

**WASHINGTON COUNTY PLANNING COMMISSION  
WORKSHOP MEETING  
November 29, 2010**

The Washington County Planning Commission held a workshop meeting on Monday, November 29, 2010 in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

Members present were: Chairman George Anikis, Terry Reiber, Clint Wiley, Andrew Bowen (arrived at 4:45 p.m.), Linda (Parrish) Kelly, and Ex-Officio James F. Kercheval (arrived at 5:35 p.m.). Staff members present were: Planning Director Michael C. Thompson, Chief Planner Stephen Goodrich, Planner Fred Nugent, and Administrative Assistant Debra Eckard.

**CALL TO ORDER**

Chairman George Anikis called the meeting to order at 4:35 p.m.

**DISCUSSIONS**

The Commission continued its review of the chart of formal rezoning requests. For purposes of these minutes, a copy of the chart will be attached. Discussions focusing on particular requests and formal actions by the Commission will be recorded in the minutes.

Mr. Goodrich began a discussion regarding formal requests # 125, 141, 3 and 17 from the Artz family members. He gave a brief explanation regarding the background on these properties. During the 1990's, several of the properties that were zoned Agriculture were rezoned through formal rezoning applications at the owner's request. Also, at that time the UGA boundary was not well defined in this area and some properties were inside the UGA and other properties were outside the UGA. Since then, the UGA boundary has been better defined and includes all of the properties. The current owners of the property are now requesting the Agricultural zoning be put back on the properties. However, the agriculture zoning district is being eliminated in the UGA. One option would be to remove all of the properties from the UGA and zone the property agriculture, which has changed since the original agriculture zoning that was on the properties. However, Staff does not recommend this option due to the existence of public facilities in this area and because this area is "well-embedded" in the Urban Growth Area. Staff is proposing a variety of different zoning designations on the various properties as shown on the chart. Mr. Goodrich noted that the owners can continue farming on the properties.

- The Planning Commission reviewed each of the individual properties and agreed with Staff's recommendations for each property.

The Commission began a review of formal request # 138 for Mountainside Teleport Corporation located at 17625 Technology Boulevard. Mr. Goodrich stated that ORI zoning is proposed for this property. Mountainside Teleport is not opposed to the zoning change; however, they have proposed text amendments for the ORI zoning designation that would provide additional protection for their property from the effects of adjacent uses. The proposed text amendments will be discussed at a later time.

Mr. Goodrich began a review of formal requests # 136, 137 and 165. Staff is proposing the ORI zoning designation on all of these properties and the owners have requested HI-1 zoning, which would provide more flexibility. Staff continues to recommend the ORI zoning because the properties are located along the interstate and they are part of the Friendship Technology Park, which the ORI design guidelines will produce the kind of visual appearance that is attractive to the County along the interstate highway.

- The Planning Commission recommends the ORI zoning as proposed by Staff.

In reviewing formal requests # 161, 162 and 163, Mr. Goodrich reminded the Commission that during its initial review of these properties, it was decided that these properties should retain a residential zoning because of the surrounding residential neighborhood. It was also discussed that while there are commercial uses currently on the property, a business zoning category would open the door for other types of businesses. Staff believes that a business zoning classification would be appropriate. There was a brief discussion with regard to the current uses surrounding the property and within the general vicinity.

- The Planning Commission recommends BL zoning for these properties.

The Commission reviewed formal requests # 151, 152, and 153 for Taylor Farm. All properties are currently zoned RR (Rural Residential). The owner is requesting a zoning classification that would allow commercial or industrial development [no specific zoning classification requested]. Staff is proposing the ORI zoning designation for formal requests # 151 and 152 because the property is adjacent to railroad tracks and an existing industrial park. Staff is proposing RT zoning for request # 153 because it is adjacent to residential development. There was a brief discussion regarding the formal requests for #151 and 152 with regard to residential versus business/commercial uses and location in close proximity to the interstate. Mr. Thompson stated that a localized transportation plan is currently being discussed, which could change the road network in this area. This is a concern for the property owner and one reason a request for commercial zoning was made.

- The Planning Commission recommends the RT zoning for all three requests (Vote: Linda, Clint and Drew – yes).

Mr. Goodrich moved on to formal request # 139 for the Bowman Group. Staff is proposing the PI zoning designation; the owner has requested the HI-1 zoning designation. The property is currently zoned PI, is located within an established industrial park, and includes a variety of uses allowed under the PI zoning.

- The Planning Commission recommends the PI zoning.

The Commission reviewed formal request # 166 for property located along Spielman Road. Mr. Goodrich explained that the property owner did not receive a formal notice of the proposed rezoning change due to the methods the computer used to identify parcels to receive notices. He explained that the UGA boundary does not follow the property line in this location. Staff is proposing the ORI zoning because of the property's location close to the interstate, which would provide a more attractive appearance from the interstate. There was a brief discussion regarding the zoning of surrounding properties and existing zoning on this property.

- The Planning Commission recommends the HI zoning (Vote: Drew, Linda, and Clint – yes).

In reviewing formal request # 5, Mr. Goodrich explained that this property is shown as a common area on tax maps, but listed as a future commercial development area on plats of the property. The applicant is requesting the HI zoning designation; however, the property is part of a residential development. Therefore, Staff believes that a BL zoning designation would be more appropriate because it is intended as a commercial area for the development.

- The Planning Commission recommends BL zoning for this property.

The Commission began its review of formal requests # 27, 33 and 24. Both properties are proposed for the BG zoning designation. Mr. John Urner, attorney for both applicants, was present at the meeting and opposed the proposed BG zoning designation. He explained that the applicants are asking for the BL zoning, because the BG zoning designation has more restrictions that could limit the development potential of the properties in the near future. Mr. Urner explained that the proposed text amendments which would require public water and sewer facilities on BG zoned properties could stall any development on these properties indefinitely. Mr. Goodrich also explained that the proposed public water and sewer requirements could be waived in the BL zoning districts. He noted that several requests were received to amend the public water and sewer requirements to include waivers to all zoning districts. Staff believes there might be situations in which the Planning Commission would want to waive the requirement in all zoning districts. Therefore, Staff is proposing to make the requirement part of the general requirements section of the Zoning Ordinance instead of having the waiver provision in all zoning districts.

- The Planning Commission recommends BL zoning for formal requests # 27, 33 and 24.

Upon completion of the formal requests for site specific rezoning, Mr. Goodrich distributed a list of additional issues that were included in the written comments and requests received in response to the proposed UGA rezoning. The first comment to be addressed was in regard to following up on a Board of County Commissioners condition on approval of the Rural Area rezoning to develop a TDR program. Mr. Goodrich stated that a consultant was hired in 2005 to perform a TDR study for the county, which took approximately one year to complete. The study was presented to the BOCC in both a preliminary and final report. The BOCC did not take any action following the final report. Staff believes efforts have been made to follow up on the condition except BOCC approval.

Mr. Anikis began a discussion regarding the comment that “the definition of recycling is too narrow”. He recommended that the BOCC should direct the Solid Waste Advisory Committee to review the recycling proposal and make amendments. Mr. Goodrich stated that the Director of the Landfill [who is a member of the Solid Waste Advisory Committee] submitted comments with regard to the recycling text. Mr. Kercheval suggested that Staff proceed with getting the Committee to review the proposed text and make comments.

The next comment to be addressed was “Hagerstown’s concern for areas that are proposed to be rezoned inconsistently with the City’s Comprehensive Plan.” Mr. Goodrich stated that by the Planning Commission’s recommendation to retain the HI zoning district, five of the six areas of concern have been addressed. The last area of concern was discussed by the Planning Commission during its last meeting for property located at the intersection of the proposed Eastern Boulevard Extension [formal request # 20].

The next comment to be addressed was to “allow clustering in the “R” zones”. Mr. Goodrich stated that clustering is already allowed.

Mr. Goodrich then addressed the comment with regard to churches being a permitted or special exception use in the BG zone and to add “community meeting halls” from the BL zone to BG so there is a functionally similar use to compare when a church is requested as a special exception under the “functionally similar clause”. Staff does not object to adding community meeting halls as a permitted use in the BG zone so there is a similar use to compare if a church requests a special exception under the “functionally similar clause”.

The next comment that the Commission discussed was the opposition to the elimination of some manufacturing uses in the Airport district. The uses proposed for elimination are not airport related uses and include the following: clothing and shoe manufacturing, manufacturing of musical instruments, mold, rubber, and novelties, and manufacturing of merchandise from previously prepared materials, etc. Mr. Goodrich explained that the request is from the owner of buildings in the Airport district, who does not want to be restricted in the types of uses that could locate in these buildings. Staff recommends the

elimination of non-airport related uses in the AP zone. Mr. Goodrich explained that the if any of these types of manufacturing uses are currently operating in the AP district, they would be a non-conforming use in the district; however, they would be allowed to continue. Mr. Jason Divelbiss, attorney for the property owner opposed to the change, was present at the meeting. He stated that his client has more than 400,000 square feet of space to be leased and believes that the change would severely limit the potential to lease the space.

- The Planning Commission recommends that the current uses listed in the AP zone should not be eliminated.

Mr. Goodrich discussed the requirement for public water and sewer in the HI or IR districts and the need for the waiver provision. Staff is concerned that there may be areas on the fringe of the UGA that are zoned HI or IR that would not have access to public facilities, which could prohibit economic development in the County. He stated that Staff does not want to encourage growth in the UGA without public facilities; however, it would be for the good of the County if the Planning Commission could provide a waiver for the requirement. Mr. Kercheval gave an example of property where development potential exists, but the City of Hagerstown is denying access to public facilities. The Commission discussed other options that a developer would have if a waiver provision is not offered in these districts. Mr. Bowen expressed his opinion that the waiver provision should have a standard set of criteria that must be met before a developer applies for a waiver from the public facilities requirement. Mr. Goodrich pointed out that there is a list of subjects that should be considered by the Planning Commission before granting a waiver.

- The Planning Commission recommends that the waiver provision should be included in all zoning districts.

Next the Commission discussed lighting requirements. Comments were submitted stating that the lighting requirements should not be applicable to one and two family dwellings. During previous discussions, the Planning Commission purposely eliminated the exception to the lighting requirements for one and two family dwellings. Mr. Goodrich noted that if it is not reinstated, it will be very difficult to monitor and enforce consistently; it will be on a complaint driven basis.

- The Planning Commission did not change its previous recommendation.

The final comment for review was a request from Mountainside Teleport located in the Friendship Technology Park. This property is proposed for ORI zoning. Mountainside Teleport is not opposed to the proposed zoning; however, they are requesting additional text for the ORI district in order to protect the existing uses and to protect them from interference from new uses allowed in the ORI district. Specifically, they are concerned with noise from emergency generators, vibration, smoke, glare, radiation, satellite sky and receptor viewshed obstructions, and procedures for determining compliance. Mr. Goodrich noted that several properties surrounding the Mountainside Teleport property are also proposed for the ORI zoning designation. Staff expressed some concern with regard to placing restrictions on the surrounding properties. Ms. Nancy Reglan, attorney for Mountainside Teleport, was present at the meeting. She stated that due to the vital importance of services rendered by Mountainside Teleport, it is imperative that services are not interrupted at the facility. Ms. Reglan explained that there are covenants on properties located within the Friendship Technology Park that protect Mountainside Teleport; however, development on properties outside the Park that we proposed to be zoned ORI need to have specific performance standards.

- The Commission tabled further discussion and a decision on the revised text until the next meeting.

## **ADJOURNMENT**

The Chairman adjourned the meeting at 7:25 p.m.

Respectfully submitted,

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Terry Reiber, Vice-Chairman