

Douglas S. Wright, Jr., chair, called the meeting to order at 4:16 p.m., on Wednesday, February 11, 2015, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, D. Miller, J. Stone, and R. Thomas. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

Mr. Wright announced that according to staff, a quorum for the Planning Commission is five members, not four. He has contacted the City Attorney for clarification. If true, this could pose significant quorum issues in the future.

**Approval of Minutes: September 10, 2014 –Workshop Meeting; and
October 29, 2014 – Regular Meeting.**

September 10, 2014:

MOTION: (Brubaker/Stone) I'll move approval of September 10.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - Campbell)

Mr. Wright said he had concerns about the gravel parking lot next to the pediatric office. There are no painted lines, no fence, or any other method to direct foot traffic, plus it is a mud hole. David Trostle, who was in the audience, stated that the parking lot is for the pediatric office who is not his client.

October 29, 2014:

MOTION: (Brubaker/Stone) I'll move approval with one modification. On page 12, move the comma one word up.
DISCUSSION: None.
ACTION: APPROVED AS AMENDED (ABSTAIN - Campbell)

**Trilogy II – Light Business Park – Site Plan Amendment to Add Signage,
Case No. ZS-2011-11.**

Staff Report: (See staff report in meeting file.) This project is nearing completion, and staff has received building permit applications for wall-mounted signage for this building. The signage will be visible from a distance on Cameo Drive as the building is located deep within the office park. Several future tenants have submitted sign permit application for wall-mounted signage

which exceed the three-foot height limitation currently prescribed by the Zoning Ordinance. The signs and the potential for additional signage fall well within the anticipated limits that are proposed in the current graphics amendments which went to public review meeting on January 28, 2015. According to the ordinance the Planning Commission may consider exceptions for an established logo that does not meet the requirements on a case-by-case basis, as long as they are subject to a required site plan. Anne Arundel Dermatology's logo is vertically oriented. The proposed height is 54 inches with the text in two horizontal lines adjacent to the logo. In addition, visually, any text limited to 36 inches in height will be perceived as very small from Cameo Drive.

Staff has suggested to the applicant to make use of the provision in the ordinance for site plan approval of signs that exceed adopted standards and to process an amendment to the existing site plan to add a "wall-mounted signage plan" for the building which would address this tenant and other potential tenants. If the commission approves the site plan amendment, a page would be added to the site plan showing the wall-mounted signage plan. This would allow the applicant to move forward with the signage without having to wait for the text amendments to take effect. The proposed ordinance language would permit up to two square feet of wall-mounted signage for each linear foot of the front and back of this building since it has two entrances. The proposed plan falls well below the maximum limitations proposed in the pending text amendments.

Applicant/Commission Discussion: Mr. Miller asked if all the proposed signs will be identical. Mr. Bockmiller stated that each message will be different. David Trostle of Frederick, Seibert & Associates, Inc., stated that the font and color will be the same for each sign. Mr. Brubaker questioned the logos. Mr. Bockmiller indicated that the text amendment calls for two square feet per linear foot.

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

Kiwanis Park – 371 Dynasty Drive – Public Park and Canoe Launch (Phases 2 and 3), Site Plan – Case No. ZS-2014-04; Amendment to Forest Conservation Plan – FC-2005-09 (for Light Business Park).

Staff Report: (Staff report in meeting file.) This site plan is for the construction of the recreational amenities associated with Kiwanis Park. The ten-space parking lot was approved by the Planning Commission under Case No. ZS-2013-08 and the concept plan for stormwater management for the predominantly impervious parking lot use was approved by the Planning Commission on November 13, 2013. Additional stormwater management concept review for these stages was unnecessary given the limited nature of the improvements.

Improvements in these phases include:

- Boat launch constructed into Antietam Creek.
- Two 8-foot wide boardwalk sections elevated as they cross the floodplain in order to allow flood waters to pass underneath. One section will be 120 feet long and the other section is 72 feet long. Boardwalk will be similar to what was installed in Mills Park off of Northern Avenue.
- Approximately 380 feet of six-foot wide trails surfaced with stone dust.
- Approximately 200 feet of eight-foot wide trails constructed of semi-permeable pavers.
- One 18-foot in diameter gazebo.
- One information kiosk which will provide data on the Antietam Creek Watershed.
- Removal of existing concrete and stone foundations of former buildings.
- Existing stone house will be retained; however, there are no current plans for its future use.

This proposal requires substantial revision of the forest conservation plan for this development. This lot is now owned by the City of Hagerstown for the purpose of creating a municipal park. The lot is subject to numerous forest conservation easements for retention and reforestation. This proposed park was contemplated when the preliminary plan for Light Business Park and the associated forest conservation plan were processed. At the time an attempt was made to configure open areas and access to Antietam Creek into the initial forest conservation plan design. The lot was always intended to be heavily encumbered with forest conservation easements. However, as plans have evolved over time, the existing configuration of the forest conservation and open areas has proven to be impractical for the logical development of the park. The lot was also designed around a 40-foot wide utility easement that Potomac Edison is currently in the process of abandoning.

As a result, knowing that ultimately the forest conservation for this tract would have to be redesigned, staff deferred collecting the portion of the forest conservation plan that was approved for fee-in-lieu contribution. The developer of the tract is very interested in a revision to the plan that would eliminate the fee-in-lieu element; however, revision of the plan cannot be accomplished without the developer's consent. The proposed plan creates retention and reforestation areas which are more logical and eliminates the need for a fee-in-lieu payment. The new plan will result in 0.023 acres less retention on this lot than the existing plan. This reduction would need to be replaced at a 2:1 ratio, or 0.046 acres (actual calculations are contained in staff memo).

This site is adjacent to Antietam Creek, has existing stands of forest, and a large portion of this site is in the 100-year floodplain. As such, retention and reforestation of as much of this lot as possible is the preferred approach to forest conservation as envisioned by the Ordinance. This approach is preferable to a fee-in-lieu payment. Staff pointed out that if the developer had not agreed to donate the lot for a municipal park when approached to do so, the original preliminary plan for the development and forest conservation plan would have included locking up all of this site in forest retention and planting that was not included in a utility easement. The proposed revision achieves more of the goals and intents of the Ordinance than the existing approved plan.

All review agencies have approved the site plan, and staff recommended approval, subject to a condition that the lot be replatted to implement the revised forest conservation easement plan.

Applicant/Commission Discussion: Rodney Tissue, City Engineer, told the commission that the City will need to be more careful about planting a diverse mix of tree species to avoid loss in case a disease attacks one of the species chosen for planting. There was discussion about why money from the fee-in-lieu fund could not be used in Kiwanis Park. Planning Staff stated that the area is already encumbered by an easement under the Light Business Park forest conservation plan so there could not be a second easement layered over the first easement. Normally trees planted with forest conservation funds in the street tree program do not require easements, nor if the trees are located in a city park. However, Kiwanis Park falls under the forest conservation plan for Light Business Park, and this planting and retention is required by the ordinance for this property to comply with the Forest Conservation Ordinance.

MOTION: (Stone/Thomas) I move that we approve, subject to the unsatisfied conditions.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

The order of the agenda was rearranged to review the Board of Zoning Appeals agenda before the discussion on the proposed 2014 Land Management Code Text Amendments.

Board of Zoning Appeals Agenda – February Hearing.

Mr. Wright questioned why the applicant is requesting height variances for the proposed fences at 449 North Potomac Street. Mr. Bockmiller explained that the applicant is having problems with the apartment building next door and is attempting to create visual separation from the adjacent property. The building next door sits forward slightly, however, all buildings on the west side of North Potomac Street are situated a sizable distance from street. There are topographic issues along the south property line so a six-foot fence would not provide an appropriate amount of screening. The Historic District Commission did not have any issues with the proposed fence height.

The Planning Commission had no comments to pass on to the Board of Zoning Appeals on this application.

2014 Land management Code Text Amendments – Discussion of Comments Received.

(Staff memo is in the meeting file.) Staff and commission members discussed the comments received prior to and during the public review meeting on January 28 and those received during the ten-day comment period after the meeting with the following results:

- Allow pawn shops in IR and IG zoning districts as special exception uses with a 25% limitation (same as retail in IR).
- Allow retail/wholesale trade in IG zoning districts as a special exception with a 25% limitation (same as retail in IR).
- Expand the sunset period for PUDs from two years to three years. Also allow delay of clock until after any appeals have been concluded.
- No interest in allowing chicken farming in residential zoning districts.
- Allow “specialty trade contractors (238)” with storage, staging, and prepping confined to the interior of buildings in the CG zoning district.
- Allow “specialty trade contractors (238)” in the IR and IG zoning districts.

Commission members raised the following questions and concerns:

- More information is needed on the lighting proposal for Section I, Site Plan Standards, 4, Parking Design and Landscape Standards, c. and f. Clarity is needed on the definition of “candle power.” Commission members were concerned about light pollution.
- Clarification is needed in understanding the impact of the proposed wall-mounted graphic and window graphic limitations. Staff was directed to apply the proposed provisions to the window graphic examples submitted by Dean Martin. Staff will provide results of its research when the proposed amendments were being drafted.
- Concerns were expressed by the commission about the Storefront Protection Zone and limitations which would be imposed on how storefronts could be occupied. Issues raised were the limited list of permitted uses for storefronts and the requirement that at least 40 feet of depth be maintained on existing storefronts. Opinions expressed that the intent behind this proposal would be better addressed with “carrots” (e.g., incentives) than with “sticks” (e.g., regulations). There were concerns that the Storefront Protection Zone would lead to more vacancies. Commission members suggested that staff modify the proposal to address the commission’s concerns.

**Planning Commission
MINUTES - Workshop Meeting**

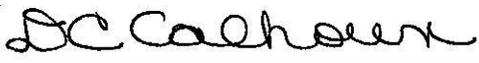
**February 11, 2015
City of Hagerstown, Maryland**

Adjourn.

It was moved and seconded that the meeting adjourn (6:00 p.m.).

April 8, 2015

Approved



Debra C. Calhoun - Secretary