

Douglas S. Wright, Jr., chair, called the meeting to order at 4:30 p.m., on Wednesday, May 9, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts, D. Miller, 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

Mr. Wright noted that the engineer for the Bester Elementary School project did not provide revised plans to the staff until Friday. Staff was not able to provide a report to the commission on the project until today. He asked the commission to review the staff report and if any members did not feel comfortable reviewing the plan on short notice, the review would be continued until the next meeting or a special meeting. After reading the staff report, commission members had no objections to proceeding with the review.

MOTION: (Thomas/Gysberts) I move to amend the agenda to proceed with review of Bester Elementary.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Approval of Minutes: April 18, 2012 - Special Meeting; and April 25, 2012 - Regular Meeting

April 18, 2012:

MOTION: (Wheeler/Miller) I'll move approval of the minutes of April 18.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - Gysberts)

April 25, 2012:

Mr. Wright noted three typographical errors on page 3: 1) second paragraph, sixth line, add "encountered"; 2) third paragraph, second line, first word would be "has"; and third paragraph, fourth line, add "he."

MOTION: (Gysberts/Wheeler) Move to approve the minutes as corrected.
DISCUSSION: None.
ACTION: APPROVED, WITH CORRECTIONS (ABSTAIN - Miller, Thomas)

Bester Elementary School Rebuild - 30 East Memorial Boulevard, Site Plan,
Case No. ZS-2012-01; Forest Conservation Plan, Case No. FC-2011-01

Staff Report: This site plan ^{is} ~~if~~ for the construction of a new elementary school located on the eastern portion of the property while the existing school remains open. The site is 12.62 acres in area. Upon opening of the new school, the existing school building will be demolished. Access to the site would be via a driveway entrance on the frontage of South Potomac Street, and the main entrance will be on Mill Street. At this point, the City Engineer has determined that Mill Street should not be extended to Ray Street. The Planning Commission approved a sketch plan for stormwater management purposes on February 8, 2012.

The applicant is seeking a landscaping waiver for the requirement of providing a six-foot landscaping bed around the building. There are places around the building that this is not provided. However, this provision~~s~~ was less intended for a building like a public school than for uses such as an office building or a retail establishment; therefore, staff had no objection to this request.

The forest conservation requirement for this development is 1.89 acres. Like in the case of Pangborn Elementary School, the applicant proposes to use an extensive on-site landscaping proposal to address Forest Conservation Ordinance compliance using credit for individual trees, as well as the use of street tree credit. This process is not generally encouraged, however, the City has allowed the Board of Education to use this approach in the past, and staff had no objections to continuing this accommodation with the Board of Education. Washington County Public Schools (WCPS) is requesting a variance to remove several trees. Two trees are being removed from the variance request. The large sycamore tree at the intersection of South Potomac Street and East Memorial Boulevard will remain.

Mr. Bockmiller noted that the fence across the front of the facility shown on the site plan will be a decorative metal fence and not chain link. WCPS will work with staff on the design of the proposed fence. The fence is on the site plan but is not proposed to be included in the construction contract.

All review agencies have provided approval, with the exception of the City Engineer, and the Water and Wastewater Divisions. The Planning and Code Administration staff recommended approval of the proposed site plan, and that the waiver and variance requests be approved as well.

Commission/Applicant Discussion: Rodney Tissue, City Engineer, was present to offer insight into the Mill Street connectivity issue. Mr. Tissue stated that for the most part, his office is always looking for ways to improve connectivity. However, historically the neighborhood has been opposed to the Mill Street extension. A public meeting with the Locust Point Neighborhood's 1st group was held on March 13. The City discussed these plans with the neighborhood and the consensus was to oppose the connection. After that, two meetings were held with the Board of Traffic and Parking. The Board of Traffic and Parking eventually decided to recommend that the connection not be made (see April 12 letter to Mr. Bockmiller in the meeting file packet.) A demonstration on Google Maps of site conditions in the neighborhood was made to the commission. Mr. Tissue explained that the neighborhood is concerned about cut-through traffic due to the narrowness of the neighborhood streets. Ray Street is not conducive to traffic other than that generated by the people who live on Ray Street. A gate is proposed to be erected at the end of Mill Street.

There is a proposal to create a six- or eight-foot paved pedestrian path with bollards at the end of South Mulberry Street. Mr. Wright attended the neighborhood meeting and observed that the area residents were more concerned about the safety of the children coming out of the gate due to the large number of parents that drive to pick up their kids from school. Mr. Gysberts stated that if improvements are proposed for the area, at the very least, connectivity for pedestrians should be taken into account. Most Planning Commission members were in favor of bollards rather than a gate.

Mr. Gysberts asked what the Fire Marshal's office had to say about emergency access in this area. Mr. Bockmiller stated that the Fire Marshal approved the plan and had no issues or concerns about access.

The City Engineer wants to minimize conflicts between pedestrians and vehicles. The current school contains 511 students, and the new one will have capacity for 608 students. WCPS wants to keep class sizes small. Whether a student walks or rides depends on the distance from the student's residence and the school. Rob Rollins of Washington County Public Schools said once the school is operational, they may have to change the way traffic flows on and around the site. Jason Fritz, engineer for the project, said they are more than doubling the amount of stacking area. Mr. Rollins added that realistically there will never be enough room for stacking.

Mr. Tissue asked whether the existing gate at the end of South Mulberry Street should stay open or be closed. The commission agreed that the gate should remain open. More "No Parking" signs can be installed along the alley. Mr. Wright noted that there is an active business at that location. Restricting parking in the area may negatively affect the business.

Traci Coldsmith of WCPS stated that the site plans in front of the commission have been revised to incorporate all of the review agency comments.

Concerning landscaping, Mr. Fritz stated that there is not an overall plan for the landscaping. Instead, they followed the general intent of the landscape ordinance and forest conservation ordinance. Plantings have been located all around the site; buffer areas have been provided per the ordinance. Along South Potomac Street there are street trees that are set back from the right-of-way to accommodate the bleachers that the Alsatia Club sets up for the Mummer's Parade. Street trees have been located along the property line. They are keeping the large sycamore on the corner and another tree further to the east will remain, instead of taken down as originally planned. Sheet L2.1 of the site plan shows that WCPS will retain a majority of the large trees along Memorial Boulevard. There are some trees in a clump that are being saved, except for the one at the corner since a storm drain is proposed for that area. The tree to be removed is in bad shape. A total of seven trees will be removed.

Waivers for foundation plantings are being requested for the east side of the building (between the school and Julia Manor). Mr. Bockmiller noted that the area is not large and is located along a driveway area near the building. Mr. Bockmiller noted that an application was received for variances, however, this is not really a variance situation. He read the standards in the ordinance. The Planning Commission needs to find that Washington County Public Schools has demonstrated to the satisfaction of the Planning Commission, that of the original seven trees slated for removal (now only five) that reasonable efforts have been made to protect them and the project plan cannot be reasonably altered. Some of the trees are located in the path of a drainage swale, while other trees are simply in bad condition.

Mr. Brubaker questioned the outstanding conditions from the Water and Wastewater Divisions. He thought their outstanding comments were critical. Mr. Fritz said the existing 10-inch water line needs to be moved slightly since its existing location is where the new school is proposed to be built. Their design shows the existing water line above grade. Concerning the allocation issues, Ms. Maher stated that the state standards set allocation levels very high for schools; however, based on the City's experience, schools usually do not require as much allocation as the standard. Ms. Maher noted that the City does not want to waste the allocation. Mr. Fritz added that no new students are being added. Mr. Bockmiller said he did not have an issue with the Water and Wastewater Division comments since they will not sign the site plan unless their comments are satisfied.

Mr. Gysberts questioned the alternate gym plan. Mr. Rollins stated that all school bids have a standard gym size and an alternate request for a larger community-sized gym. If the bid falls within budget, the community-sized gym would be built. The Planning Commission is being asked to approve both alternatives. The alternate plan only affects the northern portion of the

building. Mr. Bockmiller noted that both alternatives comply with the ordinances. Mr. Wright expressed reservations about approving two site plans. He would prefer to approve the plan with the smaller gym. If the bid works out for the larger gym, WCPS could file a minor site plan for the modifications which could be approved by staff. All references to the larger gym would have to be removed from the site plan before Mr. Bockmiller will sign off on it. Mr. Rollins had concerns about their ability to move forward once the Board of Education approves the site plan. All site amenities are the same and do not affect traffic flow, landscaping, etc. Mr. Wright was concerned that the alternative gym was not pointed out in the presentations. A poll of the commission showed that other commission members were not opposed to acting on the site plan with two alternative plans for the gymnasium.

MOTION: (Wheeler/Gysberts) I move to approve the site plan, including agreeing to both gymnasium alternates; that bollards be used instead of a gate on Mill Street; that a pathway will be added on the south side of Mill Street, which will not be developed otherwise; that the Water and Wastewater conditions be resolved. In addition, the landscaping and forest conservation waivers are approved.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Mr. Rollins told the commission that he hopes to break ground this summer and open in August of 2014.

East First Street Rezoning, Case No. ZM-2012-01

Staff Presentation: Mr. Rohrbaugh stated that the public review meeting was held on April 25 to consider a rezoning from R1 to IG for properties in Area 1 and a rezoning from R1 to POM for properties in Area 2. The applicants' argument for the rezoning is based on a mistake in existing classification. Since the 1960s, Area 1 has been used consistent with uses allowed in industrial zoning. Adjacent land is zoned IG. The subject properties in Area 1 are separated from residential uses by East First Street and an alley. Staff believes that based upon the findings, a mistake was made in the comprehensive rezoning when the properties were left with R1 zoning; for the reasons stated, the requested zoning of IG is appropriate. The properties contained in Area 2 have been used for offices and service uses since the 1970s. Land to the north and west are zoned IR and IG. The requested POM zoning will allow the continuation of the uses which have historically occupied the two buildings, while providing a transition between the industrial and residential zoning bordering this area. In addition, the regulations for the POM zoning district will provide protections for adjoining residential properties. Based upon the findings, staff agrees that a mistake was made in the comprehensive rezoning by retaining the R1 zoning

on this property. For the reasons stated, the requested POM zoning is appropriate for these properties.

At the meeting on April 25, testimony was received from two of the applicants who provided brief histories of their respective properties. In addition, opposition testimony was received from two neighborhood residents with respect to the requested POM zoning for Area 2. During the 10-day period in which the record remained open three additional letters of opposition were received from Mrs. Genevieve K. Martin, owner of 901 Kenwood Drive; Dona Humphries, owner of property at 909 Kenwood Drive; and Marie E. Ebersole, the tenant at 909 Kenwood Drive.

Commission Discussion: Light manufacturing uses were discussed and included in the POM under certain conditions. Mr. Bockmiller stated that the likelihood of light industrial uses going into these buildings is very unlikely based on the buildings themselves and site constraints in a redevelopment scenario. If the existing buildings are torn down in order to build new buildings, future developers will need numerous variances. Obtaining a special exception for any of the listed special exception uses in the POM would also prove to be difficult. Any site plan for new buildings would trigger the residential buffer requirements. Mr. Bockmiller added that the likelihood of any of those uses being approved for these sites would be a significant long shot. Site circumstances will come into play as well. Most of the uses allowed as principal-permitted uses in POM (medical manufacturing and the computer components) are all indoors. Mr. Wright said the issues related to the banking industry have made it difficult for owners of nonconforming uses properties to find funding. Also, attempting to apply zoning to a mostly built city is problematic. In the future, the applicants will have difficulty trying to sell their properties.

The staff's recommendation is for a favorable recommendation to the Mayor and Council based on a mistake. Ms. Maher said it was an oversight that these properties were not considered during the 2008 Comprehensive Plan land use planning nor the comprehensive rezoning. Staff agreed with the applicants that a mistake was made and also that the proposed zoning districts are appropriate. Also, nothing has changed in the neighborhood since 2009.

MOTION: (Thomas/Miller) I move that we recommend to the Mayor and Council that Area 1 be rezoned from R1 to IG as applied for based on mistake and that the requested zoning is appropriate.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Brubaker)

- MOTION:** (Thomas/Miller) I move that we recommend to the Mayor and Council that Area 2 be rezoned from R1 to POM based on mistake and that the requested zoning is appropriate.
- DISCUSSION:** None.
- ACTION:** APPROVED (ABSTAIN - Brubaker)

Mr. Gysberts asked how the parking lot issued~~d~~ raised by one of the letters of testimony would be resolved. Mr. Bockmiller stated that it is a trespass issue and should be handled by an attorney.

Land Management Code - Distribution of Public Review Draft

Mr. Bockmiller distributed Articles 1 through 3 and Articles 6 through 8. Articles 4 and 5 will be mailed to the commission once they have been printed. The public review meeting will be advertised for the May 30 meeting. Mr. Bockmiller informed the commission that an additional change was made to Article 4. Under the D-MU district parking section, there is a provision that says someone who is doing a mixed use development can use a parking study to obtain a reduction of the parking requirements in this district. Staff added a line that clarifies that the Planning Commission will be the review and approval body.

Board of Zoning Appeals Agenda - May Hearing

The Planning Commission did not have any comments to pass on to the Board of Zoning Appeals.

Adjourn: It was moved and seconded that the meeting adjourn at 5:50 p.m.

5/30/2012
Date

DC Calhoun
Debra C. Calhoun - Secretary