

Town of Emmitsburg Planning Commission Minutes

July 31, 2023, 7:00pm

Present: Mark Long (Chair), Kevin Hagan (Vice-Chair), Dan Garnitz (Secretary), Joe Ritz (Commissioner Liaison), Valerie Turnquist, Patricia Galloway (Alternate)

Staff Present: Najila Ahsan (Town Planner), Christopher Jakubiak (Town Planning Consultant), Leslie Powell (Town Counsel), Jessica Housaman (Office Coordinator)

1. Call to Order

- a. Pledge of Allegiance

2. Review and Approval of Minutes for June 27 & July 5, 2023

- a. Commissioner Turnquist pointed out a few typos in the meeting minutes
- b. Motion to approve minutes with the suggested edits by Commissioner Hagan
- c. Seconded by Commissioner Garnitz
- d. Changes: Change “ration” to “ratio” and “high” to “height”
- e. Approved: The minutes were approved unanimously.

3. Public Comment:

Dianne Walbrecker, a resident of Emmitsburg, noticed a change in the operational procedure where people are directed to enter the back of the post office rather than the front, and asked who made this decision and that it may pose confusion. The Planning Commission Chair clarified that the Planning Commission was not involved in this decision.

4. Old Business:

- a. *NONE*

5. New Business:

a. *Floating Zone*

- i. Ms. Ahsan started by going over the few changes made by staff since the June 27, 2023, Planning Commission meeting:
 1. Added another point under “Purpose and Intent” in the first section to ensure that the proposed development along US 15 preserves the landscape quality and aligns with the objectives of the Catoclin Mountain Scenic Byway
 2. Assigned numbers to each section in the rest of the text.
 3. Included language regarding floor area ratio (FAR), with a maximum ratio of 0.4 in §17.26.070(C) and Board of Commissioner’s power to require a lower FAR

ratio if the proposed development is incompatible with the surrounding area of negatively impacts the environment.

4. Included language that requires a minimum amount of open space—20%.
 5. Included language to require a corridor plan, subject to Board of Commissioner approval as part of the Master Plan approval process, for the developments that are right along the US 15 scenic byway that would include appropriate setbacks, landscaping, architecture, and signage.
 6. Included language to give Board of Commissioners the right to remove the floating zone at any future comprehensive zoning if they believe the Master Plan is no longer feasible
 7. Included language to emphasize the applicant's or owner's obligation to comply with the established standards
- ii. Commissioner Ritz asked what constitutes an appropriate gateway signage on US 15 frontage to which Ms. Ahsan responded that the sign would have to comply with SHA requirements for signs on scenic byway. Mr. Jakubiak stated that there is a qualitative standard that complements the corridor plan and does not dominate the highway by fitting well within the Gateway condition, which is the entry point into Maryland and the County. He referred to the importance of preserving the landscape's quality along the Catoctin Mountain scenic byway and that the standards for the corridor plan should guide the decision-making regarding signage.
 - iii. Commissioner Hagan asked whether the provisions for signs in the floating zone would override the Town's sign ordinance to which Ms. Powell responded stating that the floating zone does not have a specific classification for regular signage, allowing for discretionary application. In agreement with Najila's statement, Ms. Powell stated that any signs on SHA's easement would need SHA approval, but not outside of that area. The intent of this sign provision is to prevent obtrusive signage.
 - iv. Commissioner Turnquist suggested the following changes
 1. §17.26.020: - add C-R and INST. Mr. Jakubiak responded that the purpose of the floating zone is to establish settings for economic development with greater flexibility, so B2, ORI, and IP districts were chosen since the permitted uses in these districts accommodate commercial uses. However, he does agree that

adding C-R would be logical to keep things consistent as the C-R zone is eligible for the floating zone. Commissioner Long asked whether this change is acceptable to the applicant's counsel, Mr. Dean.

2. §17.26.020: Add INST & C-R as those zones are included in the ordinance

- b. Commissioner Long asked for clarification regarding the role of the Planning Commission and the Board of Commissioners in approving master plans. Staff made a note to ensure that it is clarified that the Planning Commission will make a recommendation for approval to the Board of Commissioners who would provide the final approval.
- c. Mr. Dean, the applicant, mentioned and presented examples of Floor Area Ratio (FAR) in industrial lots ranging from 32 percent to 90 percent impervious surface that have been approved. He emphasized the importance of parking standards in relation to FAR and noted that parking cannot be disregarded in industrial projects that require significant truck and employee parking. Mr. Dean also emphasized the importance of respecting the Catoclin Mountain Scenic Byway through proper signage as the development plans evolve. He mentioned that he is satisfied with the proposed ordinance, including the discussed amendments. He also added that the substantial open space in the example he provided was due to its location along the Monocacy River and served to show proper green landscaping on the frontage of both the river and US-15, which is a key factor in preserving open space. He also mentioned how this example showed how changes in impervious surface percentage can result in larger buildings and expanded parking lots.
- d. No public comment
- e. Mr. Jakubiak presented the site of McDonald's in Emmitsburg to show what a low FAR looks like and emphasized how space is experienced with this FAR. He presented other examples how of how sites develop with different FAR. He mentioned that 0.4 FAR is a standard practice and speculated whether this should apply to an entire master plan.
- f. Mr. Dean clarified that the FAR of 0.4 is meant to be applied to individual building lots as opposed to the entire project. He also clarified that the buffer areas along US-15 and forest conservation areas within a project are part of the project's common areas for stormwater management.
- g. Mr. Jakubiak highlighted that the draft ordinance had an approach (at least 20% of land area must be open space) that differed from the performance standards in the current Town Code.

He mentioned that the 20% open space requirement would result in high coverage of buildings and asphalt parking which contrasted with the character of Emmitsburg. He also referred to the Comprehensive Plan which recognized the importance of preserving open space amenities and emphasized the importance of incorporating open space into a development of this scale. He suggested a standard of 35 to 40 percent for open space requirements. Mr. Dean strongly disagreed.

- h. Mr. Brown, Mr. Dean's client, stated that the example provided by Mr. Jakubiak focuses on single lot in isolation whereas it would be better to designate specific areas for environmentally sensitive features across the entire master planned area. 35% of open space translates into 36-acre of open space in Mr. Trout's 180-acre property which would go against the goal of economic development in Town.
- i. Commissioner Long asked to confirm that if an applicant proposes a development plan that is consumed with a substantial amount massive buildings and impervious surface, the Planning Commission would have the authority to disapprove it. Staff confirmed that the decision of the Planning Commission is discretionary. Mr. Jakubiak described how 20% open space requirement would result in meeting conservation regulations but not really create any quality open space and be compatible with surrounding environment. Mr. Jakubiak mentioned the current open space standard in the ORI zoning district.
- j. Mr. Dean stated that the 20% open space requirement was not intended to apply on a per-lot basis and the purpose of this flexible zoning was to facilitate master planned development and not serve the purpose of the ORI district. He also mentioned that the intention behind the text amendment proposal was to allow for review, discretion, and approval by the Board of Commissioners, rather than applying a standard zoning approach. He also mentioned that the 20% requirement was carefully considered in comparison to other jurisdictions' practices for different types of development. He stated that making the text amendment very similar to ORI would render the efforts towards this text amendment less meaningful.
- k. Commissioner Long mentioned that he was under the impression that the 20% open space requirement applies to the entire property. He used cluster development as a point of reference for open space requirements and that applying the 20% open space requirement would negate the advantages of having a flexible district. He expressed his uncertainty about the open space requirement.

- l. Commissioner Hagan explains that the advantages of having a 20% open space requirement for the entire property is that it serves as a minimum standard, and that an actual master plan review would consider changing that percentage if necessary. He mentioned that this would allow for negotiation with the developer during the planning process.
- m. Commissioner Turnquist stated that the impact and feasibility of the 20% open space requirement vary depending on the building size, layout, and site-specific factors, and she considers it a reasonable expectation given that a master plan would be adaptable and give the Planning Commission and Board of Commissioners the ability to ask for adjustments.
- n. Commissioner Hagan emphasized that the 20% percent open space requirement is a baseline when making the decision to approve a project
- o. Commissioner Garnitz stated that adjustments can be made to a master plan when presented and that addressing a case individually to apply the 20% open space requirement would be acceptable.
- p. Commissioners asked for some changes in the language to clarify certain points mentioned earlier before
- q. Motion to approve the proposed text to add §17.26 with the incorporated changes by Commissioner Turnquist
- r. Second by Commissioner Hagan
- s. Motion carried with Commissioner Ritz abstaining

AYE: 4

NAY: 0

ABSTAIN: 1

b. Comprehensive Plan

- a. Ms. Ahsan presented a draft of the first chapter of the 2025 Comprehensive Plan update. She stated that the draft outlines the plan's purpose, structure, legislative context, planning history, and community engagement strategy. She pointed out certain changes such as, "15 years" to "20 years" and "2040" to 2045". She also discussed the organization of the Comprehensive Plan with 10 chapters and multiple sections to meet Maryland state requirements. She mentioned that covers various aspects like land use, community development, natural resources, transportation, utilities, recreation, and housing, including maps and illustrations for regulations. She mentioned the section that discusses the location and community context to show the Town's opportunities

- for residents to live, work, and play within a certain radius. She briefly mentioned the 12 Visions for Planning by Maryland Department of Planning and referenced sample maps. She mentioned that the plan intends to involve the community, stakeholders, and organizations via visioning exercises to answer important questions about the Town's current state, future direction, and how to achieve its vision.
- b. Commissioner Turnquist asked to clarify the process of making the comprehensive plan update—whether it's going to update the existing plan or rewrite it entirely.
 - c. Ms. Ahsan responded to Commissioner Turnquist saying that it is an update, but there would be significant changes made with the organization of the plan.
 - d. Mr. Jakubiak suggested that changing the structure of the plan would improve a reader's experience. He suggested that starting the first chapter of the plan with a description of how the Town Arrived at the plan through the public engagement process, followed by a statement of the Town's vision—an approach that would provide context by introducing the state's vision and then delving into the Town's vision in more detail and, in turn, improve the flow and justification of the introduction.
 - e. Commissioner Turnquist showed concern over information from the introductory chapter being carried over from the 2015 plan to the 2025 draft and asked for track changes to clearly identify what has been omitted or added to help maintain transparency and clarity in the update process.
 - f. Mr. Jakubiak responded to Commissioner Turnquist stating that this approach may not be feasible and that the update is essentially a new plan that needs to be reviewed and updated.
 - g. Ms. Powell mentioned that the Comprehensive Plan is a chance to improve and align with the Town's vision. She stated that she recognizes the challenges of using track changes for such a comprehensive plan and suggests some sections may need reworking. She stated the importance of including state-mandated criteria for transparency and showed enthusiasm about the project, seeing it as an opportunity for the Planning Commission to shape the town's future. She encouraged the Commissioners to review both plans and make notes on important elements for proper inclusion in the update.

- h. Commissioner Long mentioned the Frederick County's 2019 plan update, Livable Frederick Master Plan, which adopted a completely new concept and approach and that the new plan was quite different from the previous ones. He mentioned the importance of gathering input from the community to shape the Town's future, considering various comments and suggestions to create a plan that makes sense for everyone.
 - i. Commissioner Hagan mentioned using the 2015 Comprehensive Plan as a reference document to track the Town's progress over time—it wouldn't replace the older plan but use it as a reference point.
 - j. There was some more discussion regarding public input during the Comprehensive Plan process, including the concern about when and how public engagement will take place, with a preference for involving different segments of the community, including civic, religious, and business organizations. Early and multiple visioning sessions, as well as virtual comment options to ensure accessibility were discussed. The mention of a 60-day review period on a dashboard is noted, and there's a request to have a place for public comments on the dashboard. Additionally, there's a suggestion to open up each Planning Commission meeting for public comment to gather more input throughout the process.
 - k. Public Comment: Dianne Walbrecker shared her experience with a previous Comprehensive Plan process, emphasizing the importance of early and extensive public participation. She suggested involving representatives of various community groups and that the process should start sooner rather than later.
 - l. Commissioner Long asked to clarify that at the next meeting, there will be a more defined plan on how to proceed and engage the public effectively.
- c. Next Meeting Date:** Monday September 25, 2023
- d. Adjournment**
- a. Chair Long adjourned the meeting at 8:33pm