



Mayor & Council of Berlin

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**Town of Berlin
Planning Commission Agenda
September 9, 2015 6:00 PM
Berlin Town Hall – Council Chambers**

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes from the August 12, 2015 Meeting
4. Text Amendment to section 108-715 for Multi-family units
5. Comments from the Commissioners
6. Comments from the Chairman
7. Comments from the Public
8. Adjournment

Town of Berlin
Planning Commission
August 12, 2015

The Planning Commission meeting for August 12, 2015 was called to order at 6:02PM. In attendance were Chris Denny, Barb Stack, Pete Cosby and John Barrett. Absent from meeting was Newt Chandler, Phyllis Purnell, Ron Cascio and Natasha Brittingham. Staff present was Dave Engelhart Planning Director and Carolyn Duffy Permit Coordinator.

Chairman Chris Denny called for a motion to adopt the August 12, 2015 agenda. Mrs. Barb Stack made the motion to approve the agenda. Mr. John Barrett seconded the motion and it was unanimously accepted by the commission. Chairman called for a motion to approve the minutes from the July 8th 2015. Pete Cosby made the motion to approve the minutes from July 8, 2015 meeting with correction to one item. Barb Stack seconded the motion and it was unanimously accepted by the commission.

Final Site plan approval for property of Steven Black, Arby's & Royal Farms Site. Bob Hand was present representing the project he told the commission that nothing had changed from the last meeting and he was requesting final site plan approval. Mrs. Barb Stack said she was fine with Royal Farms. Mr. Dave Engelhart Planning Director told the commission that they had come before the Board of Appeals and got approval for their sign. The sign they requested was 103 square feet and the code allows for 80sq ft. He told them the signs would be well off the road and that the Board of Appeals had no problem with that.

Pete Cosby made the motion to approve the final site plan. John Barrett seconded the motion, Barb Stack opposed, it was a 3/1 vote.

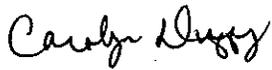
Next on the agenda was Site Plan Review for Oceans East Apartment Complex, Seahawk Road, Berlin Md. Mr. Mark Cropper Attorney was representing Mr. Blair Rinnier. He told the commission that they wanted to maximize the space. And had discussed it with Dave Engelhart and David Gaskill about the units. They would consider this on a case by case basis. And with this being a public hearing hoping the commission would find it favorable to go to Mayor & Council. Mr. Cosby was concerned that others may want to do the same thing. Mr. Engelhart told him it would be controlled with the density of the properties. Mr. Cropper read the criteria.

Mr. Keith Fisher gave a description of what you would see when you entered onto the site. He said they had created a greenway and landscaping would be done according to the neighborhood. Mr. Brock Parker an engineer told the commission that the focus was Seahawk Road. He said the entrance would be separated further down from the school. It would be right in and left out. He said the central park would be center pond, forest conservation would buffer from the road, and the greenway would have bike and walking paths added. He said they were compliant with the town's code. He said the intent is to have biking and paths throughout. Mrs. Stack asked what was the intent for the land next to the apartments. Mr. Parker told her it could be senior

homes. Mr. Cosby asked if they could go down Flower Street. Mr. Parker told him they would have to make a u turn in the road and come across five lanes of traffic. He thought that this was the best way for the traffic. He said the Traffic Group had reviewed it and there were less apartments then what had been presented. Mr. John Barrett said the way it sets now it has two lanes, it would have five lanes. Mr. Parker told them they have dedicated turn lanes and they still have to submit to the Traffic Group and the Town. He told them they would see the benefit of the lanes. Mr. Cosby asked if they Board of Education was okay with it and if they had a letter saying that. Mr. Cropper told them they had gone to the Board of Education before they had come to the town. Mr. Cosby said this traffic plan is known to the Board of Education. Mr. Parker told them if the school needed a crossing guard it would be at his expense. Mr. Cropper read 984G. Mr. Parker said the sidewalks would be on both sides of the road. Mr. Engelhart asked about the height of the buildings. He replied they would be about 35feet.

John Barrett made the motion to approve the site plan. Pete Cosby seconded the motion and it was unanimously accepted by the commission. Mr. Engelhart told the commission that the town wants to put in bathrooms in the park and it would be done with grant money. Mrs. Stack said it would be a commercial building. The text amendment would be held September the 9th Planning Commission meeting. With no more comments from the commissioners, chairman and public the meeting was adjourned at 6:55PM.

Respectfully Submitted,



Carolyn Duffy

Staff Report to Berlin Planning Commission

Meeting of September 9, 2015

1. The Public Hearing on tonight's agenda concerns a recommendation to The Mayor and Town Council to amend the Town Zoning Ordinance Section 108-715(2)a. by repealing it and replacing it with the following:

"a. Multi-family buildings shall consist of a group of not more than 12 dwelling units unless the Planning Commission finds that an improved development plan can be achieved and that public necessity, convenience, general welfare and good zoning practice will be better served, in which case, the Planning Commission may allow a multi-family building to consist of any number of dwelling units as determined on a case by case basis."

This Text Amendment was discussed at last month's Planning Commission meeting on August 12, 2015, and was the contingency stated in the Final Site Plan Approval granted to the Oceans East Apartment community to be built on Seahawk Road. The Mayor and Council will also have to hold a Public Hearing on the Text Amendment after they have received your recommendation.

date an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this article and only when the resulting occupancy will comply with the requirements governing new construction in such district.

(Code 1977, § 107-25; Ord. No. 2000-10, 9-25-2000)

Sec. 108-711. Essential services exempted.

Essential services, as defined in section 108-5, shall be permitted in any district, as authorized and regulated by law and ordinances, it being the intention hereof to exempt such essential services from the application of this chapter.

(Code 1977, § 107-26; Ord. No. 2000-10, 9-25-2000)

Sec. 108-712. Distance requirement.

All uses, buildings or premises for which compliance with the distance requirement in this article is stipulated elsewhere in this chapter shall be at least 200 feet from any lot in any R District.

(Code 1977, § 107-27; Ord. No. 2000-10, 9-25-2000)

Sec. 108-713. Temporary buildings.

Temporary buildings and structures, including recreational vehicles, for uses incidental to construction work on the premises shall be permitted in any district where such construction is being done by a responsible contractor or builder under a contract having a definite completion date and on condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction.

(Code 1977, § 107-28; Ord. No. 2000-10, 9-25-2000)

Sec. 108-714. House moving requirements.

(a) The moving of all buildings, structures and dwellings from one location to another within the town, or the moving of buildings from out-

side the town to a location within the town or from within the town to a location outside the town, is permitted only as a special exception to this chapter, as herein provided in division 5, article II of this chapter, and shall require site plan review in accordance with article V of this chapter.

(b) Notice of special house moving exceptions shall comply as provided in division 5, article II of this chapter, section 108-191. In addition, all adjacent property owners shall be notified by regular mail.

(Code 1977, § 107-29; Ord. No. 2000-10, 9-25-2000; Ord. No. 2005-1, 3-28-2005)

Sec. 108-715. Townhouse and multifamily developments.

Townhouse and multifamily developments shall comply with the following requirements, in addition to the other applicable provisions of this chapter:

- (1) Townhouse buildings.
 - a. Townhouse buildings shall consist of a group of not less than three and not more than six townhouse dwellings attached to each other by party walls. No more than two adjacent townhouse dwellings in any townhouse building shall have the same back and front setback line. The minimum variation of front and back setback lines shall be four feet.
 - b. The minimum building width shall be 18 feet for each dwelling.
 - c. Minimum horizontal distances.
 1. The minimum horizontal distance between facing walls of any two buildings on one lot or any one building with facing walls shall be as follows:
 - (i) Where two facing walls both contain a window or windows, not less than 35 feet.

- (ii) Between two facing walls only one of which contains a window or windows, not less than 30 feet.
 - (iii) Between two facing walls neither of which contains a window or windows, not less than 25 feet.
2. Facing walls are walls opposite to and parallel with one another and/or any opposite walls whose lines, if extended, would intersect at angles of less than 65°.

d. Maximum height shall not exceed two stories or 30 feet, except that the basement floor of any dwelling may open to grade at the rear only.

(2) Multifamily buildings.

- a. Multifamily buildings shall consist of a group of not more than 12 dwelling units.
- b. No building shall have any wall greater than 100 feet in horizontal length and shall be separated by at least 25 feet from other buildings on the lot.
- c. The provisions of subsection (1)c of this section, relating to minimum horizontal distances between facing walls, shall also apply to multifamily developments.

(3) All townhouse and multifamily developments shall provide sidewalks, curbs, and gutters in accordance with the specifications.

(Code 1977, § 107-30; Ord. No. 2000-10, 9-25-2000)

Sec. 108-716. Open space areas and landscaping.

All nonresidential uses, townhouse and multifamily developments and single-family subdivi-

sions involving three or more dwelling units or lots shall provide open space (see definition of "open space" in section 108-5) in accordance with the following table:

<i>Zoning District Minimum Percentage of Lot Area Required in Open Space</i>	
R-1	40%
R-2	35%
R-3	30%
R-4	30%
B-1	10%
B-2	15%
B-3	15%
M-1	25%
M-1A	25%

(Code 1977, § 107-31; Ord. No. 2000-10, 9-25-2000).

Sec. 108-717. Common areas in multifamily-unit developments.

In multifamily-unit developments, at least 500 square feet per unit, with a minimum of 5,000 square feet, of the open space per project shall be devoted to usable common area open space. Common area open space may include such areas as playgrounds and landscaped or seating areas. Common open space areas shall be improved by grading, seeding, landscaping and the installation of benches, playground equipment, landscape features or the like as shown on the approved site plan. Such improvements shall be provided and maintained at the sole expense of the developer, subdivision owner or bona fide community association.

(Code 1977, § 107-32; Ord. No. 2000-10, 9-25-2000).

Sec. 108-718. Landscaping requirements.

(a) *Purpose.* The purpose of this section is to enhance, maintain, preserve and improve the appearance of the open space, vehicular use areas and property abutting public rights-of-way; to require buffering between noncompliant land uses; to protect, preserve and promote the