

# MINUTES

## URBAN GROWTH AREA ADVISORY COMMITTEE November 29, 2007

The Urban Growth Area Advisory Committee held a meeting on Thursday, November 29, 2007 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown.

### CALL TO ORDER

Chairman Richard Phoebus called the meeting to order at 9:00 a.m.

The following members of the Advisory Committee and Washington County Staff were present:

- Richard Phoebus
- Dennis Miller
- Harry Reynolds
- Hank Livelsberger
- Mike Armel
- Nancy Allen
- Donovan Corum
- Jeff Cline
- Jerry Ditto
- Bob Garver
- John Shank
- Steve Goodrich
- Chris Cochrane
- Jill Baker
- Michael Thompson
- Debra Eckard

### MINUTES

Mr. Armel made a motion to approve the minutes of the November 15, 2007 meeting as presented. Seconded by Mr. Shank. Unanimously approved.

### OLD BUSINESS

#### - Discussion of Incentives subcommittee recommendations

Mr. Armel began a discussion with regard to the Points of Discussion of the Incentives subcommittee as distributed at the November 15<sup>th</sup> meeting as follows:

- Multi-use zoning: allowing different types of zoning for various floors of a structure. The subcommittee suggested allowing multiple uses within one structure, such as residential and commercial. Greater flexibility would allow for a greater attraction to the Urban Growth Area. Mr. Miller stated that the City of Hagerstown currently has a zoning district "POM" Professional Office Mix that allows office and commercial space within one structure. Mr. Goodrich stated that the County zoning districts do not specifically allow or disallow a mixed use in one structure. He noted that if all of the uses proposed in the building are allowed in that particular zoning district, the County would probably approve the plans.

Mr. Goodrich stated that the County has an “ORT” Office Research Technology zoning designation that allows an office building with commercial space on the first floor. Mr. Goodrich stated that the “RV” Rural Village zoning designation allows for a mix of residential and commercial in the same building; however, there is no zoning designation that allows a mixed use in the UGA.

Mr. Armel believes the County should be cautious and should not “open the door so that land we envisioned to be for business or industry gets invaded upon by residential uses”. Mr. Goodrich stated that the Comprehensive Plan directs zoning in the Growth Area to break down the PUD zoning designation into two separate sections, one for mixed residential uses and one for residential and commercial uses in a PUD.

There was a brief discussion with regard to mixed uses in specific zoning designations that are currently allowed in the County. Mr. Phoebus expressed his opinion that mixed uses in one structure such as the City’s POM zoning district could be a valuable addition to the County’s zoning in areas where it would be used appropriately.

- Allow structures of greater height. Fire protection and water supply are two key elements that would be affected. Currently, height restrictions in the County vary according to different zoning designations. Taller buildings can be constructed through a special exception granted by the Board of Zoning Appeals.

Mr. Phoebus noted that by constructing a building of greater height you gain more use from the land. Mr. Goodrich stated that if you construct a taller building, depending upon the use you may increase the need for additional parking; therefore, your lot requirement would be greater. Mr. Armel suggested a multi-level parking structure. Mr. Corum expressed his opinion that going “vertical” in the UGA opens up the lot area and allows more flexible elements. He suggested you could also have mixed use, shared parking rather than “Euclidean” parking that requires a specific number of spaces per square foot.

Mr. Goodrich cautioned that surrounding properties should be considered when constructing taller structures because the use of those properties could also be affected. After a brief discussion, Mr. Phoebus suggested this incentive should be used only in certain zoning districts.

Mr. Armel expressed his opinion that if structures of greater height are used as an incentive, developers or individuals should not be required to go through an extra process (such as a special exception) to receive this incentive. There was a brief discussion with regard to variances and special exceptions. A “special exception” is a pre-determined list of uses that are allowed under a certain set of circumstances as determined by the Board of Zoning Appeals. A “variance” is a variation of a standard that cannot be met in a certain development situation. Mr. Goodrich stated that the State of Maryland recently established permission to grant administrative waivers that do not require approval by the Board of Appeals. There are very specific guidelines that must be met in this category.

Ms. Livelsberger expressed her opinion that if residential developers would dedicate a certain percentage of their building for workforce housing, an incentive could be created to allow an additional story on their building.

The Committee’s consensus is to recommend that higher structures should be allowed as an incentive for developers that provide other benefits to the County (such as a lower density development or better land use) and that the mechanism to allow this incentive does not require additional steps in the development process.

There was a brief discussion regarding “fast-tracking” projects. Mr. Thompson stated that complete, detailed plans submitted for review and approval can proceed through the development process without a “fast-track” designation and achieve virtually the same results as a formally

designated “fast-track project. Staff would like to encourage developers to meet with County Staff to discuss plans and County requirements prior to submitting their plans. Mr. Goodrich noted that currently a “preliminary consultation” is not required by the Ordinance except for subdivisions over a certain size. However, Staff is always available and willing to review plans and answer questions for anyone. Mr. Goodrich stated that for a project to be designated as a “fast-track” it requires special approval from the Board of County Commissioners and the Economic Development Commission.

Mr. Armel noted that the County's growth area extends to the various town growth areas and there may need to be a mechanism to allow the towns to determine if they want taller buildings in their municipalities.

Mr. Ditto suggested that the County require the municipalities to accept taller structures upon annexation of property into their towns. Members discussed different aspects of this issue. Ms. Baker expressed her concern imposing this requirement on the municipalities because they are incorporated independent areas that have their own ordinances. Each municipality must meet the needs of their own community. It may conflict with what the overall County may or may not want, but imposing such requirements could impose undue hardships on the municipalities.

- Need timely responses to the processes. Mr. Armel noted that the Incentives Subcommittee met with consultants to discuss the development process and their concerns. He expressed his opinion that the developer/owner needs to begin working with his consultant and the County prior to submit plans to make sure all requirements are being met in order for the project to proceed through the development process in a timely manner. Two areas of major concern discussed by the consultants were the permitting process and inspections by the Fire Marshall. There was a brief discussion with regard to these concerns. Some members suggested that the Fire Marshall could be brought in as a part of the County government's jurisdiction. Mr. Ditto asked what liability the County would be assuming? Mr. Thompson believes the County may assume some liability, however, that issue would need to be researched further by the BOCC.

By consensus the committee believes that the BOCC should consider assuming the Fire Marshall under County jurisdiction.

- Allow increased densities of development; aspects of consideration include PUD's, allowable heights of structures. The subcommittee discussed the construction of a structure that blends with the neighborhood and incorporates more units.
- Provide area-wide, pre-development, multi-parcel planning to address key development issues: for example, storm water management, traffic considerations, entrances onto roads and highways (including Maryland State Highways).

Mr. Armel clarified this issue needs to be addressed by the economic development and planning sectors, those who envision and plan for development in specific areas. This issue is specifically relevant for commercial and industrial development. The committee discussed the advantages of planning for future development in areas where the County wants the development.

By consensus, the committee agreed to recommend this incentive as it relates to commercial and industrial development.

- APFO – need requirements by government on developer defined at the beginning of a project and not changed in mid-course; need uniform application of the requirements in a timely manner.

Mr. Armel began by asking how soon in the process are APFO requirements set? Mr. Goodrich stated that final APFO requirements depend on a firm development plan and could be set at various times for various facilities. Final approval for school capacity is determined at the final

plat stage. During the preliminary consultation, the developer is given school capacity rates, which could change at any time throughout the development process.

Several elements are included in APFO requirements including roads, schools, sewer and fire protection. The developer proposes a plan to address any element that is not adequate. Mr. Armel stated that consultants expressed their difficulty in making appropriate decisions because they felt they were "shooting at a moving target" throughout the development process.

There was a brief discussion with regard to when APFO approvals should be given during the development process.

### **NEW BUSINESS**

Mr. Cline stated that the Report of the TDR Subcommittee was distributed during today's meeting. He would like everyone to review this report for discussion at the next meeting.

### **OTHER BUSINESS**

Mr. Cline announced that he invited the members of the MML and all Mayors of the municipalities that the UGA Advisory Committees are open to the public and they are all encouraged to attend.

Ms. Allen gave a brief update on activities of the League of Women Voters dealing with Workforce Housing issues.

### **NEXT MEETING**

The next meeting will be held on Thursday, December 13, 2007, 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

The Committee will continue their discussions on Incentives and begin discussions of the report from the TDR subcommittee.

### **ADJOURNMENT**

Chairman Phoebus adjourned the meeting at 11:00 a.m.

Respectfully submitted,

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Richard Phoebus, Chairman

