includes 17 customer service stalls/parking spaces and four parallel spaces for a total of 21 spaces. The restaurant will operate seven days a week, between 6:00 a.m. and 10:00 p.m. and will employ between two and ten workers. Forest Conservation does not apply as the property is less than 40,000 square feet in area. The layout and landscaping of the site is consistent with the sketch plans previously reviewed by the Commission.

On October 12, 2011, the commission heard a presentation on a list of waivers from the landscaping requirements that the developer would be requesting at the site plan stage. At that time the commission expressed no objections to the requested waivers. The site plan under review reflects the waivers discussed on October 12. The plan was reviewed by the PRC on December 13, 2011. All review agencies have approved the site plan, with the exception of the City Engineer and the Planning Office. Therefore, the Planning Office recommends that the proposed site plan and waivers be approved, subject to the conditions of approval cited by the City Engineer and the Planning Office. Mr. Bockmiller noted that all outstanding comments are minor in nature. The developer was granted a variance from the side setback by the Board of Zoning Appeals in November 2011. A memo was provided from the developer's traffic engineer

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and the State Highway Administration (SHA). SHA has no concerns at this point with the access, including no concerns about queuing onto westbound Route 40.

Commission/Applicant Discussion: Mr. Wright raised concerns about employee parking. Four spaces are designated as employee parking, but the owner anticipates between two and ten workers "at any given time" on the site. Mr. Wright wanted to know where the overflow would park. Mr. Louderback, the owner, stated that if there are no employee parking spaces available, employees will have to park in customer stalls.

Commission members discussed the "Fact Sheet" submitted by Traffic Solutions, Inc., the developer's traffic engineer (see meeting file). (Mr. Wright noted that the fact sheet was not dated and requested that it be noted on the sheet that it was presented at this meeting.) Mr. Brubaker questioned the traffic engineer's statement that cars in the drive-thru order queue will not back up onto Route 40. Mr. Louderback stated that SHA has no concerns about customer queuing. (Mr. Gysberts arrived.) Mr. Thomas noted that traffic backs up at the Edgewood/Dual intersection, even with the recent improvements that were made. He believes there will be conflicts with the right turn lane on Route 40, as well as issues with Hampton Inn customers. Tony Taylor, of Frederick, Seibert & Associates, engineers for the project, stated that this site will work similar to the Chick-Fil-A restaurant on Wesel Boulevard. Like Chick-Fil-A, there will be two points of access which will improve their stacking. Traffic Solutions did not find any sticking points with this layout. Mr. Stone stated that he believed the summary adequately addresses the differences between the proposed Sonic site and the Dairy Queen site. He also pointed out that the project must be approved by SHA before it can open. Mr. Taylor noted that they already have approval from SHA. Mr. Bockmiller added that the project cannot move forward unless the developer gets an access permit from SHA. Mr. Miller asked whether the requested landscape waivers have been addressed. Mr. Bockmiller stated that everything on the site plan is consistent with what was proposed at the workshop in the fall.

MOTION: (Stone/Gysberts) I'll make a motion to approve the site plan, subject to the outstanding Engineering and Planning comments.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

**Salvation Army - 500 Block West Franklin Street and 500/600 Blocks George Street -
Improvements, Site Plan, Case No. ZS-2011-13**

Staff Report: This site plan is for a new garage and parking additions on several lots that are owned by The Salvation Army. The properties are zoned R2 (Residential) and the total acreage involved amounts to 0.54 acres. An existing garage on the corner of Wise and George Streets

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will be removed so a new 1,350 square foot garage can be constructed to store supplies and house The Salvation Army's mobile canteen. The site plan also shows the creation of two small parking lots along George Street and a tot lot along West Franklin Street. Forest Conservation does not apply as the properties are less than 40,000 square feet in area.

An application for waivers has been included with the application for those places where the proposed landscaping does not meet current standards. Given the constrained nature of the individual sites, Planning believes that they have maximized the landscaping of the development to the greatest extent the site limitations will allow. Special exceptions and variances were approved by the Board of Zoning Appeals on November 16, 2011. The plan was reviewed by the PRC on December 13, 2011. All agencies have approved the site plan; however, the CSAFE Coordinator with the Police Department had comments about site lighting and fencing in the parking lots. Therefore, the Planning Office recommended that the proposed site plan and waivers be approved.

Commission/Applicant Discussion: Mr. Wright commented that drawings staff includes with the agenda packet need to be submitted at a much higher resolution. The plans for this case were unreadable at the scale submitted. There was discussion about the Police comments about the fencing. The applicant is proposing vinyl privacy fence and the Police Department had concerns about this style of fence creating potential for vandalism and a better environment for criminal behavior. Mr. Stone asked Mr. Hager, if the fence, which has already been installed, has been defaced. Mr. Hager said it has not. Mr. Bockmiller pointed out that the purpose of the fence is not for security but to be used as part of the landscaping buffer. Mr. Miller asked if the parking lots will have lighting. Mr. Bockmiller stated that it is his understanding that lighting will be minimal and there is existing street lighting. The commission expressed concerns that too much lighting could affect the adjacent residential uses which are generally very close to the proposed parking lots. It was noted that based on the Salvation Army use, the parking lots will not be actively used during the evening when it is dark. The playground on West Franklin Street will be for the use of the general public. The commission decided not to require changes to the lighting and fencing.

MOTION: I'll make a motion to approve. Miller/Gysberts
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

2004 Florida Avenue, LLC - 1050 Florida Avenue, Site Plan, Case No. ZS-2011-14

Staff Report: This site plan is for an addition and site improvements to the AC & T repair facility on Florida Avenue. The lot contains 3.76 acres. The project consists of a 3,500 square

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foot addition to the existing building and will be used for repair of sea containers. Forest Conservation does not apply, as the project is below the 40,000 square foot area threshold. Also, the trees provided in the landscape plan along Florida Avenue would meet planting requirements for the ordinance. The layout and landscaping of the site is consistent with the sketch plans previously reviewed by the Commission.

On January 11 and January 25, the commission heard a presentation from the applicant on a list of waivers from the landscaping requirements that the developer would be requesting at the site plan stage. At that time the commission expressed no objections to the requested waivers, with the exception that the trees along Florida Avenue should be installed with a height of eight feet at the time of planting. All review agencies have approved the site plan; however, the Police Department had a concern about site lighting.

Concerning the landscaping waivers, Mr. Bockmiller stated that on the west part of the site trees will be planted; near the garage entrances, the applicant will be providing container plantings and columnar-type trees. The existing chain link fence along Florida Avenue will remain. Eight-foot trees will be planted behind the fence. Mr. Miller commented that the existing six-foot chain link fence is not attractive and suggested that the commission require a decorative fence be installed. The trees along Florida Avenue can grow to about 30-40 feet tall. The commission made no recommendation on lighting. Adam Hager stated that site lighting has been added on the addition which should address the Police Department comments. Staff recommended approval of the site plan.

MOTION: (Miller/Gysberts) I'll make a motion to approve.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Proposed Bester Elementary School - 30 East Memorial Boulevard - Storm Water Management Area Sketch Plan

Staff Report: The Washington County Board of Education is planning to build a replacement school for the existing Bester Elementary School in the open area to the east of the existing school building. After the new school has been completed, the existing building will be demolished. The purpose of the sketch plan is to gather feedback on the appropriateness of the proposed storm water management facilities and to identify any significant environmental features and site issues associated with the development prior to submission of a formal site plan. The sketch plan was reviewed by the City Engineer and the Planning Office. After review, the City Engineer has concluded that the proposed storm water management strategy will not have any adverse effects on adjacent properties. The overall strategy for dealing with storm water

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management is to utilize small-scale bioretention facilities and submerged gravel wetland areas, both of which are "Best Management Practices" approved by the Maryland Department of the Environment. The proposed plan is in keeping with the state recommendations.

Proposed redevelopment plans include connecting Mill Street to South Mulberry Street. The new school will be built on the eastern part of the site and the primary access will be from a driveway off of South Potomac Street. Currently there are no plans for the street right-of-way along East Memorial Boulevard. The school board applied for and was granted several variances from the Board of Zoning Appeals for permission to build closer to the setbacks along East Memorial Boulevard and the rear property line. Mr. Bockmiller noted that under the proposed Land Management Code revisions, the front yard variance would probably not be required under the proposed new setbacks for schools.

Commission/Applicant Discussion: Mr. Stone asked what the school board envisions for the empty area once the existing school is demolished. Rob Rollins of Washington County Public Schools stated that the area will be developed with multi-purpose athletic fields. It was noted that while the existing school is historic, the Maryland Historical Trust has already agreed to allow it to be demolished. For the record, Mr. Stone expressed his strong dissatisfaction with demolishing a serviceable community school and replacing it with a larger and expensive new school.

Mr. Brubaker asked for an explanation about the differences between the new storm water management approach and what would have been done under the old policy. Jim Bender, Assistant City Engineer explained that under the new policy, the school board is proposing numerous smaller ponds to handle runoff closer to where it is being generated. This also helps to remove the pollutants earlier in the process. Mr. Bender noted that this site is difficult because the soil is bad and the water table is high. The philosophy used by the engineer meets the intent of the new ordinance. Jason Fritz of ADTEK Engineers stated that the plan includes tying in to two existing outlets. Mr. Thomas was concerned about the safety of the children with the number of ponds proposed. Mr. Fritz stated that the ponds will be located away from where the students will be and they will be very shallow.

Mr. Wright raised concerns about the extension of Mill Street. He cited the narrow nature of Ray Street and South Mulberry Street. Cars park on both sides of Ray and Mulberry. He did not think these roads would be adequate to handle school bus traffic and additional cut-through traffic. The issue of connecting Mill Street to South Mulberry Street has been a sensitive subject for many years. Mr. Bender stated that the City likes the connectivity this would create but recognizes that there are concerns. Once the project moves forward, the City would like to meet with the area's Locust Point Neighborhoods 1st group, gather comments and concerns, and then determine whether there should be modifications to the plan.

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Mr. Bender added that historically another big issue has been the driveway entrance on South Potomac Street. The proposed configuration will be a big improvement for that issue.

MOTION: (Stone/Miller) I'll make a motion to approve the storm water management sketch plan.

DISCUSSION: Rob Rollins stated that the one-story section of the building was built in 1965 and is almost unsound. Therefore, 38,000 square feet of the building was going to be torn down regardless. The board found it would be less expensive to build the new school. When you go into renovate a building such as Bester and bring it up to current standards, it just becomes more cost efficient to start from scratch.

ACTION: APPROVED (Unanimous)

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

Staff provided commission members with revised language based on the discussion at the public review meeting on January 31. No comments were received from the community during the period the record remained open.

MOTION: (Gysberts/Wheeler) I'll make a motion to recommend approval to the Mayor and Council.

DISCUSSION: Mr. Wright noted that a definition for "amenities" needs to be added to the text.

ACTION: APPROVED (Unanimous; Mr. Brubaker was not present for the vote)

Board of Zoning Appeals Agenda - February Hearing

Case No. Z-2012-02 - Bester Elementary School. There are issues with the setback along East Memorial Boulevard for the addition and along the rear property line for a maintenance shed. In addition, the Board of Education would like to erect a chain link fence along East Memorial Boulevard and South Potomac Street, which would be in the front setbacks. The commission did not have any concerns about the requested variances, but asked staff to write a letter to the Board of Zoning Appeals expressing the commission's objection to the use of chain link fencing along South Potomac Street and East Memorial Boulevard. The commission wants this added as a condition of any BZA approvals.

MOTION: (Stone/Miller) I move that we write a letter to the BZA asking them to make a condition on the approval of the variance that the fencing along both South Potomac Street and Memorial be of a substantial decorative nature.

DISCUSSION: Mr. Brubaker was concerned that a procedural snafu would be created by putting it in the BZA's court and then if they do not choose to impose the condition, there might be a problem with the Planning Commission requiring a decorative fence at the site plan stage. The commission decided to have the Zoning Administrator write a letter to the Board of Zoning Appeals advising them that this discussion occurred and that the Planning Commission does not intend on approving chain link fencing on the site plan. The sooner the school board knows about the commission's objections the better.

ACTION: NO ACTION WAS TAKEN ON THE MOTION

Land Management Code Text Amendments (Hagerstown Beautification Advisory Committee Recommendations on Landscaping Text and Additional Discussion on Proposed Cemetery Language)

Proposed Cemetery Language:

Mr. Bockmiller prepared a memo (in meeting file) addressing the Planning Commission's concerns from the January 11 meeting about the removal of cemeteries prior to entering the development review process, regardless of whether the removal is in accordance with state law. Staff believes it can be done so that it is consistent with what is done with other site plans. Mr. Bockmiller suggested that the review could be set up as a consultation with the Planning Commission. After consideration of staff's arguments outlined in the memo, it was the consensus of the commission to direct staff to proceed with this amendment as written.

Hagerstown Beautification Advisory Committee Recommendations on Landscaping Text:

The commission considered a letter from the Hagerstown Beautification Advisory Committee (HBAC) addressing certain requirements in the landscaping standards (meeting file).

- The commission had no problem with the HBAC's recommendation to revise the buffer yard planting requirement from 15 shrubs per 100 feet to ten shrubs per 100 feet. The current requirement is too dense.

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- The commission revised the HBAC's recommendation to require that a maximum of 60% of all trees can be planted in one species, regardless of the number of trees planted. The commission decided that this would only apply if the planting contained four or more trees.
- The HBAC recommended that several trees and shrubs be removed from the recommended species list. A list of reasons why these species were targeted for removal was compiled by Will Godwin, master gardener and a former member of the Hagerstown Beautification Advisory Committee (see meeting file). The commission reviewed Mr. Godwin's recommendations and came to the following conclusions:
 - ▶ Green Ash - remove
 - ▶ Sweet Gum - remove
 - ▶ Thornless Locust - remove
 - ▶ Tulip Poplar - remove
 - ▶ Black Walnut - remove
 - ▶ Leland Cypress - keep
 - ▶ Flowering Dogwood - keep
 - ▶ California Privet - keep
 - ▶ Butterfly Bush - remove
 - ▶ Yews - keep
 - ▶ Junipers - keep
 - ▶ Add Crepe Myrtle as a recommended species

Staff proposed a special meeting on either Wednesday, March 7, or Wednesday, March 21, for the commission to review Round 2 of the revisions. Mr. Bockmiller will have the revisions out by the end of February. The Planning Commission agreed to meet at 4:00 p.m. on March 21.

Adjourn: It was moved and seconded that the meeting adjourn at 5:53 p.m.

2/29/2012
Date

Debra C. Calhoun
Debra C. Calhoun - Secretary