

James W. Stone, vice chair, called the meeting to order at 4:07 p.m., on Wednesday, June 13, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

WORKSHOP MEETING

Approval of Minutes: May 30, 2012 - Regular Meeting

Action was postponed until the next meeting when more members who attended the May 30 meeting can be present to move approval.

Preliminary Consultation: 139 North Mulberry Street - Local Conversion District Overlay

Staff Report: This is a potential Local Conversion District Overlay for 139 North Mulberry Street. Ms. Kitsie Christmas was present on behalf of the property owner. The site is the former ~~De Corsi's pub~~ ^{De Guerse's} on North Locust Street. The building is adjacent to the public sidewalk. Due to the nature of the building, opportunities to dress up the property are limited. Staff believes amenities, such as parking or waterblasting the paint from the facade, controlled and required signage, and prohibition of items placed on the sidewalk, would benefit this property. A list of possible uses for the building should be included with the application. Currently, Ms. Christmas is considering renting the building to a small engine repair business. The idea is to come up with a short list of potential uses for the property so changes in tenants do not require a zoning action of the Mayor and City Council, in addition to the required list of proposed amenities.

Kitsie Christmas, the owner's representative, stated that Mr. Marlowe purchased the property with the notion that he could establish a tavern. As it stands now, the building is a 40 x 30-foot cube, containing approximately 1,200 square feet, with a detached three-car garage. However, the garage was situated on the property in such a way that a car cannot be placed in it. The primary structure was used as a restaurant in 1956, but there is no evidence that there was ever a storefront. At one time there were windows on the sides of the building, but they have been closed in. Mr. Bockmiller noted that the buildings on the site consume a large percentage of the property. The primary building uses most of the street frontage. Access to the lot is limited in that the lot backs up to the lots behind it and there is no alley access. According to Ms. Christmas, the parking lot is being used as a dumping area.

As far as improvements to the property, Ms. Christmas suggested that the building be repainted a lighter color and the possibility of adding awnings. She is reluctant to convert the building to residential because she feels it would be a detriment to the neighborhood. There is a potential tenant who is interested in using the space to repair small machinery and lawnmowers. Customers would come and go, similar to a hair salon. Mr. Bockmiller stated that the ordinance requires that any closed-in storefront windows be reopened but there is no evidence that a storefront window ever existed in this building. Ms. Christmas said she received an estimate from a contractor of about \$17,000 to spruce up the building which includes a new roof, new hot water heater, and a fence.

Mr. Stone stated that the commission needs more information about what the owner is interested in doing in the way of improvements. Ms. Christmas said the owner would like to sell the property; however, there have not been any interested buyers. It is easier to sell a property if it is already rented. Mr. Bockmiller stated that he has discussed possible improvements with Ms. Christmas, including a more compatible color scheme for the facade; waterblasting the facade to remove the existing dark gray paint; awnings; new garage doors, etc. Other desirable elements include a plan for controlling signage; plantings in pots in the front of the building. Ms. Maher observed that if the owner is willing, adding windows to the front facade could be an amenity for future tenants.

Mr. Stone reviewed the Local Conversion District Overlay procedure. If they are asking for zoning that would allow a commercial-type use, they must have an improvement plan in mind. A list of several proposed uses is permissible. The Planning Office and the Mayor and Council will be looking for a plan that indicates how the building will become a better contributor to the neighborhood. Ms. Wheeler stated that the ideas presented so far sound good, and the general items that Ms. Christmas mentioned sound like improvements that the Planning Commission could approve. Any improvements that would add architectural elements would be good. Mr. Brubaker stated that it would be easier to think about the architectural issues if the commission knew what the use would be. The commission wants the property owner to make a commitment to improving the building before granting relief from the residential zoning. Mr. Bockmiller noted that ultimately Ms. Christmas might have to weigh architectural elements vs. potential uses.

Mr. Stone said he would be inclined to not require a whole lot, but he failed to see how much more guidance the commission could give Ms. Christmas without a true plan. Mr. Bockmiller stated that staff brought this to the commission to make sure the commission did not have any "hot button" issues regarding this property. Mr. Stone did not see any economic benefit to tearing the building down to build another house. Mr. Bockmiller added that the property is probably not large enough for a parking lot and still meet the parking lot design standards.

Mr. Brubaker noted that any architectural feature that would break up the facade would be beneficial, such as the awning idea. He would be willing to consider add ons to break up the facade. Mr. Stone did not believe the project would be economically viable if too much money would need to be spent to dress it up. Mr. Bockmiller stated that just putting another business in there without making improvements will not help with getting the building rented, nor does it meet the intent of the Local Conversion District Overlay. Mr. Brubaker observed that removing the garage in the rear would open the back of the lot up for more parking.

Mr. Stone stated that Ms. Christmas could come back for another preliminary consultation if she comes up with more specific plans for the building.

CY 2011 Annual Report

Ms. Maher reviewed the highlights of the CY 2011 Annual Report that the City is required to prepare for the Maryland Department of Planning. The subject areas of the report are mandated by state law. It must include information about development review, building permits for new housing, comprehensive plan updates, activities to implement the comprehensive plan, annexation activities, rezonings, land use regulations text amendments, impact of APFO on residential approvals, and an “indicators” analysis if more than 50 permits have been issued for new housing units in one year. The report will be forwarded to the Maryland Department of Planning after the Planning Commission approves it. It was noted that despite the economy, commercial development activity and annexations were surprisingly active in Hagerstown.

There were no questions or comments by the Planning Commission.

MOTION: (Wheeler/Thomas) I make a motion that we accept the annual report for the Calendar Year 2011.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Deliberation of Land Management Code Revisions, Case No. ZT-2012-02

Mr. Bockmiller stated that to date, no comments have been received since the public review meeting, except for minor comments associated with the Floodplain Management Ordinance from the Maryland Department of the Environment (MDE). A copy of MDE’s comments are in the meeting file. At the staff level, Mr. Bockmiller reported that he found a few additional minor items that need to be changed.

Mr. Stone indicated that he had numerous comments on the Floodplain Management Ordinance, in addition to other comments throughout the document. Concerning the Floodplain Management Ordinance, Mr. Thomas had concerns about areas that are not near any waterways, but still flood. According to staff, that issue has to do with storm water management, which is handled by the City Engineer's office. The Floodplain Management Ordinance is intended to address new development, and includes development standards for the purposes of flood insurance. On another matter, Mr. Bockmiller informed the commission that the state has reorganized Article 66B under another name, so any references to Article 66B in the Land Management Code are obsolete. These references will be updated to correctly identify the state enabling legislation at the appropriate time.

Article 2 - Authoritative Boards and Review Agencies

Page 2-1, A, 4 - In the third line, change Chairman and Vice Chairman to Chairperson and Vice Chairperson respectively.

Page 2-4, d and f - In d, strikeout "Subsection 1" in the third line; in f, in the second line, "Article" will be changed to "Article 4, Section T".

Article 3 - Definitions

Page 3-5 - This text will be converted from red to black because "Artist Live-Work Space" was part of a piecemeal text amendment that has already been approved.

Page 3-8 - A graphic was added that explains how height is to be measured.

Page 3-10 - Correct typographical error in the definition for "Community" (line 2).

Page 3-15 - The definition of "Floodplain Administrator" should be moved from Floodplain or there should be a reference to where it is mentioned (Article 6, Section B, 2).

Page 3-18 - Flood Opening, fifth line, add a period after floodwaters and capitalize "the."

Page 3-27 - Typo on "building" at the end of the first line; second line, add a period after structure, and capitalize "the."

Page 3-27 - Change "sale" to "scale" in first and the second to last lines.

Page 3-28, Market Value - This definition is limited to Article 6.

Page 3-29 - There are two definitions for “Mobile/Manufactured Home.” One is on page 3-29 and the other is on page 3-13. The definition on page 3-29 is the more current one. The definition occurring on page 3-29 will be changed to “Dwelling, Mobile Home” and will replace the definition on page 3-13.

Page 3-33 - The definition for “Person” appears in the new Floodplain Management Ordinance. Because “person” is also used in the definition of “Family,” add “As pertains to Article 6” in the beginning of the definition of “Person.”

Page 3-39, Start of Construction - Add “As pertains to Article 6 . . .”

Page 3-40 - Under “Structure,” in 1, add “Except for purposes of Article 6 . . .”; and in 2, add “As pertains to Article 6 . . .”

Page 3-41 - Add “As pertains to Article 6 . . .” at the beginning of “Structure, Historic.”

Page 3-42, Substantial Improvement - Add “As pertains to Article 6 . . .”

Page 3-44, Violation - Add “As pertains to Article 6 . . .”

Page 3-47, Yard Sale - Include “by the resident.”

Article 4 - Zoning Ordinance

Page 4-15 - There was a recommendation by one of the Board of Zoning Appeals members to list out the limitations and add them to the bulk chart for accessory structures. Add “subject to limitations in bulk chart.”

Page 4-34, e - The title of this section should be changed to “Parking and Pedestrian Lighting” to make it clear what is being regulated; and insert “and pedestrian” in the first line after “loading.” Ms. Maher questioned how spotlights aimed at facades would be handled. Mr. Bockmiller will look at the issue of flood lighting again and bring it back for discussion at the next meeting.

Page 4-43, (3) - Add “not permitted in an apartment dwelling unit” at the end of the second line.

Page 4-93, 4, b - The first line should read, “An office for: (1) bonding of defendants in the criminal justice system or (2) paroling and the probation of defendants in the criminal justice system, made nonconforming due to amendments . . .”

**Planning Commission
MINUTES - Workshop Meeting**

**June 13, 2012
City of Hagerstown, Maryland**

Page 4-109 - Change references to “staff-approved site plan” to “minor site plan” in (1) at the top of the page and in the second section of e, (1) at the bottom of the page.

Page 4-139, 10 - Replace the word “purchase” with the word “division” in the last line.

Page 4-146, Artist Live-Work Space - Add a “P” in the LC (Local Conversion District Overlay) column. Ms. Maher cautioned that there is a family size limitation in the zoning definition and space limitations in the Building Code for Artist Live- Work Space.

Article 5 - Subdivision and Land Development Ordinance

Page 5-24, 19 - Delete “for Existing Buildings” from the subsection title.

Page 5-53 - Add the City Engineer’s requirement for electronic copies of approved site plans.

Article 6 - Floodplain Management Ordinance

Page 6-25, 6 - Mr. Stone had concerns about the phrase “more restrictive shall govern” in the last line. Mr. Bockmiller stated that that is standard language in most ordinances.

Page 6-25, 7, b - Mr. Stone had concerns with “liberally construed in favor of the government.” Add “to accomplish the intended purpose of these regulations” instead.

Page 6-30, a, (2) - For clarification, add “a” between “as” and “special” at the end of first line.

Page 6-31, 4 - Mr. Stone was concerned that the definition will preclude routine maintenance since he believes that the definition of “development” means any change. He is concerned that property owners will be unable to make routine repairs to their properties. He suggested changing the word “development” in the first line to “manmade change” and to clarify that it does not include minor repairs. No decision was made on this. The commission decided to stop at this point and pick it back up at the special meeting on Monday, June 18, 2012, at 4:00 p.m.

Adjourn: It was moved and seconded that the meeting adjourn at 6:03 p.m.

6/27/2012
Date


Debra C. Calhoun - Secretary