

Terry L. Baker, *President*
Jeffrey A. Cline, *Vice President*



John F. Barr
Wayne K. Keefer
LeRoy E. Myers, Jr.

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WWW.WASHCO-MD.NET

BOARD OF COUNTY COMMISSIONERS
January 16, 2018
Agenda

- 10:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Terry L. Baker*
APPROVAL OF MINUTES – JANUARY 9, 2018
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:15 A.M. REPORTS FROM COUNTY STAFF
- 10:20 A.M. CITIZENS PARTICIPATION
- 10:25 A.M. INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-18-001) ON-VEHICLE VIDEO SURVEILLANCE System – *Brandi Naugle, Buyer, Purchasing Department and Kevin Cerrone, Director, Transit Department*
- 10:30 A.M. **PUBLIC HEARING:** APPLICATION FOR MAP AMENDMENT – RZ-17-005
- 10:50 A.M. CONSENSUS DISCUSSION FOR TEXT AMENDMENT – RZ-17-007
- 10:55 A.M. CONTRACT AWARD (PUR-1369) WEB SITE DESIGN, DEVELOPMENT AND BUILD SERVICES – *Rick Curry, Director of Purchasing Department, Danielle Crabb, Director of Public Relations and Lauren Pogue, Marketing Specialist.*
- 11:00 A.M. MARYLAND THEATRE REQUEST – *Rob Slocum, County Administrator*
- 11:10 A.M. CLOSED SESSION
(*To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and to consult with counsel to obtain legal advice on a legal matter.*)
- 11:50 A.M. ADJOURNMENT

EVENING MEETING AT THE TOWN OF FUNKSTOWN

Location: 30 East Baltimore Street, Funkstown, MD 21734

- 07:00 P.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Terry L. Baker*
- 07:05 P.M. COMMISSIONERS' REPORTS AND COMMENTS
- 07:10 P.M. REPORTS FROM COUNTY STAFF
- 07:15 P.M. CITIZENS PARTICIPATION



Agenda Report Form

Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INTG-18-001) On-Vehicle Video Surveillance System

PRESENTATION DATE: January 16, 2018

PRESENTATION BY: Brandi Naugle, CPPB, Buyer - Purchasing Department and Kevin Cerrone - Director of Transit Department

RECOMMENDED MOTION: Move to authorize by Resolution, Washington County Transit (WCT) for the purchase and installation of twenty-two (22) On-Vehicle Video Surveillance Systems from *IVS Inc., dba Angle Trax*, of Dothan, AL. at a cost of \$83,579.54 and to utilize another jurisdiction's contract (RFP No. 17-137) that was awarded by Harford County Procurement of Bel Air, MD and, as required, contingent upon the company being in good standing and authorized and registered to do business in the State of Maryland with the Maryland Department of Assessments and Taxation and remaining so throughout the term of the contract.

REPORT-IN-BRIEF: WCT is requesting to purchase twenty-two (22) On-Vehicle Video Surveillance Systems that will be outfitted on the revenue generating routes.

The Code of Public Laws of Washington County, Maryland (the Public Local Laws) §1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a party to the original contract. The Harford County Procurement took the lead in soliciting the resulting agreement. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the purchase of this service in accordance with the Public Local Laws referenced above by resolving that participation would result in cost benefits or in administrative efficiencies.

The County will benefit with direct cost savings in the purchase of this service because of the economies of scale this buying group leveraged. I am confident that any bid received as a result of an independent County solicitation would exceed the spend savings that the Harford County Procurement bid provides through this agreement. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. This savings/cost avoidance would, I believe, be significant.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the WCT Capital Improvement Plan (CIP) account (EQP046) in the amount of \$160,000.00.

CONCURRENCES: N/A

ALTERNATIVES:

1. Process a formal bid and the County could possibly incur a higher cost for the purchase, or
2. Do not award the purchase of the On-Vehicle Video Surveillance System.

ATTACHMENTS: Angle Trax's quote.

AUDIO/VISUAL NEEDS: N/A



Tuesday, November 21, 2017

Kevin Cerrone

Washington County Transit
1000 West Washington Street
Hagerstown, MD 21740

Dear Kevin Cerrone:

Thank you for allowing AngelTrax to customize a proposal to suit your mobile surveillance needs. We pride ourselves on our workmanship and the expertise put forth into our research, development and manufacturing process. At AngelTrax, we believe that surveillance, service and reliability matter.

Please see a summary of proposed AngelTrax equipment attached. Contact me at **410.603.2468** for answers to any questions you may have, or if you need immediate assistance and I am not available, please contact our AngelTrax corporate office at 1.800.673.1788.

Our business depends solely upon our loyal partners. Through you and companies like yours, we earn the satisfaction of producing and supporting some of the finest mobile surveillance equipment on the market today. AngelTrax is committed to ensuring that your experience with our products and our people exceeds your expectations. Once again, thank you for your consideration.

Best Regards,

A handwritten signature in black ink that reads 'Ray Fair'.

Ray Fair
Northeastern Sales Executive

ray.fair@angeltrax.com
410.603.2468
334.692.4606 (F)



Advantage!®

Search "AngelTrax" on www.gsaadvantage.gov
to see our products available for
direct purchase, without the bidding process.



ISSUE DATE: 11/21/2017
 EXPIRY DATE: 02/12/2018

PREPARED FOR:

PREPARED BY:
 Ray Fair



Northeastern Sales Executive
 1147 Ocean Highway, Unit 4
 Pocomoke City, MD 21851
 Cell: 410.603.2468
 Corporate Office: 1.800.673.1788
 ray.fair@angeltrax.com

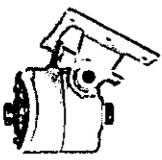
BILLING DETAILS	SHIPPING DETAILS
Washington County Transit Kevin Cerrone Washington County Transit, MD 1000 West Washington Street Hagerstown, MD 21740 USA 240-313-2750 kcerrone@washco-md.net	Washington County Transit Kevin Cerrone Washington County Transit, MD 1000 West Washington Street Hagerstown, MD 21740 USA 240-313-2750 kcerrone@washco-md.net

Ray Fair

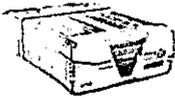
STOP Have you heard about our **NEW Vulcan Series™** in-vehicle surveillance systems? **True 1080P High-Definition Extreme Reliability**

Contact your AngelTrax sales executive or our sales department for more details.

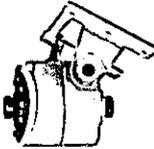
QUOTED PRODUCTS			
MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
(2) Transit Vans			
 <p>VULCANV12 Vulcan Series 12 Channel HD/IP Mobile Digital Video Recorder • 1TB SATA Hard Drive with SD Card Slot for Redundant Recording • 12 Channels with 8 Channels D1, WD1, 720P, or up to 1080P + 4 Channels IP up to 1080P • Built-in Wi-Fi Module • Built-in G-Force Sensor • Vandal-Resistant Locking Front Cover • Panic Button • H.264 Compression</p> <p>HDD2TB-UPGRADE 2TB Platter Hard Drive</p>	2	\$699.95	\$1,399.90
<p>VULPBH Vulcan HD Panic Button Housing PC color</p>	2	\$0.00	\$0.00

QUOTED PRODUCTS				
MODEL & DESCRIPTION		QTY	UNIT PRICE	TOTAL PRICE
 <p>HDCOPILOTCAM HDCOPILOTCAM 1080P Dual Windshield Camera - out front windshield and covering the front of Van • 2.1mm Lens (Each Camera) • Windshield Mounted • 125-Degree Wide-Angle View of Vehicle Interior and Through Windshield • 1080P HD • 2.12 Megapixels • Noise-Gated Microphone • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared (Interior Camera Only)</p>		2	\$234.95	\$469.90
 <p>HD3600V Vulcan Series Anvil 3600 HD Camera - outside driver's side front aimed rear, outside passenger's side front aimed rear • 3.6mm Lens with 360-Degree Articulating Lens Casing for Image Orientation • IP66 Rated Waterproof Interior/Exterior Camera • 1080P HD • 3 Megapixels • Noise-Gated Microphone • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared</p>		4	\$129.95	\$519.80
 <p>HD2100V Vulcan Series Anvil 2100 HD Camera - inside middle, outside rear • 2.1mm Lens with 360-Degree Articulating Lens Casing for Image Orientation • IP66 Rated Waterproof Interior/Exterior Camera • 1080P HD • 3 Megapixels • Built-in Audio • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared</p>		4	\$129.95	\$519.80
<p>HD4CBL 13.12 ft. HD Camera Cable</p>		2	\$0.00	\$0.00
<p>HD9CBL 29.53 ft. HD Camera Cable</p>		4	\$0.00	\$0.00
<p>HD12CBL 39.37 ft. HD Camera Cable</p>		2	\$0.00	\$0.00
 <p>CP4 Vulcan Series Touchscreen Backing & Firmware Control Monitor with Bracket *Required for programming Vulcan DVR systems</p>		2	\$124.95	\$249.90

QUOTED PRODUCTS

MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
RAMROUND RAM Round Base	2	\$7.49	\$14.98
RAMBALL RAM 1/4 20" Ball	2	\$8.49	\$16.98
RAMLGARM RAM Large Arm	2	\$20.49	\$40.98
WC4G Wi-Fi Cellular GPS Tri-Mode Antenna	2	\$105.45	\$210.90
VUPS Uninterruptible Power Supply for Vulcan Series	2	\$49.95	\$99.90
(6) Cutaways			
	6	\$699.95	\$4,199.70
VULCANV12 Vulcan Series 12 Channel HD/IP Mobile Digital Video Recorder <ul style="list-style-type: none"> • 1TB SATA Hard Drive with SD Card Slot for Redundant Recording • 12 Channels with 8 Channels D1, WD1, 720P, or up to 1080P + 4 Channels IP up to 1080P • Built-in Wi-Fi Module • Built-in G-Force Sensor • Vandal-Resistant Locking Front Cover • Panic Button • H.264 Compression 			
VULPBH Vulcan HD Panic Button Housing PC color	6	\$0.00	\$0.00

QUOTED PRODUCTS

MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
<p>HDD2TB-UPGRADE 2TB Platter Hard Drive</p>	6	\$119.90	\$719.40
 <p>HDCOPILOTCAM HDCOPILOTCAM 1080P Dual Windshield Camera - out front windshield and covering the front of the Bus</p> <ul style="list-style-type: none"> • 2.1mm Lens (Each Camera) • Windshield Mounted • 125-Degree Wide-Angle View of Vehicle Interior and Through Windshield • 1080P HD • 2.12 Megapixels • Noise-Gated Microphone • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared (Interior Camera Only) 	6	\$234.95	\$1,409.70
 <p>HD2100V Vulcan Series Anvil 2100 HD Camera - inside middle, inside rear aimed forward, outside rear</p> <ul style="list-style-type: none"> • 2.1mm Lens with 360-Degree Articulating Lens Casing for Image Orientation • IP66 Rated Waterproof Interior/Exterior Camera • 1080P HD • 3 Megapixels • Built-in Audio • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared 	18	\$129.95	\$2,339.10
 <p>HD3600V Vulcan Series Anvil 3600 HD Camera - outside driver's side front aimed rear, outside passenger's side front aimed rear</p> <ul style="list-style-type: none"> • 3.6mm Lens with 360-Degree Articulating Lens Casing for Image Orientation • IP66 Rated Waterproof Interior/Exterior Camera • 1080P HD • 3 Megapixels • Built-in Audio • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared 	12	\$129.95	\$1,559.40
<p>HD4CBL 13.12 ft. HD Camera Cable</p>	6	\$0.00	\$0.00
<p>HD9CBL 29.53 ft. HD Camera Cable</p>	12	\$0.00	\$0.00
<p>HD12CBL 39.37 ft. HD Camera Cable</p>	12	\$0.00	\$0.00

QUOTED PRODUCTS

MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
 <p>CP4 Vulcan Series Touchscreen Backing & Firmware Control Monitor with Bracket *Required for programming Vulcan DVR systems</p>	6	\$124.95	\$749.70
<p>RAMROUND RAM Round Base</p>	6	\$7.49	\$44.94
<p>RAMBALL RAM 1/4 20" Ball</p>	6	\$8.49	\$50.94
<p>RAMLGARM RAM Large Arm</p>	6	\$20.49	\$122.94
<p>WC4G Wi-Fi Cellular GPS Tri-Mode Antenna</p>	6	\$105.45	\$632.70
<p>VUPS Uninterruptible Power Supply for Vulcan Series</p>	6	\$49.95	\$299.70
<p>(14) 30' Vehicles</p> <p>VULCANV12 Vulcan Series 12 Channel HD/IP Mobile Digital Video Recorder <ul style="list-style-type: none"> • 1TB SATA Hard Drive with SD Card Slot for Redundant Recording • 12 Channels with 8 Channels D1, WD1, 720P, or up to 1080P + 4 Channels IP up to 1080P • Built-in Wi-Fi Module • Built-in G-Force Sensor • Vandal-Resistant Locking Front Cover • Panic Button • H.264 Compression </p>	14	\$699.95	\$9,799.30

QUOTED PRODUCTS			
MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
VULPBH Vulcan HD Panic Button Housing PC color	14	\$0.00	\$0.00
HDD2TB-UPGRADE 2TB Platter Hard Drive	14	\$119.90	\$1,678.60
 HD2100V Vulcan Series Anvil 2100 HD Camera - with bracket out front windshield, front aimed rear, driver/stairwell, inside middle, inside rear aimed forward, outside aimed rear <ul style="list-style-type: none"> • 2.1mm Lens with 360-Degree Articulating Lens Casing for Image Orientation • IP66 Rated Waterproof Interior/Exterior Camera • 1080P HD • 3 Megapixels • Built-in Audio • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared 	84	\$129.95	\$10,915.80
 HD3600V Vulcan Series Anvil 3600 HD Camera - outside driver's side front aimed rear, outside passenger's side front aimed rear <ul style="list-style-type: none"> • 3.6mm Lens with 360-Degree Articulating Lens Casing for Image Orientation • IP66 Rated Waterproof Interior/Exterior Camera • 1080P HD • 3 Megapixels • Noise-Gated Microphone • Vandal-Resistant Casing • Scratch-Resistant, Anti-Glare Glass Lens Cover • Infrared 	28	\$129.95	\$3,638.60
HD4CBL 13.12 ft. HD Camera Cable	28	\$0.00	\$0.00
HD9CBL 29.53 ft. HD Camera Cable	28	\$0.00	\$0.00
HD12CBL 39.37 ft. HD Camera Cable	14	\$0.00	\$0.00

QUOTED PRODUCTS

MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
HD18CBL 59.06 ft. HD Camera Cable	42	\$0.00	\$0.00
VULBR100 Windshield Mounting Bracket for Vulcan Series	14	\$20.95	\$293.30
WC4G Wi-Fi Cellular GPS Tri-Mode Antenna	14	\$105.45	\$1,476.30
 CP4 Vulcan Series Touchscreen Backing & Firmware Control Monitor with Bracket *Required for programming Vulcan DVR systems	14	\$124.95	\$1,749.30
RAMROUND RAM Round Base	14	\$7.49	\$104.86
RAMBALL RAM 1/4 20* Ball	14	\$8.49	\$118.86
RAMLGARM RAM Large Arm	14	\$20.49	\$286.86
VUPS Uninterruptible Power Supply for Vulcan Series	14	\$49.95	\$699.30

-QUOTED PRODUCTS-			
MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
<p>HDD2TB 2TB Platter Hard Drive</p>	22	\$239.90	\$5,277.80
<p>V12HDDTRAY Hard Drive Tray for Vulcan Series V12 MDVR HDD TRAY REQUIRED FOR ALL VULCAN SERIES SPARE HARD DRIVES</p>	22	\$95.92	\$2,110.24
<p>SD256GB 256GB SD Solid-State Memory Card</p> 	33	\$183.92	\$6,069.36
<p>CONTLABOR (2) Transit Vans, 6 Camera --- Installation of AngelTrax Camera System, per system. This quote does not include the upcharge for removal of any existing Camera Systems or equipment. *If quote is for multiple cameras/systems, installation price is based upon the installation of the total quantity quoted at the same time and location.</p> <p>4.7 HOURS TO INSTALL THIS 12 CHANNEL, 6 CAMERA SYSTEM FOR A TOTAL OF 400.00</p> <p>85.00 PER HOUR</p>	2	\$400.00	\$800.00
<p>CONTLABOR (6) Cutaways, 7 Camera - Installation of AngelTrax Camera System, per system. This quote does not include the upcharge for removal of any existing Camera Systems or equipment. *If quote is for multiple cameras/systems, installation price is based upon the installation of the total quantity quoted at the same time and location.</p> <p>5.57 HOURS TO INSTALL THIS 12 CHANNEL 7 CAMERA SYSTEM FOR A TOTAL OF 475.00</p> <p>AT 85.00 AN HOUR</p>	6	\$475.00	\$2,850.00
<p>CONTLABOR 30' Footer Vehicle, 8 Camera -- Installation of AngelTrax Camera System, per system. This quote does not include the upcharge for removal of any existing Camera Systems or equipment. *If quote is for multiple cameras/systems, installation price is based upon the installation of the total quantity quoted at the same time and location.</p> <p>6.08 HOURS TO INSTALL THIS 12 CHANNEL 8 CAMERA SYSTEM TOTAL 550.00</p> <p>85.00 PER HOUR</p>	14	\$550.00	\$7,700.00

QUOTED PRODUCTS			
MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
PMCONTRACT Preventative Maintenance of AngelTrax systems and components/ Service Agreement for a 3 Business Day response. This is a per bus, per year for 5 years. Includes parts and labor for a one-time Fleet Assessment by one or more engineers to update units and repair/replace worn warrantied parts at the same time and location. This quote does not include the cost of non-warranty parts or un-installing/re-installing complete systems.	110	\$110.00	\$12,100.00
EXTWARRANTY Extended Warranty - 5 year Extended Warranty for the entire system per year.	22	\$0.00	\$0.00
BIDPRICING # 17-137 due 7-20-17	1	\$0.00	\$0.00
SHIPPING/HANDLING Shipping and Handling Charges * Optional items are not included in the calculation.*	1	\$0.00	\$0.00
TOTAL			\$83,579.54

QUOTED PRODUCTS - OPTIONAL ITEMS			
MODEL & DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE

Signed and endorsed by: _____

Printed Name _____

CORPORATE & FREIGHT POLICIES

The information in this document is to be held confidential by the receiving party. Disclosure of this information is permitted only to persons with the need to know the information for the intended purpose of this document, for the sole and exclusive benefit of the disclosing party. Specifications and prices are subject to change without notice. Please allow three to four weeks for delivery on special order items. Net 30 days from date of invoice to approved accounts. A handling fee is charged for customers who request third party billing freight. Items will be shipped UPS or FedEx, ground delivery, unless otherwise requested. No returns will be accepted after 30 days from invoice date. A 15% restocking fee will be added to all returned items. All items returned will be subject to inspection by IVS, Inc. Items deemed used or "B" goods will be returned to customer freight collect.

This price quote is good for 90 days or for the agreed upon contract date; after which, products and pricing are subject to change.

The customer will be responsible for all applicable taxes.

Warranty Notice: Technical support, warranty parts and services are contingent on your account being current and up to date.

License Notice: All AngelTrax and VizuCop software is used by license agreement only and is not for sale.

TITLE & OWNERSHIP POLICY

**Title/Ownership* of any item described in the quote or invoice does not pass to purchaser until such time as the invoice is paid in full. Seller has no duty to provide back office software support, warranty support or any monitoring for any item described in the unpaid invoice. Seller has the right to immediate possession of all items not paid for. Purchaser agrees to deliver to seller each item described in the invoice upon demand of seller at purchaser's expense. Delivery of the product described in the invoice shall not in any way terminate purchaser's obligation to pay for products ordered by purchaser and delivered to purchaser by seller. By accepting the product described on the invoice, buyer agrees that, should civil litigation arise due to non-payment, buyer expressly consents to jurisdiction in the State of Alabama and venue in Houston County, Alabama.*



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING – Application for Map Amendment – RZ-17-005

PRESENTATION DATE: January 16, 2018; 10:30 a.m.

PRESENTATION BY: Jill Baker, Chief Planner, Washington County Dept. of Planning and Zoning

Case	Application	Applicant/Property Owner	Proposed Amendment
RZ-17-005	Map	<p><u>Applicants:</u> BSM Big Pool, LLC (Contract Purchaser)</p> <p><u>Property Owner:</u> Richard and Rhonda Mummert</p>	<p>Washington County Zoning Ordinance – Application for Map Amendment:</p> <ul style="list-style-type: none"> ▪ Property location: NW side of Ernstville Road, adjacent to I-70 eastbound exit ramp #12 9.73 acres (2.24 acres proposed for RB) ▪ Existing Zoning: EC – Environmental Conservation ▪ Requested Zoning: EC – Environmental Conservation with Rural Business (RB) overlay

Attachments:

Revised Ordinance Amendment Application with Revised Justification Statement and revised rezoning site maps

Staff Report and Analysis dated September 8, 2017

Planning Commission Report and Recommendation dated October 30, 2017

(All attachments are available with the online version of the Agenda Report Form at <https://www.washco-md.net/index.php/2018/10/30/bocc-agenda-arch/>.)

Revised



FOR PLANNING COMMISSION USE ONLY
Rezoning No. R2-17-005
Date Filed: 9-11-17

WASHINGTON COUNTY PLANNING COMMISSION
ZONING ORDINANCE MAP AMENDMENT APPLICATION

BSM Big Pool, LLC

 Applicant
11535 Hopewell Rd, Hagerstown, MD

 Address
Zachary J. Kieffer, Esq.

 Primary Contact

 Phone Number
301-791-9222

 E-mail Address
zkieffer@divelbisslaw.com

 Address
13124 PENNSYLVANIA AVENUE, SUITE 302, HAGERSTOWN, MD 21742

 Address

Property Location: 11412 Tedrick Dr. & 11079 Big Pool Rd. Big Pool, MD 21711
 Tax Map: 45 Grid: 07 Parcel No.: 33 & 34 Acreage: 2.24 ac.
 Current Zoning: RV & EC Requested Zoning: RB-Rural Business

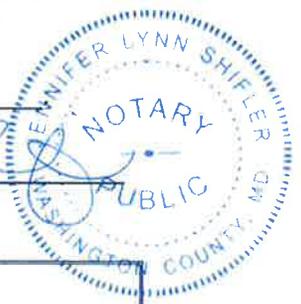
Reason for the Request: Change in the character of the neighborhood
 Mistake in original zoning

PLEASE NOTE: A Justification Statement is required for either reason.

[Signature] ATTORNEY FOR APPLICANT
 Applicant's Signature

Subscribed and sworn before me this 11th day of September, 20 17

My commission expires on June 21, 2020
[Signature]
 Notary Public



FOR PLANNING COMMISSION USE ONLY

<input type="checkbox"/> Application Form	<input type="checkbox"/> Names and Addresses of all Adjoining & Confronting Property Owners
<input type="checkbox"/> Fee Worksheet	<input type="checkbox"/> Vicinity Map
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Justification Statement
<input type="checkbox"/> Ownership Verification	<input type="checkbox"/> 30 copies of complete Application Package
<input type="checkbox"/> Boundary Plat (Including Metes & Bounds)	

FOR PLANNING COMMISSION USE ONLY

Rezoning No. _____

Date Filed: _____

Revised



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING FEE WORKSHEET

FOR PLANNING COMMISSION USE ONLY
Rezoning No. _____
Date Filed: _____

PLEASE COMPLETE ONLY THE SECTION THAT APPLIES.

Applicant's Name: BSM Big Pool, LLC Date: September 9, 2017

Zoning Ordinance Map Amendment	\$ 2,000.00
Number of Acres * <u>2.24</u> x \$20.00 per acre	\$ <u>44.8</u>
Engineering Review Fee	\$ 150.00
Technology Fee	\$ <u>15.00</u>
TOTAL FEES DUE – MAP AMENDMENT	\$ <u>2,209.80</u>

Text Amendment	\$ 2,000.00
Choose One: <input type="checkbox"/> Adequate Public Facilities Ordinance	
<input type="checkbox"/> Forest Conservation Ordinance	
<input type="checkbox"/> Solid Waste Plan	
<input type="checkbox"/> Subdivision Ordinance	
<input type="checkbox"/> Water and Sewer Plan	
<input type="checkbox"/> Zoning Ordinance	
<input type="checkbox"/> Other: _____	
Technology Fee	\$ <u>15.00</u>
TOTAL FEES DUE – TEXT AMENDMENT	\$ <u>2,015.00</u>

Forest Conservation Exemption	\$ 25.00
Technology Fee	\$ <u>15.00</u>
TOTAL FEES DUE – FOREST EXEMPTION ...	\$ <u>40.00</u>

Please make checks payable to "Washington County Treasurer".

FOR PLANNING COMMISSION USE ONLY

Rezoning No. _____

Date Filed: _____

Real Property Data Search (w4)

Search Result for WASHINGTON COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 001534							
Owner Information									
Owner Name:		B S M BIG POOL LLC				Use:		COMMERCIAL	
Mailing Address:		11535 HOPEWELL RD HAGERSTOWN MD 21740-2109				Principal Residence:		NO	
						Deed Reference:		/01501/ 00388	
Location & Structure Information									
Premises Address:		11079 BIG POOL RD BIG POOL 21711-0000				Legal Description:		5.15 ACRES 11079 BIG POOL ROAD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0045	0007	0034		0000				2015	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1969		2515				5.1500 AC			
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		CONVENIENCE STORE							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2016		07/01/2017	
Land:		318,200		415,700					
Improvements		250,000		223,500					
Total:		568,200		639,200		615,533		639,200	
Preferential Land:		0						0	
Transfer Information									
Seller: TEDRICK ROGER D ESTATE				Date: 06/09/1999		Price: \$25,000			
Type: ARMS LENGTH VACANT				Deed1: /01501/ 00388		Deed2:			
Seller: EXXON CORP				Date: 10/23/1998		Price: \$235,500			
Type: ARMS LENGTH IMPROVED				Deed1: /01448/ 00859		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the Information.

01448 0859

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

Prepared By:

K. M. Aggett
Exxon Company, U.S.A.
(a division of Exxon Corporation)
P. O. Box 2180
Houston, Texas 77252-2180
ROGER SCHLOSSBERG

SPECIAL WARRANTY DEED

STATE OF MARYLAND §
COUNTY OF WASHINGTON §

KNOW ALL MEN BY THESE PRESENTS:

IMP FD SURE \$ 5.00
RECORDING FEE 20.00
RECORDATION T 1,789.00
TR TAX STATE 1,177.56
TOTAL 2,992.30
Res# H801 Acpt # 50063
D/W LH Blk # 1199
SENES: 1998 03:05 PM
10-23-98

THAT EXXON CORPORATION, a New Jersey corporation, having an office at 800 Bell Street, Houston, Texas 77002-7426, ("Grantor") for and in consideration of the sum of TWO HUNDRED THIRTY-FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$235,500.00) cash to it in hand paid by BSM BIG POOL, LLC, 11535 HOPEWELL ROAD, HAGERSTOWN, MARYLAND 21741, ("Grantee") the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, and CONVEY unto Grantee, subject to the further provisions of this Deed, all that certain tract or parcel of land (the "Property") in the City/Town/Village/etc. of Big Pool, County of Washington, State of Maryland, being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

This conveyance is made by Grantor and accepted by Grantee subject to Grantor's right to re-enter as described herein and all valid and existing leases, easements, encumbrances, rights-of-way, covenants, restrictions, reservations and exceptions of record, including all building and zoning ordinances, laws, regulations and restrictions by municipal or other governmental authority applicable to the Property.

Grantee acknowledges that the Property has been used as an automobile service station for the storage, sale, transfer and distribution of products, including, without limitation, motor vehicle fuel, petroleum products or derivatives which may contain hydrocarbons, used oil, and other substances, and that some products may have been spilled, leaked, or otherwise discharged onto or into the Property.

Grantor has conducted an environmental site assessment to determine the presence of petroleum hydrocarbons in the soil, water, or groundwater on and under the Property. The written reports setting forth the results of such assessment delineate the amount and location of any hydrocarbons identified in the soil and/or groundwater and establishes the "Baseline Condition" of the Property. If further testing or remediation of hydrocarbons is required by any governmental authority with jurisdiction over the environmental condition of the Property, the Baseline Condition shall be modified as Grantor reasonably deems appropriate based on the results of such tests.

Grantor will undertake remediation of the Baseline Condition as necessary or appropriate to comply with applicable laws, regulations or government orders and will remediate the Baseline Condition to satisfactory levels. Grantor will not be responsible for investigation or remediation of, or any costs or expenses related to, any hydrocarbons or other contamination deposited on or into the Property after the Effective Date. The owner of the Property will be responsible for investigation and/or remediation of any hydrocarbons or other materials, compounds, or substances deposited on or into the Property or migrating onto or into the Property after the Effective Date. If, after the Effective Date but before Grantor has completed its remediation, either a leak, spill, or discharge of hydrocarbons or other contaminants occurs or the owner of the Property has reason to believe that such leak, spill, or discharge might have occurred on the Property or if contaminants migrate onto or into the Property, the owner of the Property shall promptly notify Grantor and the appropriate governmental authorities. The owner of the Property shall pay to Grantor its prorata share of Grantor's increased cost of remediation attributable to such spill, leak, or discharge provided, however, if Grantor causes or contributes to the spill, leak or discharge, it agrees to pay its prorata share of remediation costs.

msd
Schlossberg & Associates
Attorneys at Law
P.O. Box 4227
134 W. Washington Street
Hagerstown, MD 21741-4227

26147 SW Deed.doc

MAILED NOV 2 1998

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1448, p. 0859, MSA_CE18_1398. Date available 09/28/2005. Printed 07/11/2017.

01448 0860

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

Provided the Grantor is paying the costs to remediate the Baseline Condition, the owner of the Property shall assign to Grantor any and all right, claim or interest which the owner of the Property or the Property may have to payment or reimbursement by any third party or any governmental authority in connection with remediation of the Baseline Condition.

Grantor reserves the exclusive right to negotiate with any third party or governmental authority regarding testing and/or remediation efforts for any investigation or remedial work performed by Grantor pursuant to this Deed or which a third party or governmental authority may require.

During the period in which Grantor is performing remediation or monitoring activities on the Property, Grantor and the owner of the Property will upon request provide to the other copies of all reports, correspondence, notices and communications sent to or received from any governmental authority regarding the environmental condition of the Property or any remediation and/or investigation and/or remediation at the Property.

GRANTOR'S REMEDIATION RESPONSIBILITIES SHALL INURE ONLY TO THE BENEFIT OF GRANTEE AND THE LENDING INSTITUTION HOLDING THE MORTGAGE TO FINANCE GRANTEE'S PURCHASE OF THE PROPERTY AND NOT TO SUBSEQUENT PURCHASERS, ASSIGNS, OR SUCCESSORS OF EITHER OR ANY OTHER PERSON OR ENTITY WITHOUT THE CONSENT OF GRANTOR.

During the period in which Grantor is performing remediation or monitoring activities on the Property, Grantor reserves the right of access to the Property, at no cost to Grantor, for Grantor, Grantor's employees, agents, and Contractors for the purpose of conducting investigation and remediation operations. Grantor will not be liable to anyone, including without limitation, the owner of the Property, its successors, assigns, tenants or users for any loss or claim relating to business interruption, lost profits or consequential damages resulting from such access to Property for environmental testing and remediation. The owner of the Property shall be responsible for any cost or expense to repair or replace investigation and/or remediation equipment resulting from the acts or omissions of the owner of the Property or its Contractors, invitees, or employees and shall reimburse Grantor for such costs.

As further consideration for this conveyance, Grantee, for itself, its representatives, successors and assigns (and, if Grantee is a natural person, its heirs and legal representatives), does hereby release, hold harmless, and forever discharge Grantor, its representatives, successors and assigns, from any and all claims, demands, liabilities (including fines and civil penalties) or causes of action at law or in equity including, but not limited to, any statutory causes of action (including, without limitation, the Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended, (CERCLA) and the Resource Conservation and Recovery Act of 1976, as amended, (RCRA)) for injury (including death), destruction, loss or damage of any kind or character to the person or property of Grantee (and any subsequent owner of the Property, as applicable) and the employees, agents, servants, and representatives of such parties, arising out of or in relation to the Property including, but not limited to, any improvements or equipment on in or under the Property, or any spills, leaks, or other discharges onto or into the Property which may have resulted in the presence of any surface or subsurface material, compound, or other substance. The foregoing release does not include obligations of Grantor, if any, to remediate the Baseline Condition pursuant to that Agreement dated August 17, 1998 between Grantor and Grantee.

As further consideration for this conveyance, Grantee, shall be responsible for, and shall defend (with counsel reasonably acceptable to Grantor), hold harmless, and indemnify Grantor from and against, any loss claim, or liability (including fines and civil penalties) or causes of action at law or in equity (including, but not limited to CERCLA and RCRA) brought by any and all third persons, including (without limitation) Grantee's employees, agents, servants, and representatives, and also including (without limitation) any private citizens, persons, organizations, and any agency, branch, or representative of federal, state, or local government on account of any injury (including death), destruction, loss, or damage of any kind or character to persons, property, or natural resources, arising out of or in relation to any surface or subsurface spill, leak, or other discharges of material, compound, or other substance on the Property which may occur after the Effective Date, unless caused by the sole negligence of Grantor. Where personal injury, death, or loss of or damage to property is the result of joint negligence or willful misconduct of Grantor and the owner of the Property, the Property owner's duty to defend,

26147 SW Deed.doc

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me the undersigned authority, this day personally appeared R.L. RICH and WILLIAM C. RIGGS, to me well known and known to me to be a Vice President and Assistant Secretary, respectively, of the corporation named in the foregoing instrument, and they severally acknowledged to and before me that they executed said instrument on behalf of and in the name of said corporation as such officers; that the seal affixed to said instrument is the corporate seal of said corporation and that it was affixed thereto by due and regular corporate authority; that they are duly authorized by said corporation to execute said instrument and that said instrument is the free act and deed of said corporation. They are personally known to me or have produced _____ as identification and did/did not take an oath.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this the 24 day of September, 1998.

Lori F. Holmes
Print Name: Lori F. Holmes
Notary Public, State of Texas

My Commission Expires: 3/5/02



WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1448, p. 0861, MSA_CE18_1398. Date available 09/28/2005. Printed 07/11/2017.

01448 0862

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

indemnify, and hold harmless Grantor shall be in proportion to its allocable share of such joint negligence or willful misconduct.

The conditions, covenants and other provisions set out in this Deed shall be covenants running with the land and shall be binding upon and (except as expressly provided otherwise) shall inure to the benefit of the parties, their subsidiaries, affiliates, legal representatives, heirs, successors and assigns, as applicable.

Ad valorem taxes and special assessments, if any, against the Property for the year in which the Effective Date occurs will be pro-rated between Grantor and Grantee as of the Effective Date, and Grantee hereby assumes and agrees to pay same.

TO HAVE AND TO HOLD the Property, together with the appurtenances, estate, title and interest thereto, unto Grantee, Grantee's successors, heirs and assigns, forever, subject to the provisions hereof, and in lieu of all other warranties, express or implied, Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend the title to the Property unto Grantee, Grantee's successors, heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has signed this deed this 21st day of October, 1998, but EFFECTIVE as of this 21st day of October, 1998, ("Effective Date").

WITNESSES:

Sue S. Werner
Print Name: SUE S. WERNER

Susan M. Adams
Print Name: SUSAN M. ADAMS

GRANTOR:
EXXON CORPORATION

By: [Signature]
Name: R. E. RICH LAW
Title: Vice President [Signature]

ATTEST:

By: [Signature]
Name: WILLIAM C. RIGGS
Title: Assistant Secretary

TAXES PAID October 23, 1998
TODD L. HERGENROTTER [Signature]

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1448, p. 0862, MSA_CE18_1398. Date available 09/28/2005. Printed 07/11/2017.

01448 0863

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

GRANTEE:
BSM BIG POOL, LLC

WITNESSES:

[Signature]
Print Name: B.M. Diatsiewow

By: [Signature]
Name: Mark A. Fulton
Title: General Manager

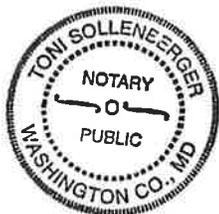
Print Name: _____

ATTEST:
By: _____
Name: _____
Title: _____

STATE OF MARYLAND, §
 §
COUNTY OF WASHINGTON §

Before me the undersigned authority, this day personally appeared Mark A. Fulton and _____, to me well known and known to me to be a General Manager and _____, respectively, of the corporation named in the foregoing instrument, and they severally acknowledged to and before me that they executed said instrument on behalf of and in the name of said corporation as such officers; that the seal affixed to said instrument is the corporate seal of said corporation and that it was affixed thereto by due and regular corporate authority; that they are duly authorized by said corporation to execute said instrument and that said instrument is the free act and deed of said corporation. They are personally known to me or have produced _____ as identification and did/did not take an oath.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this the 21st day of October, 1998.



[Signature]
Print Name: Toni Solleberger
Notary Public, State of Maryland
My Commission Expires: 12-01-98

WASHINGTON COUNTY CIRCUIT COURT. (Land Records) D.W. 1448, p. 0863, MSA_CE18_1398. Date available 09/28/2005. Printed 07/11/2017.

01448 0864

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

EXHIBIT "A" TO SPECIAL WARRANTY DEED FROM
EXXON CORPORATION TO BSM BIG POOL, LLC

11079 Big Pool Road, Big Pool, MD
Liber 479, folio 43

All that lot of ground situate along the West side of relocated Maryland Route 56 at and directly South of its intersection with Interstate 70 in the village of Big Pool in Election District # 15, Washington County, Maryland, and being more particularly described in accordance with the Maryland Grid System as determined by a recent survey by J. B. Ferguson & Co., Inc. and described as follows, that is to say:

Beginning at a railroad spike found in the center of the abandoned section of Maryland Route 56 approximately 450 feet north of its intersection with the Ernstville Road said spike having Maryland Grid Coordinates of N-513,210.87 and E-654,884.23 as determined from horizontal control station USGS TT 23 CWH 1947 having Md. Grid Coordinates of North 512,859.27 and East 654,559.41 thence, (1) North 47 degrees 28 minutes West 421.22 feet to a P.K. nail found in a fence post thence an existing fence line (2) North 43 degrees 13 minutes East 205.17 feet to a stake found thence, (3) South 48 degrees 14 minutes East 341.08 feet to a stake set in West marginal line of the right of way of Ramp J leading from the East bound lane of Interstate 70 to relocated Md. Route 56 thence with said marginal line, (4) South 24 degrees 53 minutes East 84.66 feet to a railroad spike set in the center line of the aforementioned abandoned road thence with said centerline (5) South 42 degrees 41 minutes West 125.23 feet to a railroad spike set in said centerline thence leaving said centerline, (6) South 46 degrees 52 minutes East 77-60 feet to a stake set in west marginal line of relocated Md. Route 56 and thence with said marginal line the following two courses and distances (7) South 31 degrees 08 minutes West 31.07 feet to a stake thence by a curve to the left having a radius of 913.51, an arc distance of 30.41 and a chord of (8) South 30 degrees 00 minutes 1-3 seconds West 30.41 feet to a stake set thence leaving said marginal line (9) North 46 degrees 52 minutes West 90.49 feet to a railroad spike set in the centerline of the aforementioned abandoned road thence with said centerline (10) North 42 degrees 41 minutes East 8.06 feet to the point of beginning; containing 91,111 square feet or 2.09 acres.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1448, p. 0864, MSA_CE18_1398. Date available 09/28/2005. Printed 07/11/2017.

State of Maryland Land Instrument Intake Sheet
Baltimore City County:

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only - All Copies Must Be Legible)

(Check Box if Addendum Intake Form is Attached.)

1	Type(s) of Instruments	<input type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input checked="" type="checkbox"/> Other <u>ITD</u>	<input type="checkbox"/> Other _____
		<input type="checkbox"/> Deed of Trust	<input type="checkbox"/> Lease		
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale (9)
		Arms-Length (1)	Arms-Length (2)	Arms-Length (3)	
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation			
		State Transfer			
		County Transfer			

4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only			
		Purchase Price/Consideration	\$ 235,500	Transfer Tax Consideration			
		Any New Mortgage	\$ 1,424,968.07	Transfer Tax Consideration	\$		
		Balance of Existing Mortgage	\$	X () % =	\$		
		Other:	\$	Less Exemption Amount	-	\$	
		Other:	\$	Total Transfer Tax	=	\$	
		Full Cash Value	\$	Recordation Tax Consideration	\$		
			X () per \$500 =	\$			
			TOTAL DUE	\$			

5	Fees	Amount of Fees		Doc. 1	Doc. 2	Agent:
		Recording Charge	\$ 25.00	\$ 80.00		Tax Bill:
		Surcharge	\$	\$		C.B. Credit:
		State Recordation Tax	\$ 1789.80	\$		Ag. Tax/Other:
		State Transfer Tax	\$ 1177.50	\$		
		County Transfer Tax	\$	\$		
		Other	\$	\$		
		Other	\$	\$		

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG		
		15	15-001534	479/43				<input type="checkbox"/> (5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFu/Acreage (4)	
		Location/Address of Property Being Conveyed (2)							
		11079 Big Pool Rd							
Other Property Identifiers (if applicable)							Water Meter Account No.		
Residential <input type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount: _____									
Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of SqFu/Acreage Transferred: _____									

7	Transferred From	If Partial Conveyance, List Improvements Conveyed:	
		Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
		Exxon Corporation	Bsm Big Pool, LLC
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8	Transferred To	Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
		Bsm Big Pool, LLC	James D. Wright Jeffrey J. Radlowich
New Owner's (Grantee) Mailing Address			
11535 Homestead Rd, Hagerstown, MD			

9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)
			Adna B. Fulton Barbara J. Fulton

10	Contact/Mail Information	Instrument Submitted By or Contact Person		<input checked="" type="checkbox"/> Return to Contact Person
		Name:		<input type="checkbox"/> Hold for Pickup
		Firm:	Schlossberg & Associates	
		Address:		<input type="checkbox"/> Return Address Provided
		Phone: ()		

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

Yes No Will the property being conveyed be the grantee's principal residence?

Yes No Does transfer include personal property? If yes, identify: _____

Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Whole	<input type="checkbox"/> Part	<input type="checkbox"/> Tran. Process Verification
Transfer Number:	Date Received:	Deed Reference:	Assigned Property No.:	
Year	19	Geo.	Map	Sub
Land		Zoning	Grid	Plat
Buildings		Use	Parcel	Section
Total		Town Cd.	Ex. St.	Ex. Cd.
REMARKS:				

WASHINGTON COUNTY CIRCUIT COURT: (Land Records) DJW 1448, p. 0865, MSA_CE18_1398. Date available 09/29/2005. Printed 07/11/2017.

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldendrod - Preparer
AOC-CC-300 (6/95)



Department of Planning & Zoning Owner's Representative Affidavit

This is to certify that BSM BIG POOL, LLC
is authorized to file with the Washington County Department of Planning & Zoning and Division
of Engineering & Construction Management, an application for a Map Amendment to the
Washington County Zoning Ordinance for an RB Overlay District and related Site Plan
on property located at 11412 Tedrick Drive, Big Pool, Maryland 21711
The said work is authorized by Richard E. Mummert & Rhonda E. Mummert
the property owners in fee.

PROPERTY OWNER

Richard E. Mummert
Name
11412 Tedrick Drive
Address
Big Pool, Maryland 21711
City, State, Zip Code
Richard E. Mummert
Owner's Signature

Sworn and subscribed before me this 5th day of April, 2017.

Kindely D. Faith
Notary Public

My Commission Expires: 10/5/20

PROPERTY OWNER

Rhonda E. Mummert
Name
11412 Tedrick Drive
Address
Big Pool, Maryland 21711
City, State, Zip Code
Rhonda E. Mummert
Owner's Signature

Sworn and subscribed before me this 5th day of April, 2017.

Kindely D. Faith
Notary Public

My Commission Expires: 10/5/20

AUTHORIZED REPRESENTATIVE

BSM BIG POOL, LLC

Bradley A. Fulton, Authorized Person
Name

11535 Hopewell Road
Address

Hagerstown, Maryland 21740
City, State, Zip Code

Bradley A. Fulton
Authorized Representative's Signature

Sworn and subscribed before me this 6TH day of APRIL, 2017.

George F Hill
Notary Public

My Commission Expires:
2-6-21

Real Property Data Search (w4)

Result for WASHINGTON COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration					
Account Identifier:		District - 15 Account Number - 007168								
Owner Information										
Owner Name:	MUMMERT RICHARD E & RHONDA E			Use:	COMMERCIAL/RESIDENTIAL					
Mailing Address:	11408 TEDRICK DR BIG POOL MD 21711-1236			Principal Residence:	YES					
				Deed Reference:	/01499/ 00823					
Location & Structure Information										
Premises Address:		11408 TEDRICK DR BIG POOL MD 21711-0000		Legal Description:	9.73 ACRES REM 11408 & 11412 TEDRICK DR W/S BIG POOL ROAD					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	5499
0045	0007	0033		0000				2015	Plat Ref:	
Special Tax Areas:				Town:	NONE					
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1918		4100				9.7300 AC				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
2	YES	STANDARD UNIT	BRICK	4 full	1 Attached					
Value Information										
		Base Value	Value	Phase-in Assessments						
			As of	As of	As of	As of				
			01/01/2015	07/01/2016	07/01/2017					
Land:		123,600	123,600							
Improvements		85,400	85,900							
Total:		209,000	209,500	209,333	209,500					
ferential Land:		0			0					
Transfer Information										
Seller: TEDRICK ROGER D		Date: 06/02/1999		Price: \$145,000						
Type: ARMS LENGTH IMPROVED		Deed1: /01499/ 00823		Deed2:						
Seller:		Date:		Price:						
Type:		Deed1:		Deed2:						
Seller:		Date:		Price:						
Type:		Deed1:		Deed2:						
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016	07/01/2017					
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00	0.00 0.00					
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application				Date:						

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01499 0823

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

THIS DEED, made this 27th day of May, 1999, by JANET L. BOWERS, Personal Representative of the Estate of Rodger D. Tedrick a/k/a Roger D. Tedrick, also known as "Grantor".

WHEREAS, Roger D. Tedrick (the "Decedent"), died testate on the 1st day of November, 1996, owning the improved real property fully described in a deed dated April 30th, 1964 and recorded in Liber 407, folio 297 among the land records of Washington County, Maryland; and

WHEREAS, on December 10th, 1996, upon a Petition for Probate, Janet L. Bowers was appointed Personal Representative of Decedent's Estate by the Register of Wills for Washington County, Maryland, in Estate No. 41001; and WHEREAS, pursuant to the terms of the Decedent's Last Will and Testament dated December 17th, 1992, which was admitted to Probate in Estate No. 41001.

WITNESSETH: That for the monetary consideration of ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS AND 00/100, but in partial fulfillment of the terms of Decedent's Last Will and Testament and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant and convey unto Richard E. Mummert and Rhonda E. Mummert, husband and wife, as tenants by the entireties, the following lot or parcel of land, together with any improvements thereon and all rights, ways, privileges, waters, easements and appurtenances thereunto belonging or in anywise appertaining and more fully described as follows:

All that parcel or tract or land situated along the west side of Tedrick Drive approximately 450 feet from its intersection with Ernstville Road in Election District No. 15, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc., dated February, 1999, as follows:

BEGINNING at a point in or near the center line of Tedrick Drive, said point being the beginning point of the lands now or formerly of Humble Oil and Refining Company (Liber 479, folio 43), thence leaving said lands and running with Tedrick Drive S. 43° 42' 10" W. 220.49 feet to a point along lands now or formerly of The Evangelical United Brethren Parsonage of Potomac, Maryland (Liber 457, folio 573), thence with said lands the following two courses N. 49° 29' 03" W. 141.00 feet to a point, thence N. 46° 59' 03" W. 60.00 feet to a point along Parcel A of a Preliminary/Final Plat of Subdivision of Lots 1 through 5

01499 0824

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY.



and Simplified Plat of Parcel A for the Estate of Roger D. Tedrick recorded in Plat folio 5499 among the Land Records of Washington County, Maryland, thence with said subdivision the following nine courses N. 43° 00' 58" E. 85.00 feet to an iron pin and cap, thence N. 54° 47' 05" W. 262.50 feet to an iron pin and cap, thence N. 33° 41' 35" W. 376.46 feet to an iron pin and cap, thence S. 66° 43' 58" W. 136.76 feet to an iron pin and cap, thence S. 39° 52' 14" W. 171.47 feet to an iron pin and cap along the marginal line of Ernstville Road, thence with said marginal line with a curve to the left and have radius of 125.00 feet, an arc length of 25.17 feet and a chord bearing a distance of N. 55° 53' 50" W. 25.13 feet to an iron pin and cap, thence leaving said marginal line and running with Lot 5 of the said subdivision of the Estate of Roger D. Tedrick N. 39° 52' 14" E. 179.01 feet to an iron pin and cap, thence N. 38° 47' 05" W. 271.15 feet to an iron pin and cap, thence S. 51° 22' 55" W. 43.55 feet to an iron pin and cap along the lands now or formerly of W. Donald Kinzer (Liber 373, folio 309), thence with said lands N. 38° 37' 05" W. 205.00 feet to a pint in a fence line, thence with said fence and along lands now or formerly of Ralph L. Weaver (Liber 635, folio 565) N. 47° 14' 55" E. 369.00 feet to a point along other lands of Roger D. Tedrick and Virginia R. Tedrick (Liber 943, folio 294), thence with said lands S. 48° 14' 00" E. 940.24 feet to an existing iron pipe along lands now or formerly of Humble Oil and Refining Company (Liber 479, folio 43), thence with said lands S. 43° 13' 00" W. 205.17 to a corner fence post, thence S. 47° 28' 00" E. 421.22 feet to the place of beginning; containing 9.80 acres, more or less.

AND BEING a portion of the same real estate that was conveyed from Daniel W.

Martin and Anna Mae Martin, his wife, to Roger D. Tedrick and Virginia R. Tedrick, his wife, by deed dated 30th day of April, 1964, and recorded in Liber 407, folio 297 among the land records of Washington County, Maryland, the said Virginia R. Tedrick having predeceased her husband with absolute title vesting' into Roger D. Tedrick, as Tenant by Entirety.

The above-described property is subject to all valid and enforceable rights-of-way, conditions, restrictions, easements and limitations of record.

And the said Grantor does hereby covenant that she will execute such other and further assurances as may be requisite.

IN WITNESS WHEREOF, the Grantor has caused her hand and seal to be subscribed hereto the day and year first above written.

WITNESS:

JANET L. BOWERS
Personal Representative of the
Estate of Roger D. Tedrick

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1499, p. 0824, MSA_CE18_1449. Date available 09/28/2005. Printed 07/11/2017.

01499 0825

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY



STATE OF WEST VIRGINIA,
BERKELEY COUNTY, to-wit:

I HEREBY CERTIFY, that on this 27th day of May, 1999, before me, a Notary Public in and for the State and County aforesaid, personally appeared JANET L. BOWERS, Personal Representative of the Estate of Roger D. Tedrick, personally known to me to be the person whose name is subscribed to the foregoing Deed and who did acknowledge in due form of law that the foregoing Deed was his true and valid act.

WITNESS my hand and Official Notarial Seal.

Samuel Beard

Notary Public

My Commission Expires:

9/11/2007

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the Undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Richard A. Pill

Richard A. Pill

THIS INSTRUMENT WAS PREPARED BY:

David D. Pill, Esq.,
PILL & PILL, Attorneys at Law
1444A Edwin Miller Blvd.,
P. O. Box 440,
Martinsburg, WV 25402-0440

AFTER RECORDING RETURN TO:

Richard E. Mummert and Rhonda E. Mummert

2 Skyline Village
Berkeley Springs WV 25411

TAXES PAID June 2, 1999
 TODD L. HENSHY, TREASURER TJB

IMP FD SURE	\$	5.00
RECORDING FEE		20.00
RECORDATION T		1,102.00
TR TAX STATE		725.00
TOTAL		1,852.00
Res# WAB2	Recpt #	2238
DJM KB	Blk #	489
Jun 02, 1999		03:47 PM

dsb/35002 Tedrick Estate to Mummert Deed

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1499, p. 0825, MSA_CE18_1449, Date available 09/28/2005, Printed 07/11/2017.

01499 0826

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

State of Maryland Land Instrument Intake Sheet
 Baltimore City County: WASHINGTON

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Check Box if Addendum Intake Form is Attached.

1 Type(s) of Instruments
 Deed Mortgage Other _____
 Deed of Trust Lease _____

2 Conveyance Type Check Box
 Improved Sale Unimproved Sale Multiple Accounts Not an Arms-Length Sale [9]
 Arms-Length [1] Arms-Length [2] Arms-Length [3]

3 Tax Exemptions (if Applicable)
 Recordation State Transfer County Transfer
 Cite or Explain Authority _____

4 Consideration and Tax Calculations

Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
	Purchase Price/Consideration	Any New Mortgage	Transfer and Recordation Tax Consideration	
	\$ 145,000.00	\$	Transfer Tax Consideration	\$
	\$	\$	X () % =	\$
	\$	\$	Less Exemption Amount =	\$
	\$	\$	Total Transfer Tax =	\$
	\$	\$	Recordation Tax Consideration	\$
	\$	\$	X () per \$500 =	\$
	\$	\$	TOTAL DUE	\$

5 Fees

Fees	Amount of Fees		Agent:
	Doc. 1	Doc. 2	
Recording Charge	\$	\$	Tax Bill:
Surcharge	\$	\$	C.B. Credit:
State Recordation Tax	\$	\$	Ag. Tax/Other:
State Transfer Tax	\$	\$	
County Transfer Tax	\$	\$	
Other	\$	\$	
Other	\$	\$	

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
15	7168	409/297	45	33	(5)
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref. SqFt/Acreage (4)
Location/Address of Property Being Conveyed (2) 11408-11412 Tedrick Drive, Big Pool, MD 21714					
Other Property Identifiers (if applicable) _____ Water Meter Account No. _____					
Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Grant Rent <input type="checkbox"/> Amount: _____					
Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred: _____					
If Partial Conveyance, List Improvements Conveyed: _____					

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Janet L. Bowers, Personal Representative of the Roger D. Tedrick aka Roger D. Tedrick Estate	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Richard E. Mummert	Rhonda E. Mummert
New Owner's (Grantee) Mailing Address 2 Skyline Village, Berkeley Springs, WV 25411	
Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

9 Other Names to Be Indexed

10 Contact/Mail Information

Instrument Submitted By or Contact Person	Return to Contact Person
Name: Theda Williams	<input type="checkbox"/>
Firm: Pill & P, II	<input type="checkbox"/> Hold for Pickup
Address: 1444-A Edwin Miller Blvd Martinsburg, WV 25401 Phone: (304) 263-4971	<input checked="" type="checkbox"/> Return Address Provided

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

Yes No Will the property being conveyed be the grantee's principal residence?
 Yes No Does transfer include personal property? If yes, identify: _____
 Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

Transfer Number	Date Received	Dead Reference	Assigned Property No.
Year 19	19	Geo. Map	Sub Block
Land		Zoning Grid	Plat Lot
Buildings		Use Parcel	Section
Total		Town Cd. Ex. St.	Ex. Cd.

REMARKS:

Distribution: White - Clerk's Office
 Canary - SDAT
 Pink - Office of Finance
 Goldrod - Preparer
 AOC-CC-300 (6/95)

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 1499, p. 0826, MSA, CE18_1449, Date available 09/28/2005. Printed 07/11/2017.

State Reserved for Circuit Court Clerk Recording No. 01499

PARCELS SURROUNDING BIG POOL AC&T					
	Map/Parcel	Premises Address	Owner	Mailing Address	Zoning District
1	0045/0107	11411 Tedrick Drive Big Pool, MD 21711	District #15 Civic Organization, Inc.	c/o Robert Davis 11578 Big Pool Road Big Pool, MD 21711	RV
2	0045/0137	11403 Tedrick Drive Big Pool, MD 21711	Dennis Tedrick & Deborah Hall	c/o Donald Tedrick 12118 Ashton Road Clear Spring, MD 21722	RV
3	0045/0116	11402 Tedrick Drive Big Pool, MD 21711	St. Paul United Methodist Church	11404 Tedrick Drive Big Pool, Md 21711	RV
4	0045/0120	11410 Ernstville Road Big Pool, MD 21711	Michelle Longerbeam	Same as Premises	RV/EC
5	0045/0212 (Lot 1)	11423 Ernstville Road Big Pool, MD 21711	Michael & Cynthia Tedrick	Same as Premises	EC
6	0045/0212 (Lot 2)	11427 Ernstville Road Big Pool, MD 21711	Steven & Sharon Tyler	Same as Premises	EC
7	0045/0212 (Lot 3)	11437 Ernstville Road Big Pool, MD 21711	Brent & Tracy Kershner	Same as Premises	EC
8	0045/0212 (Lot 4)	11443 Ernstville Road Big Pool, MD 21711	Lisa Prejean	13942 Frosty Pines Ln Clear Spring, MD 21722	EC
9	0045/0212 (Lot 5)	11447 Ernstville Road Big Pool, MD 21711	Thomas Tedrick	3531 Saint Augustine Ln Oakton, VA 22124	EC
10	0045/0128	11501 Ernstville Road Big Pool, MD 21711	Ralph & Mary Weaver	11503 Ernstville Road Big Pool, MD 21711	RV
11	0044/0018	11503 Ernstville Road Big Pool, MD 21711	Ralph Weaver	Same as Premises	RV

Vicinity Map



Legend

-  Subject Property
-  Proposed RB

ZONING

Zone

-  EC
-  P
-  RB
-  RV



1 inch = 500 feet

September 6, 2017

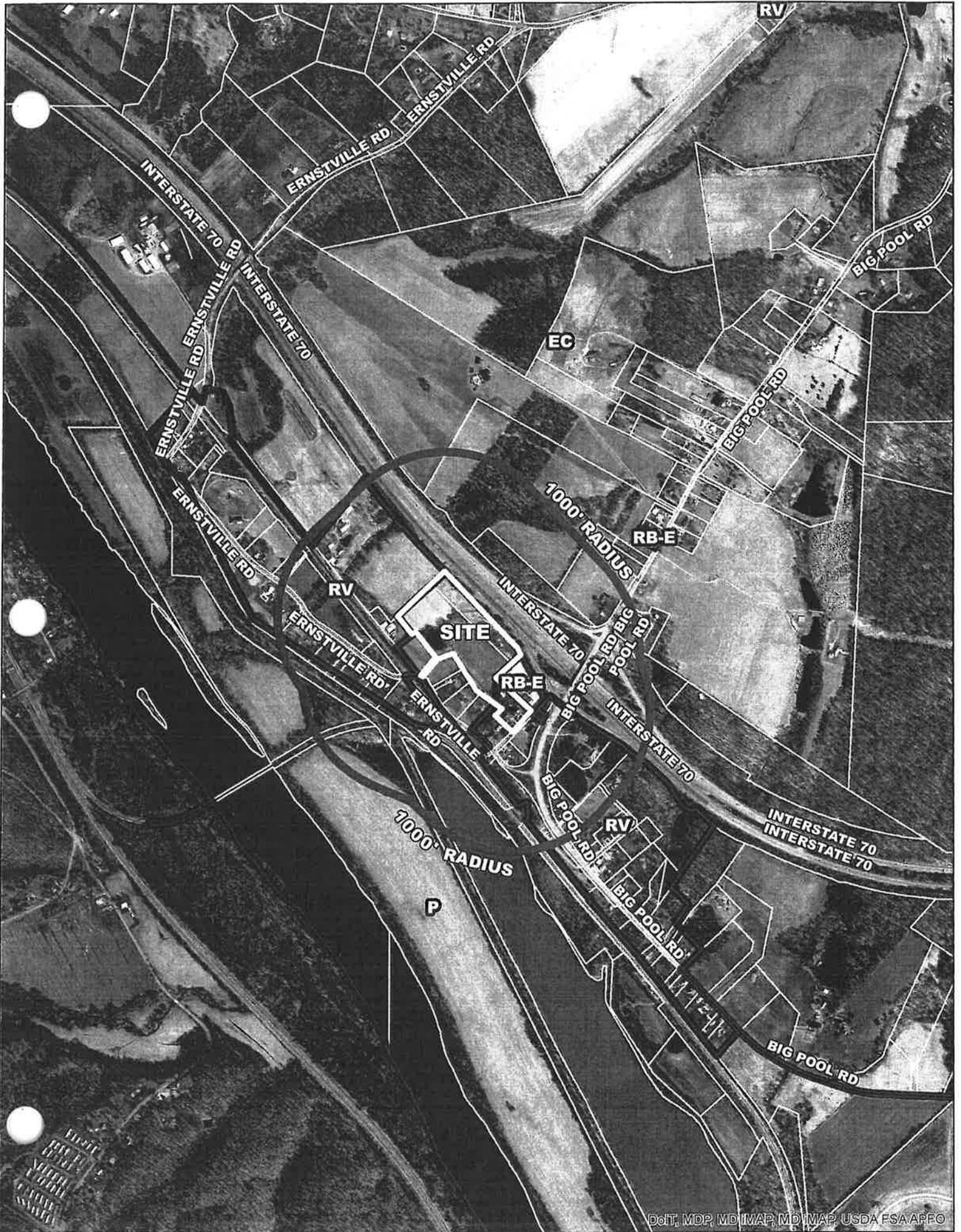
Suggested description of new Zoning Area for the Big Pool A C & T

Situate southwest of I-70 and northwest of Big Pool Road, Election District 15 and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. dated July 10, 2017 as follows:

Beginning for the outline hereof at a point in the southwest margin of I-70, said point also at the end of the second or S 27° 43' 19" E 302.06 foot line of lands conveyed to BSM Big Pool LLC by deed dated June 9, 1999 and recorded at Liber 1501, folio 388, running thence with the south margin of I-70 S 48° 15' 26" E 96.71 feet to a point, thence S 24° 54' 28" E 84.66 feet to a point, thence S 42° 39' 32" W 125.23 feet to a point, thence S 46° 53' 28" E 77.60 feet to a point, thence S 31° 06' 32" W 31.07 feet to a point, thence by a curve to the left with a radius of 913.51 feet, an arc length of 30.411 feet and a chord bearing and distance of S 29° 58' 45" W 30.41' to a point, thence N 46°53'28"W 90.49' to a point, thence N 42°45'01"E 8.03' to a point, thence N 47°29'28" W 421.22' to a point, thence N 47°29'28" W 397.70' to a point, thence N 2°28'00" W 174.92' to a point, thence N 41°44'32" E 74.40' to a point, thence S 48°15'28" E 524.82' to a point, thence N 43°11'32" E 92.72' to a point in the south margin of Interstate Route 70, thence with said margin S 27°18'08" E 259.16' to the place of beginning.

Containing 4.60 acres of land, more or less.

RAS/nse. 7073 zoning area desc



1 inch = 1,000 feet



DIVELBISS & WILKINSON
ATTORNEYS AT LAW

September 7, 2017

**Re: Justification Statement; Rural Business (RB) District Overlay Application:
11412 Tedrick Drive, Big Pool, Maryland 21711 and 11079 Big Pool Road, Big Pool, Maryland
21711 (collectively, the "Property")**

REQUEST

Application is made by BSM Big Pool, LLC, a Maryland limited liability company (the "Applicant") for a Map Amendment to the current Washington County Zoning Map amending a +/- 2.24 acre portion of the Property with the RB District floating zone (the "RB District"). In the event this Application is approved by the Board of County Commissioners for Washington County, the Applicant will proceed to seek site plan approval for the redevelopment of the existing 40+ year-old convenience store and adding an integrated restaurant that will prepare fresh food on site for both take-out and sit-down dining, which are permitted uses in the RB District as indicated in Article 3, Table 3.3(1) of the Washington County Zoning Ordinance as amended by Ordinance No. ORD-2015-20 (herein collectively, the "Ordinance").

HISTORY

The Property consists of two parcels totaling +/- 14.88 acres. The first parcel, located at 11412 Tedrick Drive, Big Pool, Maryland 21711 (Map 45, Parcel 33) containing +/- 9.73 acres of land is owned by Richard & Rhonda Mummert (the "Mummert Parcel"). Applicant is the contract purchaser of the Mummert Parcel pursuant to an Agreement of Sale dated April 26, 2017. Richard and Rhonda Mummert consent to this Application as evidenced by the Owner's Representative Affidavit appended to this Application. The second parcel, located at 11079 Big Pool Road, Big Pool, Maryland 21711 (Map 45, Parcel 34) containing +/- 5.15 acres of land, is owned by the Applicant (the "AC&T Parcel"). The requested RB District would overlay a +/- 2.24 acre portion of the Property and when combined with the existing RB District on the AC&T Parcel will total +/- 4.59 acres overlaid with the RB District. The Applicant has been the record owner of the AC&T Parcel since 1998 and has operated an AC&T branded convenience store and gas station thereon. The Applicant's predecessor in interest to the AC&T Parcel was the Exxon Corporation which operated an Exxon branded convenience store and gas station since the 1960s. Historically, the Property was zoned "HI" Highway Interchange until 1997 when it

rezoned to the "C" Conservation District. Thereafter, in concert with the 2005 Rural Area Rezoning the Property received its current zoning district designations.

The Mummert Parcel is split-zoned "RV" Rural Village and "EC" Environmental Conservation. The AC&T Parcel is also split-zoned. The portion of the AC&T Parcel whereupon the existing AC&T is situated is zoned "RV" Rural Village and overlaid with the RB District. The "panhandle" portion of the AC&T Parcel is zoned "EC" Environmental Conservation. The relevant portion of the current Washington County Zoning and Parcel map is attached hereto and incorporated herein as **Exhibit A**. A Concept Plan, prepared by Frederick Seibert & Associates, Inc. and showing the proposed RB District as well as the convenience store and restaurant (herein, the "New AC&T") contemplated by the Applicant is attached hereto and incorporated herein as **Exhibit B**.

JUSTIFICATION

The purpose of the RB District is "...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County." (Ordinance, Article 5E-"RB" Rural Business District) The Applicant asserts that the approval of this Application, thereby expanding the RB District would satisfy and accomplish the purpose of the RB District.

The Applicant intends to vacate the boundary lines between the Mummert Parcel and AC&T Parcel to facilitate the demolition of the existing AC&T and construction of the New AC&T with a +/- 4,256 sf convenience store and +/- 2,311 sf restaurant and dining area as shown on the Convenience Store Floor Plan prepared by George C. Harne, Architect and attached hereto as **Exhibit C**. The New AC&T will continue to be the sole convenience store and gasoline and diesel fuel retailer in the area. In addition to fuel sales, the New AC&T will offer prepackaged food and retail items to its patrons. The design of the New AC&T follows the trend in larger modern convenience stores by incorporating a restaurant and introducing a menu of food options prepared in-store for both take-out and sit-down dining. The current building is decades old and in much need of a renovation to bring it up to date and keep up with demand for new stores providing expanded services.

The enlarged RB District will also make way for the expansion of the fueling facilities for both gasoline and diesel vehicles. As shown on Exhibit B, the New AC&T will provide separate fueling canopies for diesel and gasoline pumps, as are commonly included in modern convenience store designs. Moreover, the New AC&T will require more employees on each shift, creating employment opportunities for the surrounding area.

The redevelopment of the Property, as described herein, expands an existing use and introduces a new use permitted in the RB District, but not otherwise permitted in the rural area that nevertheless has just as much need for these uses as the urban growth area. Moreover, the uses contemplated in the New AC&T are not appropriate for most locations within the rural areas of Washington County. However, given the Property's adjacency to Interstate 70 and the

fact that historically the Property was zoned HI and a convenience store has been in operation for nearly 50 years, the Property is perfectly suited for Applicant's proposed redevelopment and construction of the New AC&T.

The proposed Map Amendment satisfies the criteria for a new RB District as set forth in Section 5E.4(b) of the Ordinance.

1. The Proposed RB Zone is not within any designated growth area identified in the Washington County Comprehensive Plan.
2. The proposed RB District has safe and usable road access that meets the standards under the "Policy for Determining Adequacy of Existing Roads. Access to the existing AC&T is via Big Pool Road/MD Route 56. Though the Property has access to Tedrick Drive and Ernstville Road, traffic shall access the New AC&T from Big Pool Road/MD 56 only. The Applicant does not anticipate the proposed use of the Property to generate 25 or more peak hour trips, nor does the Applicant anticipate more than 40% of estimated vehicle trips to be comprised of commercial truck traffic. Any issues concerning the number of peak hour trips or the volume of commercial truck traffic may be addressed by a traffic impact study during the site plan approval process for the New AC&T.
3. With regard to sewage disposal, water supply, and stormwater management:
 - a. The Property is serviced by septic facilities situated on the Property. The septic facilities are adequate for the existing AC&T, and the New AC&T contemplated by the Applicant is not expected to create significant additional stress on the septic system. Further, AC&T has the equipment and capability to pump septic tanks and regularly pumps the tanks on the Property to reduce wear and stress. Applicant anticipates that AC&T will continue this practice.
 - b. The Property's water source is a well located thereon and serves the existing AC&T and presumably the residential structure located on the Mummert Parcel. With the construction of the New AC&T, an increase in water usage will follow. Applicant does not anticipate the increase to unduly burden or strain the water table and existing well. Should concerns arise during the site plan approval or construction phases of the project, Applicant will confirm the adequacy of the water table via a hydrogeological study. Additionally, the residential structure will be demolished to make way for the New AC&T. Any increase in water consumption attributable to the New AC&T will be partially offset by the removal of the residence.
 - c. The Applicant will supplement the existing stormwater management elements with additional features to be located on the Property, where practicable.

4. The proposed RB District is not incompatible with existing land uses, cultural or historic resources or agricultural preservation efforts in the vicinity of the Property. The convenience store and gasoline pumps have operated in harmony with the surrounding land uses since the 1960s. The New AC&T will be constructed along Big Pool Road within the portion of the AC&T Parcel already overlaid with the RB District. The Property's location adjacent to Interstate 70 and along a Maryland state road classified as a minor collector makes it an ideal location for the RB District. The Property's previous zoning designation of "HI", acknowledges its proximity to Interstate 70 and further supports Applicant's position that the RB District is entirely appropriate at this location. Adequate distance and buffering exist between the Property and adjacent parcels as well as the nearby C & O Canal National Historical Park and Towpath, the Potomac River and Fort Frederick State Park which are zoned "P" Preservation. Moreover, granting this Application and allowing the Applicant to redevelop the Property preserves the agricultural resources in the area, which may otherwise be sought out as an alternative albeit less appropriate location for the RB District. Finally, the proposed Map Amendment sought by the Applicants satisfies the Bulk Regulations required by the Ordinance for the RB District:

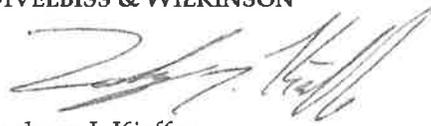
- a. Lot Size: Minimum 40,000 sf - the area of the proposed RB District will be +/- 4.59 acres when combined with the existing RB District overlay.
- b. Front Yard Building Setback: 40 feet from a Minor Collector or Local Public Road Right of Way; 50 feet from a Major Collector or Arterial Public Road Right of Way-The proposed redevelopment of the Property complies with the Front Yard Building Setback.
- c. Side and Rear Yard Building Setbacks: 50 feet from a property zoned for or occupied by a Residential Land Use; 25 feet from a property zoned for or occupied by a Non-Residential Land Use-The proposed redevelopment of the Property will comply with the Side and Rear Yard Building Setbacks.
- d. Height: No proposed or existing structure is or shall be greater than 35 feet in height.
- e. Lot Coverage: Maximum 65%. Impervious surface coverage does not exceed 65% of the Property. In fact the entire proposed RB District covers only 30% of the Property.
- f. Parking: Article 22, Division I of the Ordinance is applicable (a) "...for any new structure built or any new use established" (b) "Existing structures or uses that increase in size by 35% or more..." or (c) upon a change in the principle use of a structure or site requiring a greater number of parking or loading spaces. The Ordinance requires 53 parking spaces as shown on the concept plan. All on-site parking shall comply with Article 22, Division I of the Ordinance.
- g. Signage: No new signage is proposed at this time, any future signage shall conform to the requirements set forth in Section 22.23 of the Ordinance.

- h. Lighting: All building mounted or freestanding lighting, if any, shall use LED bulbs and be oriented so that light and glare are minimized and directed toward the ground.
- i. Outdoor storage is not intended on the Property.
- j. Screening: Trash, refuse or recycling receptacles shall be screened from public view as shown on Exhibit B. Further, screening between residential uses and the Property shall be in accordance with Section 5E.5(j)(3) of the Ordinance.

CONCLUSION

The Applicant respectfully requests that the Washington County Planning Commission recommend approval of its application for Map Amendment for the RB District floating zone and the Board of Commissioners for Washington County grant its application for Map Amendment.

Very truly yours,
DIVELBISS & WILKINSON



Zachary J. Kieffer
Attorney at Law
Email: zkieffer@divelbisslaw.com

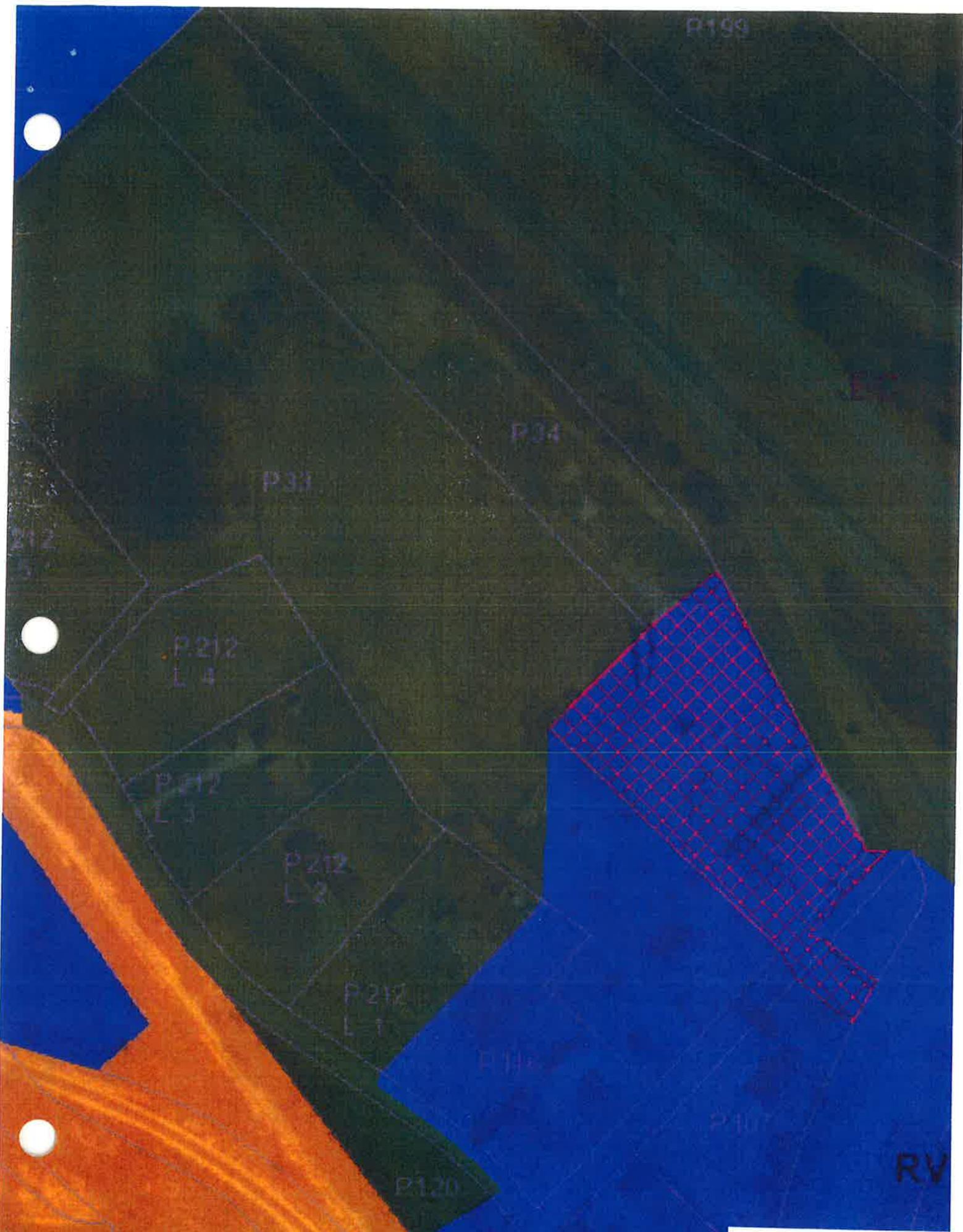


EXHIBIT A



September 8, 2017

Case #: RZ-17-005

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	Richard and Rhonda Mummert
	:	BSM Big Pool, LLC (Contract purchaser)
Applicant(s)	:	BSM Big Pool, LLC
Location	:	NW side of Ernstville Road, adjacent to I-70 eastbound exit ramp #12
Election District	:	#15 – Indian Springs
Comprehensive Plan Designation	:	Environmental Conservation
Zoning Map	:	45
Parcel(s)	:	P. 33
Acreage	:	9.73 acres (2.24 acres proposed for RB)
Existing Zoning	:	Environmental Conservation
Requested Zoning	:	Environmental Conservation with Rural Business (RB) overlay
Date of Hearing	:	September 25, 2017

Location and Description of Subject Properties

The subject parcel is located on the northwest side of Big Pool Road (MD Route 56) immediately adjacent to the Interstate 70 eastbound exit ramp #12. The parcel contains 9.73 acres of land and is currently improved with a residential structure and a few out buildings. The parcel is located in the Rural Area of the County as designated by the Comprehensive Plan. A portion of the property is also located within the Rural Village of Big Pool.



Figure 1: View of the subject area looking northwest.

Population Analysis

To evaluate the change in population, information was compiled from the US Census Bureau over a thirty-year time frame. A thirty year horizon was chosen to

show long term population trends both in the election district of the proposed rezoning, as well as the overall trends of the County.

The subject parcel is located in the Indian Springs Election District, #15. The Indian Springs Election District is about 46.9 square miles (30,025 acres) in size and has a population of approximately 2,057 people according to the 2010 Decennial Census. This averages to a population density of 43.8 persons per square mile. In comparison, the County has an average population density of 315 persons per square mile.

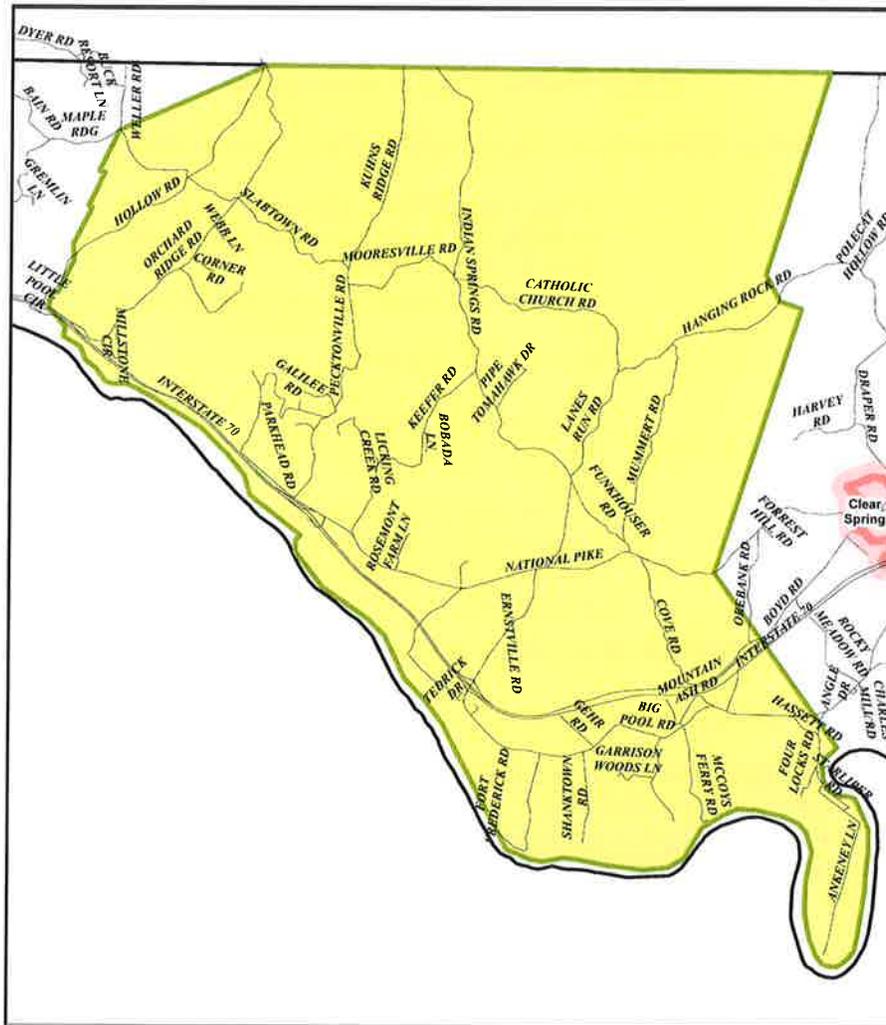


Figure 2 – Election District #15

As shown in the table below, this district has slowly grown in population by about 21.4% (or about 0.7% per year) over the thirty year period. During the same 30 year span, population in the County as a whole has increased by 30.37% (or 1.01% per year). It is evident from these figures that this election district has grown more slowly than the County as a whole and is one of the more sparsely populated areas per square mile.

Population Trends 1980 - 2010			
Year	Area	Population	% change from previous decade
1980	District	1694	
	County	113086	
1990	District	1842	8.7%
	County	121393	7.3%
2000	District	1975	7.2%
	County	131932	8.7%
2010	District	2057	4.2%
	County	147430	11.7%

Source: US Census Bureau

Availability of Public Facilities

Water and Sewerage

The adopted Water and Sewerage Plan for the County establishes the policies and recommendations for public water and sewer infrastructure to help guide development in a manner that helps promote healthy and adequate service to citizens. By its own decree, the purpose of the Washington County Water and Sewerage Plan is "...to provide for the continued health and well-being of Washington Countians and our downstream neighbors..."¹ This is achieved through implementing recommendations within the County Comprehensive Plan and the Water and Sewerage Plan to provide for services in a timely and efficient manner and by establishing an inventory of existing and programmed services.

Water:

The subject property is located within a W-7 (No Planned Service) service area as delineated in the 2009 Water and Sewerage Plan. There is no public water service available in the vicinity of this property; therefore, service will need to be provided by a private well.

While a current well location is not shown on the preliminary site plan, the applicant has stated within the narrative that there is believed to be a shared well on the property that serves both the existing residence and the neighboring convenience store.

According to the preliminary site plan and narrative of the justification statement it appears that the portion of the property seeking the RB floating zone designation will not contain any uses that will necessitate additional potable drinking water facilities. However, since it is expected that this property will ultimately be joined with the existing parcel containing the convenience store, the applicant has provided some additional information relating to wastewater facilities as a point of context.

According to the preliminary site plan and narrative of the justification statement it appears that the existing residence on this site will be demolished, thereby negating the need for water facilities on the site. The applicant also states that with the increase in size of the adjacent convenience store, an increase in water usage will also occur. It is the applicant's belief that the removal of the existing home site will offset the additional water capacity needed by the re-development on the adjacent parcel; and, therefore, the existing well will be capable of accommodating the increased water need. Well locations are approved by the County Health Department. The Health Department is also responsible for the monitoring of the well for water

¹ Washington County, Maryland Water and Sewerage Plan 2009 Update, Page I-2

quality issues. Copies of this application were sent to the County Health Department for review and comment and they responded that they had no comments regarding this application.

Wastewater:

The subject property is located within an S-7 (No Planned Service) service area as delineated in the 2009 Water and Sewerage Plan. There is no public sewerage service available in the vicinity of this property; therefore, service will need to be provided by an on-site septic system.

There is no indication of whether or not there is an existing septic system or other wastewater disposal method currently being used on the site. It is assumed that there is some method of disposal given the fact that the existing residence on the site is currently occupied and appears to have been occupied for several decades.

According to the preliminary site plan and narrative of the justification statement it appears that the portion of the property seeking the RB floating zone designation will not contain any uses that will necessitate additional wastewater facilities. However, since it is expected that this property will ultimately be joined with the existing parcel containing the convenience store the applicant has provided some additional information relating to wastewater facilities as a point of context.

According to the site plan and narrative of the justification statement, there is an existing septic system located on Parcel 34 that currently serves the existing convenience store. They believe that the existing septic system will be able to accommodate the slight increase in size of the convenience store. The County Health Department is responsible for approving the location and method of sewage disposal on individual properties in the County. Copies of this application were sent to the County Health Department for review and comment and they responded that they had no comments regarding this application.

Emergency Services

Fire:

The subject parcel is located within the service area of the Clear Spring Volunteer Fire Company (Company #4). The property is approximately 5.6 miles away from the fire station.

Emergency Rescue:

Emergency Rescue services are provided to both parcels by Clear Spring Rescue (Company #49). The property is located approximately 5.6 miles from the rescue station.

A copy of this application was sent to each of the volunteer companies as well as to the Washington County Division of Emergency Services. No comments have been received regarding this application.

Schools

The property is located within the school districts of Clear Spring Elementary, Clear Spring Middle, and Clear Spring High schools. The subject property is currently zoned EC (Environmental Conservation) which does permit limited residential uses. The requested change for the subject property to be rezoned to RB (Rural Business) would eliminate the potential for residential development and would therefore not have an impact on school capacities.

Present and Future Transportation Patterns

Highways

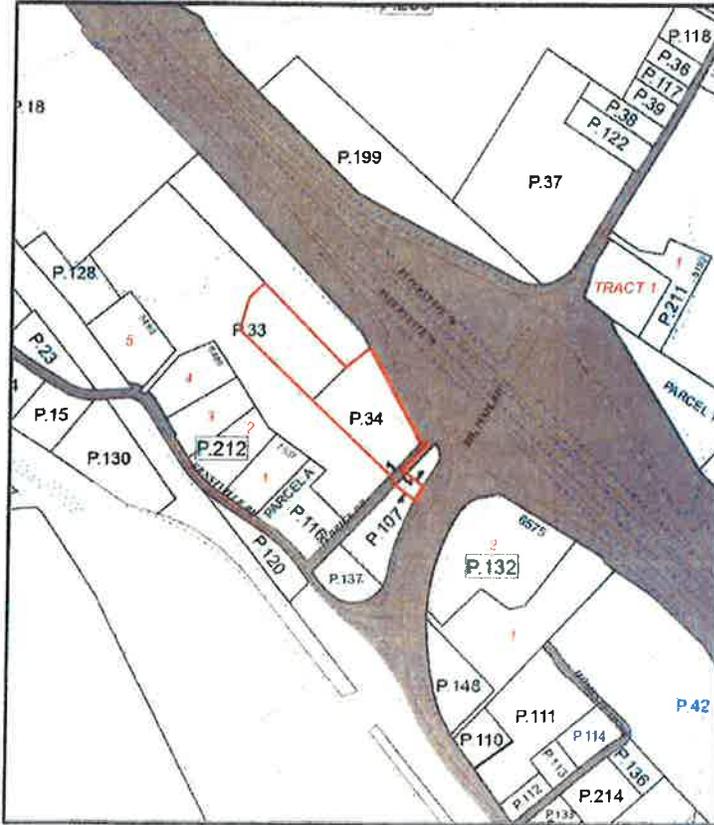


Figure 3: Vicinity Map of Interstate 70 at Big Pool Road

The subject parcel in this application has road frontage along Tedrick Drive; however, only a portion of the property is being considered for this application. The portion of the property being considered for rezoning is located to the rear (northwest) of Parcel 34 and technically has no road access. It is anticipated that the area being considered for rezoning will be added to the existing Parcel 34 and thereby have access onto Big Pool Road (Maryland Route 56) via an existing entrance currently serving Parcel 34.

As shown in Figure 3 there is a unique arrangement of the parcels in this area due to the installation of Interstate 70. Prior to the interstate system both Parcels 33 and 34 had direct access onto Big Pool Road (see Figure 4). The installation of the interstate bisected the road and forced a re-alignment of Big Pool Road and Ernstville Road. The remaining portion of the former Big Pool Road was renamed to Tedrick Drive and serves as access for the above mentioned parcels (see Figure 5). With loss of direct access to the State route the owners of Parcel 34 purchased a

small portion of land between MD 56 and Tedrick Drive to allow for direct access to the State route.

Maintaining the integrity of the County Highway system is an important subject to consider as part of any zoning application. There are two primary considerations when evaluating the functionality of the road network; mobility and access. Higher order roadways such as Interstates and Arterials typically have high traffic volumes and are designed to provide more mobility vs. access. Lower order roads such as local roads are designed to provide more access than mobility. Collector roads are designed to bridge the gap between higher order and lower order road systems by



Figure 4: Old Big Pool Road looking northeast circa 1977

providing both mobility and access.

Big Pool Road is classified as a "Minor Collector" roadway according to the Functional Road Classification Map in the Comprehensive Plan. In a rural setting, minor collector highways can expect traffic in the range of 500 to 1,500 ADT (Average Daily Traffic).



Figure 5: Fedrick Drive looking northeast (September, 2017)

To provide more specificity to this topic Staff has analyzed historic and existing traffic counts as well as any existing traffic impact studies that have occurred in the vicinity. Big Pool Road is a State Route and is therefore maintained and monitored by the Maryland State Highway Administration (SHA). Each year MD SHA releases data related to traffic counts in various areas of the State. It is important to understand that the traffic counts collected can vary widely from year to year depending upon numerous variables such as: counter location, time of day, and time of year. The data shown in the chart below has been derived from MD SHA traffic count data and is expressed in annual average daily traffic volumes.

In addition to analyzing traffic counter data from locations along Big Pool Road, data was also evaluated relating to Interstate 70 in the vicinity of the subject parcel. While this data does not have a direct correlation to traffic that occurs along the entire length of Big Pool Road, it is assumed that the existing gas station/convenience store use is a large generator of traffic in the very small section of Big Pool Road between the entrance to Parcel 34 and the westbound on-ramp to the Interstate and as such, should be included in the analysis.

Year	MD 56 east of Ernstville Road	I-70 Westbound east of MD 56
2015	471	43450
2010	472	39741
2005	475	40025
2000	725	37875
1995	375	24950
1990	500	na
1985	400	18275

Source: Maryland State Highway Administration

While Interstate 70 is considered a Federal Route, it is maintained by the Maryland State Highway Administration with federal funding. Therefore, the MD SHA also collects traffic count data for the interstate system as well as State routes. This application was sent to the Maryland State Highway Administration for review and comment. They replied back that they had no comments regarding this application.

Public Transportation

This area is not served by public transportation.

Compatibility with Existing and Proposed Development in the Area:

The subject parcel is currently zoned Environmental Conservation. The applicant is seeking to add a Rural Business floating zone to a portion of the property. The purpose of the Rural Business floating zone is "...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreational and



Figure 6: View from rear of Parcel 34 looking southwest (September, 2017)

tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County....".

The subject property is located between two designated Rural Villages; Ernstville and Big Pool. There are a few lots to the south of the property also zoned Environmental Conservation that are sandwiched between the two Rural Villages. The property is bounded on the north side by Interstate 70.

The property is located within 1,000 feet of the C&O Canal towpath and the Western Maryland Rail Trail and is surrounded by primarily residential, agricultural, and open space uses. Other than the property immediately adjacent that contains an existing gas station/retail store, there is only one other property zoned Rural Business within a one-half mile radius of the property.

Another important component of compatibility is the location of historic structures on and around the parcels being proposed for rezoning. According to the Washington County Historic Sites Survey there are several existing historical resources located within a 0.5 mile radius of the proposed rezoning areas.

First, the property is located within a designated historic district known as Ernstville-Big Pool. According to the architectural historian who documented this area, "*The Ernstville-Big Pool area is predominantly a late 19th century community which apparently developed along the Western Maryland Railroad, the C & O Canal, and the Potomac River. Most of the houses appear to be of frame construction or sided log.*" While noted as a district in the Maryland Inventory of Historic Properties, there has been no official detailed investigation of the area. There are no additional restrictions on the properties located within the district.

Another historic resource associated with this area was the old Ernstville Road Bridge (WA-V-417). The historic bridge has been removed and replaced with a more modern facility. The uniqueness of the bridge was related to its construction which included a timber deck and floor beams. It was also designated as being historically significant because of its function. This bridge served to span access over the Western Maryland Railroad to the rural villages of Ernstville and Big Pool. When the railroad was built in the early 1800s it bisected these rural communities from access to the C&O Canal and the Potomac River. Both of which served as major access points to regional trade areas such as Hagerstown and ultimately Washington DC.

There are two other historic resources identified in the Maryland Historic Sites Inventory that are within a one-half mile radius of the subject site. Neither of the sites appear to have any detailed information relating to their designation, therefore an analysis of their historic relevance is not possible at this time.

According to the limited data provided by the Maryland Historical Trust it appears that one of the resources (WA-V-433) is an old SHA culvert that crosses under MD 56 to allow drainage of an existing tributary stream to the Potomac River. The other resource (WA-V-262) appears to be a residential structure built in the early 1900s.

Relationship of the Proposed Change to the Adopted Plan for the County:

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create a harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

The subject parcel is split between the sub-policy areas of Environmental Conservation and Rural Village. The portion of the property being proposed for an expansion of the RB floating zone is located entirely within the Environmental Conservation sub-policy area. The Comprehensive Plan offers the following recommendations for this policy area:

Environmental Conservation Policy Area recommendations:

"This policy area is associated with locations in the County where environmental sensitivity issues are prominent enough to warrant constraints on development. It includes steep slopes and forested areas on mountainsides as well as the steep slopes, flood plains, and forested areas along the Potomac River, Conococheague Creek, lower Antietam Creek, and Beaver Creek."²

"Because of environmental sensitivity these areas warrant special consideration regarding development and construction. Lack of coordination can easily cause environmental degradation to occur."³

The Comprehensive Plan also addresses the existence of rural business and how to address the expansion and establishment of new businesses. The Plan offers the following recommendations for rural business development:

Rural Business Development recommendations:

"No specific policy area is recommended to be created to address rural business development. It is recommended that few business be allowed by right in the rural policy areas. Most of the businesses that should be allowed by right would be associated with or support the agricultural industry."

"A new zoning classification called Rural Business is recommended to address business development in the rural policy area. The Rural Businesses Overlay District would be permitted to be located anywhere in the Rural District not prohibited by other constraints in the Zoning Ordinance. Uses should be limited to those supporting tourism development or needed to provide services to the residential population."⁴

Change in the Character of the Neighborhood or Mistake in Original Zoning Rule

The Rural Business zoning district has been established as a "floating zone" within the County Zoning Ordinance. This designation provides more flexibility than that of traditional Euclidean zoning. As such, applicants seeking to apply the Rural Business Floating Zone are not required to comply with the change or mistake rule.

² 2002 Washington County Comprehensive Plan, Chapter 12 Land Use Plan, p. 249.

³ *Ibid.*

⁴ *Ibid.* Pages 253-254.

For a property to be eligible to receive the RB floating zoned designation, there are four basic criteria that first need to be met:

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed RB District has safe and usable road access on a road that meets the standards under the "Policy for Determining Adequacy of Existing Roads". In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, floodplains, etc. can be adequately addressed; and
4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

In addition, although the change or mistake rule is not applicable, the Planning Commission and the Board of County Commissioners are required in their deliberations to establish express findings that, at a minimum, consider the purpose of the proposed Rural Business zoning classification, the applicable policies of the Comprehensive Plan and the Zoning Ordinance, and the compatibility of the proposed RB district with neighboring properties.

Staff Analysis:

In accordance with Section 5E.6 of the Washington County Zoning Ordinance the procedure for creation of a new RB zoning district includes the Planning Commission making a recommendation to the Board of County Commissioners on six points of interest. These points are outlined and analyzed below.

1. The proposed district will accomplish the purpose of the RB District.

As stated previously, the purpose of the Rural Business floating zone is "...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreational and tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County...". In this case the property seeking the RB floating zone is effectively an extension of the existing use on the adjacent property, Parcel 34. On the parcel adjacent to the subject site, the applicant is proposing to demolish the existing convenience store, relocate the store closer to the Interstate, and increase the size of the store to about 6,500 square feet.

The new structure will have a mixed retail use that includes about 4,300 square feet for the convenience store and 2,300 square feet for a restaurant/dine-in area. In addition the applicant is proposing to relocate the existing fuel canopy to align with the new location of the store structure. The fuel canopy is expected to remain about the same size of 5,000 square feet.

This re-development of the existing site is also the genesis of the requested zoning change. Currently the adjacent parcel has an area related to commercial truck traffic that includes a two-pump fuel island and between 8+/- parking spaces for trucks. With the relocation and expansion of the convenience store it is necessary to relocate this area relating to commercial truck traffic. As such, the applicant is proposing to create a larger queueing area for trucks lining up to fuel and increase the number of diesel fuel pumps on the subject rezoning site.

Both convenience stores (with or without fueling stations) and restaurants are principally permitted uses in the Rural Business overlay district. It should be noted that convenience stores are limited by definition to 5,000 square feet of retail area including the fuel canopies. It is obvious on the preliminary site plan that the proposal for the convenience store (including fuel canopies) exceeds the defined limitation.

While the proposed re-development of the adjacent parcel does not seem to adhere to the Zoning Ordinance definition of a permitted convenience store, that portion of the site plan is not part of what is being analyzed for this case. For the purposes of this analysis, the case is limited to the development proposed on the areas requesting to be rezoned. It appears that the only uses proposed on the subject site are fueling stations and additional paved area which are permitted in the RB district. The re-development that occurs on the adjacent parcel will have further review later as part of a formal site plan submittal.

2. The proposed site development meets criteria identified in Section 5E.4 of this Article [Article 5E – Rural Business District].

a. The proposed RB District is outside of any designated growth area.

The subject parcel is in fact located outside of any designated growth area boundary as illustrated in the adopted Plan for the County.

b. The proposed RB District has safe and usable road access...

While the portion of the property requesting the RB floating zone has no direct road access the assumption is that the land will be added to the existing Rural Business area. The existing business has an existing access point onto Big Pool Road which is also known as State Route 56. The applicant is proposing to maintain this entrance; and, therefore, there appears to be a safe and usable access point for this rezoning request.

c. On-site issues relating to sewage disposal, water supply, stormwater management, etc. can be adequately addressed.

As already discussed in previous sections of this report, there appears to be adequate room to properly handle the proposed expansion of the adjacent use onto the area proposed for rezoning.

d. The location of the RB District would not be incompatible with existing uses, cultural or historic resources or agricultural preservation efforts.

There are only a few historic resources documented within one-half mile of the proposed rezoning area and there appears to be no negative impact of the proposal on these resources. There are no agricultural land preservation easements or districts within a one-half mile radius of the proposed rezoning. Furthermore, there appears to be no imminent plans for land preservation on or around the proposed rezoning area.

3. The road providing access to the site is appropriate for...the proposed RB land use.

This issue has already been discussed in other portions of this report. There appears to be good access already existing to the site and there are no proposals to alter the access point.

4. Adequate sight distance along roads can be provided at proposed point of access to the site.

There is no direct access to the proposed rezoning site. It is presumed that the area proposed for rezoning will be added to the adjacent parcel. The adjacent parcel already has an approved entrance to the highway and the proposed changes on the site do not appear to raise alarm to the functionality of the existing entrance.

5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from the existing land uses in the vicinity.

The applicant is proposing to buffer the entire length of the southwest boundary of the property to shield the expansion of area relating to traffic movement from the neighboring residential properties. Given that there is existing vehicular traffic in this general vicinity, the addition of a vegetative buffer will greatly help shield neighboring properties from light spillover.

6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

The area proposed for rezoning is currently vacant and unimproved. It contains mostly wide open meadow area bounded on the northwest by forest area. According to the preliminary site plan provided by the applicant, it appears that the area in question is proposed to expand the area related to commercial truck traffic and provide a better flow of internal traffic overall. Also proposed for the rezoning area is a new diesel canopy that will be slightly larger than the existing one on the adjacent parcel.

Based upon historic and projected traffic count trends, there is an assumption that interstate traffic will continue to increase in this area and in the County as a whole. With this assumption in place it would also be easy to assume that support industries such as gas stations and convenience stores will continue to see increased use.

It seems a logical conclusion, therefore, that the area requested for rezoning is meant to work in concert with the existing adjacent commercial area. This expansion of services seems logical and appropriate given that the area requested for rezoning is only 2.24 acres in size, is adjacent to an existing commercial use also zoned with an RB overlay, and is directly adjacent to the interstate. In addition, the applicant has made a concerted effort to keep all development activities at the furthest distance from existing residential areas as possible. There is also a continuous line of vegetative screening proposed to separate the proposed rezoning area from the existing residential development.

Recommendation:

Based on the information provided by the applicant in the initial application and further analysis by Staff, we believe that there has been adequate evidence submitted to meet the various criteria that would support the application of a Rural Business floating zone to the subject area.

Respectfully submitted,



Jill Baker
Chief Planner



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

October 30, 2017

RZ-17-005

**APPLICATION FOR MAP AMENDMENT
PLANNING COMMISSION RECOMMENDATION**

Property owner(s): Richard and Rhonda Mummert
BSM Big Pool, LLC (Contract purchaser)
Applicant(s): BSM Big Pool, LLC
Location: Northwest side of Ernstville Road, adjacent to I-70 eastbound exit ramp #12
Election District: #15 – Indian Springs
Comprehensive Plan Designation: Environmental Conservation
Zoning Map: 45
Parcel(s): Parcel 33
Acreage: 9.73 acres (2.24 acres proposed for RB)
Existing Zoning: Environmental Conservation
Requested Zoning: RB - Rural Business floating zone
Date of Public Meeting: September 25, 2017

RECOMMENDATION

The Washington County Planning Commission took action at its regular meeting held on Monday, October 2, 2017 to recommend approval of Map Amendment RZ-17-005 to the Board of County Commissioners. The Commission considered the application, the supporting documentation submitted with the application, and the applicant's presentation during the public rezoning information meeting. The Commission also considered the Staff Report and Analysis, verbal comments of interested parties provided during the public rezoning information meeting, written comments received by the Department of Planning & Zoning, and the specific items for consideration of Section 5E.6.c in the Zoning Ordinance. It is the Planning Commission's opinion that the application meets the criteria set forth in Section 5E4.b of the County's Zoning Ordinance to establish the RB district in this location.

Copies of the application, Staff Report and Analysis, written comments, unapproved minutes of the September 25, 2017 public rezoning meeting and the October 2, 2017 regular meeting are attached.

Respectfully submitted,

Stephen T. Goodrich, Director
Washington County Department of
Planning & Zoning

JLB/STG/dse

Attachments

cc: Zachary Kieffer, Divelbiss & Wilkinson
Kirk Downey



Agenda Report Form

Open Session Item

SUBJECT: Consensus Discussion for Text Amendment – RZ-17-007

PRESENTATION DATE: January 16, 2018

PRESENTATION BY: Jill Baker, Chief Planner, Washington County Department of Planning and Zoning

RECOMMENDED MOTION: Consensus on changes to the proposed text amendments.

REPORT-IN-BRIEF: Application has been made to amend portions of the Washington County Zoning Ordinance included in Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10, and 28A. The purpose of the amendments is to correct, clarify, and add new language related to boarding facilities, tourist homes, boarding and rooming houses, bed and breakfasts, country inns, and banquet/event facilities. One person spoke in favor of the amendments and one person spoke in opposition to the amendments during the public hearing. Staff has also received written comments from one person in favor of the amendment and three people in opposition to the request.

DISCUSSION: Detailed discussion of the amendments can be found in the Staff Report and Analysis dated September 8, 2017.

FISCAL IMPACT: None

ALTERNATIVES: N/A

ATTACHMENTS: Staff Report and Analysis dated September 8, 2017
Proposed text amendments
Planning Commission Recommendation dated October 19, 2017

October 19, 2017

RZ-17-007

**APPLICATION FOR TEXT AMENDMENT
PLANNING COMMISSION RECOMMENDATION
Articles: 3, 5A, 5B, 5C, 7A, 8, 9, 10, 28A**

RECOMMENDATION

On October 2, 2017, the Planning Commission held a public rezoning information meeting to consider text amendments to Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10, and 28A of the Washington County Zoning Ordinance to correct, clarify and add new language related to boarding facilities, tourist homes, boarding and rooming homes, bed and breakfasts, country inns, and banquet/event facilities. Following a staff summary of the purpose and effects of the proposed amendments, one person spoke in favor of the proposed changes during the public information meeting and submitted written comments. The Washington County Planning Commission took action at its regular meeting held on Monday, October 2, 2017 to recommend approval of Text Amendment RZ-17-007 to the Board of County Commissioners.

Copies of the application, the Staff Report and Analysis, public comments received by the Department of Planning & Zoning, unapproved minutes of the September 25, 2017 public information meeting, and unapproved minutes of the October 2, 2017 regular meeting are attached.

Respectfully submitted,

Stephen T. Goodrich, Director
Washington County Department of
Planning & Zoning

JLB/STG/dse

Attachments

cc: Kirk Downey
file

RZ-17-007
 PROPOSED TEXT AMENDMENTS FOR PUBLIC HEARING
 ACCOMMODATION FACILITIES AND EVENT FACILITIES

**(1) ARTICLE 3 – DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES;
 LAND USE REGULATIONS (RURAL AREA USES)**

Section 3.3 (1) Table of Land Use Regulations

A(R)-Agriculture (Rural)
 EC – Environmental Conservation
 P – Preservation
 RV – Rural Village
 RB – Rural Business
 IM – Industrial Mineral

Table No. 3.3(1)
 TABLE OF LAND USE REGULATIONS
 (RURAL AREA USES)

LAND USES	A(R)	EC	P	RV	RB	IM
B. Accommodations and Food Services						
Banquet/Reception Facilities	SE	SE	SE	SE	P	N
Bed and Breakfast; <u>up to five (5) guest rooms</u>	SEA	SEA	SEA	PSE	P	N
Boarding or Rooming houses	NSE	NSE	NSE	P	P	N
<u>Country Inn</u>	SE	SE	SE	SE	P	N

(2) ARTICLE 5A – “A(R)” AGRICULTURE (RURAL) DISTRICT

Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
<u>Banquet/Reception Facilities</u>	<u>5 ac</u>	<u>300 ft</u>	<u>50 ft</u>	<u>100 ft</u>	<u>50 ft</u>

(3) ARTICLE 5B – “EC” ENVIRONMENTAL CONSERVATION DISTRICT

Section 5B.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
<u>Banquet/Reception Facilities</u>	<u>5 ac</u>	<u>300 ft</u>	<u>50 ft</u>	<u>100 ft</u>	<u>50 ft</u>

(4) ARTICLE 5C – “P” PRESERVATION DISTRICT

Section 5C.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

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	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 ac	300 ft	50 ft	100 ft	50 ft

(5) ARTICLE 7A – “RT” RESIDENTIAL, TRANSITION DISTRICT

Section 7A.2 Special Exception Uses

- (e) Bed and Breakfast; up to five (5) guest rooms
- (f) Board or Rooming Homes
- (g) Banquet/Reception Facilities

Section 7A.3 Accessory Uses

- ~~(e) The keeping of not more than four (4) roomers or boarders by a resident family.~~

Section 7A.5(a) Lot Area, Lot Width, and Yard Setback Requirements

Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth
Banquet/Reception Facilities	5 ac	300 ft	n/a	50 ft	100 ft	50 ft

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(6) ARTICLE 8 – “RS” RESIDENTIAL, SUBURBAN DISTRICT

Section 8.2 Special Exception Uses

- (a) Boarding or Rooming houses ~~or tourist homes~~
- (j) Banquet/Reception Facilities

Section 8.3 Accessory Uses

- (a) Accessory buildings or uses customarily incidental to any principal permitted use or authorized conditional use.
- ~~(b) Keeping of roomers or tourists by a resident family.~~
- ~~(c)(b)~~ Swimming pools, tennis and other similar courts when accessory to a residence.

Section 8.5(a) Lot Area, Lot Width, and Yard Setback Requirements

Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth
<u>Banquet/Reception Facilities</u>	<u>5ac</u>	<u>300 ft</u>	<u>n/a</u>	<u>50 ft</u>	<u>100 ft</u>	<u>50 ft</u>

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(7) ARTICLE 9 – “RU” RESIDENTIAL, URBAN DISTRICT

Section 9.2 Special Exception Uses

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(b) Boarding or rooming houses ~~or tourist homes~~

(i) Bed and Breakfast; up to five (5) guest rooms

(j) Banquet/Reception Facilities

Section 9.5 Lot Area, Lot Width and Yard Setback Requirements

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Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth
<u>Banquet/Reception Facilities</u>	<u>5 ac</u>	<u>300 ft</u>	<u>n/a</u>	<u>50 ft</u>	<u>100 ft</u>	<u>50 ft</u>

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(8) ARTICLE 10 – “RM” RESIDENTIAL MULTI-FAMILY

Section 10.2 Special Exception Uses

(a) Boarding or rooming houses ~~or tourist homes~~

(k) Banquet/Reception Facilities

Section 10.5 Lot Area, Lot Width, and Density Requirements

Use	Lot Area	Lot Width	Lot Area per Family	Front Yard Depth	Side yard (Width each side yard)	Rear Yard Depth	Maximum Density
<u>Banquet/Reception Facilities</u>	<u>5ac</u>	<u>300 ft</u>	<u>n/a</u>	<u>50 ft</u>	<u>100 ft</u>	<u>50 ft</u>	<u>n/a</u>

(9) ARTICLE 28A DEFINITIONS

Banquet/Reception Facilities:

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Commercial establishment engaged in the provision of meeting or congregation facilities for special events such as weddings, parties, public meetings, and social gatherings. Such

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facilities may ~~or may not~~ include on-site catering services. Restaurants are not included as part of this definition. ~~Such uses may be accessory when associated with hotels, motels, or resorts.~~

Bed and Breakfast:

An owner occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Such uses shall be limited to no more than five (5) guest rooms. A bed and breakfast may be an accessory use when located within the principle structure in the A, EC, P, and RV districts.

Boarding House:

A private dwelling unit ~~or part thereof~~ in which for compensation, lodging and possibly meals are provided to no more than four (4) roomers/boarders by a resident family. Rooms are offered on a single room occupancy basis and sanitary facilities may be shared. A common cooking area may be provided. Lodging is provided on no less than a month-to-month basis.

Country Inn:

A structure located outside of a designated growth area in which overnight or otherwise temporary lodging and meals are provided in exchange for compensation, to transient guests in not more than ten (10) guest rooms, and may include: banquet/reception facilities, catering for on-site events, and meeting rooms. Restaurants are not included as part of this definition.

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DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

RZ-17-007

September 8, 2017

WASHINGTON COUNTY ZONING ORDINANCE
TEXT AMENDMENT
STAFF REPORT AND ANALYSIS

ARTICLES 3, 5A, 5B, 5C, 7A, 8, 9, 10, 28A

Proposal: Application is being made to amend several sections of the Zoning Ordinance to correct and clarify language related to boarding facilities and event facilities.

Staff Report: The purpose of these amendments is to better clarify the varying types of boarding facilities in the County and provide more opportunities for the establishment of event facilities in the Urban Area.

Through the evolution of the Zoning Ordinance there have been many terms given to the issue of boarding of non-family members. Current terms in the Ordinance include boarding houses, rooming homes, tourist homes, bed and breakfast, etc. While generally having the same purpose, there are subtle differences that can mean a difference in intensities. There are differences between location, ownership, and number of renters. The purpose of these amendments is to better clarify and define the different intensities.

Also, there has been an increasing demand for "unconventional" wedding and reception facilities throughout the County. With this, there has been interest shown in allowing these types of facilities not just in the rural areas of the County but also in the urban areas. The purpose of the amendments relating to event facilities is to provide more opportunity for these types of uses in the growth areas.

Analysis: There are two general categories of amendments being proposed as part of this application. A brief outline of each amendment is listed below.

- A) The first set of amendments proposed as part of this application relates to the various types of boarding facilities uses currently outlined in the Zoning Ordinance. Since the inception of the Ordinance in 1973, there have been opportunities for private residences to "board" or "room" non-family members in their home for compensation. This amendment seeks to continue these uses but use more modern terms and clarify the different levels of intensity so that citizens can have a clear expectation of the various types of boarding facilities.

To begin analyzing these amendments, it is important to understand that boarding facilities, while being similar in the type of use, can have varying degrees of intensity and therefore varying impacts on neighboring properties and infrastructure. To define different levels of intensity, Staff looked specifically at three variables: 1) owner occupied vs. non-owner occupied; 2) duration of stay; and 3) number of rooms available for boarders.

Past experience has provided evidence that owner occupied structures vs. non-owner occupied structures have a tendency to receive more care and attention both from a visual standpoint as well as from a social aspect. People are more apt to be considerate of their neighbor if they have to live there and see them every day. So from this perspective it is at least perceived by most people that owner occupied structures are less objectionable than non-owner occupied.

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Duration of stay is a more subjective qualifier than the other two intensity factors. It is generally a function of the other two factors put together. Length of stay can depend on the number of rooms available and whether or not the structure is owner or non-owner occupied.

The number of rooms available for boarding is probably the most definitive way we can measure intensity. The more rooms available means more traffic, more parking, and in general more overall impact on our infrastructure.

Currently the Zoning Ordinance has three different terms that basically mean the same thing: boarding house, rooming house, and tourist house. In addition, some districts in the Ordinance also allow for "the keeping of not more than four (4) roomers or boarders by a resident family". The subtle differences between these terms are whether or not they are owner occupied and the number of occupants permitted. The current definition of a boarding house does not require the dwelling to be owner occupied nor does it limit the number of occupants, while the keeping of roomers and boarders use is explicit that the dwelling be owner occupied and it is limited to 4 roomers or boarders.

Staff is proposing to clarify this issue by combining all of these uses into one term, "boarding house", and modifying the definition to include a limit on the number of boarders, a defined duration of stay, and a statement that the dwelling be owner occupied. There are several reasons for this change. First, the current terminology is confusing and conflicting. By combining all of these terms it simplifies the intent of the use and gives all citizens an expectation of intensity. Second, there are currently no definitions for roomer or tourist homes in the ordinance. Tourist home in and of itself is a dated term that no longer applies to most jurisdictions so these changes are modernizing our Ordinance. Lastly, while some people are seeking ways to gain more income, these changes provide that opportunity while still protecting the intent of a residential neighborhood to be residential not commercial.

The next set of changes relating to boarding facilities is the Bed and Breakfast use. Currently, the Zoning Ordinance includes in the definition of a Bed and Breakfast that they can be considered an accessory use in the AR, EC, P, and RV zoning districts. However, in the Table of Land Use Regulations for the Rural Area, Bed and Breakfast is listed as a Special Exception use in the AR, EC, P and RV districts. To rectify this conflict, the definition of Bed and Breakfast is being changed to eliminate the language stating that it is an accessory use in specified districts. The Table of Land Use Regulations is therefore being changed to allow the use as an accessory use rather than a special exception use. Also being changed to the definition of a B&B is adding a definitive number of rooms that are permitted. Similar to the boarding homes, adding a defined number of rooms provides an expectation of intensity by neighbors. The five room limit was chosen to coincide with the Building code regulations for sprinkler systems. Any structure with more than 5 guest rooms is considered a commercial use and therefore requires a sprinkler system be installed. This provides a consistent breaking point between local Ordinances that define residential from commercial uses.

The final set of changes relating to boarding facilities is the addition of a new use called "Country Inns". The purpose of this addition is two-fold. First, Staff felt that there is a potential demand for larger homes in the Rural Areas of the County to accommodate more than the 5 room limitation of a bed and breakfast. Also, the requirement of boarding facilities being owner occupied could be difficult for those who want to run a small business but not live there. Lastly, as stated previously, the building code limits the number of guest rooms to 5 before sprinkler systems must be installed. For those individuals who wanted to accommodate slightly more rooms they would not be able to justify the additional cost of a sprinkler system.

There has always been the stated desire to promote more tourism related businesses in the County; however, there is also a balance that needs to be struck between promoting the rural nature of the County with small commercial businesses and overrunning the rural area with

consideration, Staff concluded that 10 rooms seemed to be a good fit for the rural areas of the County. This would allow double the capacity of a typical B&B but still remain small enough to fit into the character of the rural areas of the County. Therefore, the new definition for a Country Inn provides for the installation of up to 10 rooms and does not require that the residence be owner occupied.

- B) The other set of amendments included in this case are related to the location of banquet and reception facilities. Currently the Zoning Ordinance allows for these types of venues to occur as a special exception use in the rural areas as well as principal permitted uses in the commercial districts.

It has been brought to our attention that there may be other areas within the County, specifically within the growth areas, that may also be suitable for these types of uses. As “unconventional” reception facilities are gaining in popularity, the County has sought to allow property owners to capitalize on these opportunities by recently including language into the Zoning Ordinance to define these uses and provide locations where these types of facilities should be located.

Recently there have been inquiries into allowing reception facilities to be located in residential zoning districts inside established growth area boundaries. At first glance it seems illogical and contrary to all our local land use policies to allow fairly intense commercial uses such as reception facilities in residential areas.

After further review, however, there are unique areas within the Urban Growth Area that may provide opportunities for reception facilities without disturbing the residential nature of an area. Many of these locations are distinguished as being part of an old farm that has since developed over time. These areas typically have larger lot sizes and still contain the original farmhouse and some of the accompanying out buildings such as barns, spring houses, milking parlors, etc. These unique areas provide historic context to the urbanization of the County and how agriculture is still a strong economic driver in the County.

Therefore, Staff has concluded that some of these areas may be appropriate for reception type uses even though the property may be zoned residentially. There are a few characteristics that provide a similar pattern of where these types of uses may be permitted. First, the property should be at least 5 acres in size. This provides buffer areas for neighboring residential uses and helps limit use conflicts. Also, Staff is proposing larger setbacks and lot widths for properties wishing to establish this type of use. Again, the purpose is to provide distance between incompatible uses. Lastly, Staff is recommending that reception facilities only be permitted by special exception use. This ensures that new reception facilities go through a public hearing process whereby neighbors may express their concerns and opinions about the new use. It also provides the opportunity for additional restrictions on the property relating to hours of operation, landscaping, screening, etc. to minimize potential conflicts.

Staff Recommendation: Based upon feedback and comments from other government agencies, developers, property owners, and the general public, Staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations.

Respectfully submitted,



Jill L. Baker
Chief Planner



Agenda Report Form

Open Session Item

SUBJECT: Contract Award (PUR-1369) – Web Site Design, Development and Build Services

PRESENTATION DATE: January 16, 2018

PRESENTATION BY: Rick Curry, CPPO – Director of Purchasing, Danielle Crabb – Director of Public Relations & Marketing, and Lauren Pogue – Marketing Specialist

RECOMMENDED MOTION: Move to award the contract for providing Web Site Design, Development, and Build Services and for all other related work to the recommended vendor.

REPORT-IN-BRIEF: Attached is an excerpt from the Request for Proposal (RFP) document of the “Scope of Services” to be rendered under this contract. The RFP was advertised locally in the newspaper and on the County’s web site, as well as on the State’s “eMaryland Marketplace” web site. One hundred sixty-nine (169) persons/companies registered/downloaded the RFP document on-line. The following persons served as members on the Coordinating Committee: Director of Information Systems (Committee Chairman Designee), Director of Purchasing, Deputy Director of Information Systems, Chief of Design – Engineering, Marketing Specialist, IT Services Specialist II, and Communications Coordinator.

Six (6) firms were represented at the pre-proposal conference. Twenty-three (23) proposals were received for the subject services. Qualifications & Experience/Technical Proposals of four (4) firms were considered to be responsive, and as result the Price Proposal of the firms were opened and interviews were held with three (3) of the firm’s team, evaluated, and an award recommended herein.

DISCUSSION: N/A

FISCAL IMPACT: Capital Improvement Plan (CIP) account No. 30-10310-COM029 will be utilized to cover costs.

CONCURRENCES: As unanimously recommended by the Coordinating Committee that included the Directors from Division of Information System, Director of Purchasing, Chief of Design – Engineering, Marketing Specialist, IT Services Specialist II, and Communications Coordinator.

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

SUBJECT: Maryland Theatre Request

PRESENTATION DATE: Tuesday January 16, 2018

PRESENTATION BY: Robert Slocum, County Administrator

RECOMMENDED MOTION: Motion to be determined

REPORT-IN-BRIEF: The Maryland Theatre (Theatre) first presented a grant request to the City of Hagerstown Mayor and Council (City) and Washington County Board of County Commissioners (County) in an October 10, 2017 joint session meeting. The Theatre presented a December 17, 2017 letter to the County on December 19, 2017 in a regularly scheduled meeting. The purpose of this presentation is to seek consensus upon a response to the Theatre's request. The County Administrator is an ex officio member of the Theatre board.

DISCUSSION:

Request One:

The City and County to grant \$3 Million "allocated between the City and County as you deem necessary."

Background:

- a. The County has a longstanding commitment of \$4.5 Million to the Urban Improvement Project (UIP).
- b. \$500,000 of the same \$4.5 Million has long been obligated to the Theatre design, which is now nearly complete and ready for bid.
- c. The County is administering in kind procurement and inspection for the Theatre to the project. The in kind services will help to ensure the grant funding criteria are met and state grant reimbursement received. The value of in kind services may be roughly approximated at \$250,000 for staff time and ancillary expenses.
- d. \$4 Million of the same \$4.5 Million is committed under the UIP Memorandum of Understanding (MOU) as follows "Continue to fund the \$4 million to fund half of the planning and design work inclusive of demolition for the Board of Education component (BOE) of the Urban Education Campus (UEC). The remaining amount will be released as needed during the construction completion."

- e. The BOE has received additional state funding and is now planning a fifth story to the Barbara Ingram School for the Arts (BISFA) building, since the MOU was executed.
- f. The BOE will receive bids upon the BISFA building in the spring of 2018. The building construction may require less match from the BOE and County than the maximum allowed under the UIP MOU.
- g. Upon receipt of the BISFA building bids, BOE and/or staff will advise the County and/or staff of the matching funds required under the UIP MOU.

Recommendation:

Upon receipt of the match required by the BOE, the County consider the remaining funds, if any, for the Theatre, up to \$2.0 Million.

Request Two:

The County forward fund \$5 Million committed to the Theatre from the Governor's funding, in the form of a Capital Projects Grant Agreement.

Background:

- a. The Governor committed a total of \$7.5 Million over five years for the UIP. The funding is scheduled in the state budget through Fiscal Year 2022.
- b. The Theatre portion of the Governor's funding will be available in fiscal years 2021 and 2022.
- c. In addition to \$5 Million to the Theatre, \$2.5 Million of the above has been dedicated to the Board of Education.
- d. The County will administer the Theatre's portion of the Governor's funding.
- e. Per the Capital Projects Grant Agreement approved by the County, reimbursement of the Governor's funding will be submitted directly to the County.

Recommendation:

The County commit to the request immediately. Release of funds consistent with the sub recipient agreement will be pending a satisfactory review of the Theatre project budget, to include all funding sources, by the County prior to advertisement and post bid.

Request Three:

“Work in collaboration with the local banks to each fund 50% of the private pledges raised by the Maryland Theatre. This amount is currently projected to be \$2 million...Private Pledges are being paid over a five-year period”

Background:

- a. The Theatre has collaborated with private lending institutions to finance private contribution commitments such that pending commitments are available to advertise the project.
- b. The current Board has not forward funded private campaigns. Nor is the County in a position to collaborate with private lending institutions for a third party project.

Recommendation:

While it is understood that the private funding campaign will meet success, the County is not prepared nor secured to participate in the funding of private campaign contributions.

FISCAL IMPACT: The recommendations above will have no fiscal impact, beyond the MOU in place.

CONCURRENCES:

ALTERNATIVES: Any combination, modification, or rejection of the above recommendations

ATTACHMENTS: None

AUDIO/VISUAL: None