

Douglas S. Wright, Jr., chair, called the special meeting to order at 7:00 p.m., on Wednesday, October 24, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members S. McIntire, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration; S. Bockmiller, Development Planner/Zoning Administrator (late); M. Flick, Planner; and D. Calhoun, Secretary.

Land Management Code Text Amendments – Continue Discussion from October 10 Meeting, Case No. ZT-2018-01.

(See October 5 memo in meeting file). Ms. Maher clarified the proposed amendments that were made to address fair housing statute challenges with regard to group homes. Staff developed a proposal based on a law seminar Ms. Maher attended at the American Planning Association conference this year. Prior to the public review meeting on the proposed text amendment package, staff sent letters to affected agencies and feedback was received from Scott Rose of Way Station. Mr. Rose indicated that staff’s language does not go far enough and explained the different levels of group homes recognized by the State of Maryland. In addition the separation requirements proposed by staff would not hold up under a challenge. Ms. Maher made revisions to the text amendments based on discussions with Mr. Rose and the City Attorney. (Mr. Bockmiller arrived.)

The proposed definition for “Group Home, Halfway House, and Alternative Living Unit” incorporates the state parameters for these uses and includes a requirement that the facility be licensed with the State of Maryland. Commission members were satisfied with that protection. Ms. McIntire pointed out that whether a use is regulated is dependent on whether the facility accepts insurance. As proposed, the definition would preclude group homes that do not accept insurance. Commission members were in support of the requirement for supervision. Ms. Maher indicated that if a non-licensed group home sought zoning approval, the City would need to provide a “reasonable accommodation” to approve it.

Concerning the communication from Christian Wright with regard to 33 Summit Avenue, Mr. Stone was concerned the proposal was for a drug treatment facility. Mr. Bockmiller stated that his understanding was that the proposed use was for medical offices. Ms. Maher stated that the proposed amendments would not permit a methadone clinic in this location.

Commission members had no objections to the text amendments as proposed in the packet material.

**Planning Commission
MINUTES – Special Meeting**

**October 24, 2018
City of Hagerstown, Maryland**

Staff asked the commission to recognize Raj Patel and his attorney, William Wantz. Mr. Patel and Mr. Wantz asked to speak with the commission about a possible amendment to the language that concerns rooming houses, in particular hotels in the CG zoning district. They requested the commission consider an amendment that would allow rooming houses containing 16 or more units as a special exception. A unit in a rooming house that was formerly a hotel would consist of a bedroom and private bath with a common kitchen on site. Per the Fire Code, cooking is not permitted in rooms in a rooming house. The current proposal would require a live-in manager and social services counseling. The counseling requirement was included to help the people who are using hotels as permanent housing to get back on their feet.

Commission members were in favor of eliminating the requirement for on-site counseling services for rooming house residents; however, the requirement for 24-hour on-site management was retained. Commission members believed that allowing larger rooming houses in the CG district as a special exception would help the larger facilities become more productive. Some members were concerned that hotels with a large number of rooms could be converted to rooming house uses and questioned whether there should be a cap on the number of rooms per facility. Mr. Stone was in favor of caps on a case-by-case basis as part of the special exception request. The size of the building will define the size of the use in that there will be parking requirements and minimum requirements for the size of rooms.

MOTION: (Stone/Thomas) I move that we recommend approval of the package of text amendments to the Mayor and Council.
DISCUSSION: None.
ACTION: APPROVED (Abstain - McIntire)

Adjourn.

It was moved and seconded that the meeting adjourn (6:25 p.m.).

11/14/2018

Approved



Debra C. Calhoun - Secretary