

## WASHINGTON COUNTY PLANNING COMMISSION WORKSHOP MEETING – November 23, 2009

The Washington County Planning Commission held a workshop meeting on Wednesday, November 23, 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, Sam Ecker (arrived at 3:17 p.m.) and Ex-Officio James Kercheval (arrived at 3:10 p.m.). Staff members present were: Planning Director Michael Thompson, Chief Planner Steve Goodrich, Senior Planner Jill Baker, Planner Fred Nugent, and Administrative Assistant Debra Eckard.

### CALL TO ORDER

Chairman George Anikis called the meeting to order at 3:07 p.m.

### DISCUSSION

Mr. Goodrich began the workshop by distributing charts detailing information requested during the November 16<sup>th</sup> workshop meeting. He reminded members that during the last Workshop, the Commission discussed a possible 4<sup>th</sup> mixed use floating zone to promote development of high-rise structures. The first series of charts compared the land area in the different zoning categories and compared existing acreages and acreages using Staff's proposed changes and the UGA Committee's recommendations. Mr. Goodrich noted there is not a lot of difference in the acreages between Staff's proposal and the UGAAC's recommendations. There is a large difference between the existing acreages and Staff's proposal due to the elimination of the Agriculture and Conservation zoning districts.

Mr. Goodrich noted there is approximately 364 acres of land proposed by Staff for Business Local (BL) zoning or 1.2% of the entire growth area. He noted there is currently 255 acres zoned BL in the UGA. The UGAAC is recommending 369-acres of land to be zoned BL. There is approximately 30,220 total acres of land currently in the growth area.

Staff also prepared a Mixed Use Zone comparison for Washington County, Frederick County and the City of Hagerstown. This chart addressed design criteria requirements, which included setbacks, height, school sites, etc. Mr. Goodrich noted that the City of Hagerstown's mixed use zoning is a Euclidean zone, whereas Washington and Frederick County's mixed use zones are floating zones.

The next chart the Commission reviewed was a compilation for the Business General (BG) zoning district. This chart showed all BG zoned parcels that are currently vacant in the UGA, which range in size from less than ½ acre to 32+ acres. Members discussed minimum area size for the mixed use floating zones. Many of the existing lots would be considered in-fill areas due to their size. The final chart was a similar compilation for the Business Local (BL) zoning district. Mr. Goodrich reminded Commission members that there was a lengthy discussion regarding square foot requirements for principal permitted uses in the BL zones during the first workshop.

Mr. Goodrich stated that there are currently no minimum area requirements in the PUD zone. Members discussed no minimum area requirements and believe that factors such as location, other uses in the neighborhood, etc. could be reasons for establishing minimum area requirements. The Commission discussed its role in recommending [to the Board of County Commissioners] appropriate development for the mixed use floating zones.

- **Consensus:** The Planning Commission recommends a "no minimum area" requirement for the Mixed Use Floating zones (see chart on page 3 of the Mixed Use Floating zone).

The Commission began reviewing the residential uses in the chart on page 3 of the Mixed Use Floating zone. Mr. Goodrich noted that Staff is proposing for the MXR and MXC zones that a minimum of 15% of the dwelling units must be multi-family or 25 units, whichever is less. The UGAAC recommended a minimum of 2 types of residential units. Staff is proposing for the MXE zone that a minimum of 15% of the land use must be residential and a minimum of 15% of the dwelling units must be multi-family or 25 units, whichever is less.

The commercial uses were reviewed by the Commission. Mr. Goodrich noted that commercial uses are not permitted in the MXR zoning district. Staff is proposing a maximum of 10% of commercial uses to be permitted in the MXC zone. It was noted that the MXC zone is the closest zoning category to the existing PUD zone, which has a maximum requirement of 10% of commercial uses. Staff has further discussed the commercial uses and is proposing a minimum of 10% of commercial uses with a maximum of 20% if the development has 12 dwelling units per acre. Some members expressed their concern for putting limitations on commercial and employment uses in the floating zones and believe that limitations could hinder the creativity and flexibility of the developers. Ms. Parrish expressed her opinion that guidelines should be created in order to provide guidance to developers as well as the Planning Commission and Staff. The discussion focused on various scenarios that included changes in the economy, creating a balance between the commercial and residential uses in a mixed use development, developers who change their plans before completion of approved developments, etc. There was a brief discussion regarding the limitation of the mixed use floating zones in certain zoning districts. Some members pointed out that there is additional language in the proposed text that would help the Planning

Commission to manage or limit the changes that a developer could make in their plans. Ms. Parrish expressed her opinion that the language may be in the proposed text; however, she does not believe that the Planning Commission would require the developer to adhere to the requirements or to their original plans.

Members discussed increasing the maximums for residential and commercial uses depending on the original base zoning of the property. In other words, if the base zoning is a commercial district then the mixed zoning should allow for a majority of commercial uses in a mixed use floating zone.

- **Consensus:** The Planning Commission recommends the following for the MXC and the MXE zoning districts: if the base zoning is a commercial district then the mixed use zoning should allow for a maximum of 70% commercial uses; if the base zoning is a residential district then the mixed use zoning should allow for a maximum of 70% residential uses; and if the base zoning is an industrial or ORT district then the mixed use zoning should allow for a maximum of 70% of industrial or employment uses.

The Commission continued its review of the chart on page 3. Staff is proposing open space area in the MXR and MXC zones to be a minimum of 25% of the gross land area and the UGAAC recommended a minimum of 5% of the gross land area, not including Forest Conservation areas, which would equal 20% of the gross land area. Staff is proposing open space area in the MXE zone to be a minimum of 20% of the gross land area. Mr. Goodrich noted that 25% is currently the minimum requirement for open space area, which includes green space and recreational areas. Mr. Ecker suggested that for smaller parcels of land, the developer should be able to pay for open space area, which would allow the BOCC to purchase land for a large park somewhere in the County. Mr. Goodrich stated that the County already collects excise tax, which pays for roads, schools, etc.; however, you don't get the open space with the residential units that have been created if you allow the developer to pay for open space. Open space areas are meant to provide space for residents to use for recreational purposes, such as tot lots and playgrounds. Commission members discussed requiring small areas for open space versus a payment-in-lieu for open space that could be used by the County to purchase land to establish a park.

Discussions moved on to the maximum dwelling units allowed per acre in each of the mixed use floating zones. Staff is proposing 12 dwelling units per acre in each of the zones, which is the current limit in a PUD zone, and the UGAAC is recommending 24 dwelling units per acre permitted in a high-rise building. If the Planning Commission recommends the 24 dwelling units per acre, Staff will need to prepare language for design guidelines relative to high-rise buildings. Mr. Goodrich noted that the City of Hagerstown's maximum density is 6 to 10 dwelling units per acre in a neighborhood and 10 to 22 dwelling units per acre in the downtown area. Mr. Kercheval expressed his concern that developers would request a mixed use floating zone for the sole purpose of increasing density and suggested that language should be added to allow only a maximum increase in density. He expressed concern for residents currently living in the area and a developer proposes a development much more densely populated than the surrounding area. Mr. Goodrich noted that the mixed use zones are designed to allow for more density, but in turn the developer must provide more amenities to make the higher density more compatible with the surrounding properties. He noted that applications for the mixed use floating zones would require a public hearing in which the public can voice their opposition or support. The Planning Commission and the BOCC can then base their decision for approval or denial on factors including public opinion.

- **Consensus:** The Planning Commission recommends 12 dwelling units per acre with a maximum of 24 dwelling units per acre permitted in a high-rise building.

Ms. Livelsberger, a member of the UGAAC, stated that the Committee made its recommendation for 24 du/acre based on the purchase of Transferable Development Rights by developers.

The Commission continued its review of the Mixed Use Floating zones and reviewed changes to the general requirements. Mr. Goodrich noted that all of the mixed use floating zones are permitted to be located in the RT, RS, RU and RM zoning districts. The MXE zone is permitted in the HC, IR, PI and ORT zoning districts. Mr. Goodrich briefly explained the difference between zones where the current PUD zones are allowed and the proposed zoning district locations. Staff believes this will give developers more flexibility and encourage them to spread development throughout the growth area. Mr. Anikis expressed his concern for allowing the mixed use floating zones in the ORT zoning district and questioned if this zoning district should not allow the mixed use floating zones. Mr. Goodrich stated that allowing the mixed use zones in the ORT supports the concept of "working where you live". There was a brief discussion with regard to the mixed use zones in the ORT zoning district. Following this discussion, Mr. Anikis withdrew his objection to the mixed use zones in the ORT.

Mr. Goodrich stated that existing PUD's would be allowed to continue without requiring them to comply with the new process. Design and site plan requirements previously approved must be met. Mr. Goodrich reviewed the Review and Approval Process changes with the Commission. He noted that Staff has been reviewing the various stages in the plan review process, with each stage having a time period associated with it. It is difficult for Staff to track each time frame in the process and Staff has determined that many of the time frames are unrealistic. Staff is proposing a longer time frame (3 years) from the time of zoning approval through the end of final development plan approval. Mr. Goodrich further explained Staff's proposal and steps that are required throughout the plan approval process. He noted there are more reviews and approvals required than when the time frames were originally written in the Ordinance. There were discussions with regard to establishing more realistic benchmarks, the difficulty in

tracking the benchmarks, ways to simplify the process and tracking, and economic influences. Mr. Reiber expressed his opinion that 3 years is too long. Mr. Anikis suggested that the developer submit a time schedule to meet each benchmark. Members discussed alternatives, such as a maximum number of extensions [to the time frame], losing the zoning if the benchmarks are not met, and taking the rezoning process out of the proposed time frame.

- The Planning Commission would like Staff to establish benchmarks that are realistic for both the Staff and the developer in order to review and approve projects.

Mr. Anikis expressed his concern that agencies are not giving their approval prior to the Planning Commission's review and approval of projects. There was a brief discussion regarding the approval process and the agencies that are approving agencies. Mr. Thompson explained that Staff is working with other County agencies to have approvals put into the computer system and briefly explained the new development review process. There are agencies such as the individual fire companies that do not have access to the County's computer system or they do not have personnel available to respond to our requests.

Mr. Anikis made an inquiry regarding language (page 6 of Article 16) that states, "The Board of County Commissioners and the Planning Commission shall hold public hearings, jointly or separately." Mr. Goodrich stated that the language is proposed to allow flexibility for the BOCC. The current rezoning process requires separate hearings. There was a brief discussion regarding the reasons that the rezoning process was changed.

Mr. Goodrich continued with the Commission's review of Article 16 and requirements for the content and format of applications. Language has been added to require a graphic display of the proposed street and highway network for new developments and connections to the existing surrounding road network, traffic counts for existing roads, preliminary projections of additional traffic to be generated, peak hour projections and the distribution and direction of travel on the concept plan. Mr. Goodrich noted that the new requirements are in response to the Commission's questions regarding new development and the impact on roads. Additional requirements for the concept plan include locating historic resources, pre-existing easements or rights-of-way, the proposed method to insure maintenance of common areas, and proposed school site dedications. There was a brief discussion regarding the advantages of obtaining this information early in the development process.

The Commission reviewed the proposed requirements for preliminary development plans. Mr. Goodrich noted that the biggest change is the requirement for an adjustment to the preliminary traffic data submitted with the concept plan to reflect overall changes in traffic and roads. Proposed language for the final development plan requirements were highlighted by Mr. Goodrich.

Several changes are proposed for the use mix determination in the design guidelines for Article 16. Landscaping for all developments must comply with the new landscaping guidelines proposed. Language for the buffering requirements has been modified to ensure compatibility with surrounding neighborhoods. It was noted that the Planning Commission may reduce or waive the buffer requirements for residential parcels within the mixed use development. Language has been added to provide better guidance for pedestrian systems to encourage walking instead of driving. Language has been added so the Planning Commission may allow reductions or require increases in building spacing or heights. Mr. Goodrich noted that the UGAAC has recommended that unoccupied commercial buildings shall be subject to maintenance guidelines contained in Article 17. He stated the guidelines would include keeping the building in good repair, keeping the landscaping neat, keeping the lights on in the parking lot during normal business hours [of the commercial uses surrounding the building] and posting contact information, etc. These guidelines mirror the City of Hagerstown's.

Mr. Goodrich stated that final development plans shall include design drawings of improvements necessary to provide needed capacity in the existing road network if it is not currently available. This requirement will insure that the needed off-site road improvements can be accomplished because they have been designed. The final language reviewed was the requirement for the dedication of school sites. Many options were reviewed that are used in different jurisdictions and Mr. Goodrich briefly described some of the options. Staff is proposing the establishment of a threshold using the number of dwelling units that can generate 60% of the school capacity and require a 15-acre parcel. This would be comparable to a development of 1500 dwelling units. There were brief discussions regarding the variables that would make a school site too small or too large and language that could be added to clarify that size is a negotiable issue. Mr. Kercheval expressed his opinion that the 60% requirement is too high. He believes that the school site should also count as part of the open space requirements for a development. Mr. Kercheval expressed his opinion that language should be added that the school site must be conveniently located in the development for bus transportation. There was a brief discussion regarding the thresholds that should be required.

- **Consensus:** The Planning Commission recommends a threshold of 500 dwelling units for requiring dedication of a school site and a 10-acre minimum school site, with each 100 dwelling units over 500 a 1-acre parcel is added up to a maximum of 20-acres, which can be used a part of the open space requirement. If a school site is not needed, the land should be retained and used for other public services, such as a park or fire station.

**OTHER BUSINESS**

Mr. Thompson stated that a request has been made by Mr. Joe Kroboth and Ms. Jennifer Smith of the County's Public Works Department for a workshop with the Planning Commission to present the new Storm Water Management regulations. Mr. Kercheval recommended that the workshop be delayed until the regulations are closer to being finalized due to new legislation that is being proposed by the State of Maryland.

The Planning Commission scheduled its next workshop on Monday, December 14<sup>th</sup> at 3:00 p.m.

**ADJOURNMENT**

The Chairman adjourned the meeting at 6:35 p.m.

Respectfully submitted,

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George Anikis, Chairman