

In the absence of the chair and vice chair, the Director of Planning and Code Administration, Kathleen A. Maher, AICP, opened the meeting on Wednesday, October 5, 2016, in the Conference Room, Fourth Floor, City Hall. Also present were commission members R. Campbell, D. Miller, R. Thomas, and J. Wheeler. In addition to Ms. Maher, the following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

### **Election of Chair-Pro-Temp**

**MOTION:** (Wheeler/Thomas) I move Dennis Miller serve as chair-pro-temp.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

Mr. Miller officially called the Planning Commission meeting to order at 4:03 p.m.

### **Approval of Minutes – September 14, 2016.**

**MOTION:** (Wheeler/Campbell) I move approval of the minutes.  
**DISCUSSION:** None.  
**ACTION:** APPROVED (Unanimous)

(The order of the agenda was re-arranged since representatives for the C & S Plaza discussion were not present.)

### **Preliminary Consultation: 901 Pope Avenue – Jeffrey Crampton – Amendment to Conversion District.**

Staff Report: (See memo in meeting file.) This item has been scheduled for a public review meeting during the October 26th Regular Meeting. The Conversion District provides an alternative development concept for underutilized structures while protecting the general health, safety, welfare, and aesthetics through the use of an approved development concept plan. Structures eligible for a Conversion District Overlay must have been built prior to October 1, 1956.

The property in question is located at 901 Pope Avenue, south of Rose Hill Cemetery and east of a CSX railroad line. The property is approximately two acres in size and was built as a factory around 1900. In 1977 the property was zoned Industrial Restricted (IR) and still carries that

underlying classification today. In 1991, the property was approved for a Conversion District Overlay to allow office uses in the building with the intent of “providing a transition between the industrial district and residential district to the east.” In 1998, the Conversion District Overlay was amended to convert existing office spaces into 12 residential units.

The owner and applicant, Jeffrey Crampton, has filed an application to amend the Conversion District to add to the list of approved uses for the property in order to make the property more flexible for reuse. Nine additional uses are proposed including:

- Tanning and depilatory salons (812199).
- Retail and wholesale trade (44-45) excluding auto and other motor vehicle dealers ~~unless all vehicle storage is indoors~~ and excluding adult businesses – up to 5,000 square feet in net floor area ~~per business~~. This provision shall also include retail bakeries (311811) and retail confectionaries (311320). Regulation of specific trade uses that are found elsewhere in ~~this chart~~ THE ZONING ORDINANCE shall prevail. NO MORE THAN ONE SUCH USE SHALL BE PERMITTED IN THIS CONVERSION DISTRICT.
- Hair, nail, and skin care stores, ear piercing services, hair replacement services, permanent makeup salons (81211), and dog grooming establishments.
- Visual and performing arts studios.
- Catering kitchens for preparation of food for off-site delivery and associated office and storage.
- Professional, scientific and technical services (54), except veterinary clinics.
- Fitness and recreations sports centers.
- Artist live-work space in large former commercial, industrial, or institutional buildings.
- Personal and household goods repair and maintenance (8114).

Uses shown on the attachment to the application were copied verbatim from the Zoning Ordinance. Text in capital letters and strikeouts indicates how the applicant is proposing to modify the language for this particular building. Staff added that one retail space, up to 5,000 square feet would be permitted. The current underlying zoning is IR (Industrial Restricted); zoning to the north, south, and east is residential; to the west is commercial.

Commission/Applicant Discussion: Commission members stated that based on the size of the building, the proposed uses would be appropriate. Adding these additional uses would give the owner more flexibility in marketing his building.

### **C & S Plaza – Transfer of City-Owned Right-of-Way.**

Staff Report: (See memo in meeting file.) C & S Plaza was constructed approximately 13 years ago. The site plan was approved for retail uses and did not have much, if any, excess parking above ordinance requirements. Eventually a restaurant was added to the site, which created a

greater need for parking and the owner of the shopping center made improvements that added some additional parking. There is also a narrow strip of land between Salem Avenue and the old Salem Avenue roadbed that serves the north side of this strip center and three houses. This narrow piece of land is casually used for overflow parking.

The owner of the restaurant in this strip center (Café del Sol) would like to expand the restaurant but has been prevented from doing so due to the need to provide additional parking with the expansion. To assist with this need, the City of Hagerstown agreed to petition the state to sign over to the City the former Salem Avenue roadbed, provided it would not be the ultimate owner of the property. After several years of negotiations, the City took ownership of the lot this summer.

Staff has been working with the owner of C & S Plaza to create the most effective, logical and reasonable land configurations and ownership for this area. All options currently being discussed require significant deviations from the City's design standards. The approach that seems the best fit and protects all parties' interests includes:

- The City deeding the lands up to the edge of the roadway to the adjacent C & S Plaza.
- Retaining a 22-foot wide public street right-of-way to the west end of the C & S Plaza property where it will then widen to the existing holdings.
- Creating a lot from the remaining space between Salem Avenue and the old Salem Avenue roadbed for the formalization of that area for parking improvements. Deed restrictions would restrict use for parking only, the lot would need to stay under common ownership with the C & S Plaza property; a deed restriction that would prevent a building from being placed on the property.
- C & S Plaza entering into an agreement to maintain the portion of the road west of their property to its termination at Interstation 81; agreement would run with the property and include snow removal and grass cutting.

The approach as described above would provide C & S Plaza with the parking necessary to expand the restaurant use; divest the City of property it agreed to hold temporarily; assign responsibility of the property to a third party; and continue direct access to a public street for the residential properties west of C & S Plaza. Staff believes this would be the best tactic. Many waivers will be necessary as part of the subdivision plat and the site plan approval process.

Commission/Applicant Discussion: Rodney Tissue, City Engineer, and Fred Frederick, Frederick, Seibert & Associates, Inc., were present. Mr. Tissue stated that the goal of this project is to allow a viable business to expand. Commission members concurred that this was a good solution to the issue.

## **Comprehensive Plan Update: Downtown Element.**

Staff Report: (See memo and copy of proposed Downtown Element in meeting file.) The Downtown Element addresses the downtown's role and establishes policies to strengthen this area of the city. The goals, issues, policies, and actions in this chapter of *visionHagerstown 2035* supplement the issues, goals, policies, and actions of the *2014 Community's City Center Plan*. Other topics covered in this element include tourism promotion, as well as programs and initiatives supporting downtown revitalization. This element contains overlap with the Economic Development, Housing and Neighborhoods, and Urban Design/Historic Preservation elements.

Several new items were added, however, the basic structure of the element was retained from the 2008 plan. The changes include:

- Discussion of the Community's City Center Plan and the eight catalyst projects;
- Addition of the City's Main Street Program; and
- Added emphasis on the role of arts and education in downtown.

Staff received input from the Department of Community and Economic Development on this element. Mr. Rohrbaugh noted that the Downtown Element in the 2008 plan did not include any policies, only goals and action items.

Jill Frick, Director of the Department of Community and Economic Development was present at the meeting to answer questions by the commission.

Commission/Applicant Discussion: It was noted that Commission member Stone emailed comments on this element since he was unable to attend (see meeting file). He felt this element did not adequately address the continued "exodus of businesses and professional organizations from the downtown," in particular law firms and banking organizations. More needs to be done to attract and retain business, professional and commercial users to downtown. A second suggestion was that the action items should include "ways in which the City can make the downtown area more attractive and friendly to businesses and professional occupations." Commission members agreed that language should be added to address Mr. Stone's concerns.

Mr. Miller asked if the plan recommends another parking deck. Staff noted that an additional parking deck is recommended on pages 6-6 and 6-7. During special events, parking is scarce. Also, parking downtown sometimes requires one to walk a distance to get to their destination which is not desirable for many people. Once the vacant buildings begin to fill up there will be a parking crunch. Mr. Thomas observed that many properties downtown have open space behind the buildings that could be available for parking.

Goals, Issues, Policies & Actions:

Page 1, Goal #1 – Need to add in the last column, “Yes, *but included educational*” in the list.

Downtown Element:

Page 6-1:

- Goal 3 – Reword to read: “*To encourage a greater level of income diversity among residents choosing to live downtown, by exploring opportunities for middle- and upper-income housing to balance the existing lower-income housing base.*”
- Add Goal 4 – “Upgrade commercial building stock to include modern amenities to assist in retention and recruitment of professional offices.” In response to a question by Mr. Thomas, Ms. Maher explained how the Land Management Code was amended recently to include a section on major economic development opportunities which would allow demolition of buildings in the Downtown Historic District provided that certain criteria are met.
- Issue 3 - Ms. Campbell pointed out that Millennials and Generation Xers are looking for features such as gyms and rooftop decks where they live or at least within walking distance. Language should be included that encourages these types of amenities. This is addressed as an issue but is not followed up with a goal.

Page 6-3

- Fourth paragraph – Commission members were enthusiastic about this language because it demonstrates what progress has been made so far.

Page 6-5:

- Under “Downtown Land Use and Design Principles,” fifth bullet, there is a word missing at the end of the third line; should be “. . . business environment, which will *have* a positive effect . . .”
- Sixth bullet, add the word “parcels” at the end of the sentence (“ . . . large vacant or underutilized *parcels.*”).
- Paragraph under the bulleted list – The last line should be reworded to read: “. . . additional cultural/arts, *education*, and entertainment *venues* in the Arts and Entertainment District.”

Page 6-6:

- Under “Main Street Maryland Program,” first paragraph, at the end of the fifth line, change “business” to “businesses.”
- Under “Main Street Maryland Program,” second paragraph, near the end of the fifth line, change “enhance” to “enhancing.”

Page 6-8:

- Staff noted that much of the Heart of the Civil War Heritage Area information is required if the City wants to remain eligible for grants.
- Mr. Miller suggested staff contact Dan Spedden at the Tourism office for additional input.

(Mr. Rohrbaugh left the meeting.)

Page 6-11:

- Action Item 6-2 – Add references to education and professional offices.
- Action 6-3 – Should read: “Encourage revitalized *and new* downtown housing development with a diversity of price ranges.”
- Action 6-5 – After staff speaks with Dan Spedden, there may be edits to this action item.

Next up for review will be the “Introduction and Implementation” section.

## **Announcements.**

- Ms. Maher announced that Hense has been selected as the artist for the “large mural” project for the Cultural Trail.

## **Adjourn.**

It was moved and seconded that the meeting adjourn (4:50 p.m.).

11/9/2016

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Approved



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Debra C. Calhoun - Secretary