

MINUTES OF THE
November 21, 2013 Meeting of the
Easton Planning & Zoning Commission

Members Present: Members, John Atwood, Debbie Renshaw, Linda Cheezum and Don Hilderbrandt and Richard Tettelbaum.

Members Absent:

Staff Present: Lynn Thomas, Town Planner, Zach Smith, Current Planner and Stacie Rice, Planning Secretary.

Mr. Atwood called the meeting of the Planning & Zoning Commission to order at 1:00 p.m. The first order of business was the approval of the minutes of the Commission's October 17, 2013 meeting. Upon motion of Mr. Tettelbaum seconded by Mr. Hilderbrandt the Commission voted 5-0 to approve the minutes.

Before reviewing the two projects on the Agenda, Mr. Atwood suggested that the Commission first discuss the issue of possible Zoning Ordinance Amendments because the resolution of that issue would impact the review of the projects. Mr. Thomas and Mr. Smith then discussed the two of the three proposed Zoning Ordinance Amendments which were on the Agenda as a staff item. They explained that there are two provisions on the major retail use supplemental standards which have a bearing, to one degree or another, on both the Dick's Sporting Goods and Harris Teeter applications. These are the standards relating to the setbacks for major retail uses and the location of parking relative to the front façade of buildings.

Mr. Thomas explained that because of the way the Ordinance is worded, these standards have to be satisfied. They are not like some standards in PUD applications that can be modified on a case-by-case basis during the review and approval process. Thus, there is no flexibility with regards to these two standards, even when such flexibility may make sense. The staff then described the proposed Zoning Ordinance Amendments which would give applicants and the Town the ability to be more flexible with such applications. For the setback standard, the staff suggests simply deleting the standard from the major retail supplemental standards. This would then mean that the setbacks would default to the PUD regulations which already state that such setbacks are established on a case-by-case basis in the Ordinance granting the PUD. For the parking lot placement, the staff suggested simply moving the current requirement from the major retail supplemental standards to the PUD regulations. This simple change would have the effect of making this standard one that would be eligible to be modified by the Council during the course of the PUD review provided that any adverse impacts of such modification were ameliorated by some other means. The Commission voted unanimously to support these two amendments and recommend that the Town Council approve them. The Commission then felt comfortable reviewing the two projects on the Agenda with the ability to condition any approval that may be forthcoming upon the Council's adoption of said amendments.

The first item discussed was architectural review for a **Dick's Sporting Goods retail store**. Mr. Stagg with Lane Engineering, Ed Wayde, and Architect were present at the meeting. Mr. Stagg stated that Dick's Sporting Goods Store is approximately 40,000 square feet in area; therefore it constitutes "major retail" and accordingly must comply strictly with Sec. 1008.2 A (15) of the Zoning Ordinance.

Mr. Stagg explained that the property is located at 28564 Marlboro Avenue (Waterside Village). Mr. Smith stated that the Zoning Ordinance requires that all development constituting "major retail" in the Town of Easton comply with the Supplemental Standards for major retail set forth in the Zoning Ordinance. The Commission discussed with the applicant their compliance/non compliance with the standards. The Commission discussed the proposed architecture and felt it should comply with architectural standards and fit in with the surrounding buildings in Waterside Village. The Commission voted 5-0 to approve the sketch site plan amendment subject to the following conditions:

- 1.) The Zoning Ordinance amendments discussed at the meeting being approved with respect to setbacks for Major Retail
- 2.) Staff review/approval of architecture changes as discussed at the meeting
- 3.) Addressing the secondary customer entrance requirement by either obtaining a variance, amending the Zoning Ordinance or revising the architecture to comply with the current standards.

The next item on the agenda was **Harris Teeter grocery store**. The applicant is proposing the development of a 55,000+ square foot Harris Teeter grocery store and 11,700 square feet of additional unnamed retail space. Mr. Stagg stated that the site of the proposed development is approximately 10.5 acre parcel of land located at the north east corner of the Marlboro Avenue and Brooks Drive intersection. The applicant is proposing 236 surface parking spaces generally located between the front of the Harris Teeter and Marlboro Avenue. There is a proposed 2,400 square foot retail building proposed between the parking field and Marlboro Avenue. The rear of the grocery store and the rear of the 9,700 sf retail building are visible from, and located close to Brooks Drive. The applicant has provided landscaping to buffer these areas but the service and loading areas are still visible to some extent. The applicant provided color elevations for the proposed buildings. The Commission felt the architecture was appropriate. One comment from the public was Jane Bollman who expressed her concern of another grocery store in Easton and increased traffic. The Commission voted 5-0 to approve the sketch site plan, and to forward a favorable recommendation to the Town Council finding the project consistent with the Comprehensive Plan. The sketch site plan was also contingent on the adoption by the Town Council of certain proposed Zoning Ordinance amendments being forwarded to the Council. The Commission voted to recommend to the Town Council the following conditions of approval for the PUD:

- 1.) The 2, 400 square foot retail building located near Marlboro Avenue shall be required to have a front façade along Marlboro Avenue. Such façade can be in addition to the front façade proposed to be oriented towards the interior of the site. The required front façade shall consist of storefront systems inclusive of entry doors oriented towards Marlboro Avenue. The storefront facing Marlboro Avenue shall have a minimum proportion of 50% glazing. All glazing shall consist of transparent glass. The entry door oriented towards Marlboro Avenue are not required to be maintained as functional.
- 2.) The 2, 400 square foot retail building located near Marlboro Avenue shall have a sloped roof for the purposes of supplying the necessary bulk to efficiently screen parking and reduce the visual impacts of the massing of the larger buildings behind it.
- 3.) The smaller building serving to reduce the visual impacts of the parking area shall be built prior to or along with the buildings to be located behind it.

- 4.) At or around the time that the developer intends to begin construction of the Harris Teeter (or another use(s) occupying the spaces on the plans labeled as "Harris Teeter"), the developer shall submit a traffic analysis to the Town and to the State that studies whether or not the warrants are met for a traffic signal at Marlboro Avenue and MD. Route 33. If authorized by the Maryland State Highway Administration to construct a traffic signal at that location at that time, the developer shall provide the signal and associated improvements. Such improvements shall include appropriate pedestrian signals and crosswalks.

The next item was from staff concerning **Mobile Food Services**. Mr. Thomas explained that at last month's meeting the Commission discussed Zoning Amendments in two contexts. The first concerned the Comprehensive Update of the entire Ordinance. Mr. Thomas feels like he has sufficient direction on which to proceed and will be back before the Commission with specific questions about specific sections of the Ordinance over the course of the next couple of months. The other item discussed were possible amendments to the Zoning Ordinance that the Commission might pursue as part of our Annual packet of amendments. The only one that the staff suggested was to consider looking at the way in which we address the use "Mobile Food Uses". There seemed to be a split amongst the Commission, with at least one member willing to loosen up the regulations, others opposed to doing so, and still others undecided at this point. The staff indicated that we would look into the issue further and draft something for your consideration, at which point you can make a decision on whether or not to pass along such a suggestion to the Council, either as presented or as you may modify it. The "working example" that we have is the trolley at Rise Up Coffee. The trolley itself meets the definition of mobile food use because it is or is "capable of being readily moved" as per the current definition. The trolley could be made legal by removing the wheels and obtaining the necessary building permit (whatever that would entail) or by not being used on-site but rather being taken to the site of an approved temporary use as required by the Supplemental Standards for such a use. Mr. Thomas also suggested the Commission consider where such uses are permitted. Any commercial zoning district? Just the CR (i.e. Downtown) and/or within the Planned Redevelopment District? Or, OK in all commercial districts but with different standards depending upon which one it is in? After discussion of possible amendment concerning mobile food units Mr. Thomas stated that he would draft a possible amendment and circulate to the Commission for their review/approval.

There being no further business the meeting was adjourned at 4:20 p.m. by motion of Mr. Hilderbrandt, seconded by Ms. Renshaw.

Respectfully submitted,

Stacie S. Rice
Planning Secretary