

WASHINGTON COUNTY PLANNING COMMISSION WORKSHOP MEETING – November 16, 2009

The Washington County Planning Commission held a workshop meeting on Wednesday, November 16, 2009, at 3:00 p.m. in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Andrew Bowen, Terry Reiber, Clint Wiley, Linda Parrish (arrived at 3:10 p.m.) and Ex-Officio James Kercheval. Staff members present were: Planning Director Michael Thompson, Chief Planner Steve Goodrich, Planner Fred Nugent, and Administrative Assistant Debra Eckard.

CALL TO ORDER

Chairman George Anikis called the meeting to order at 3:05 p.m.

MINUTES

Mr. Reiber made a motion to approve the minutes of the October 19, 2009 Workshop meeting. Seconded by Mr. Bowen. Unanimously approved.

DISCUSSIONS

Mr. Goodrich began a discussion regarding the concept of a zoning district that would allow single-family dwellings only. He noted that the Comprehensive Plan makes reference to such a district and states, "It is also recommended that at least one of the zoning designations associated with low-density policy area be limited to single-family housing units only." Currently, no zoning district has that distinction. Mr. Goodrich noted that the Comprehensive Plan recommends that the zoning district should be on the "fringe" of the Urban Growth Area (UGA).

Mr. Anikis expressed his opinion that the zoning district is a good idea and believes it would give developers another choice. However, he believes the district should be allowed in more dense areas of the UGA and not restricted to the "fringe" areas. Mr. Goodrich stated that the Comp Plan identifies this zone as a replacement for some of the land currently zoned for agriculture, which is being eliminated.

Mr. Kercheval expressed his opinion that a single-family only zone is not necessary. Developers could create developments with single-family homes in zones that are currently available. Mr. Kercheval believes that the "market" will create the need.

Ms. Parrish expressed her opinion that conceptually people would like developments around them that contain only single-family homes because the density would be less. However, she believes there is a need for duplex type dwellings with today's family situations and economics. She agreed with Mr. Kercheval that this type of a zoning district is not necessary.

- **Consensus:** The Planning Commission does not recommend the creation of a zoning district for single-family only dwelling units.

Continued Review of Zoning Ordinance Text Changes for the UGA

Mr. Goodrich began with a review of Article 11 – "BL" Business Local zoning district. He noted that the purpose statement was revised and that the zoning district was re-created to be a more "neighborhood-friendly" or "business friendly" oriented district as recommended by the Comp Plan. The principal permitted uses are intended to be uses that are necessary for the routine daily shopping needs of the nearby neighborhood and should be of an appropriate use intensity and scale to be compatible with the surrounding residential neighborhood. Staff reviewed all of the principal permitted uses to determine the uses they believe are inappropriate in a local neighborhood zone. He noted that service stations, pet shops, commercial parking lots, funeral establishments, schools (art, trade, business or nursery schools) drive-in restaurants, and outdoor advertising signs should be eliminated as principal permitted uses. Staff originally proposed size limitations on a few of the permitted uses; however, upon further review Staff believes size limitations might be appropriate for all of the permitted uses. Mr. Goodrich noted that the UGAAC recommended that the proposed size limitations should be removed.

The Commission briefly discussed the proposed size limitations noting that the success of the business would be determined by the "market". The Commission also discussed neighborhood shopping centers and size limitations. Mr. Kercheval expressed his concern for allowing major uses (such as a Food Lion) on small parcels. He believes there is an advantage to having the BL zone that allows for small businesses. Members expressed their concern for the small businesses that want to expand because they have outgrown their location within the BL zone. These cases could be handled through the Board of Zoning Appeals. There was a brief discussion addressing a review of the map and the potential for changing the proposed BL zoning to BG zoning on some properties. Mr. Bowen questioned what kind of problems Staff has seen with the BL zoning district in the past, which negate the need for the proposed changes to the district. Mr. Goodrich stated that there have been conflicts between residential uses being next to a business local use and cited a few examples for the Commission.

Commission members discussed uses that could be more problematic than others and suggested removing them as principal permitted uses. The hours of operation, trip generations and noise levels were cited as three of the largest contributors that make business uses undesirable next to residential uses. Mr. Goodrich noted that Staff is proposing stricter design guidelines for all of the zoning districts. Changes are proposed to screening and buffering standards, loading areas, landscaping, etc. Staff is also proposing the adoption of lighting standards for the County. He noted that there was no rear yard setback requirement, in some cases, in the BL zoning district. Mr. Goodrich suggested that more design guidelines could be used as a way to restrict more of the uses in the BL zone.

Mr. Wiley questioned the restriction of “retail only” on bakery shops and not on candy stores or florist shops. He noted that candy stores and florist or garden shops could also sell their products wholesale. If these businesses are restricted to retail only in the BL district, Mr. Wiley believes that they should be allowed as a wholesale business in the BG zoning district.

Mr. Goodrich pointed out that the uses in the BL zone could be limited by size for some or all permitted uses, re-evaluate the permitted uses and potentially eliminate some of the uses or regulate the uses by applying stricter design guidelines. He suggested that the Commission members should consider the previously mentioned limitations and discuss the issue further at the next workshop meeting. Mr. Anikis stated that he is not opposed to size limitations on permitted uses or limiting the size of the expansion of an existing use. He believes there needs to be some type of control so developers know up front what their limitations could be. Mr. Bowen suggested that each case should be evaluated individually.

Mr. Anikis asked if Staff could calculate the acreages of the parcels currently zoned BL in the UGA. Ms. Parrish expressed her opinion that the size of the parcel will help to determine the business that will be located on it. She also expressed her opinion that all of the permitted uses currently proposed are businesses that people want in their neighborhood. Members believe that the design guidelines will help to determine the uses proposed on particular parcels of land. This issue will be discussed after Staff has gathered the requested information.

Mr. Goodrich continued with the review of Article 11. He noted that agriculture, as an interim use, is a new use in the BL zone. Mr. Goodrich stated that Staff is recommending that animal husbandry facilities should not be permitted in the BL zone for the following reasons: they would be objectionable near residential uses and these facilities are expensive to start and operate. It is an attempt to discourage investment in a use that is known to be incompatible with future adjacent development. He noted that language has been included for “functionally similar” uses and for existing businesses located in the BL zone that are not listed as principal permitted uses. Mr. Goodrich noted that the height limitations in the BL zone have changed from 50-feet to 25-feet. There was a brief discussion regarding “stories” versus “feet” when measuring height.

- **Consensus:** The Planning Commission recommends the 25-foot height limitation in the BL zone.

The final issue discussed in Article 11 was the proposed design standards. Staff is proposing to change the impermeable site coverage from 80% of the gross area of the site to 70%, which would mean more green space. Outdoor storage has been better defined. Mr. Goodrich noted that Section 11.6 (H) and (I) were recommendations made by the UGAAC. He stated that the language in Item I was extracted from the City of Hagerstown’s guidelines.

Mr. Kercheval questioned the refuse collection areas if the parcel is surrounded on all sides by residential properties. Staff will reconsider this issue and propose language to better address it. There was a brief discussion regarding noise from outside sources on businesses, such as drive-thru windows.

Mr. Kercheval left the meeting at 4:20 p.m.

The Commission began its review of Article 12 “BG” Business General district. Mr. Goodrich noted minor changes that were made to the purpose statement and principal permitted uses. He stated that truck terminals are proposed to be eliminated as a principal permitted use in the BG zone. Mr. Anikis noted that the language regarding the requirement of public water and sewer services should be consistent.

Mr. Goodrich noted that language has been included for “functionally similar” uses, which can be granted by the Board of Zoning Appeals. Currently, no language exists and appeals cannot be granted by the BZA. Design guidelines have been added to the BG zone and include changes to the impermeable site coverage from 90% to 80% of the gross area of the site. Mr. Goodrich stated that language relative to outside display areas being designated on site plans has been added. This language would provide consistency with the proposed parking standards. Ms. Parrish asked if the outside display areas were previously discussed by the Planning Commission. Mr. Goodrich noted that it was discussed as part of the text amendment for parking standards. The Board of County Commissioners has not acted on those amendments; however, if the parking amendments are not approved, this language will be taken out of the BG text. Mr. Goodrich noted that language was proposed by the UGAAC for square footage limitations for shopping centers in the BG zone. Ms. Parrish expressed her opinion that the size limitations are “too limiting” in the BG zone. Other members agree that size limitations are not appropriate in the BG zone. There was some confusion among members of the UGA Committee that were present regarding the size limitations recommendation. UGA Committee members (Linda Irvin-Craig and Jerry Ditto) did not believe that the Committee made that recommendation and was mistakenly

incorporated into the text of the BG zone. Mr. Goodrich stated he would re-check this recommendation and make the appropriate corrections, if needed.

The Commission did not make any formal recommendations with regard to the BG zoning district.

The Commission began its review of Article 13 – “IR” Industrial Restricted zoning district. Mr. Goodrich stated that the Comp Plan does not recommend a lot of changes to this zoning district. The purpose statement was revised to clearly state that the IR zoning district is intended for “low density manufacturing and assembly processes that may not require extensive measures to allow compatibility with adjacent land uses.” The UGA Committee recommended private, on-site wells to provide “process” water for use in manufacturing instead of paying for water from public water sources. The Health Department does enforce strict regulations for the use of “process” water.

Mr. Goodrich pointed out the addition of the detailed language for agriculture as an interim use and animal husbandry facilities that have ceased operations. He explained some of the points of discussion of the UGAAC with regard to agriculture.

There was a brief discussion regarding heliports as a principal permitted use in the IR zone. Mr. Anikis expressed his opinion that helipads should be a special exception use rather than a principal permitted use. Mr. Wiley interjected that the County is already competing with other states for business and restricting helipads could be detrimental to the County attracting more businesses. Following a brief discussion, Mr. Anikis agreed that helipads could be a benefit to businesses in the County.

There was a brief discussion regarding the UGAAC’s recommendation for parking lots other than those for employees or patrons of the principal permitted use on site. The Commission discussed several examples when these types of parking lots could be beneficial and useful to the County.

Mr. Goodrich continued the review of the IR zoning district pointing out minor changes suggested by Staff or the UGAAC. He noted that the design standards as previously discussed would be added to the IR zone. The Commission made no formal recommendations on the IR zoning district.

The Commission then focused its review on the IG zoning district. Mr. Goodrich noted that minor modifications were made to this zone. He noted that the UGAAC recommended adding grain milling, storage, feed production and sales as industrial uses related to agriculture. Mr. Anikis expressed his opinion that penal and correctional institutions should be a special exception use and questioned if the County wants to encourage more facilities by allowing them as principal permitted uses. There was a brief discussion about State and Federal governments overriding the County’s zoning authority if they want a prison located in the County. Mr. Goodrich noted that the UGAAC recommended that heliports and printing and publishing be added to the list of principal permitted uses in the IG zone. He noted that the UGAAC recommended bio-diesel production and storage should be a special exception use in the IG zone. Staff believes that the bio-diesel element is a good recommendation. Mr. Goodrich noted that a requirement was added for the Board of Zoning Appeals to consider the effects of mineral extraction and related uses on public roadways to be considered and the BZA may impose additional restrictions according to guidelines contained in Section 15.3 F-H of the Zoning Ordinance. Mr. Goodrich stated that the UGAAC recommended an increase in height from 75-feet to 100-feet to encourage more industry. Mr. Anikis suggested that the language with regard to the BZA’s consideration of uses on public roadways should be added to special exception uses in the IR zone.

The Commission took a 5 minute recess at 5:05 p.m. Mr. Reiber left the meeting at 5:10 p.m.

The Commission began reviewing the current PUD zoning district. This zone is proposed to be renamed Mixed Use Floating Zone. Because this is a floating zone, it may be requested in many of the zoning districts in the UGA. This zone will provide a lot of flexibility for developers and provides the Planning Commission with the authority to allow the flexibility as well as be strict in development review. The Comp Plan recommended that the PUD zone should be broken down into two districts (one for residential uses only and one for residential and commercial uses together). However, after discussions with the UGAAC, three distinct districts are being proposed. Mr. Goodrich gave a brief explanation of each zone and the principal permitted uses allowed in each. He noted that the bulk storage of petroleum and propane as a principal permitted use in the MXR floating zone was recommended by the UGAAC. These storage facilities would be used for distribution only for the residential uses in the floating zones. Mr. Anikis asked if the Commission should recommend these facilities to be located underground. Mr. Bowen expressed his opinion that the tanks would be safer underground and Mr. Wiley expressed his opinion that underground storage would be more aesthetically pleasing. Mr. Ditto (a member of the UGAAC who was present at the workshop) questioned pollution issues for underground storage. Planning Commission members questioned the joint use of petroleum for heating purposes in a development.

- **Consensus:** The Planning Commission recommends that propane storage tanks should be located underground and the word petroleum should be stricken.

As the Commission began its review of the table on page 3 of the Mixed Use Floating Zones, Mr. Goodrich pointed out that the Planning Commission will have the authority to modify the recommended limitations by 10% without additional public hearings. He stated that the Comp Plan recommends minimum areas for the Mixed Use Floating zones. Staff is recommending a minimum area of 25 acres for the MXR zone, 50 acres for the MXC zone and 100 acres for the MXE zone. The UGAAC recommended no minimum area for the MXR and MXC zones and 50 acres for the MXE zone. Mr. Thompson explained

that the UGAAC's recommendation for no minimum area would help to infill small areas in the UGA. Mr. Bowen expressed his opinion that PUD's need to have minimum areas. However, he agrees that infill is needed in some areas where it would be difficult to get the minimum area requirement. Mr. Wiley and Mr. Bowen supported Staff's proposal. Mr. Goodrich explained that Staff believes that larger spaces are needed in order to get the desired mixtures to operate like an integrated community. Mr. Ditto introduced the concept discussed by the UGAAC of going "vertical" or high-rise buildings whereby a developer could have commercial uses on the bottom story, office space available on the second story, and apartments or condominiums on the upper floors. Staff believes that the "vertical concept" would be appropriate in some areas; however, open space and other requirements are still needed. Height limitations are another consideration that would need to be addressed in order to make the "vertical concept" work. Staff is not proposing adjustments to the height limitation that would make the "vertical concept" viable at this time. Members briefly discussed allowing a PUD on a smaller parcel if the structures are going vertical, in which case there should be fewer restrictions on height limitations. Some Commission members do not believe that Washington County is ready for structures larger than four or five stories in height.

Mr. Bowen expressed his opinion that even though he believes that Washington County is not ready for high-rise structures, he believes that the option should be available and allowed. Mr. Goodrich read proposed text in the MU zoning district that states, "The Planning Commission may allow reductions or require increases in building spacing or height where it will be consistent with the purpose of the mixed use floating zone of promoting creativity, allowing flexibility, efficient use of the land in creating a compatible mixture and arrangement of land uses." Members discussed the height limitations and high-rise structures, which would allow for an increase in density. Ms. Parrish expressed her opinion that residents of the County do not want denser development. Mr. Goodrich noted that even though the County has the PUD zoning that allows 12 dwelling units per acre, there has not been a developer that has requested that amount of density. Mr. Wiley expressed his opinion that denser development would help to preserve the agricultural land and rural areas. Ms. Parrish expressed her opinion that zoning could be changed in the future to accommodate the more dense development.

- Mr. Anikis suggested that language be written in a 4th category to encourage developers to be creative. Mr. Goodrich pointed out that the UGAAC recommended 24 dwelling units per acre in high-rise buildings. Mr. Wiley believes that a 4th option would clarify the intent for more flexibility in design with the "vertical concept" being the key element on a smaller parcel of land. Mr. Nugent suggested zoning categories to be labeled "MX", "SD" (special design) or "FD" (flexible design) with no minimum area size. The residential, commercial and employment uses would be subject to review and the maximum dwelling unit per acre would have a minimum of 12 du/a or would be subject to review by the Planning Commission. These categories would be site specific.

Mr. Anikis asked if public hearings would be required for the Mixed Use Floating zone. Mr. Goodrich stated that a public hearing would be required to obtain the Mixed Use Floating zone on a property, the same as the requirement for a PUD.

Mr. Anikis asked if there would be enough water pressure to accommodate high-rise buildings. He expressed his concern because there is currently a strain on the City's water supply. Mr. Goodrich stated that a health requirement for a minimum amount of water pressure at a faucet or outlet, which will be governed by the County's building codes and health codes. Water pressure is also a function of location in relationship to the water source.

The Commission continued its review of the chart on page 3 of the Mixed Use Floating zones. Under the column titled "Residential Uses", Mr. Goodrich noted that minimums have been proposed for the mix of residential uses and the type of units to be placed in each zone. He also reviewed the commercial uses for each zoning designation. The Commission discussed the proposed maximum of 10% commercial uses in the MXC zone. Some members believe this is too restrictive.

ADJOURNMENT

Mr. Anikis adjourned the meeting at 6:15 p.m.

Respectfully submitted,

George Anikis, Chairman