

Douglas S. Wright, Jr., chair, called the meeting to order at 4:05 p.m., on Wednesday, January 11, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts (late), D. Miller, J. Stone, R. Thomas (late) 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: November 30, 2011 - Special Meeting; December 7, 2011 - Special Meeting; and December 14, 2011 - Regular Meeting

The meeting packets were mailed last week but not delivered by the U. S. Postal Service in time for the meeting. Approval was tabled until the next meeting so commission members could have an opportunity to review all three sets of minutes prior to voting on them.

MOTION: (Miller/Wheeler) I move to table.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Charley's (former Corsi's Pizza) - 991 Maryland Avenue, Staff-Approved Site Plan, Case No. SA-2011-13

Staff Report: This is a ^{minor} ~~staff-approved~~ site plan for necessary site improvements to the former Corsi's Pizza site at the corner of Maryland Avenue and West Wilson Boulevard. The property is zoned R1 (Residential) with a Local Conversion District Overlay. The property owner is proposing to reopen the commercial portion of the property as a restaurant. The improvements to the site include re-stripping the parking lot; the addition of a dumpster enclosure; installation of a six-foot privacy fence along the northern property line; yard- and roof-mounted signage; and the realignment of the driveway apron to allow for better ingress/egress from the parking lot. The proposed landscaping plan includes planting beds along West Wilson Boulevard and around the edge of the building. The planting beds will contain a variety of flowers and shrubs. The overlay zone was approved by the Mayor and Council in December 2010 with seven conditions and the proposed site improvements are consistent with those conditions.

All review agencies have approved the site plan, with the exception of the City Engineer and the Fire Marshal. The City Engineer is requiring that the dumpster enclosure and the driveway apron be constructed to City standards; the Fire Marshal will require a final inspection to make sure the project complies with the Fire Prevention Code for existing occupancy.

Commission/Applicant Discussion: Mr. Stone did not believe that the commission had the expertise to adopt the Fire Marshal's comments. Commission members discussed the relevance of the Fire Marshal's comments with regard to its review of the project. Mr. Stone felt if the commission included the Fire Marshal's comments as a condition of approval that it would imply that the Planning Commission is requiring any improvements that might be necessary as a result of complying with the Fire Prevention Code. (Mr. Gysberts arrived.) Mr. Wright noted that regardless, any renovations the applicant plans will be required to meet the fire code. Mr. Rohrbaugh stated that he has been in contact with the applicant's representative and it did not sound like there were any major issues to be addressed with the Fire Marshal. The commission decided to act on the application, but ignore the recommendations of the Fire Marshal since compliance with the fire code is a separate process and is necessary to obtain a use and occupancy permit.

MOTION: (Stone/Miller) I make a motion to approve this subject to the outstanding Engineering comments.

DISCUSSION: Initially, Mr. Miller wanted to include the Fire Marshal's comments. Mr. Stone was not in favor of making that motion because it is not something the Planning Commission has review authority over it or has knowledge about. Mr. Wright pointed out that the commission does not get into discussions about the adequacy of door widths, heights, etc. The staff's general practice is to ask for input from review agencies. Mr. Wright agreed with Mr. Stone's motion, because the developer will still have to be in compliance with the fire code. Mr. Miller agreed and seconded the motion. Mr. Wright recalled that after the overlay request went to the Mayor and Council, the Council agreed to not require the widening of the driveway apron into the parking lot. Mr. Rohrbaugh stated that the applicant decided to include the improvements on their own.

ACTION: APPROVED (Unanimous)

Consultation: Expansion of a Nonconforming Use Site Plan - AC & T Garage - Florida Avenue

Staff Report: Mr. Bockmiller reported that a site plan is pending for an addition to the property located at 1050 Florida Avenue. This property was recently rezoned as part of the recent comprehensive rezonings from IR (Industrial General) to POM (Professional Office Mixed). The current use of the property as a repair and refurbishment facility for large trucks and portable sea containers is a nonconforming use. The property owner applied for and was granted a special exception for the expansion of a nonconforming use in order to expand the garage area. Staff

noted that there are a large number of sea containers stored on site, sometimes stacked three containers high. (At this point, Mr. Stone recused himself from the discussion on this matter.) The applicant would like^{to} proceed with the site plan process, but there are certain development requirements that will need to be met as a result of the garage addition. Staff noted that there are a number of dwellings located across the street.

Staff provided the developer with a list of improvements that would be necessary to bring the property into compliance with the current City standards. Issues on the list include:

- Six-foot landscaping bed is required along the east side of the building (Applicant agreed to provide this landscaping area.)
- Staff originally requested that the driveway entrance from Florida Avenue be made more narrow; however, after consulting with the City Engineer's office, it was determined that this is not feasible.
- Staff is asking for a ten-foot landscaping edge and a thick evergreen hedge to screen the sea containers from the houses across the street. The evergreens should be eight feet tall upon installation. Staff believes a quick dense evergreen screen is desirable for this location. The developer is contesting this requirement. Alternatively, the developer would be agreeable to planting six-foot high trees.
- Planting beds need to be installed between the garage bays. The applicant requested permission to use large planting containers instead. The fear is that planting beds would be destroyed by trucks maneuvering around the entrances to the garage bays. Staff did not have an objection to this substitution.
- Installation of the ten-foot buffer on the west side of the frontage where parking is currently located. The developer is opposed to losing the four parking spaces in the front. Staff is amenable to allowing them to keep the two spaces in the ten-foot buffer, as long as they landscape around them.
- Creation of a setback line for storage of the sea containers. The developer is opposed to this requirement.

Mr. Wright questioned why sea containers are being stored at this location. Mr. Bockmiller clarified that the sea containers are being serviced on this site. The containers will not be stored on site any longer than it takes to repair and refurbish them. Mr. Bockmiller reported that when he visited the site, there were approximately 130 containers waiting to be serviced.

Jason Divelbiss, Esquire, was present on behalf of the applicant. According to Mr. Divelbiss, the applicant would like to store the sea containers in the front of the site to make it easier for the containers to be moved around on the property. Sometimes space is tight and the developer wants to preserve his operational flexibility. There is a building in the rear that is being leased out to another entity. Mr. Divelbiss pointed out that in the POM district, the height limitation is

100 feet and the minimum front setback is 15 feet. They would be agreeable to limiting the height of the stacked containers to two high and no less than 16 feet from the front property line. This area is not intended for long-term storage. The reason why the developer is opposed to the staff's request for an eight-foot evergreen hedge in the front is because the industry standard for evergreen trees at installation is six feet; however, the developer could be flexible on this point.

Concerning the six-foot landscaping strip on the south side of building, the developer has reconsidered. It is their belief that a landscaping strip in this location would not survive due to the amount of truck traffic in the vicinity. In lieu of the planting bed, they would be willing to take the line of trees and bring it around the side. Mr. Bockmiller noted that a landscaping waiver request will be required for this proposal.

Mr. Wright asked if this discussion could be tabled until the next meeting. He would like the developer to provide a more detailed plan, including a perpendicular cross section with one level, and a view showing what the neighbors across the street would see from their second floor windows. Mr. Thomas observed that if ten sea containers are moved out and ten more come in for repair, there is actually a net 0 reduction. He felt this would be the same as storing sea containers on site based on the visual impact. The existing parking lot is partially paved, and partially gravel. No additional paving is proposed on the site plan. Commission members were asked to visit the site between now and the next meeting.

Board of Zoning Appeals Agenda - January Hearing

The commission did not have any comments on the special exception request to allow a tattoo parlor at 71 Eastern Boulevard, North.

Multi-Family Development Design Standards - Proposed Text Amendments

These text amendments have been advertised for a public review meeting on January 25.

Mr. Miller asked for a recap on the Cortland Park discussion from the last meeting. Mr. Bockmiller said the general discussion was that the Planning Commission was in favor of the proposal to add an full access point onto Eastern Boulevard, North, but it should be designed to current City standards, including a merge lane, accel and decel lanes. The upgrades will require a site plan which will allow staff to review it for compliance with current site plan standards. The improvements will also require compliance with the County's Adequate Public Facilities Ordinance (APFO) for school capacity and a mitigation plan will need to be approved by the Mayor and City Council and the County Commissioners. (Mr. Brubaker left the meeting.)

Land Management Code Amendments - Article 5 through Article 8

The commission continued its review of the proposed Land Management Code revisions:

Page 5-9, 1 - Added a step for the storm water management sketch plan review process. Sub-sections b and c should be reversed; the second “d” should be a narrative, not a list item.

Page 5-12, 4 - Add clarification that the development plan contains a preliminary version of the final plat.

Page 5-16, c - Staff needs to revise to reflect actual practices.

Page 5-18 - did the same thing for final plat data requirements. Page 5-36

Page 5-24, 19 - In the first line, add the word “existing” (“ . . . units within *existing* buildings or land condominium . . .”) Mr. Stone said he thought condominium plats were approved by the Planning Commission. Mr. Bockmiller said it could be written that way; previously staff has considered them as simplified plats since they are already built.

Page 5-24, 19 - Staff will take another look at “land condominiums.”

Page 5-30, s - Mr. Stone was concerned that the city may become uncompetitive (you could do it in the county but not in the city). Staff will compare the proposed open space language with the county’s open space requirements.

Pages 5-32 through 5-35 - Add a header that indicates the subsequent pages of each chart are continuations of the “Sketch Plans, Development Plans, Site Plans, and Staff-Approved Site Plans” chart beginning on page 5-31.

Pages 5-36 through 5-38 - Add a header that indicates the subsequent pages of each chart are continuations of the “Plats; Simplified, Minor, Condominium, and Other” chart found on page 5-36.

Page 5-34 - In the first column, line seven, add “NCU” to the items in the parentheses.

Page 5-49, 2 - Review of the Landscaping Plan Design Standards was deferred to next meeting since the Hagerstown Beautification Advisory Committee (HBAC) comments have not been incorporated.

**Planning Commission
MINUTES - Workshop Meeting**

**January 11, 2012
City of Hagerstown, Maryland**

(Mr. Miller commented that the parking lot lighting at McDonald's on Northern Avenue is not downward directed.) (Mr. Miller left the meeting.)

Page 5-67, K - This new section deals with how any existing human burial ground is treated that is being annexed into the city for development. The new language creates a process for property owners to identify potential burial grounds and sets forth how the plots will be relocated. Mr. Bockmiller noted that the State of Maryland also has a process for identifying human burial sites. The new language would give the Planning Commission and the City a process so developers can conduct due diligence. It also establishes penalties if the process is not followed.

Page 5-69, 7, a and b - Mr. Stone believed that sub-section a is overreaching. He did not have an issue with sub-section b. The commission and staff discussed the cemetery section and whether it goes too far. Mr. Stone felt there might be a conflict with state law and had issues with creating a separate process and requirements for removing human remains from a burial site. Staff will revisit this section.

Adjourn: It was moved and seconded that the meeting adjourn at 6:00 p.m.

1/25/2012
Date

Debra C. Calhoun
Debra C. Calhoun - Secretary