

James W. Stone, vice chair, called the meeting to order at 4:03 p.m., on Wednesday, March 11, 2015, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, 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.

**Approval of Minutes: November 12, 2014 – Regular Meeting; and
December 10, 2014 – Regular Meeting.**

November 12, 2014:

MOTION: (Brubaker/Thomas) I'll move approval.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN – Campbell, Stone, Wheeler)

December 10, 2014:

MOTION: (Wheeler/Thomas) I'll move approval of the minutes.
DISCUSSION: None.
ACTION: APPROVED AS AMENDED (ABSTAIN - Campbell)

**Community Garden – 513 South Potomac Street – Parking, Sidewalk,
Sheds, Minor Site Plan, Case No. ZS-2015-01.**

Staff Report: (See staff report in meeting file.) Although this is a minor site plan based on disturbance, staff brought this project to the commission for review and approval because it is a City project. The Department of Parks and Engineering is proposing to construct a 115 x 125-foot fenced area to contain designated planting beds for a community garden. For the first season, the fencing will be three-foot tall green plastic construction fence; however, once funds are raised, the temporary fence will be replaced with six-foot tall ornamental fencing across the front, with green coated chain link fencing along the sides and rear. Inside the fenced area will be 26 planting beds of varying sizes, three 10 x 10-foot composting areas, a 10 x 20-foot shed, and a 10 x 16-foot shed.

The only improvements proposed outside of the fence are a seven-space parking area with spaces directly accessed off the alley and a five-foot wide concrete walkway from the South Potomac Street sidewalk to the parking area. Parking lot landscaping standards only begin to apply when a parking lot is eight or more spaces.

Although not shown on the plan, the Department of Parks and Engineering is considering planting several fruit trees in the 35-foot wide lawn area between the street and the fenced compound. A final determination has not yet been reached on this issue, and the trees are not shown on the plan.

Forest conservation requirements do not apply to this project.

All agencies have approved the plan with the exception of the Fire Marshal and the Planning and Code Administration Division. A Knox Box will be required on the gate into the garden compound when the permanent fencing is installed. Planning provided conditional approval on the conditions that 1) the property unique ID number be added to the plan and the zoning district be corrected to read "RMED," and 2) if a decision is made not to install the fruit trees, some sort of landscaping should be installed in the front yard area of the Department of Parks and Engineering's choosing.

Given the nature and size of this use, landscaping is not required nor is a fencing buffer required given the distance the fence is located from the street. However, staff believes something should be installed in the area between the fence and sidewalk to break up the unimproved lawn area in the front. In this instance staff recommended not constraining the applicant by prescribing any particular planting, as long as something is installed.

Staff suggested to the Department of Parks and Engineering that adding a bench along the sidewalk along South Potomac Street would be desirable, but specifically does not recommend making this a condition of approval or requiring it to be added to the plan. If it is determined that a bench at this location is a problem in the future, to remove it would require amendment of the site plan, and staff considered that to be overkill. Therefore, it was offered as a suggestion only for the applicant's consideration. It should not be made a condition of the site plan.

Staff recommended approval, subject to Fire Marshal's requirement for a Knox Box and Planning's two technical conditions.

Applicant/Commission Discussion: Mr. Thomas asked if there would be a hard surface walkway leading to the entrance gate into the garden. Rodney Tissue, City Engineer, stated that a stone dust path will be installed up to the gate. Mr. Stone had concerns about the proposed chain link along the sides of the garden and whether it would be visible from West Memorial Boulevard. Mr. Tissue noted that the garden is directly across from the new entrance into Bester Elementary School. Mr. Bockmiller added that the new chain link fence will be connected to existing chain link fencing on either side. All of the fencing will be set back approximately 35 feet and the buildings on either side are much closer to the street than the fence will be.

For the commission's information, Mr. Tissue explained the community garden will be operated by the people who rent plots. All plots have been reserved with seven people on a waiting list. The City of Hagerstown will provide whatever support is necessary (water supply, etc.). The

plan is to have the beds ready for planting by the end of next week. A ribbon cutting ceremony will be held on the last Saturday in April.

MOTION: (Campbell/Wheeler) I move to approve it subject to the outstanding comments.

DISCUSSION: None.

ACTION: APPROVED (ABSTAIN - Brubaker)

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

(Staff memo is in the meeting file.) The proposed amendments have been updated to reflect comments by the commission on February 11 and February 25. Staff asked for clarification on questions that have come up as a result of the commission’s latest revisions:

Storefront Protection Zone Packet: With the deletion of the Storefront Protection Zone, three items remain unresolved from that collection of amendments. The commission was in support of keeping the following provisions:

- Retention of storefronts in existing buildings in the CC-MU zoning district.
- Addition of “Visitor Welcome Centers” to list of permitted uses in CC-MU.
- Requirement for storefronts in new office, institutional and mixed-use buildings in the CC-MU.

Graphics Packet (Page 5): Staff noted that some of the new office buildings in the Light Business Park were built with more than one entrance wall. The proposed Procedures for Measuring Building Frontage for wall graphics has the following language for multiple tenant buildings: “measure width of building on front entrance wall.” Staff suggested adding a sentence after this language: “If building has customer entrances on more than one wall, measure width of each entrance wall.” Employee or rear doors would not count. Staff recommended keeping the language as easy to interpret as possible. The intent is not to limit the number of signs, just base the calculations on the maximum square footage. The commission was agreeable to staff’s suggested changes.

Miscellaneous Packet (Page 12): Pawn shops are currently only allowed in the CG zoning district if outside the Sustainable Community Area (SCA) and if not within 500 feet of another pawn shop or “other personal care service.” There were three outstanding issues that needed to be addressed:

- Staff members pointed out that if the exclusionary area of the Sustainable Community Area (SCA) was retained, the Southern States building would not be allowed to be used for a pawn shop. The SCA is referenced in the Land Management Code as an area where

this use would be prohibited. It was set up as an area to protect from adverse influences and it is tied to Community Legacy funding. Commission members agreed that the exclusionary provision should be removed. Pawn shops would be a special exception use in the IR and IG zoning districts.

- Several years ago, “Other Personal Care Services” (e.g., tattoo shops, massage parlors, tanning salons, depilatory salons, piercing salons, etc.) was a separate use and was regulated the same as pawn shops mentioned above. The Land Management Code no longer lists “Other Personal Care Services” separately, with the aforementioned uses having been broken into components and listed separately and without the SCA exclusionary provision or 500 feet of separation provision. Staff suggested removing “Other Personal Care Services” from the 500 feet of separation provision for pawn shops. Commission members agreed that the reference to “Other Personal Care Services” should be removed.
- The third issue is whether the City should retain the 500 feet of separation requirement between pawn shops. This provision was put in place to discourage clustering of pawn shops. Staff recommended retaining this separation provision for pawn shops in the CG zoning district and continuing it in the IR and IG districts. Most commission members were in favor of keeping the separation language.

Other items discussed included confirmation that chickens would not be a permitted use anywhere in the city. Also, Mr. Bockmiller pointed out that a minor change was made with regard to the special exception for Retail Trade and pawn shops, they are now all in the same category/line so they would all be subject to the 25% maximum square footage requirement.

MOTION: (Wheeler/Thomas) I move we recommend these amendments as a whole to the Land Management Code to the Mayor and Council for consideration.

DISCUSSION: Mr. Campbell wanted to make sure that the sidewalk language was included in the packet. Ms. Maher said they are on page 15.

ACTION: APPROVED (ABSTAIN - Brubaker)

Adjourn.

It was moved and seconded that the meeting adjourn (4:49 p.m.).

4/29/2015

Approved



Debra C. Calhoun - Secretary