

MINUTES

URBAN GROWTH AREA ADVISORY COMMITTEE March 19, 2009

The Urban Growth Area Advisory Committee held a meeting on Thursday, March 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
- Linda Irvin-Craig
- Harry Reynolds
- John Shank
- Gerald Ditto
- Hank Livelsberger
- Nancy Allen (arrived at 9:30 a.m.)
- Michael Armel (arrived at 9:20 a.m.)
- Jeff Cline
- Donovan Corum
- Steve Goodrich
- Debra Eckard
- Mike Thompson
- Bob Mandley, EDC

MINUTES

Mr. Ditto made a motion to approve the minutes of the February 12, 2009 meeting as amended. Seconded by Mr. Corum. Unanimously approved.

OLD BUSINESS

Mr. Phoebus began the meeting with a review of the updated list of uses in the proposed ORT and ORI zoning districts. Mr. Goodrich noted that there may be several different versions of the same use listed on the land use chart; however, these will be combined prior to the final draft of the document. He began a review of all of the Committee's recommendations as follows:

- "Hotels, motels, and conference centers" were added as a principal permitted use in the ORT zone.
- "Restaurants, including those serving alcoholic beverages on the premises, without drive-up service" were added as an Accessory use in the ORT zone and a principal permitted use in the ORI zone.
- "Banks and automatic banking devices" are a principal permitted use in the ORT and ORI zone.
- "Child and adult day care facilities, primarily to serve the businesses and other uses within the ORT District" has been added as a principal permitted use in the ORI district.

There was a brief discussion regarding the child care facilities. As an example, Mr. Phoebus used the Hospital's day care facility and questioned if other people, not employees of the Hospital, could use the

facility in order to make it economically viable. The word “primarily” would not exclude other people from using the facility. Mr. Phoebus stated that the Hospital and HCC have discussed opening a joint day care facility for their employees when the Hospital moves to its new location. Mr. Goodrich noted that HCC has voiced their concern over the same issue. Mr. Armel suggested a change to the text of the child care use.

- **Consensus:** The Committee recommends the following text: “Child and adult day care facilities, primarily to serve businesses and other uses within or businesses, industries and institutions adjacent to the ORT and ORI districts”.

Mr. Goodrich continued the review of the uses chart.

- There were several changes made to Item K (Manufacturing), which Mr. Goodrich reviewed with the Committee.
- “Libraries” were added as a principal permitted use in the ORI and ORT zoning districts.
- “Helipads” were added as a Special Exception use in the ORI zoning district.
- “Parking structures and parking lots” were eliminated as uses in the ORT and ORI zoning districts.
- “Parking structures and parking lots in combination.....” were added as principal permitted uses in ORT and ORI zoning districts.
- “Agriculture and Agritourism” uses were deleted from the ORT and ORI zoning districts.

Mr. Ditto clarified that agricultural operations currently existing on undeveloped ORI or ORT zoned land would be “grandfathered”. Mr. Goodrich stated that is correct. Mr. Shank asked if the agricultural use could change from growing crops to animal husbandry. Mr. Goodrich stated that it would depend if the proposed use would trigger any kind of review. For example, if the property owner files a intent to build to construct a new structure to house the animals, a review would be required. The current use on the property will be the use that is “grandfathered”. Mr. Ditto expressed his concern that the farmers will not be allowed to expand in order to keep their operations viable. The Committee reviewed the areas currently in agriculture that are being proposed for ORT and ORI zoning and decided no changes are needed at this time.

Mr. Shank made an inquiry regarding Farmer’s Markets” in the ORI zoning district. The Committee discussed this issue noting that a State permit was needed to hold the Farmer’s Market in the parking lot at the Prime Outlets. Some members expressed their opinion that there are other districts that would be more appropriate for such a use. Mr. Goodrich noted that the use is currently considered a “temporary and seasonal” use in the County’s Zoning Ordinance and requires a permit. He also noted that new parking area regulations are being considered, which could limit the use of parking lots for this type of use. After a brief discussion, the Committee decided that a Farmer’s Market should not be a permitted use in the ORI or ORT zoning districts.

Mr. Mandley stated that the only zoning district in Washington County that allows a circus is the agriculture zone. By eliminating the agriculture zone in the UGA, it will be difficult for the circus to find an area in which they can locate especially since they are required to have access to fire hydrants when they set up. The Committee discussed the circus as well as carnivals. Mr. Goodrich noted that the circus would continue to be a permitted use in the rural areas in the agriculture zone. Mr. Thompson stated that the circus would be a “temporary” use and he believes that the County can work with the circus to find a solution.

Mr. Goodrich continued his review of the Committee’s recommendations for the ORI and ORT zoning districts.

- “Radio and television broadcasting facilities and studios” would be a principal permitted use in the ORT and ORI zoning districts.
- “Museums and health, tennis and racquet clubs.....” would be a Special Exception use in the ORT and ORI zoning district.

- “Petroleum products storage.....” is an accessory use in both the ORT and ORI zoning districts.

The review of the chart of uses for the ORI and ORT zones continued.

- “Hospitals, clinics and comprehensive rehab facilities” would be a principal permitted use in the ORI. After checking their notes from previous meetings, several members concurred that “Hospitals, including other related health-related facilities” was proposed for the wording and would be a principal permitted use in the ORT zoning district (not the ORI district).
- “Limited Manufacturing and Assembly that can meet.....” has added text that Mr. Goodrich believes is appropriate, which states, “except those listed as specifically prohibited regardless of the ability to meet the Performance Standards”. The Committee concurred with the proposed text.

Mr. Goodrich stated that the uses in the column with the heading Proposed ORI in the Manufacturing category were recommendations of the Economic Development Commission and the Committee as principal permitted uses or uses that are specifically prohibited. There was a discussion regarding the limitation of 40% manufacturing and 20% inside storage in the ORT zoning district and 60% manufacturing and 20% inside storage in the ORI zoning district with the extra uses. Mr. Phoebus expressed the Committee’s intent not to allow 100% manufacturing in either district. Mr. Armel clarified that the limited manufacturing with Performance Standards is another qualifier to allow “clean” manufacturing in the ORI zoning district. Mr. Phoebus stated that research must be a key component in the ORI district.

The Committee continued their review of the chart.

- “Personal service establishments.....” changed from a permitted use to an accessory use in the ORI zone..
- “Security facilities and guard houses” changed from not permitted to an accessory use in the ORI zone.
- “Drug Store and Pharmacy”, “newsstands”, and Stationery, office supply.....” uses changed to an accessory use in the ORI zoning district.
- “Warehouses in combination with and physically attached.....” was added as a principal permitted use in the ORI zoning district.

NEXT MEETING

The UGA Advisory Committee will hold their next meeting on Thursday, March 26, 2009 at 9:00 a.m. in the Washington County Administrative Annex.

ADJOURNMENT

Chairman Phoebus adjourned the meeting at 11:08 a.m.

Respectfully submitted,

Richard Phoebus, Chairman