

Douglas S. Wright, Jr., chair, called the meeting to order at 4:03 p.m., on Wednesday, April 10, 2013, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, C. Coleman, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

WORKSHOP MEETING

Approval of Minutes: March 27, 2013 - Regular Meeting

Mr. Miller emailed that the minutes reflect that he recused himself from the discussion at Cortland Villas.

MOTION: (Wheeler/Brubaker) I move approval of the minutes as amended.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Stone)

Northwest Connector - 2012 Traffic Study - Staff Presentation.

Staff requested that this item be moved to the May 8 agenda.

Digital Signs and Car Sales Lots - Text Amendments.

Car Sales Lots:

Mr. Bockmiller presented the proposed text amendments. Due to public comments to the Mayor and City Council regarding the recent prohibition of car sales in the CG zoning district that do not occupy 40,000 square feet of space, staff has been asked to reassess this provision. As part of that reassessment, staff has been directed to devise a new strategy that achieves the purpose of the regulation while addressing the car lot operators' concerns regarding this provision. There are approximately a dozen car sales facilities inside the City limits. Staff met with representatives of several local car sales businesses. One concern is that if an existing car sales facility is abandoned, how can the owners preserve the ability to re-establish a car sales lot in the future.

**Planning Commission
MINUTES - Workshop Meeting**

**April 10, 2013
City of Hagerstown, Maryland**

After the meeting staff incorporated suggestions made at the meeting into the proposed text amendments which addresses most of their concerns while also preserving the amendment's intent of improving the appearance and use of properties that are being used for vehicle sales lots. Staff suggests deleting the 40,000 square foot requirement and making the creation of auto and truck sales lots subject to performance standards. (See memo in meeting file.) If an existing lot goes vacant, in order to re-establish car sales lot, owners would need to file a site plan for Planning Commission review of landscaping and buffering. As part of that review, the Planning Commission could reduce or eliminate some of the landscaping standards.

Staff believes that a car sales facility should be held at least to the same standards as a parking lot. The proposed language incorporates parking lot standards. Hagerstown does not have a process for a change of use site plan. The Planning Commission does have authority to reduce landscaping requirements or to require more if it deems necessary. As a result of this, there will be situations where with all the waivers, a car sales lot would not be feasible. Currently, most of the existing lots could conform to the ten-foot landscaping buffer requirement. Others might need to get waivers to deal with unique situations on their properties. This does not create a 100% level of comfort for everyone, but staff has created a situation where the ordinance would address the potential for retrofitted car sales lot facilities. These requirements will apply to all car sales lots facilities in the CR and CG regardless of size.

Mr. Stone disagreed with the staff's interpretation that car sales facilities are similar to parking lots. A parking lot is not the main feature of a commercial site, whereas the cars parked on a car sales facility lot are the main attraction. He was not opposed to requiring buffers, but he did not agree with the requirement for tree plantings. Mr. Wright recalled that the Planning Commission forced Younger Toyota to plant trees in the Dual Highway right-of-way. Bushes would significantly obstruct passersby views of cars for sale. Mr. Stone did not have an issue with the requirement for bushes because these situations can be addressed on a case-by-case basis. As long as there is sufficient flexibility, he does not necessarily need to have the text changed.

Mr. Bockmiller noted that the Planning Commission would only review a site plan if a waiver is requested, and the requirements would kick in under certain situations such as change in use or if a use goes back in after being vacant for more than two years. Mr. Stone did not think any new car sales facilities should be required to do a site plan. He would only be in favor of this amendment if it was a change of use. Mr. Stone had difficulty triggering this provision based on vacancy. Some sort of development should trigger this. Car sales facilities should be allowed indefinitely as long as the property was not used for something different in between. Mr. Wright stated that the proposed language sets car lots as separate and different. Mr. Brubaker stated that if staff has an issue with these businesses parking cars on City sidewalks, then it should be enforcing laws prohibiting intrusions onto the public right-of-way. Mr. Bockmiller stated that it is not a productive use of staff time to chase the owners who are violating this provision of the

**Planning Commission
MINUTES - Workshop Meeting**

**April 10, 2013
City of Hagerstown, Maryland**

law as frequently as they do.

Mr. Stone said he does not have any problem with leaving the language alone. Staff recommended that “no intervening use” be incorporated into the draft. Mr. Stone was agreeable to that change, but he did recommend that the phrase “The creation of” in the line under “(9) Minimum Improvements for Automobile and Truck Sales Facilities” be removed. “Development” is the introduction of a use or when a site plan is required (protects existing operations and kicks in if any expansions are proposed).

Mr. Bockmiller stated that a small package of text amendments will be brought back for discussion at the next meeting.

Digital Signs:

Concerning the digital sign text amendment, staff made adjustments to the proposed text based on comments from the commission at the last meeting, additional research with local sign contractors, and review of the International Sign Association’s web site. Additional questions have arisen as staff considered application in the zoning article of the Land Management Code. First, There are many nonresidential uses allowed in the CC-MU and N-MU mixed-use districts and the C districts and several nonresidential uses allowed in the R districts. Staff asked if the commission wants uniform digital sign standards for all nonresidential enterprises in these districts which can be and are predominantly residential, or would commission members prefer to restrict such signs to places of assembly uses, such as theaters, churches, schools, etc. Mr. Bockmiller pointed out there are also nonconforming business uses in residential districts.

Mr. Wright noted that even small signs can be as much as \$50,000 so he does not see that as a problem for “Mom & Pop” shops. If Gordons or The Valencia wanted to install an illuminated sign, they could do it right now. There is no difference between that and a digital sign where we limit the frequency. Any type of electric sign will shine in someone’s window. Mr. Thomas stated that the brightness could be a factor. Mr. Wright continued that digital signs in smaller commercial situations will not be any different, it is just a different technology. Fades, rolls, flashes, should be regulated. Mr. Stone agreed with Mr. Wright and suggested that the qualities that make these signs offensive should be neutral with respect to technology. The issue is how it is seen and how intrusive it is.

With regard to electric signs in residential districts, Mr. Wright recommended regulating size, intensity, frequency, which could vary by zoning districts. The City should not get hung up on the fact that a sign is digital.

Mr. Stone suggested making a distinction based on frequency of change. Mr. Wright said labeling a sign “digital” associates the sign with text that moves and includes video, scrolling,

flashing, in and out fades, etc. The definition should not reference digital. They are signs just like any other sign. Mr. Thomas compared flashing, scrolling messages to cell phone text messages and felt they could be dangerous. The commission recommended:

- removing any reference to digital sign.
- re-evaluating the 10 seconds per message minimum in residential districts
- re-evaluating whether or not to allow scrolling messages.

Concerning allowing electronic signs in mixed-use districts, it was noted that there is no issue of glare during daylight hours. Glare occurs after sundown. Mr. Wright stated that there are some types of signs that are programmed to use a lower wattage at certain times of the day.

In residential districts:

- Signs can have changeable images/messages.
- Images/messages need to be locked between 10:00 p.m. and 6:00 a.m.

Commission members requested that staff provide examples of signs in the city that are at the standards mentioned in the proposed text (750 NITS/8500 NITS). Mr. Stone was curious about what is out there that will be significantly impacted.

Concerning the “and/or” on page 7, Mr. Stone did not think the City should mandate the requirement that signs dim automatically. He suggested deleting “B” on page 7 since the provision requires all illuminated signs to have dimmers.

In mixed-use districts:

- Signs need to be held to the same standards as residential.
- Restrict the size but allow the frequency to change more often; however, image or message should be frozen between 10:00 p.m. and 6:00 a.m. The locking rule should apply to signs above a certain illumination level (i.e., time and temperature signs do not tend to be very bright or intrusive).

Mr. Stone requested that staff provide examples of signs in the following districts: RO, RMOD, RMED, RH, CC-MU N-MU and Conversion District.

This will be on the agenda for the next meeting.

Board of Zoning Appeals - April Hearing.

Mr. Bockmiller stated that a variance application was received for an addition on the back of a duplex on the shared property line with the other half of the duplex. The ordinance currently requires a three-foot setback for maintenance. The addition is for a disabled veteran who needs to have a bedroom and bath on the first floor. An outside ramp is also part of the project. The lot is very narrow. The staff report recommends either an access easement for that side of the addition or that the addition be constructed with a maintenance-free type material, such as brick, on the common property line.

The Planning Commission disagreed with the staff's recommendation for maintenance-free construction. It was the consensus of the commission that the owner needs to obtain an easement from the adjacent property owner. Even "maintenance-free" materials require maintenance at some point.

MOTION: (Thomas/Stone) I make a motion that the commission supports the staff recommendation as long as the "maintenance-free" option is removed and endorse the easement for the zero lot line.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Adjourn: It was moved and seconded that the meeting adjourn at 5:55 p.m.

5/8/2013

Date



Debra C. Calhoun - Secretary