

***Prepared for  
Public Hearing  
July 27, 2010***

**APPLICANT/  
OWNER:**

Alan & Frances Clingan  
818 View Street  
Hagerstown, MD 21742

**REQUEST:**

Establishment of a Local Conversion Overlay District for a Restaurant on the main level and a Retail shop in the basement.

**EXISTING USE:**

Vacant main level of structure, Hobby Shop in the Basement, with accompanying small parking lot.

**LOCATION:**

The property is located at 800 View Street.

**AREA:**

3,618 Square Feet.

**EXISTING  
ZONING:**

The existing zoning is R1 (Residential).

**ANALYSIS:** The purposes of this district are to stimulate the adaptive reuse of existing, nonresidential and mixed-use structures embedded within densely developed residential districts and communities, to maintain and increase the city's assessable tax base, provide neighborhood services, and expand business and employment opportunities. The Local Conversion Overlay District allows for alternate forms of use and development for buildings and/or spaces that are part of or very close to residential uses in residential districts. Allowing such uses to fit into existing commercial and mixed use structures re-establishes the historically mixed use nature of the City's 19<sup>th</sup> and early 20<sup>th</sup> Century residential communities.

The Local Conversion Overlay District provides an alternative development concept for underutilized structures while protecting the general health, safety, welfare, and aesthetics in the vicinity of the site through the commitment to an approved development concept plan. It is acknowledged that such uses will be outwardly commercial in nature and operation, but are reviewed individually to ensure the proposed use or uses and improvements are not an undue burden on the surrounding area.

The Hagerstown Zoning Ordinance lists four general requirements for the establishment of a Local Conversion Overlay District:

1. *The area proposed for a conversion district shall be in one (1) ownership, or, if in several ownerships, the proposal shall be filed jointly by all the owners of property included in the development plan.*

The application has been filed by Alan & Frances Clingan, owners of the property.

2. *The development shall be for an existing, nonresidential or mixed use structure, constructed before October 1, 1956.*

The applicant has provided documentation verifying that the building was constructed prior to October 1, 1956.

3. *The owners or developers must indicate that they plan to begin construction of the development within one (1) year after final approval. If construction does not begin within one (1) year, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and agreed to by the Planning Commission.*

If no development occurs within one (1) year of final approval, and the applicant fails to request an extension, the overlay is no longer valid.

4. *This overlay district shall only be used for buildings or parts of buildings that are oriented in appearance and access to a public street.*

That is the case for this proposal.

#### Special Design Requirements

1. *Additions shall be designed consistent with the architectural theme of the structure and shall be located in the space least visible to the general public.*

Not an issue, no additions are being proposed.

2. *No outdoor vending machines shall be permitted.*

None Proposed.

3. *No outdoor storage of any kind is permitted except display of merchandise at convenience and grocery stores if historically part of a use on the subject property.*

Not applicable. No outdoor storage area shall be permitted.

4. *No outdoor dining or seating area for a restaurant shall be permitted in any of the rear yard area between the building and rear property line or within 10 feet of a side property line unless historically part of the on-site use.*

Not an issue, no outdoor dining or seating area is being proposed.

5. *Buildings of an industrial, warehouse or automotive service design shall be enhanced via an architectural or cosmetic enhancement, site amenities, landscaping and other strategies to achieve suitability for their new use(s) within a residential district and compatibility with the neighborhood.*

Not applicable.

6. *Storefronts previously modified or enclosed shall be rehabilitated to reintroduce a storefront window display design.*

Not applicable, there were no previous modifications.

#### OTHER CONSIDERATIONS AND REQUIREMENTS:

##### Lot Area Requirements and Off-Street Parking.

1. The maximum lot area for a Local Conversion District shall be 20,000 square feet.

The property is 3,618 Square Feet in area.

2. Minimum parking requirements and lot size requirements shall not apply to this overlay district, however existing on-site parking shall not be reduced unless the remaining parking meets current Ordinance requirements. The Board of Zoning Appeals shall not grant a variance to this requirement.

There is an existing paved parking area on the lot suitable for two to three vehicles.

##### Suitability of the Proposed Zoning District.

A Local Conservation Overlay District is permitted use in the R1 zoning district. The building was constructed prior to October 1, 1956.

##### Compatibility of Existing and Proposed Development.

This proposal is to reopen what had been a restaurant, while maintaining the existing retail shop in the basement.

### Population Change

Not applicable.

### Can the site be adequately served with public water and sewerage facilities?

Sanitary sewer service and water service currently exist.

### The site shall be located adjacent to adequate highway facilities, capable of serving existing and anticipated traffic.

Vehicular access to the project is to be off of the exiting entrance, as was the case when a restaurant operated in this location for many years. On-street parking is limited. However, the intent of the Local Conversion District was to give priority to a building's reuse over parking concerns. The ordinance was crafted specifically to not require any additional parking.

It is anticipated that many customers will arrive by foot from the surrounding neighborhood. The level of vehicular traffic involved is not anticipated to be of any significance. View Street is a Local Street per the Transportation Classification System. Potomac Avenue, a Major Collector with an Average Daily Traffic Count of 10,300 trips per day, is located three blocks west.

### Relationship to the Comprehensive Plan.

The property is located in the North End Neighborhood as defined by the Plan, primarily a stable residential area, but with some existing smaller businesses and small commercial areas. Maintenance, investment, and rehabilitation associated with this project will be a positive.

### Recommended Site Plan Conditions

1. Suitable landscaping consisting of a row of low level shrubs and/or small trees shall be planted between the sidewalk and parking lot.
2. Existing sign post shall be removed and replaced with a new ground-mounted or post mounted sign. Any sign lighting shall be indirect (no neon or fluorescent tube or back lighting).
3. The parking area shall be repaired, repaved or top coated in such a way to provide a safe walking surface and professional appearance and striped for as many parking spaces as the available area allows.
4. The building and site will be maintained in a professional manner. Any necessary repairs shall be completed prior to the reestablishment of the restaurant.

**RECOMMENDATION:** Staff recommends approval, subject to site plan conditions.

**RECOMMENDATION:** Planning Commission recommends approval, subject to the conditions in the staff report from the hearing, but with the proviso for being as flexible as possible on the site plan requirements for the parking area.