

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE February 19, 2009

The Urban Growth Area Advisory Committee held a meeting on Thursday, February 19, 2009 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 Planning Staff were present:

- Richard Phoebus
- John Shank
- Gerald Ditto
- Hank Livelsberger
- Nancy Allen (arrived at 9:15 a.m.)
- Michael Armel
- Jeff Cline
- Dennis Miller (arrived at 9:45 a.m.)
- Steve Goodrich
- Fred Nugent
- Debra Eckard
- Mike Thompson (arrived at 9:15 a.m.)
- Bob Mandley, EDC
- Tim Troxell, EDC

MINUTES

Mr. Ditto made a motion to approve the minutes of the January 29, 2009 and February 5, 2009 meeting as presented. Seconded by Mr. Shank. Unanimously approved.

OLD BUSINESS

Mr. Goodrich stated that he sent, via e-mail, a chart showing the acreage and percent of land areas in zoning categories to members earlier in the week. Mr. Ditto noted that the Committee has designated approximately 100 acres more of land to be zoned ORT than Staff originally proposed. He also noted other zoning classifications where the Committee's recommendations varied from Staff's recommendations, such as the RU (Rural Urban) and RM (Rural Multi-family). He expressed his opinion that the Committee may need to re-evaluate some properties. Mr. Armel made an inquiry regarding how much of the acreage is already developed.

Mr. Phoebus began a review of the proposed ORT (Office, Research and Technology) zoning district. Mr. Goodrich stated that the ORT district is the first new zone that follows the guidelines of the Comp Plan. The ORT zone was designed specifically for the former Allegheny Power site and was adopted by the BOCC in 2002. In 2008, a rezoning application for a text amendment to the ORT zone was filed with the Planning Department. After reviewing the proposed changes, Staff's opinion was that the changes were significant. The rezoning application was rejected because the ORT zoning designation is currently under

review by Staff as part of the comprehensive rezoning of the UGA. Recent amendments to the Zoning Ordinance allow this action.

Mr. Troxell of the Economic Development Commission stated that the intent of the ORT zoning district at the former Allegheny Power site was a high-end research and development property with light manufacturing. However, the existing language of the ORT zone, does not allow many of the businesses that the EDC is trying to attract to the area. Mr. Troxell expressed concern that by zoning more property ORT around the County with the current language, the EDC will have more difficulty attracting the type of businesses that are not allowed in this zoning district. Mr. Troxell noted that Frederick County has a zoning classification of "ORI" Office, Research and Industrial, that allows the type of development that the EDC is trying to attract to Washington County. Mr. Goodrich stated that the Planning Department encouraged EDC to propose the amendment to the ORT zoning district; however, Staff expected a much more narrow expansion of the uses allowed in the ORT zone than was presented by the property owner.

Mr. Ditto expressed his opinion that some of the proposed uses, as submitted in the rejected rezoning application, do not seem appropriate for some of the areas that the Committee is recommending for ORT zoning. Members discussed locating manufacturing businesses in the "PI" (Planned Industrial) zoning district. Mr. Goodrich noted that the "PI" zoning district allows all of the uses allowed in the "IR" Industrial Restricted and "IG" Industrial General zoning districts. Mr. Troxell noted that the higher-end research and development companies desire a more prestigious location, such as a business park. Mr. Nugent suggested revising the language to limit the kind of manufacturing allowed.

Members expressed concern that several of the proposed manufacturing uses would not be compatible with surrounding residential development. They discussed the possibility of using an overlay zone. Mr. Goodrich stated that uses cannot be limited in an overlay zone. He noted that overlays are meant to provide an additional layer, such as architectural design. Mr. Armel expressed his opinion that the current ORT zoning district is too restrictive; however, the proposed rezoning application text is too broad. He suggested that Staff research other jurisdictions to see if there is a zoning district "somewhere in between".

Mr. Armel noted that heliports are listed as a special exception use in the table of industrial uses in the ORT zoning district. He questioned the use of the word heliport rather than helipad, noting that the Committee previously clarified the difference that a heliport would supply maintenance and fuel and a helipad would be used only to land helicopters.

The Committee then continued their review of the "BL" Business Local zoning district. Mr. Ditto reiterated his concern regarding square footage limitations listed with several of the principal permitted uses in the "BL" zone. He believes that square footage limitations could be detrimental to the viability of the business. Mr. Goodrich stated that the limitations were established to keep businesses from becoming too large that they become a nuisance to the neighborhood due to traffic, noise, etc. Members discussed the advantages of having various businesses in a neighborhood that are easily accessible; however, they expressed concern that small businesses have difficulty competing with the larger businesses. Members do not believe that 5,000 square feet is large enough for many businesses to remain viable.

Members questioned the size limitation of only a portion of the principal permitted uses. Some members expressed their opinion that the market, parcel size and development would control the square footage of the neighborhood businesses.

- **Consensus:** The UGA Advisory Committee recommends that under the "BL" Business Local zoning district, Section 11.1 *Principal Permitted Uses*, item (a) local retail goods and service shops, the size limitations should be eliminated.

The Committee continued its review with item (b) Neighborhood Shopping Centers. Mr. Goodrich stated that neighborhood shopping centers are defined in the Zoning Ordinance as no more than 16,000 square feet. The Committee discussed the proposed 5 unit limitation and some members believe it is too restrictive. They cited the South Pointe Shopping Center that is part of the South Pointe PUD as an

example. Mr. Goodrich stated that the Planning Commission has the authority to allow more flexibility in a PUD. He noted that the language could be changed in the Mixed Use zoning district that would not to limit neighborhood shopping centers. Mr. Nugent questioned if a neighborhood shopping center should be placed in the *Purpose* paragraph because it is not a specific use, but rather a structure. Mr. Goodrich concurred with Mr. Nugent's observation and he will relocate the language for a neighborhood shopping center in a more appropriate place.

The Committee continued reviewing the uses listed for the BL zoning district. Mr. Armel questioned the removal of item (f) schools, art, trade, business or nursery. He used, as an example, martial art schools and dance schools, which commonly located in strip centers. Mr. Goodrich stated that schools, such as trade schools and dance studios, can create a lot of traffic in a neighborhood. Mr. Ditto stated that all uses listed create traffic. Mr. Miller suggested changing the category to performing and visual arts. He stated that the City of Hagerstown has a similar use which is allowed in the C2, C3 and C4 (Commercial) zoning districts. Mr. Goodrich will revise the language for item (f).

Mr. Phoebus questioned the elimination of community meeting halls (item g) as permitted uses in the BL zoning district. The Committee briefly discussed several community meeting halls, most of which are located within developments and maintained by HOA's. Mr. Goodrich explained that he was considering establishments such as the Elks Club and Moose Lodge, which he does not believe are appropriate or necessary for a neighborhood. However, he did not consider smaller facilities, such as the Chewsville Community Center. He suggested that these facilities should be better defined and separated. Members continued their discussion citing that many organizations such as the Ruritan clubs and Grange halls are not located within the BL district. Members also discussed the use of church facilities for many groups and activities, such as scouting. Mr. Goodrich stated that churches are a permitted use within the RR (Residential Rural) zoning district and most of the other residential zoning categories. He also stated that the RR zoning district permits "buildings and properties of a cultural, civic, education, social or community service type (libraries, playgrounds and community centers)". These uses are also permitted in the RS (Residential Suburban) and RU (Residential Urban) zoning districts. Members concluded that community meeting halls are permitted in other districts and therefore agree with Staff's recommendation to eliminate them from the BL zoning districts.

NEXT MEETING

The UGA Advisory Committee will meet on Thursday, February 26, 2009 at 9:00 a.m. at the Washington County Administrative Annex, Room 1, 80 West Baltimore Street.

ADJOURNMENT

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

Respectfully submitted,

Richard Phoebus, Chairman