

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE November 13, 2008

The Urban Growth Area Advisory Committee held a meeting on Thursday, November 13, 2008 at 9:00 a.m. at the Washington County Administrative Annex, 80 West Baltimore Street, Conference Room 1, Hagerstown.

CALL TO ORDER

In the absence of the Chairman, Mr. Goodrich called the meeting to order at 9:05 a.m.

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

- Mike Armel
- Nancy Allen
- Hank Livelsberger
- Jerry Ditto
- John Shank
- Harry Reynolds
- Linda Irvin-Craig
- Donovan Corum
- Jeff Cline
- Dennis Miller
- Steve Goodrich
- Mike Thompson
- Debra Eckard
- Jill Baker
- Jennifer Kinzer
- Meghan Hammond

MINUTES

Mr. Ditto began a discussion by expressing his opinion that the minutes are not reflecting specific points of discussion on specific sites. He believes this information will be necessary when the committee is ready to prepare their final report on the rezoning proposal. Mr. Ditto specifically cited the discussions regarding the proposed zoning of the property around Martin's Elevator, the College and Mt. Aetna Farms. He stated that the last report was being written, discussed and changed to reflect discussions during each meeting. Mr. Goodrich stated that minutes are meant to be a summary of the meeting and not a point-by-point record. He stated that members may make amendments to the minutes before they are approved or if a point by point summary is what the Committee wants, Staff needs to be instructed by the Committee to change the format and recordation of the minutes. Mr. Armel suggested that Mr. Ditto prepare an addendum to the minutes for specific details that he would like to have included in the minutes and bring it before the Committee for approval as an addendum. With regard to the final report, Mr. Armel suggested that a progress summary should be started by reviewing the minutes previously prepared. Mr. Armel expressed his opinion that the Committee should come up with a mechanism to begin putting their ideas down "in black and white" and he does not believe that Staff should be the only responsible source to start that process. Ms. Livelsberger concurred with Mr. Armel's comments.

Mr. Goodrich reiterated that the minutes are only a summary of the meeting and not a transcript. He noted that minutes are traditionally meant to cover the action that is taken and to be a very general

summary of the discussion relative to the topic at hand. Mr. Ditto expressed his opinion that there are specific points that need to be in the minutes. Mr. Miller suggested that Mr. Ditto prepare a written addendum to be included in the minutes and present it at the next meeting. Mr. Ditto expressed his concern that there may not be enough information included in the minutes regarding the College and Mt. Aetna Farm discussions. Mr. Goodrich stated that the tapes of the meetings are available for review. Ms. Livelsberger volunteered to listen to the tapes of the meetings in which the Committee discussed the College property, Mt. Aetna Farms and Martin's Elevator and to prepare a point by point outline.

Mr. Armel asked what timeframe Staff is anticipating in which to present the zoning proposal. Mr. Goodrich stated that it is Staff's hope to present the proposal to the Planning Commission around the first of next year (2009).

With regard to the October 30th minutes, Ms. Irvin-Craig requested the following statement be added to her comments on page 3 in the 6th paragraph, "there are too few locations in the County designated for dense residential development. The County needs to take responsibility for assuming multi-family development." Mr. Armel requested the following amendment to the Consensus on page 2, "....design guidelines (e.g. architectural appearance, landscaping, traffic flow, etc.)". Mr. Shank requested the correction of the word "instrument" to "implement" on page 2. Mr. Ditto requested the following language to be added on page 3 in the 2nd paragraph, ".....discussion, the importance of Martin's Elevator to the viability of agriculture and the impact of high density development in the vicinity, along with the limited railroad sites and access to railways, the following action was taken by the Committee". Ms. Eckard will make the requested changes and the minutes will be presented for approval at the next meeting.

OLD BUSINESS

Mr. Ditto expressed his opinion that Mr. Phoebus should write a letter to the Board of County Commissioners requesting that the Committee's Final Report be posted on the front page of the County's website. He noted that the Report is "obscurely hidden" on the Planning Commission's webpage and it needs to be posted on the County Commissioner's webpage because the report was to the BOCC and not to the Planning Commission. Staff confirmed that after the last meeting, a request was sent to the County's IT Department; however, the change has not yet been made. Mr. Goodrich stated that Staff will make the request again.

Review of Staff's Zoning Proposal

Mr. Goodrich began a discussion regarding the BG (Business General) zoning. He noted that the City and County Planning Commissions held a joint meeting on Wednesday, November 12th. During that meeting, the City distributed copies of a report their Planning Department prepared entitled "Shopping Center Vacancy Rate Analysis". Mr. Goodrich believes this report is directly related to the Committee's discussions on retail space and business zoning and he distributed copies of the report to the Committee. Mr. Miller stated that the report was prepared in anticipation of two shopping centers currently being proposed for Washington County, near the I-70/US 40 interchange.

Mr. Goodrich began a summation of the report. The report analyzed major retail centers (over 40,000 square feet) in Hagerstown and throughout Washington County. According to charts provided in the report, there is a vacancy rate of 13.9% in retail shopping centers within the City of Hagerstown and 4.4% outside the City limits, but within the Medium Range Growth Area (MRGA). Therefore, there is a 9.4% combined vacancy rate with the National vacancy rate average being 12.5%. Mr. Goodrich noted that these rates can change in a very short amount of time. The report cited four "performance factors" that can affect the vacancy rate: the age of the shopping center, management issues, site issues, and optimally sited issues. Each of the four "performance factors" were defined and a list of shopping centers in Washington County with vacancies were divided into each of the four categories.

Ms. Irvin-Craig asked if there is a tax incentive for businesses to build new facilities rather than expanding the existing facility. Several members noted that it costs more to rehabilitate an existing building. In addition, if a business cannot continue to operate during rehabilitation, the length of construction time

would cost the business a significant loss of income. Another factor that businesses consider is the flow of traffic. Mr. Goodrich suggested that the developer of new space may provide incentives for businesses to relocate (such as free or reduced rental, etc.). (The Committee used Lowe's on Wesel Boulevard as an example during their discussions.)

Mr. Goodrich began a review of the Business General (BG) and Business Local (BL) zoned parcels. He reminded the Committee that the Highway Interchange zoning district is being replaced by the Highway Commercial zone. The HC zoning district will retain most of the commercial and retail space uses; however, the light industrial uses will be eliminated. The Committee began their discussions focusing on the area around the Valley Mall. Mr. Armel noted that the area where the Mall is located is currently zoned HI-1 and is proposed for PB (Planned Business) zoning. He asked if the HI-1 uses are also permitted uses in the PB zoning district. Mr. Goodrich stated that the current HI-1 zoning district allows all of the uses permitted in the PB, BL and BG zoning districts.

Discussions then focused on an area to the south of the Valley Mall where Target and Kohl's are located, which is zoned BG. Just beyond those sites to the south is an area of land zoned RM (Residential Multi-family). Mr. Goodrich noted that these areas have been the subject of several zoning changes over the years. There was some discussion regarding the disparity between the zoning boundaries shown on the map and what is actually built in the area. Staff believes this may be an issue that needs to be looked at more closely. There is a small area (to the west) between the Target and Kohl's sites and Interstate 81 (Site 11). There was a discussion with regard to storm water management issues on this site and where the water runs. There has been extensive work performed in the area to help alleviate some of the storm water management issues. Members discussed the pros and cons of both residential and commercial zoning for this site. Mr. Miller noted that the City's Land Use Plan shows residential uses for the site. If the area is zoned residential, some members were concerned about the noise from the Interstate for residents. Mr. Goodrich noted that the State Highway Administration is discouraging residential development along the interstates because they do not want to construct sound barriers. Ms. Baker stated that the SHA is discussing plans for a separate exit (service road) from I-81 to Halfway Boulevard, which could have an impact on this area. Mr. Armel expressed his opinion that Site 11 should have a business zoning designation and cited the following reasons: interstate visibility, Comp Plan considerations, and the existing zoning allows business uses. Ms. Livelsberger expressed her opinion that the site should be zoned Residential. There was a brief discussion relative to the expansion of Hickory Elementary School and if this parcel would be a good site for a school. Members suggested that there are alternatives, such as adding a second story to the existing school. Mr. Goodrich stated that the Board of Education is taking a pro-active and organized approach to locating school sites for the future. Members believe that the expansion of Interstate 81 would significantly impact any type of development on the site. Ms. Kinzer noted that Site 11 is part of a larger parcel that is currently zoned BG (Business General) and is owned by the developer who constructed Target and Kohl's.

Motion and Vote: Mr. Reynolds made a motion to recommend BG (Business General) zoning on Site 11. Seconded by Mr. Armel (citing his reasons as previously discussed and due to the fact that the property is part of a larger parcel that is owned by one developer). The motion passed on a 9 to 1 vote.

Mr. Ditto voted against the motion because he believes that the site should be zoned RT (Residential Transitional) or RM (Residential Multi-family). He expressed his opinion that, "just because one property owner owns it, is not a good rationale for making a decision". He noted that properties have been split by zoning before. He also noted that the zoning would encapsulate the existing school. Mr. Ditto stated that the Committee just reviewed the shopping center vacancy report and now the Committee is creating more commercial space.

The Committee then focused the discussion on the area east of Virginia Avenue where there are several sites currently zoned BG or BL (Business Local). Mr. Ditto suggested that the larger parcel currently zoned BG (Site 12) should be zoned ORT (Office, Research & Technology). He noted that the site is visible from the interstate. Mr. Goodrich stated that while the site is visible from the interstate, its only access is via Virginia Avenue. It was noted that this particular site is in a low area where water lays frequently. Mr. Ditto expressed his opinion that due to water lying on the site, parking could be a problem

for a BG use; however, the ORT zoning would allow for a smaller building footprint which would allow more area for parking. The Committee also discussed residential zoning for this property. Mr. Ditto cited the following reasons for recommending ORT zoning on this property: visibility from the interstate, the property is separated by a railroad on the back side, and limited access on Route 11 for a business park. Mr. Goodrich noted that the ORT zone would allow some retail uses. Ms. Baker explained that Staff envisioned some retail services (such as a dry cleaning business or restaurant) with employment centers. This would allow people to stay in one location to work, eat, shop, etc. Ms. Irvin-Craig expressed her opinion that a developer for this site would have to deal with multiple problems regardless of the zoning designation; however, she does not believe that a residential use would be the best choice. Mr. Miller noted that the City has designated this site for Business Employment zoning.

Motion and Vote: Mr. Ditto made a motion to recommend ORT zoning for Site 12. Seconded by Mr. Shank. The motion passed on an 8 to 1 vote.

Mr. Armel voted against the motion because the surrounding properties are zoned BG or BL.

Members discussed parcels south of Site 11 and west of Site 12, which are also located along I-81 and which are currently zoned HI-2 (Site 13). This area is proposed for RT (Residential Transitional) zoning because of the existing residential development and the Comprehensive Plan's recommendation for low-density residential development in this area. Mr. Armel asked if a PUD (Planned Unit Development) zoning designation could be used in conjunction with the RT zoning designation. The PUD would allow for some commercial uses on the site along the Virginia Avenue frontage. Mr. Goodrich stated that a PUD could be used with the RT zoning.

- **Consensus:** The Committee agrees with Staff's recommendation for the RT zoning designation on Site 13.

NEXT MEETING

The next meeting of the UGA Advisory Committee is scheduled for Thursday, November 20, 2008 at 9:00 a.m. in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

ADJOURNMENT

Mr. Goodrich adjourned the meeting at 11:05 a.m.

Respectfully submitted,

Richard Phoebus, Chairman