

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE March 5, 2009

The Urban Growth Area Advisory Committee held a meeting on Thursday, March 5, 2009 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 Richard Phoebus, Ms. Irvin-Craig called the meeting to order at 9:00 a.m.

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

- Linda Irvin-Craig
- Harry Reynolds
- John Shank
- Gerald Ditto
- Hank Livelsberger
- Nancy Allen
- Michael Armel
- Dennis Miller
- Steve Goodrich
- Debra Eckard
- Bob Mandley, EDC
- Tim Troxell, EDC

OLD BUSINESS

Mr. Goodrich began the meeting by discussing the recommendations of the Committee during the last meeting. At the February 26th meeting, the Committee recommended adopting Frederick County's ORI (Office Research Industrial) zoning district. Mr. Ditto made an inquiry regarding the proposed zoning of the Friendship Technology Park and the Artz farm. It was his understanding during the last meeting that both parcels would be zoned ORT. Ms. Allen asked if there may be reasons to zone the two properties differently. Mr. Goodrich stated that there are different owners, there are residential areas to the south and east of the Artz farm; therefore, the Artz farm could be used as a transitional area. He noted that there is a railroad track which runs through the Artz property that could be used by industrial businesses.

Mr. Goodrich began a review of the text pertaining to the performance standards applicable to light industrial and ORI uses in Frederick County. The items regulated by these standards include: storage and operations, noise, vibration, dust and particles, smoke, odor, toxic matter, detonable materials (explosives), fire hazards (liquid and gas storage capacities), and glare. Mr. Goodrich introduced a land use chart showing all of the industrial land uses, current and proposed, in Frederick County.

Members discussed multi-use buildings and the limitations based on square footage (i.e. a restaurant in an office building is limited to a percentage of the total square of the building) in the ORT zoning district. Ms. Allen made an inquiry regarding the manufacture of a product that is not listed as a principal permitted use. Mr. Goodrich explained that limits would be set based on a percentage of the square footage of the building (up to 40%) provided the manufacture of the product is related to the

research being performed in the building. He further explained that the same product could be manufactured (without the research) in the proposed ORI zoning district as long as it meets the associated performance standards.

There was a brief discussion regarding the County's current Performance Standards versus Frederick County's Performance Standards. They discussed the process currently used for complaints filed with the County and how they are handled.

The Committee began a line-by-line review of the industrial uses chart for the current ORT and proposed ORI zoning districts. A copy of the uses list is attached for reference. The Committee discussed agriculture and agritourism in the ORT and proposed ORI zoning districts. Both uses will be "grandfathered" uses; however, new agricultural uses would not be permitted.

- **Consensus:** Following a brief discussion, the Committee recommends that agricultural uses will not be a permitted use in the ORT and proposed ORI zoning districts; however, existing agricultural uses will be "grandfathered" in both zoning districts.

There was a brief discussion regarding health and other fitness-related establishments and indoor and outdoor recreational facilities as principal permitted versus special exception uses in the ORT and proposed ORI zoning districts. Mr. Goodrich stated that these uses are currently permitted in the ORT zone as a special exception use when it is a stand-alone facility. It can also be considered an accessory use depending upon the structure and physical environment of the use.

- **Consensus:** The Committee recommends that health, tennis and racquet clubs and other fitness-related establishments and indoor and outdoor recreational facilities should be considered as special exception uses in the ORT and proposed ORI zoning districts.

Mr. Goodrich stated that the ORT zoning district was not intended to be a manufacturing zone. However, some manufacturing was permitted because it may be an integral part of the high-tech operation located in the district. The 40% manufacturing limitation was designated to prevent manufacturing from becoming the principal permitted use.

- **Consensus:** The Committee recommends that limited manufacturing and assembly that can meet Performance Standards (Frederick County) should be adopted with the proposed ORI zoning district. They recommend that the ORT zoning district should have the 40% manufacturing limitation.

Members began a discussion regarding the manufacture of specific products (listed on page 4 of the Industrial Uses Table) that would not be allowed in the ORT. Mr. Troxell questioned the limitation of specific uses if the developer can meet the Performance Standards. Mr. Armel noted that there are other zoning districts (i.e., IG, IR and PI) where the Performance Standards are not required. He expressed his opinion that even if certain uses could pass the Performance Standards, he believes that there are some types of businesses that should be located within the IG, IR or PI zoning districts. Mr. Goodrich stated that the Performance Standards do not cover all issues, such as traffic. Mr. Troxell expressed his concern that there may be some uses in the future that could meet the Performance Standards that would not be allowed in the ORT or ORI zoning districts.

Ms. Irvin-Craig suggested that members review the rest of the Industrial Uses Table and be prepared to finish this discussion during the next meeting. Mr. Ditto suggested that a square footage limitation may be the deciding factor for uses allowed in the ORT and ORI zoning districts.

NEXT MEETING

The UGA Advisory Committee will hold its next meeting on Thursday, March 12, 2009 at 9:00 at the Washington County Administrative Annex, 80 West Baltimore Street, Room 1, Hagerstown.

ADJOURNMENT

Ms. Irvin-Craig adjourned the meeting at 11:03 a.m.

Respectfully submitted

Richard Phoebus, Chairman