

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
AND ZONING MAP OF THE CITY OF HAGERSTOWN**

WHEREAS; pursuant to the provisions of Article 4, Zoning, of the Land Management Code of the City of Hagerstown, Maryland, an application for rezoning and zoning map reclassification was made by **SURREY, LLC**;

WHEREAS; said application for zoning classification and amendment to the Zoning Map and Zoning Ordinance is known and designated as Case No. ZM-2022-01;

WHEREAS; the Mayor and City Council, as the duly constituted legislative body for the City held a Public Hearing in compliance with said Ordinance on May 24, 2022, wherein the Applicants and the general public were given an opportunity to fully present evidence and information pertinent to the request for zoning classification amendment and amendment to the Zoning Ordinance;


WHEREAS; the Mayor and City Council, prior to and subsequent thereto, have complied with all of the provisions of the General Laws of the State of Maryland and the Zoning Ordinance for the City of Hagerstown;

WHEREAS; said Mayor and City Council do find and determine in this case, based on said Public Hearing and the evidence presented therein, and having considered all of the criteria as set forth by the laws of the State of Maryland and the Zoning Ordinance, did on July 26, 2022, take formal action to approve the Conversion District Overlay for the property designated as **535 SUMMIT AVENUE**, Hagerstown, Maryland.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council for Hagerstown, Maryland, that the Zoning Reclassification and Zoning Map Amendment requesting Case No. ZM-2022-01 for a Conversion District Overlay is hereby granted pursuant to the conditions and requirements set forth in the Opinion and Findings of Fact, attached hereto as **Exhibit A** and incorporated herein by reference.

WITNESS:

MAYOR AND CITY COUNCIL OF THE  
CITY OF HAGERSTOWN, MARYLAND

  
\_\_\_\_\_  
Donna K. Spickler, City Clerk

By:   
\_\_\_\_\_  
Emily Keller, Mayor

PUBLIC HEARING: 05/24/2022  
DATE OF INTRODUCTION: 06/28/2022  
DATE OF PASSAGE: 07/26/2022  
EFFECTIVE DATE: 08/26/2022

**EXHIBIT "A" ZONING  
RECLASSIFICATION APPLICATION NO. ZM-2022-01**

Applicant: Surrey, LLC  
Location: 535 Summit Avenue  
Hagerstown, Maryland 21740

**OPINION AND FINDINGS OF FACTS**

This matter was heard at Public Hearing by the Mayor and City Council on May 24, 2022, in accordance with the provisions of the Zoning Ordinance for the City of Hagerstown, Maryland.

**FINDINGS OF FACT**

The property which is the subject of the proposed map amendment is located at 535 Summit Avenue. The proposal was filed by the owner of the property. The tract consists of 2.67 acres. The property currently contains a former public-school building which was constructed in 1908. The owner represented to the Mayor and City Council that it is their intent to renovate, add to and use the building for the purposes of operating a boutique hotel with relevant accessory uses such as a restaurant and spa. Major site improvements, including building additions, walkways, relocation and reconfiguration of parking, stormwater management and other improvements are proposed.

The proposal is in accordance with the provisions for a Conversion District as set forth in the Land Management Code, Article 4, Zoning, including the following:

1. The building was constructed and configured for non-residential use prior to March 7, 1977;
2. The building will be re-occupied for uses permitted in the Conversion Overlay District, specifically a hotel with associated uses, including a restaurant and salon. Per Section Z.2 of the Zoning Ordinance, these uses are permitted in a Conversion Overlay District.
3. The Planning Commission has recommended approval of this zoning overlay request.

4. A Conversion District Overlay is permitted in the underlying zoning district of RMOD (Residential Moderate Density);
5. The property is under the single ownership of Surrey, LLC, the applicant in this case, as is required by Section J.2.e(1) of the Zoning Ordinance (Article 4, Land Management Code).
6. Outdoor areas will be used for parking and for outdoor dining as reflected in the Concept Plan and this is permitted by Section J.2.e(2) of the Zoning Ordinance.
7. The owner has indicated they will move quickly to development and comply with Section J.2.e(3) of the Zoning Ordinance which requires construction to begin within two years of final approval of this rezoning.
8. A site plan in accordance with Section S of the Zoning Ordinance for the entire property will be required to be reviewed and approved by the Planning Commission before site construction begins.
9. The Concept Plan in the application showed 60 off-street parking spaces, utilizing 10 on-street spaces on both Summit Avenue and Virginia Avenue to meet the anticipated parking demand on the site of 80 total spaces. The Mayor and City Council concur with the concerns of those who spoke at the hearing on the issue of availability of on-street parking and determines that on-street spaces must not be used in calculating the parking needs of this site. Parking for these uses, as required by the Zoning Ordinance, Section O, and reflected on Sheet 2 (C-102) of the Concept Plan is as follows:

Spa – 2 spaces per practitioner x 5 practitioners	10 spaces total.
Hotel – 26 rooms (or 29 rooms) x 1 space per room	26 spaces total (or 29 spaces total).
Restaurant with 1,300 square feet of customer floor area x 1 space per 50 square feet	26 spaces total



**Total required spaces:  
spaces if the hotel has 29 rooms)**

**62 total spaces (or 65 total**

10. Also on the Concept Plan in the application, the Applicant includes in the required parking table "*Hotel employee spaces,*" providing an additional 15 spaces above and beyond what the Zoning Ordinance requires for this assemblage of uses. Alternate Parking Configuration #4, presented by the Applicant at the Public Hearing on May 24, 2022, and adopted herein by this body, reflects 77 total on-site parking spaces being provided, which is 12 or 15 spaces above the minimum requirement for the individual uses found in the Zoning Ordinance. For clarification purposes, a true and accurate copy of Alternate Parking Configuration #4 is attached hereto.
11. The height of the proposed additions is consistent with the maximum permitted height of buildings in the RMOD Zoning District, which is three stories or 35 feet.
12. The seventy-seven (77) spaces (more or less) shown on Alternate Parking Configuration #4 accepted by the Mayor and Council has the potential to comply with Section O of the Zoning Ordinance, either through provision of parking separately for all uses on the property, or a reduced amount as determined by the Planning Commission based on the overlapping and mixing of uses (as permitted by Section J.2.h of the Zoning Ordinance). This provision does not prohibit the Applicant, if necessary, to seek variance relief from the Board of Zoning Appeals; however the development shall be in general conformance with the adopted zoning exhibit. The Mayor and City Council indicate as part of zoning approval any parking plan shall not use on-street parking as part of a plan to meet minimum parking requirements for the use.
13. Section J.2.i(1) requires that commercial uses only be allowed when mixed with residential uses "unless otherwise approved by the Mayor and City Council." Also, the total floor area of

commercial uses shall not exceed 50% of the existing structure's gross floor area "unless otherwise approved by the Mayor and City Council." The Mayor and Council have studied this proposal and find that the proposed use of the building for commercial uses with no residential component is consistent with the intent of the Ordinance, will be in the best interest of the community, and consents to the use of the entire existing and expanded building entirely for non-residential uses.

14. As required by Section J.2.i(2), the applicant has sufficiently demonstrated to planning staff, the Planning Commission and to this body that the additions proposed to be constructed on the existing building are consistent with the architectural theme of the structure and at locations least visible to the general public. Consistent with historic preservation principles, the additions are designed to blend with the architecture of the existing building while not attempting to appear as part of the original design or construction.
15. As required by Section J.2.j, the property at 2.67 acres exceeds the minimum lot area requirement of 20,001 square feet. There are no dwelling units proposed. Therefore, Section J.2.k of the Zoning Ordinance does not apply to this application.

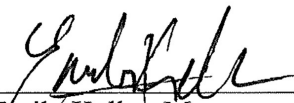
### CONCLUSION

Therefore, the Mayor and City Council find that those matters contained in the application, staff analysis, and the additional documents and testimony presented by the applicants at the Public Hearing on May 24, 2022, to be true and accurate. The Mayor and City Council have also given due weight to the testimony presented at the Public Hearing on May 24, 2022 by those opposed to the application. The Mayor and City Council further find that all procedural requirements prerequisite to approval of the Conversion District Overlay by this Body have been met. The Mayor and City Council find as a matter of fact that the proposal generally does not violate the spirit and intent of the Zoning

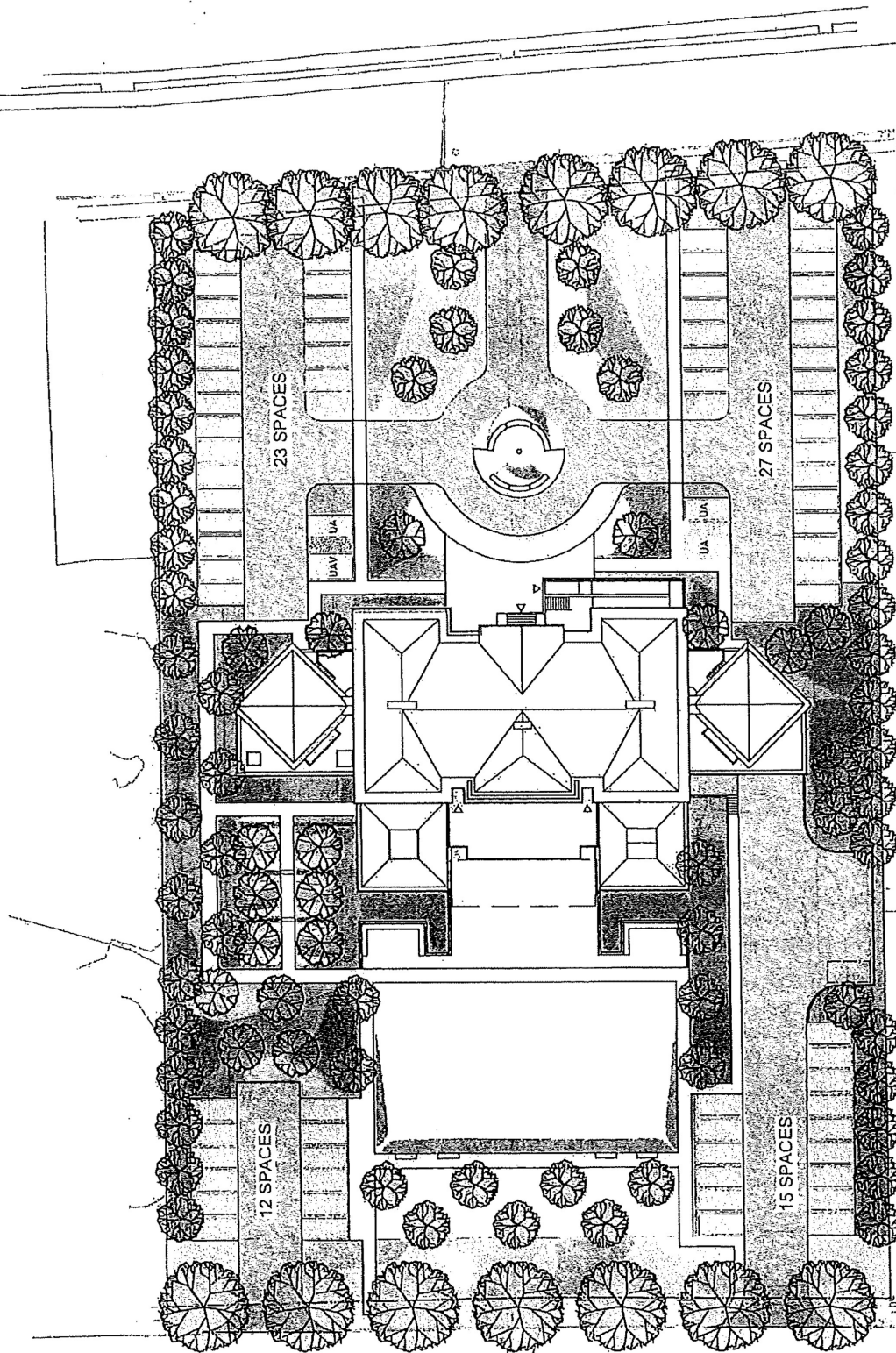
Exhibit "A"  
Case No. ZM-2022-01

Ordinance. We further find that the approval of the proposed Conversion District Overlay modification will not materially or adversely affect adjoining properties provided that it is developed in substantial compliance with the Concept Plan and Application, as amended by Alternate Parking Configuration #4, adopted and appended herewith and the testimony provided.

MAYOR AND COUNCIL FOR THE  
CITY OF HAGERSTOWN, MARYLAND

By:  \_\_\_\_\_  
Emily Keller, Mayor

Attachment: Alternate Parking Configuration # 4 showing 77 on-site parking spaces, more or less.



**Notes:**  
 3 Curb Cuts  
 27 Spaces off Virginia Ave  
 50 Spaces off Summit Ave  
 77 Total On Site Spaces

**Considerations:**  
 -All parking onsite  
 -Parking for guests and employees is distributed to both sides of site  
 -Parking for guests and employees is distributed to both sides of site  
 -Connection to park is impacted by parking  
 -More below ground SWM is required  
 -Increased impermeable surfaces on site



4, 77 Spaces with 3 Curb Cuts

Surrey Hotel  
Hagerstown, MD

