

**TOWN OF INDIAN HEAD
PLANNING COMMISSION &
MAYOR & COUNCIL
Village Green Pavilion
PUBLIC HEARING #PC201501
April 15, 2015**

Chairman Michael Pellegrino called Public Hearing #PC201501 to order at 7:33 p.m. Gaudencio Fernandez, Attorney John Hungerford, and Engineer Stacey Hart were present to request a zoning map amendment for parcels 69 and 70A located behind 4145 Indian Head Highway. Those in attendance were:

Chairman Michael Pellegrino
Warren Bowie
Anita Sampson
Wayne Higdon 7:57pm
Emery Nauden, Base Liaison
Mayor Dennis Scheessele
Councilman Albright
Ryan Hicks, Town Manager
Andrea Brady, Town Clerk
Richard Parks, Town Zoning Administrator

The application was received on March 2, 2015. Notice for the Public Hearing was published in the Maryland Independent on April 1, 2015 and April 8, 2015. Certified letters were sent to all property owners within 200 feet on April 1, 2015. The applicant was notified of the date time and place of the hearing and sent copies of the property owner notifications on April 1, 2015. The sign for the public hearing was posted on the property at 4145 Indian Head Highway on April 6, 2014.

John Hungerford reviewed his client's files and the start of Mr. Fernandez's parking lot project goes back about a year and a half. Mr. Fernandez is requesting the zoning map amendment for Parcels 69 and 70A due to a mistake in the original zoning of the parcels as R2. Mr. Fernandez feels this zoning was a mistake because the property at 4145 was zoned commercial without sufficient parking as required in the Town's zoning ordinance. If parcels 69 and 70A were zoned as TCMX behind the commercial property this would have provided the possibility of more parking for the commercial structure from the beginning.

Mr. Fernandez and his wife purchased 4145 Indian Head Highway in 2003 with plans to open a business there, but due to the lack of sufficient parking opening a business was not feasible. Mr. Fernandez was able to buy the properties behind 4145 Indian Head Highway and has invested a considerable amount of money already with the hope that he will be able to put in a parking lot. Mr. Fernandez appreciates the good will of the Town to work with him. Mr. Fernandez hopes the Town and the public in general see that the Town needs businesses and he appreciates everyone's support.

Mr. Hungerford pointed out that while eliminating two of the residential properties behind 4145 Indian Head Highway will reduce the Town's population it will more importantly improve the commercial facility that is already there.

Ms. Hart explained that the two subject residential properties are currently accessed by two alleyways as both ingress and egress. The proposed parking area would be shared with the Black Box Theater and would therefore be an enhancement for Mr. Fernandez, the Town and the Black Box Theater. In terms of compatibility, the properties are currently zoned R2 but approving the properties rezoning to TCMX will enhance the Town's Comp Plan goals. The Town's zoning ordinance will require fences to separate the parking lot from the adjacent residential properties. Mr. Fernandez, Mr. Hungerford, and Ms. Hart agree with most of the conditions provided by the Town. One condition suggested is eliminating one of the driveway/alleyways. Richard Parks feels the alleyway between 4145 and 4165 Indian Head Highway is too narrow and unsafe for traffic. Ms. Hart stated that if her client kept the alleyway as a driveway he would do the improvements and make it accessible to cars only, no trucks and she does not see a safety issue if it was limited to cars only and no stopping was permitted. Richard Parks reinforced his opinion that the alleyway is too narrow to be used as ingress and egress. Mr. Fernandez will have to submit a site plan for approval by the Planning Commission if his rezoning is approved.

Mayor Scheessele questioned Mr. Fernandez's opinion that the rezoning should be granted as a mistake in the original zoning and asked if he felt it should have been originally zoned to allow parking. Mr. Hungerford responded that yes he and his client feel that parcels should have always been zoned TCMX to allow for parking for the commercial property in the future.

Warren Bowie asked how many parking spaces are planned. Ms. Hart stated that they are proposing 50 standard parking spaces at this time. 3 compact spaces and 2 bike only spaces. Emery Nauden asked if the proposed parking lot will be gravel or paved. Ms. Hart said the proposed parking area will be paved.

Mr. Fernandez and his wife has the potential for a grocery store to be located in the building about 2 years ago and is still focusing on having that type of business in the building when the parking is no longer an issue. Mr. Fernandez also plans to keep 4155 Indian Head Highway and plans to renovate it with the hope of turning it into an office space in the future.

Chairman Pellegrino asked about the existing shed encroachment and how that will be handled. Ms. Hart stated that the shed will be left where it is currently located and they plan to work around it.

Richard Parks reviewed the staff report/judgment criteria with the Commission. And stated that the proposed zoning reclassification is consistent with the Town's Comprehensive plan and specifically recommended in the transportation element and if approved the site plan will be subject to future review by the Planning Commission. Mr. Parks does take issue with the use of the alleyway between 4145 and 4165 for safety reasons and lighting in the parking lot would also need to be considered as well for safety. Mr. Parks is otherwise in agreement with the map amendment request.

Pennie Drinkard owns the business to the North East of Mr. Fernandez building at 4165 Indian Head Highway. Ms. Drinkard started by applauding Mr. Fernandez for his plans for revitalization and she is in support of any business in Town. To add to what Mr. Parks said about the alley between the two businesses, Ms. Drinkard stated that alleys is very narrow and unsafe and having it open to ingress and egress traffic could possibly cause damage to her 1930s building. Ms. Drinkard would rather not have any traffic between the two buildings. Ms. Drinkard is the one who currently maintains and polices the area and feels that the parking area will increase the traffic there and she suggests moving her fence over to prevent use of the alley since there is already existing damage to the building from vehicle traffic. Ms. Drinkard reinforced that she is speaking in favor of what Mr. Fernandez is proposing; she is speaking about her concerns for the future site plan.

Stephney Drinkard, owner of 1 Gering Court and a small piece of property near the proposed rezoning inquired about what kind of fence and lighting is being proposed. Ms. Drinkard is concerned with how the proposed lights will potentially affect the residential area. Mayor Scheessele said the proposed parking lot will not come as far over as her property and therefore would not affect her property. Richard Parks stated that any buffering details have not been worked out at this time but will have to go before the Planning Commission for approval as part of the site plan.

Roslyn Fox, resident of 5 Gering Court has lived in Indian Head since about 2008. Ms. Fox stated that within that time there have been 2 arsons, a murder, burglaries, and drug trafficking. Ms. Fox is concerned about the size of the proposed parking lot, and about the security measures that will be put into place. Ms. Fox currently deals with a lot of foot traffic through her yard and she would like to know what kind of fence will be put in place and if the proposed lighting will be shining on her house the whole time. Ms. Fox is also concerned about the effect that the run off and drainage from the parking lot will have on her yard. Mr. Parks said the stormwater management plan for the parking lot should actually improve Ms. Fox's drainage. John Hungerford said the proposed fence should help to alleviate the foot traffic and not increase it. Richard Parks said the fence will be on the property line or a foot off of the property line. Ms. Fox said she is all for a new business she just has quite a few concerns about the final site plan.

In closing Mr. Fernandez said he appreciates everyone who spoke and he will take their concerns under consideration. The proposed parking lot will have green areas, and a lighting system that will make the area safer. The idea is to improve the quality of the parking lot. Mr. Fernandez believes the parking lot will help increase the quality of the Town and the value of the surrounding properties.

Chairman Pellegrino thanked Mr. Fernandez, Mr. Hungerford, and Ms. Hart for their presentation.

Warren Bowie made a motion to close the hearing. Wayne Higdon seconds the motion. Chairman Pellegrino closed the hearing at 8:26pm.

Chairman Pellegrino opened the Planning Commission meeting at 8:28pm to discuss the information received during the public hearing for the zoning map amendment request for parcels 69 and 70A from R2 zoning to TCMX.

Warren Bowie made a motion that a change in zoning for parcels 69 and 70A is justified due to a mistake in the original zoning. Wayne Higdon seconds the motion. Motion carried.

Richard Parks told the Planning Commission that a site plan will come before the Commission for approval at a separate meeting. Richard Parks will prepare a finding of facts, and a written recommendation from the Planning Commission for Mayor and Council.

Mayor and Council will review the finding of facts and the written recommendation at the May 4 Town meeting where they will make their determination on the request for the zoning map amendment.

There being no further discussion, Warren Bowie made a motion to adjourn the meeting, and Wayne Higdon seconds the motion. The meeting adjourned at 8:32pm.

A handwritten signature in cursive script that reads "Andrea Brady". The signature is written in black ink and is positioned above the printed name and title.

Andrea Brady
Town Clerk