

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 an amendment to a 2022 rezoning and zoning map reclassification was made by **EKLUND FAMILY, L.L.C.**;

WHEREAS; said application for an amendment to a zoning classification and to a 2022 amendment to the Zoning Map and Zoning Ordinance is known as Case No. ZM-2021-01;

WHEREAS; the Mayor and City Council, as the duly constituted legislative body for the City held a Public Hearing on the proposed amendment to ZM-2021-01 in compliance with the Zoning Ordinance on September 26, 2023, 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 November 21, 2023, take formal action to approve amendment to the Local Conversion District Overlay for the property designated as **4 CYPRESS STREET**, Hagerstown, Maryland.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council for Hagerstown, Maryland, that the amendment to the Local Conversion District Overlay Zoning Classification and Zoning Map Amendment Case No. ZM-2021-01 is hereby granted pursuant to revisions of the conditions and requirements set forth in the Opinion and Findings of Fact for ZM-2021-01, attached hereto as Exhibit A and incorporated herein by reference.

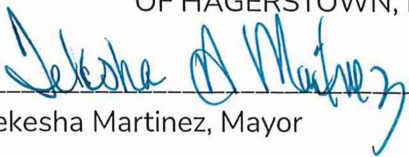
0-23-28

WITNESS:



Donna K. Spickler, City Clerk

MAYOR AND CITY COUNCIL OF THE CITY
OF HAGERSTOWN, MARYLAND



Tekesha Martinez, Mayor

PUBLIC HEARING: 09/26/2023

DATE OF INTRODUCTION: 10/24/2023

DATE OF PASSAGE: 11/21/2023

EFFECTIVE DATE: 12/21/2023

0-23-28

**EXHIBIT "A" ZONING
AMENDMENT TO RECLASSIFICATION APPLICATION NO. ZM-2021-01**

Applicant: Eklund Family, L.L.C.
Location: 4 Cypress Street
Hagerstown, Maryland 21740

OPINION AND FINDINGS OF FACTS

The foregoing matter was originally heard at Public Hearing by the Mayor and City Council on March 22, 2022, and an amendment request was heard at a Public Hearing on September 26, 2023, 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 4 Cypress Street. The proposal was filed by the owner of the property. The tract consists of 0.227 acres. The property currently contains a mixed-use building which was constructed prior to 1977. The owner represented to the Mayor and City Council that it was the owner's intent to continue the use of one dwelling unit and reuse the existing office space for additional commercial uses. In this amendment, the owner proposed to replace the dwelling unit with additional administrative space for the commercial unit and to place a 304 square foot addition on the front of the building for stairs and a restroom.

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

1. A Local Conversion District Overlay is permitted in the underlying zoning district of RMOD (Residential Moderate Density);
2. The building was constructed and configured for mixed-use prior to 1977;
3. The building will be occupied as one commercial space. The commercial space may be occupied by:
 - Professional offices;
 - Administrative support offices;
 - Business and professional offices;
 - Ambulatory health care services; and
 - Scientific and technical services.
4. The building is oriented toward Cypress Street and has additional frontage on Potomac Avenue, both public streets;
5. The total land area of the subject parcel is approximately 9904 square feet, which is below the maximum square footage allowed of 20,000 square feet of land area;

6. A 304 square foot addition will be constructed on the front of the building;
7. Outdoor vending machines are prohibited and none are proposed; and
8. Outdoor storage is not allowed, with the exception of display of merchandise at convenience and grocery stores if historically a part of a use on the subject property which is not applicable in this case.

The Local Conversion District Overlay was designed to allow the adaptive reuse of pre-1977 commercial and mixed-use buildings embedded in residential districts on small lots, provided they are reviewed individually so that the proposal is complimentary to the residential nature of the area in which it is located. This site was analyzed at the initial approval and the following conditions were approved and endorsed by the Planning Commission:

1. Modifications to the building shall be in accordance with the proposal; and
2. Additional parking shall be provided to accommodate the new commercial use.

Since the original approval, the additional parking has been constructed in accordance with an approved site plan. In approving this amendment, this body adds the following third condition:

3. A site plan will be required to show all planned buildings and site improvements.

CONCLUSION

Therefore, the Mayor and City Council find that those matters contained in the staff analysis and presented by the applicants at the Public Hearing on September 26, 2023, to be true and accurate, and that all procedural requirements prerequisite to approval of the amendment to the Local 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 Ordinance. We further find that the approval of the proposed amendment to the Local Conversion District Overlay will not materially or adversely affect adjoining properties provided that the three (3) enumerated conditions are adhered to.

MAYOR AND COUNCIL FOR THE
CITY OF HAGERSTOWN, MARYLAND

By: _____



Tekesha Martinez, Mayor



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

LOCAL CONVERSION OVERLAY REZONING APPLICATION

Submittal Requirements:

- Original Application and 17 copies
- 18 copies of concept plan
- Filing fee (please consult [current fee schedule](#))

Case No. ZM - 2021-01

Office Use Only

Amendment

APPLICANT INFORMATION: Application may only be made by property owner or his/her authorized agent, or any other person(s) with a 50 % or more contractual or proprietary interest in the area covered by the zoning map amendment application.

Applicant Name: EVERETT EKLUND

Contact Person: SUSIE PLOTT Email: Susie@potomacdentalcentre.com

Mailing Address: 1301 POTOMAC AVE. HAGERSTOWN, MD 21742

Telephone: 301-790-2007 Fax: 301-790-0981

OWNER INFORMATION: Owner's Affidavit must be submitted with application, if not the same as applicant.

Property Owner Name: EVERETT EKLUND

Contact Person: SUSIE PLOTT Email: SUSIE@potomacdentalcentre.com

Mailing Address: 1301 POTOMAC AVE. HAGERSTOWN, MD 21742

Telephone: 301-790-2007 Fax: 301-790-0981

All correspondence will be sent to applicant. If the owner also wishes to receive a copy, please check box.

PROJECT INFORMATION:

Project Location (Street Address): 4 CYPRESS ST. HAGERSTOWN, MD 21742

Tax Map Number: 301 PARCEL 0648 Year Built: 1920 (PER SAAT DATA)

Size of Property: 9904 SQUARE FEET Square Footage of Building: 3600 SQUARE FEET

Current Use of Building: STORAGE FOR DENTAL OFFICE

Proposed Use (Area and types of commercial uses, number of dwellings)

Are there existing or enclosed storefronts present? Approval of the Local Conversion Overlay District requires the reopening and reestablishing previously enclosed storefront windows. If construction is required, please provide concept drawings.

CONCEPT DRAWING INCLUDED.

Describe any proposed additions for outdoor dining and seating area, including fencing, pavers and furniture, and any proposed landscaping.

SITE PLAN INCLUDED.

Describe any other proposed improvements to the site intended to improve its condition and appearance for compatibility with the surrounding area.

REFER TO DRAWINGS.

CONCEPT PLAN:

A concept plan shall be submitted with this application. The concept plan should include the following:

- A scaled drawing showing the building footprint, the street, and all property lines
- Any proposed additions (*subject to limitations in City's Land Management Code, Art. 4, Section J.3.1.*)
- Existing off-street parking spaces, if any
- Any proposed fencing and landscaping
- Illustrations showing the general size, location, illumination, and nature of signage
- Any new site lighting proposed
- Front elevations of the building, including what the storefront will look like

STATEMENTS:

I understand that zoning approval by the Mayor & City Council or site plan approval by the Planning Commission does not constitute permission to construct. Appropriate permits must be obtained from City of Hagerstown Planning & Code Administration Department before construction may commence. I hereby attest or affirm that all the information provided in this application is correct and true to the best of my knowledge and understanding. Applicants that are not signed will not be accepted.

Applicant's Signature

Date

City of Hagerstown, Maryland
Planning and Code Administration Department
One East Franklin Street, Suite 300
Hagerstown, MD 21740
T | 301.739.8577, Ext. 138
F | 301.790.2650

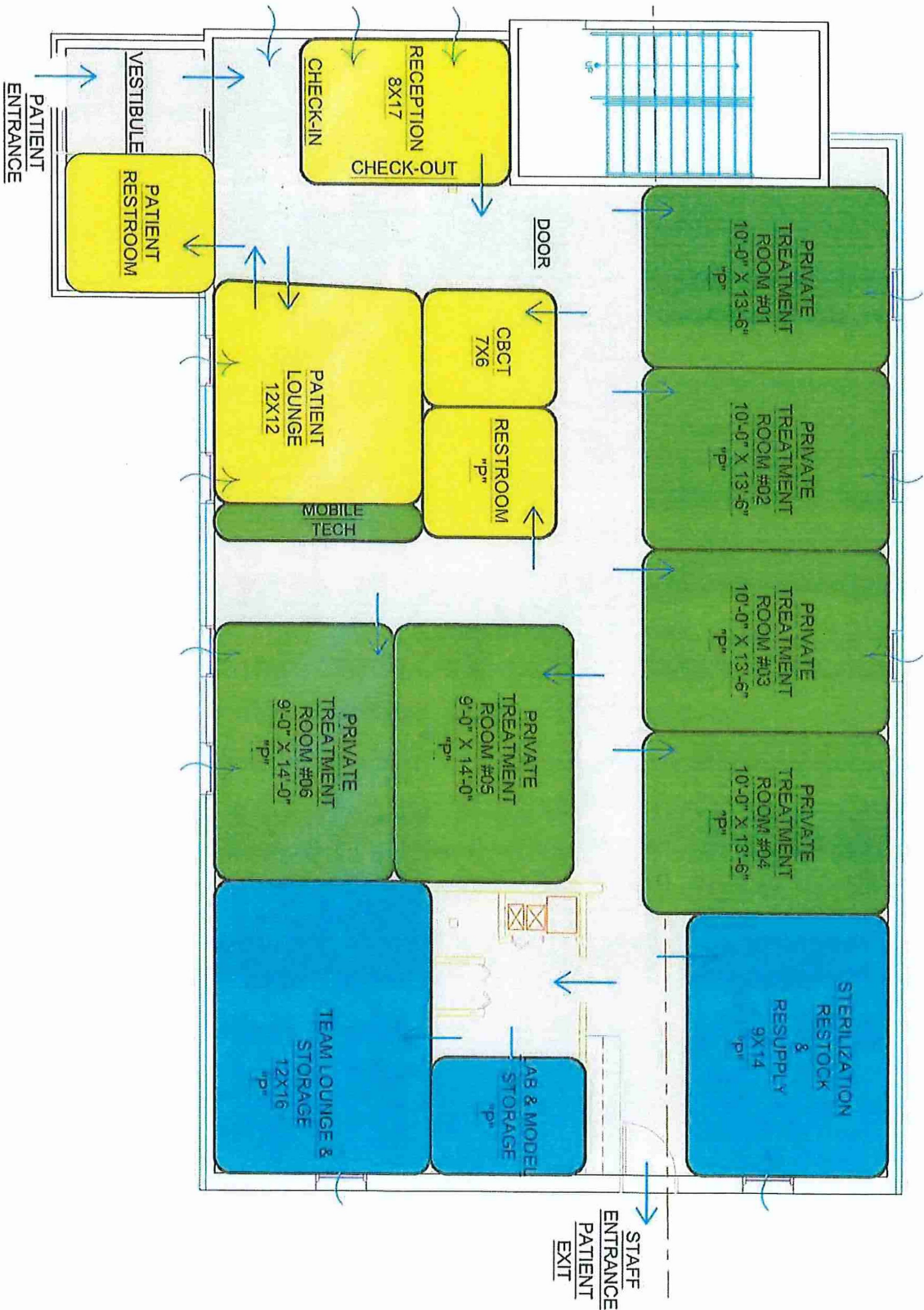
THE 17 ELEMENTS OF AN IDEAL FLOOR PLAN

1. Clearly identifiable patient entrance.
2. Staff entrance screened from view. Prevents entry confusion.
3. Immediate visual and physical access to the front desk upon office entry.
4. Waiting room seating removed from primary circulation of traffic flow.
5. Patient bathroom visible to, but removed from waiting room seating.
6. The major proportion of the open front desk does not face the waiting room seating.
7. Conference room accessible by the doctor without passing into the front desk space.
8. Conference room location minimally exposes patient to treatment room noises.
9. Treatment rooms isolated from the front desk.
10. Compact treatment area minimizing segregation of doctor and hygiene staff.
11. Doctor's office within proximity of treatment rooms, to keep a pulse on clinical activities.
12. Space for mobilization of technology.
13. Sterilization, lab and re-supply areas in close physical proximity to treatment rooms.
14. Radiology areas do not block traffic flow when in use.
15. Staff lounge isolated from clinical and business zones.
16. Treatment room alignment does not channel noises from room to room.
17. Office expansion easily accommodated with minimal practice disruption.

- ↑ = DAYLIGHT
- P = PLUMBING REQUIRED
- = PRIVATE SPACE
- = TREATMENT SPACES
- = PUBLIC SPACES

DESIGN PROCESS

- Existing Site Information Review
- Site Engineering Phase
- Blocking Diagram Phase (Conceptual)
- Version 1
- Version 2
- Version 3
- Version 4
- Conceptual Plan Approved
- Floor Plan Phase
 - Floor Plan 1
 - Floor Plan 2
 - Floor Plan 3 (Equipment & Sanitization Details)
 - Floor Plan 4
- Building & Site Plan Coordination
- Equipment Selection Finalization
- Finalize Floor Plan
- Interior Design Phase
 - Design Boards
 - Interior Elevations
 - Reflected Ceiling Plan & Lighting Selection
 - Begin Engineering Phase
 - Interior Finish Selection
 - Structural & Exterior Design
 - Exterior Elevations & Details
 - Exterior Materials
 - Not Design
- Engineering
 - Not Design
 - Mechanical Design
 - Electrical Design
 - Plumbing Design
- Coordinate with Equipment Suppliers
- Review & Finalize MEP Systems
- Final Review Engineering Review & Coordination
- Final Review
- Final Selection & Release for Bid
- Bid Review & Award



CONCEPTUAL LAYOUT ONLY

DR. EVERETT EKLUND

HAGERSTOWN, MD

2472 (INTERIOR) sq. ft.

412 sq.ft./Tx. rm. @ 06 rooms

Project Number: DR. EKLUND - 1614

Date: 06/22/2022

Drawn By: P.E.

Checked By: D.A.

PROPOSED BLOCKING DIAGRAM

V2

0-23-28

6/27/2023

RE: 4 CYPRESS STREET, HAGERSTOWN, MD 21742

Local Conversion Overlay Rezoning

On May 26, 2022, we received approval of a local conversion overlay to permit the existing uses of first floor dental offices and second floor apartment, and install a parking lot.

We are now requesting to construct an addition on the front of the building at 4 Cypress St, to enclose the existing staircase, add hallway space and a patient bathroom (recent text amendments were approved to permit this). This will not increase the number of employees or customer traffic to the location. The addition will be 304 sq ft, and would be located as close as 14 ft from the right of way of Cypress Street which is currently less than where the current exit stair is at 12 ft.

We would like the second floor to be used for administrative purposes and storage and no longer be used for an apartment.

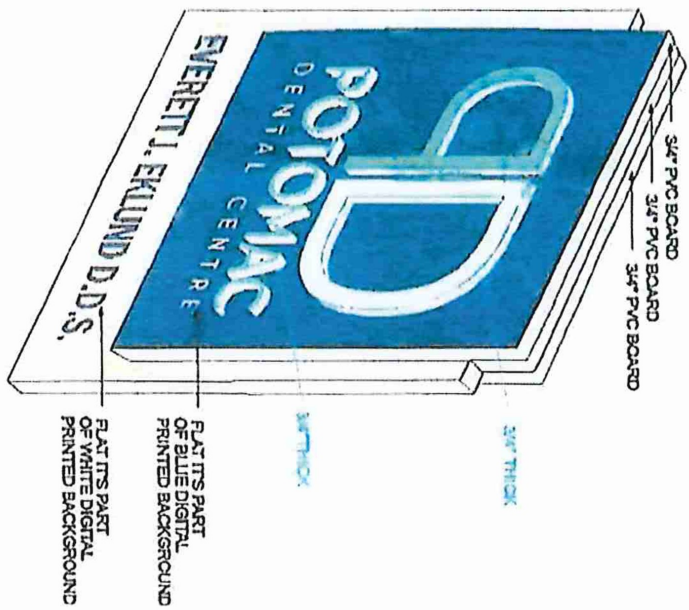
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OPTION #1



OPTION #3



OPTION #5

0-23-28