

**WASHINGTON COUNTY PLANNING COMMISSION  
WORKSHOP MEETING – March 15, 2010**

The Washington County Planning Commission held a workshop meeting on Monday, March 15, 2010, in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Terry Reiber, Linda Parrish (arrived at 4:12 p.m.), Clint Wiley and Ex-Officio James F. Kercheval. Staff members present were: Planning Director Michael C. Thompson, Chief Planner Stephen T. Goodrich, Planner Fred Nugent, GIS Technician Meghan Hammond, and Administrative Assistant Debra Eckard.

**CALL TO ORDER**

Chairman George Anikis called the meeting to order at 4:10 p.m.

**MINUTES**

Mr. Wiley made a motion to approve the minutes of the March 1, 2010 workshop meeting as presented. Seconded by Mr. Kercheval. The motion passed with Mr. Reiber abstaining due to his absence at the March 1<sup>st</sup> meeting.

**DISCUSSION**

**Continued discussion of the proposed UGA Rezoning**

Mr. Goodrich began discussions relative to 10 zoning requests, some received by citizens for specific zoning on their properties and others that staff believe need to be considered. A list of the requests was distributed to the Planning Commission members. The first site to be discussed is the current location of the Humane Society. Mr. Kercheval stated that he serves on a strategic planning committee for the Society. The Humane Society recently purchased a parcel of land next to its existing site. The Committee expressed concern regarding the proposed zoning for the site and future expansion of the Humane Society. The Commission viewed a map of the two sites, which is currently proposed for IG zoning. Mr. Goodrich stated that the IG zone does not permit the current land use. The BG (Business General) zoning district allows similar uses [as currently established by the Humane Society] as a permitted use; however, outside runways would be considered a special exception use. The property is currently zoned agricultural, which allows animal hospitals or veterinary clinics as a permitted use and outside runways are allowed as a special exception use.

Mr. Goodrich noted that to avoid conflicts for the Humane Society in the future, the Planning Commission should recommend BG zoning for the two parcels or a text amendment for the IG zone that would make the use a permitted use in the IG district. Mr. Kercheval stated that one of the goals of the Humane Society is to develop a master campus plan. One idea that has been discussed is a veterinarian on site to help defray the costs of spaying and neutering animals and to administer services for sick animals. Mr. Goodrich noted that the current use would be allowed to continue as a non-conforming use, which may be able to expand with Board of Zoning Appeals' approval.

The Planning Commission discussed a text amendment to allow the uses as permitted uses in the IG zone. Ms. Parrish and Mr. Wiley pointed out that it would allow these uses in all IG zoned areas, some of which may not be appropriate for this type of use. Ms. Linda Irvin-Craig (a member of the UGAAC) was present at the meeting and stated that the UGAAC was told that the additional land would be used primarily for livestock rescue. In the IG zone, stockyards are listed as a special exception use. She noted this was the reason for recommending the IG zone on the Humane Society's property. Some members expressed their concern that if the IG zoning remains on the property, the Humane Society would need to go before the BZA for expansions, which could be denied.

Mr. Kercheval expressed his opinion that the Humane Society should not have to go to the Board of Zoning Appeals each time they want to expand their operations and the property should be zoned so that the Society is a permitted use. Mr. Reiber stated he is not opposed to the IG zone if the Humane Society has a way to expand in the future. Mr. Goodrich stated that other zoning districts have language that allow for "functionally similar uses" to be permitted. He suggested if the Commission keeps the proposed IG zoning on the property, the language for "functionally similar uses" should be added.

- **Consensus:** The Planning Commission recommends the IG zoning as previously discussed and adding the language for "functionally similar uses" to the IG zone.

The next site the Planning Commission discussed is located at the southwest quadrant of Maryland Route 63 and US Route 40 intersection. A representative of the owner, Byers, has approached Staff regarding the zoning on the property in order to plan for the future of the property. The property is currently zoned Agriculture. The Staff and the UGAAC recommended the RT zoning district and the Planning Commission previously agreed with that recommendation. The property is located on the outer edge of the UGA with residential development around it including Highland Manor and Powers Estates. Mr. Goodrich stated that the owner has requested HI-1 (Highway Interchange 1) zoning; however, this zoning category will be abandoned. The HC (Highway Commercial) zone would be similar to the HI-1 zone; however, the

industrial uses currently allowed in the HI-1 district would not be permitted in the HC zone. There was a brief review of the uses surrounding this site.

- **Consensus:** The Planning Commission recommends the RT zoning for this site.

Mr. Goodrich began a review of the next site which is currently owned by Joel Knight located along the east side of Maryland Route 65, opposite St. James Village North's commercial area. The property is currently zoned Agriculture. Staff proposed RT zoning, the UGAAC proposed RU zoning and the Planning Commission previously proposed RU zoning, as part of a larger site. The owner, Mr. Knight through Derek Heckman, a real estate agent representing him, is requesting a business zoning classification. There was a brief discussion regarding water service, which the City of Hagerstown currently says will not extend beyond Interstate 70 in this area. Mr. Goodrich noted that the RU zoning is basically limited to residential uses. Business uses would be a special exception use in the RU zoning. There was a brief discussion regarding State Highway Administration access requirements to the site for a commercial use. Access may be difficult due to the location of roads on the opposite side of MD Route 65 and sight distance issues.

- **Consensus:** The Planning Commission recommends RU zoning for this site. Mr. Kercheval asked Staff to contact the City of Hagerstown to determine their intentions for water service in this area.

The next site the Commission discussed is the Turner's Skate-Bowl located along the southeast side of Virginia Avenue east of its intersection with Massey Boulevard. The owners through their real estate representative Lee Downey, have requested a zoning category to accommodate the current commercial uses on the property. The property is currently zoned RU and is surrounded by residential development. Mr. Goodrich noted there was recently some rezoning approved for BL (Business Local) zoning on nearby property. There is a mix of commercial and residential uses all along Virginia Avenue. Mr. Wiley expressed his opinion that the property should be zoned RU because if the commercial use changes, there could be the potential for more traffic-related issues and a commercial use that would not be compatible with the surrounding residential development.

- **Consensus:** The Planning Commission recommends RU zoning for this site (Ms. Parrish, Mr. Wiley and Mr. Anikis support the recommendation and Mr. Reiber supports BL zoning).

The Planning Commission began discussions regarding a site along Robinwood Drive next to the Hagerstown Community College, owned by Schmidt and Folmer. Staff mistakenly included the property with property owned by the Hagerstown Community College and proposed ERT zoning for the site. The property is currently zoned RS and is surrounded by both residential and commercial development.

- **Consensus:** The Planning Commission recommends BL zoning for this site.

Mr. Goodrich stated that the next site was discussed during a previous meeting. The Susquehanna Bank at the intersection of Longmeadow Road and Marsh Pike currently exists on the site. The Planning Commission recommended BL zoning for the site and to extend the zoning around the corners in order for the bank to expand in the future and for the County to obtain right-of-way for road improvements.

The next site is owned by Kurt Heckman and is located at 11842 Indian Lane. The property is currently zoned Agriculture. Staff is proposing RT zoning because of the existing residential development surrounding the site. The applicant is requesting RS or RU zoning, which allows denser development. There was a brief discussion regarding proposed roadway connections and a bridge over Antietam Creek.

- **Consensus:** The Planning Commission recommends RT zoning.

Mr. Goodrich began discussions to expand the growth area boundary in the area of Cranberry Court. Currently the UGA boundary follows the floodplain. Staff believes, at a minimum, the boundary should follow the backs of the lots. However, the question remains if the boundary should be moved even further to include the area designated for forest mitigation for the subdivision. Mr. Thompson stated that the benefit for moving the boundary line beyond the forest mitigation area would be the potential for State funding for the proposed sewer line because it would be within the UGA. The property included in the boundary would be zoned RT, which is the same zone of the existing subdivision.

- **Consensus:** The Planning Commission recommends the adjustment of the UGA boundary to include all of the property in the forest mitigation area and RT zoning for the property including the existing subdivision.

The next site the Planning Commission considered is located along Leitersburg Pike and is owned by Hunter Reserve LLC and Kramer. The property is currently zoned RS. Mr. Kercheval noted this is the site that was recently reviewed as a preliminary consultation by the Planning Commission for a commercial subdivision of property under contract by Dr. Kramer. During review of the preliminary consultation, it was noted that the owner wanted the property rezoned to a commercial zoning district and would make application to the Board of Zoning Appeals to allow the proposed use in order to move forward with his plans. The Commission recommended that the owner apply to the BZA for only the parcel he wanted to develop now and the remainder of the property would be considered during the UGA comprehensive rezoning. There was a brief discussion regarding access to the property from Marsh Pike.

- **Consensus:** The Planning Commission recommends BL zoning for the site.

The last site to be discussed is Hunter Hill Apartments located at 13300 Hunter Hill Drive. The property is currently zoned RS, which allows one and two family residential units. Mr. Goodrich noted that because the current residential units are apartments, the property should be zoned RM (Residential Multi-family). However, the property has been developed with apartments for more than 30 years and the zoning does not have to be changed in order for the current use to continue. Mr. Reiber asked if the zoning is not changed could the apartment complex expand. Mr. Goodrich stated that additional apartments would not be permitted under the RS zoning; however, he does not believe there is any additional property available for expansion.

- **Consensus:** The Planning Commission recommends RS zoning for the site.

The Planning Commission began its review of proposed changes relative to recycling facilities in the County. Mr. Goodrich noted that several weeks ago a recycling business was considering moving to the County. In referring to the County's Zoning Ordinance, Staff became aware that recycling facilities are not well defined, the use is not well defined, and the use is only permitted in the BG zoning district. Mr. Goodrich presented information to the Planning Commission from the County's Zoning Ordinance and other jurisdictions. He noted that recycling is a special exception use in the BG zone, which does not seem to be an appropriate use for that zone because it is not a retail or commercial operation. Mr. Goodrich believes, that at a minimum, the use should be moved to a different zoning category. Commission members discussed the various types of recycling, collection facilities, and disposal facilities.

Mr. Anikis expressed his opinion that no more junkyards or salvage yards that call themselves "recycling centers" should be allowed in the County. He expressed his concern for these types of businesses in the County and the visual impact it has on the County. Mr. Anikis also believes that recycling centers should not be allowed to have outside storage. He expressed his support for recycling that benefits the environment. Mr. Goodrich stated that any recycling around the Airport could be a potential animal hazard and should be in an enclosed building.

Mr. Wiley cited an example of a garage that accepts batteries for recycling, not as its main business but as a service. He expressed his support in allowing these types of facilities to continue providing these services and questioned how the zoning regulations would affect them. Mr. Goodrich stated that consideration will need to be given to these types of facilities.

There was a brief discussion regarding standards in the State of Maryland for recycling facilities. Members believe they need more information and requested that Staff prepare more language for their review.

Mr. Goodrich began a review of proposed text changes to Division II – Signs. He noted that the proposed changes deal with specific problems that have been experienced by Staff when issuing sign permits or signs being constructed without permits. The review began with Section 22.21(c) regarding temporary informational or directional signs erected for the purpose of advertising a special event. Mr. Anikis asked how this would be enforced. Mr. Goodrich stated that enforcement would be complaint driven as it is now. Mr. Goodrich continued the review with Section 22.21(e) noting that the square footage for a temporary real estate sign designating the zoning classification of a parcel was increased from 20-square feet to 35-square feet. Mr. Anikis asked why the signs in Section 22.21(c) are not the same size and suggested that the size limitations should be uniform.

- **Consensus:** The Planning Commission recommends a uniform sign size of 35-square feet.

The Commission continued with its review of the proposed text. Ms. Parrish made an inquiry regarding the number of real estate signs (in one place) that are posted on the weekends. Mr. Goodrich stated that these signs are being placed in the public right-of-way, which is illegal. Ms. Parrish expressed her opinion that the signs serve a purpose for the public, but she is opposed to the number of signs being posted. Mr. Wiley noted that the problem goes beyond real estate signs. There was a brief discussion regarding signs approved by the Board of Zoning Appeals. Mr. Anikis expressed his concern with regard to historic viewsheds being protected from outdoor advertising signs. The Planning Commission completed its review of the proposed text without any further discussion or comments.

## **FUTURE MEETINGS**

At the end of the next regular Planning Commission meeting, members should be prepared to discuss any individual areas where they see a problem with the zoning and Mr. Goodrich will present [to the extent that is possible to prepare] incorporated changes recommended by the Commission. A workshop is scheduled for April 19<sup>th</sup> at 4:00 p.m. at which time the Planning Commission will complete its final review.

## **ADJOURNMENT**

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

Respectfully submitted,

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George Anikis, Chairman

