

**Planning Commission
MINUTES – Regular Meeting**

**August 29, 2018
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:03 p.m., on Wednesday, August 29, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members S. McIntire, J. Stone, and R. Thomas. The following staff members were present: K. Maher, Director of Planning and Code Administration Department; S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Secretary.

REGULAR MEETING

Roll Call.

Mr. Wright noted that commission members McIntire, Stone, and Thomas were present. Ms. Jones had indicated that she would be attending but was not present at the time the meeting was called to order.

Approval of Minutes:

August 8, 2018 – Workshop Meeting.

The minutes were not ready for approval.

Land Management Text Amendments.

(The staff report is in the meeting file.) Commission members and staff reviewed the items in the packet material that were identified with two red asterisks. Those items were revised by staff since the last meeting.

Page 6, 2.16: Staff discussed with the Maryland Department of Planning using the City’s Historic District Commission as an architectural review board with regard to making sure storefronts are closed in in a manner compatible with the façade of the building. Maryland Department of Planning said that would not be appropriate. As a result, staff has been struggling to find a replacement review board that would ensure renovations are done in a manner to make the conversion less obvious. After discussion, commission members suggested using the special exception process and have the Board of Zoning Appeals (BZA) review storefront designs for compliance. The BZA currently reviews special exception requests for Bed & Breakfasts for compliance with design requirements listed in the Zoning Ordinance. Staff was instructed to research whether this would be a plausible method of addressing this matter. The Planning

Commission’s scope does not include architectural review and the Historic District Commission does not have review authority outside of a historic district or landmark.

Page 9, 1.29: Staff noted that an illustration needs to be created and asked if the commission wanted to review the illustration prior to the public review meeting. Planning Commission members advised that an illustration is not necessary.

Page 15, 2.9: Staff explained the ramifications behind the new language which is being driven by the Mayor and Council’s concerns. The amendment will affect developments like Cortland Villas and will require every apartment building to be on its own lot with public street frontages. As a result, the City will be required to take over maintenance of the public streets through apartment complexes. Mr. Bockmiller explained that he crafted the language to allow apartment buildings to be subdivided into condominium units. Planning Commission members were in favor of staff’s approach to individual lots and public streets. From a public safety point of view it is better to have streets built to City standards with public trash pickup, etc.

Page 17, 2.20: Ms. Maher explained the Institutional Zoning District and noted that the new zoning district will be incorporated where appropriate during the next comprehensive rezoning.

Page 21, 2.22: Commission members and staff wrestled with the broader definition of assisted-living facilities and how this change would put traditional assisted-living facilities in the same classification as drug rehabilitation centers. Staff members are concerned that making a distinction between the two uses would make the City vulnerable to challenges via the federal Fair Housing regulations. As the language is currently proposed, Mr. Wright asserted that Holly Place will find it more difficult to relocate its facilities (they are currently looking for a larger building).

Commission members asked staff to research this further to find a more creative solution to this issue. Ms. Maher will see if she can fit assisted-living uses into the “nursing home” category.

2035 Comprehensive Plan Implementation Plan.

This item was not discussed.

Board of Zoning Appeals – September Hearing.

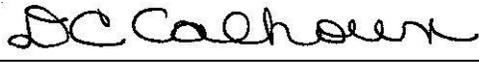
The new owner of 200-202 West Howard Street and 747 Maryland Avenue (one building with two addresses) is requesting that the Board of Zoning Appeals confirm this nonconforming use. When the owner initially asked staff to confirm the nonconforming use, staff declined to confirm the nonconforming use because according to City records the entire building has been vacant for at least four years. The building is currently configured for three dwelling units and a commercial space. If the nonconforming use is confirmed, the owners would like to convert the commercial space to a fourth residential unit.

The Planning Commission agreed to send a letter to the Board of Zoning Appeals pointing out that the building has been vacant for more than two years and appointed the Zoning Administrator to represent the commission at the BZA hearing.

Adjourn. It was moved and seconded that the meeting adjourn (8:55 p.m.)

9/26/2018

Approved



Debra C. Calhoun - Secretary