

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, June 10, 2015, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, D. Miller and R. Thomas. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; and A. Rohrbaugh, Planner.

**Approval of Minutes: April 8, 2015 – Workshop Meeting and
April 29, 2015 – Regular Meeting.**

April 8, 2015:

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

April 29, 2015:

MOTION: (Brubaker/Thomas) Move approval.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

**15-16 Public Square (Lots 1-4) – High Rock Investment, Final Plat,
Case No. S-2015-03.**

Staff Report: This subdivision is for the consolidation of five lots, all under the same ownership. The buildings in question include the Clock Tower Building, the Rhubarb House Restaurant, and the Convention and Visitors Bureau offices. No new property lines are proposed; existing property lines within the buildings will be vacated. No construction is proposed.

The plat was routed for review and all agencies approved it, with the exception of minor labeling revisions requested by the Planning and Code Administration office. Staff recommended approval, contingent upon the minor labeling changes being completed. In addition, staff requested that a common access easement be added along the alley for the three properties, the adjoining property on East Washington Street, and the City for access and maintenance.

Applicant/Commission Discussion: No additional comments by the commission.

MOTION: (Brubaker/Campbell) I'll move approval.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

**Long Meadow Shopping Center Sears Building Rehabilitation –
1501 Potomac Avenue, Re-Use Site Plan, Case No. ZS-2015-06.**

Staff Report: (See staff report in meeting file.) The applicant is proposing to rehabilitate the former Sears building to include shops on the lower level and offices on the upper level. The northern façade will be partially demolished and reconstructed with recessed storefronts, using the cantilevered second floor as an overhang covering the pedestrian way in front of the storefronts. A new stair tower would be constructed on the west wall (facing McDonalds) and another on the northeast corner of the building (adjacent to Potomac Avenue). The existing one-story portions of the building will be demolished resulting in a reconfiguration of the parking immediately adjacent to the building on the north and west sides.

The site plan also includes three freestanding signs for the shopping center. One will be located along Leitersburg Pike in front of the vacant bank building and will focus on the development of the main shopping center. There will be a separate freestanding sign for the Sears building. The third sign will build on the existing structure of a formerly partially removed movie listings board near the center of the front of the shopping center building. The ordinance permits one freestanding sign per frontage. Staff's interpretation is that the third sign would otherwise be permitted on Oak Hill Avenue since it is visible from Oak Hill Avenue.

At the ESD sketch plan review, the Planning Commission expressed comfort with two anticipated design waivers driven by the configuration of existing parking and the nature of the proposed overhang feature of the storefront area. These conditions create difficulties in creating the required six-foot planting area along the storefront area. Also, given the somewhat inconvenient distribution of parking on the entire shopping center tract, the applicant also has requested not to be required to do an intermediary landscape island on a row of parking between the Sears building and the CVS drug store. Staff recommended approval of the requested waivers.

Three of the trees required by the ordinance for the parking lot reconfiguration are shown outside of the immediate work area due to space limitations. Two of the trees will be placed in the large landscape island between this building and the McDonalds. The other tree will be installed just east of the Northern Avenue entrance. Due to the level of disturbance not exceeding 40,000 square feet, forest conservation does not apply to this development.

The plan was routed for review and all agencies have approved it. Staff recommended approval.

Applicant/Commission Discussion: Mr. Brubaker asked what the square footage breakdown is for commercial and office uses. Stephen Cvijanovich of Fox & Associates stated that retail uses will comprise 20,850 gross square feet and office uses will be 30,153 gross square feet. Mr. Brubaker asked if the Sears building will be under the same management as the main shopping center, and if so he hoped they would do a better job of filling vacancies than what has occurred in the main shopping center. Mr. Cvijanovich said the management would be handled

by RD Management which handles the rest of the shopping center. Mr. Brubaker stated that this is a great project and is very pleased that it is happening. Mr. Cvijanovich indicated that the Sears building has been vacant since 2003. Mr. Wright felt this project would be an income producer for the shopping center allowing the management company to attract other tenants to the center.

Mr. Cvijanovich recalled that the Planning Commission had traffic concerns regarding the Northern Avenue entrance during the concept plan review. Staff presented an alternative solution to the commission's concerns at the May 27 meeting and those changes are reflected on the site plan. It is anticipated that building permits will be applied for in August; construction is expected to last 12 to 15 months.

Mr. Bockmiller pointed out that there is a half island which is necessary for a grease trap hatch. The developers anticipate the possibility of restaurants in the storefront area on the first floor. Due to its small size and its utilitarian purpose, it will just be seeded with grass since there is no room for landscaping. Mr. Cvijanovich noted that the entire first floor was plumbed for a restaurant, even though there are no definitive restaurant tenants for the space. Concerning parking, the center has 100 spaces more than required.

MOTION: (Brubaker/Miller) I'll move approval, including the necessary waivers.
DISCUSSION: None.
ACTION: APPROVED (Unanimous)

Workshop: 500 South Burhans Boulevard – David Fisher/Fisher Sheds.

(Staff memo is in the meeting file.) The issue of the Fisher Sheds sales facility and lack of site plan compliance was discussed at a recent Planning Commission meeting. The commission advised the applicant that it would work with them, but the site plan standards that most impact the appearance of the property along South Burhans Boulevard would be a priority. There was also a concern over the absence of sidewalk between the Wesel Boulevard intersection and the railroad overpass. Since that meeting, sidewalk was installed to connect the overpass with the existing sidewalk that runs across a portion of this site's frontage on South Burhans Boulevard.

Staff worked with Mr. Fisher and developed a sketch (included with staff memo in meeting file) for the commission to consider. Staff had no concerns about waiving some of the design requirements, except for the one noted on the sketch; however, waiving requirements to a lesser point than those depicted on the plan will result in a negative staff recommendation. Following is a list of proposed improvements:

- Installation of above-ground, knee-high landscaped block planters, 30 feet in length and 20 feet back from the sidewalk; 30 feet of spacing provided between each planter. Area between the planters would be paved with asphalt to reduce gravel intrusion onto the public sidewalk. All product display must be located behind the planters; buildings and gazebos would need to be located at least 15 feet (22.5 feet from the face of the curb) from the South Burhans Boulevard right-of-way per ordinance requirements. Staff noted that the front half of the planters would encroach into the street right-of-way; however, the City Engineer's office has indicated that it will permit the encroachment provided a license agreement is obtained from the Mayor and City Council.
- Main entrance area behind the driveway apron will be paved with new asphalt. This area is approximately 30 feet wide and would be paved 20 feet back from the sidewalk.
- Paved handicapped parking would be provided adjacent to the sales office and marked according to building code requirements.
- Area to the south of the driveway entrance would be landscaped with shrubs installed at regular intervals. Staff requested that the commission advise the applicant as to the distance between shrubs. Shrubs would be located just inside of the 15-foot building setback from South Burhans Boulevard so that the company's crews know that they can store sheds up to the back side of the shrubs without violating the setback requirements.

Staff suggested that one or two ornamental or understory trees be added to the area south of the driveway entrance as part of the landscaping plan.

Applicant/Commission Discussion: Cliff Hess, representing Fisher Sheds, was present. Mr. Hess stated that the owner is willing to do whatever is requested by the Planning Commission. Mr. Brubaker had questions about maintenance responsibility and asked that a note be added to the plan indicating that there will be no merchandise display in the asphalt areas between the planting beds. He also asked that another landscape bed be added on the other side of the driveway. Concerning the required distance between shrubs, staff asked if the commission would be willing to allow a waiver to allow the shrubs to be planted more than four feet apart. Mr. Miller stated that it would depend on the type of shrubs selected.

The Planning Commission had no objections to the proposed waiver requests. Mr. Bockmiller noted that if the display area is expanded further north, the applicant will need to extend the landscaping treatment as well.

Home Day-Care Regulations/Limitations.

Mr. Bockmiller reported that staff has been working with the state regulatory agency regarding what is permitted and not permitted with regard to home child care. Up until 2012, the zoning ordinance did not address home day-care and staff deferred to the state. State regulations allow up to eight children, depending on the home; require a "back-up" provider; and do not prohibit

regular, nonresident care providers. Typically the state licenses homes for four to six children, with apartments rarely receiving approval for care of more than two children.

In 2012 the City adopted more restrictive regulations than the state's requirements. The City permits up to four children who are not relatives of the provider; and apartment units cannot be used for home day-care. The City's ordinance does not address whether non-resident providers are permitted, but it does imply that non-resident providers are not permitted since it is an accessory use of the property.

Staff recently received a complaint about a home child care business that exceeds current ordinance limitations, but meets the state's requirements for a state license. Staff and state representatives have been working together to ensure this does not occur in the future. As a result of these meetings, staff asked the commission to consider the following:

- Increase the maximum number of children permitted from four to eight with the understanding that most applications will not receive approval from the state for the maximum number of children.
- Increase the maximum number of children permitted in an apartment day-care scenario from zero to two.
- Acknowledge that providers are required to have back-up caregivers in case of illness, emergency, vacation, etc.
- Explicitly prohibit regular staff members that are not residents of the property. Regular care must be provided by the resident of the property.

Mr. Wright asked how applicants learn about City requirements. Mr. Bockmiller stated that staff has provided the state staff with handouts explaining the City's requirements. Mr. Thomas asked whether applicants are screened, and Mr. Bockmiller stated that applicants are screened by the state agency.

Planning Commission members had no concerns about the proposal by staff.

Fence Modification Day-Care Regulations/Limitations.

(Staff memo in meeting file.) The Mayor and Council reviewed the Planning Commission's recommendation pertaining to language for residential fences adjacent to commercial and industrial districts and nonconforming commercial and industrial uses. Even though a majority of council members were in agreement with the new language, a new idea surfaced during the Mayor and Council's discussion on the language. The issue is fences along property lines of properties that front more than one street and when the side or rear yard abuts a higher classification street. The feeling was that homeowners should not have to go through the expense and time of the Board of Zoning Appeals process to gain permission to erect six-foot fences in

that situation and not when a property fronts a lower classification street. The Mayor and Council noted properties that front Potomac Heights and border Northern Avenue in the rear. Many residents screen their properties with tall vegetation which is inconsistent with the fence policy. Staff suggested that the easiest remedy to the Council's concern would be to delete language pertaining to higher classification roads.

Commission members had concerns about how complicated the fence issue has become. Mr. Brubaker believed the current requirements were not fair to property owners along arterials. Mr. Wright felt most would rather see plantings than fences. Along existing arterials, people were aware of the arterial roads when they purchased their homes. Ms. Maher noted that council members recommend grandfathering developments that predate the arterial, such as Potomac Heights and Northern Avenue. Mr. Wright was not in favor of the proposal and will vote against it. His concern was with the appearance of a variety of fence treatments by each homeowner. Mr. Miller agreed with Mr. Wright's position. Commission members discussed the grandfathering idea and how it would be administered. Mr. Thomas felt there were too many unique situations throughout the city to solve them all. (Mr. Brubaker left the meeting.)

Ms. Maher recommended that this item be moved to the 2015 Land Management Code Text Amendment package to give staff and the Planning Commission more time to craft text to cover grandfathered developments. The Planning Commission agreed with Ms. Maher's suggestion.

Comprehensive Plan – Future Land Use Amendments.

This item was not discussed.

Board of Zoning Appeals – June Hearing.

The only case is for a variance for a metal shed. Staff's only concern is about the materials to be used at this prominent location, however, there are no code provisions that deal with materials. (Mr. Miller left the meeting.) Mr. Wright recommended that shrubs be planted along Chestnut Street to help shield the metal structure. Planning Commission members agreed with that recommendation.

Joint City-County Planning Commission Meeting – August 26, 2015.

Commissioners Campbell, Thomas, and Wright indicated that they would be available for a joint meeting with the Washington County Planning Commission on August 26 at 7:00 p.m.

Adjourn.

It was moved and seconded that the meeting adjourn.

7/22/2015

Approved



Debra C. Calhoun - Secretary