

WASHINGTON COUNTY PLANNING COMMISSION
PUBLIC REZONING INPUT MEETING AND REGULAR MEETING
July 7, 2025

The Washington County Planning Commission held a public rezoning input meeting and its regular monthly meeting on Monday, July 7, 2025 at 6:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

CALL TO ORDER AND ROLL CALL

The Chairman called meeting to order at 6:00 p.m.

Planning Commission members present were: David Kline, Chairman; Jeff Semler, Vice-Chairman; Denny Reeder, Jay Miller, Terrie Shank, BJ Goetz, and Ex-officio County Commissioner Randy Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Senior Planner; Misty Wagner-Grillo and Scott Stotelmyer, Planners; and Debra Eckard, Office Manager.

PUBLIC REZONING INPUT MEETING

Fast Gas Company [RZ-25-006]

Mr. Allen presented a map amendment application to rezone three properties near the intersection of Virginia Avenue and Brookmeade Circle totaling 0.891 acres from RT (Residential Transition) to HI (Highway Interchange). The two properties located on Virginia Avenue are improved with single-family homes and the parcel on Brookmeade Circle is unimproved except for five (5) truck parking spaces. Public water is provided by the City of Hagerstown and public sewer is provided by Washington County to these sites. The existing RT zoning predominately matches the zoning of the properties located to the east. At the interchange of I-81, there are several properties zoned HI on both sides of the interchange. North of the site is a block of parcels zoned for multi-family uses and southwest of the site are parcels zoned PI (Planned Industrial). Land uses follow the same lines as the zoning designations for the area with Tammany Manor and Van Lear subdivisions along Virginia Avenue, Brookmeade Apartments on Brookmeade Circle, and the Homewood Retirement community as well as other industrial uses along Governor Lane Boulevard. West of the I-81 interchange there are commercial uses that lead into the Town of Williamsport.

Mr. Allen noted that in the 2002 Comprehensive Plan, these three parcels were designated for low-density residential uses. This designation is associated with single-family or two-family (duplex) residential development and is intended to be the transitional area from the urban to the rural area.

In piecemeal rezoning cases, the applicant must prove a change in the character of the neighborhood or a mistake in the original zoning of the property. In this case, the applicant is claiming that a mistake was made in the original zoning of the properties. The applicant is claiming that the legislative body failed to consider the application of the HI zoning classification to the properties located on Virginia Avenue between the interchange and Hoffman Drive. Some of the properties at the time of the comprehensive rezoning in 2012 were assigned to the HI zoning district while others were assigned to the RT zoning district. The applicant contends that the properties to the west of Hoffman Drive should have been rezoned to HI while the properties to the east should have been rezoned to RT. Mr. Allen gave a brief history of the zoning of the three properties subject to this rezoning application during the comprehensive rezoning of the Urban Growth Area in 2012. He stated there is no definitive documentation in the 2012 UGA comprehensive zoning records; however, he believes that the properties along Virginia Avenue (Parcels 309 and 314) were zoned RT because they were individually owned and occupied as single-family homes at that time. Parcel 766 (Brookmeade Circle) was owned by Fast Gas Company at the time and was likely given the RT zoning designation because it abuts several residential properties.

In summary, staff believes that with many of the radial transportation corridors, such as Virginia Avenue, it is likely that a mixture of residential and commercial land uses is the logical future. Staff recommends that the Planning Commission consider the wide range of uses that are permitted under the HI zoning and its compatibility with the residential uses surrounding the site. Members should consider that the use proposed today may not be the same use in the future.

Discussion: Mr. Goetz asked if Parcels 327 and 198 are individually owned and inhabited by the owners. Mr. Allen believes they are individually owned and occupied. Mr. Goetz asked if Parcel 195 is zoned HI. It was confirmed it is zoned HI.

Applicant's Presentation

Mr. Jason Divelbiss, representing the Fast Gas Company which is owned by the Fulton Family, stated that the existing AC&T has operated in this location for the past 50 years. The existing AC&T store currently occupies 4 parcels (Parcels 193, 195, 316 and 766). All of these parcels are currently zoned HI with the exception of Parcel 766. Parcels 309 and 314 were acquired by the applicant with plans to modernize the store. The applicant contends that Governor Lane Boulevard/Hoffman Drive should have been the line delineating the commercial area to the west of the interchange. It was noted that the Brookmeade Apartments as well as the Homewood Retirement community are both high-density residential uses. The applicant believes that the influence of Virginia Avenue, Interstate 81, the Homewood Retirement community and Brookmeade Apartments were not taken into consideration when these three properties were rezoned in 2012. Failure to take these facts into consideration resulted in a mistake in the zoning of the property to RT. The applicant believes that the HI zoning classification is logical and appropriate for these properties. Facts supporting this belief include: public water and sewer services are existing on the site, the property is approximately ¼ mile from I-81, the property is located in the urban growth area, and Virginia Avenue is a principle arterial roadway.

Mr. Divelbiss stated that the new Land Use Map for the 2040 Comprehensive Plan was recently released and recommends the commercial land use classification for all three of these properties. The map was entered into the record on behalf of the applicant. The applicant believes this recommendation supports the requested change in zoning.

Discussion: Mr. Goetz asked if the property separation between Parcel 766 and the properties along Virginia Avenue is a right-of-way. Mr. Divelbiss believes it is a platted, unused roadway (paper alley).

Public Comment

- Diana Zeller, 10714 Hoffman Drive, Williamsport – Ms. Zeller submitted a petition signed by eight residents in the neighborhood who are opposed to the rezoning. She expressed her opinion that a business should not be allowed to rezone residential properties for commercial use.
- Susan Mayhew, 16606 Tammany Manor Road, Williamsport – Ms. Mayhew stated she owns Parcel 1065 which is behind Parcel 766. She and her parents sold Parcel 766 to AC&T in 2011. Part of the sales agreement was there would be a right-of-way for Parcel 1065 for all utility companies to access their lines and equipment (i.e. electric, telephone, cable, etc.). Ms. Mayhew noted that Lot 766 runs behind the following properties: 10710, 10712, 10714, 10716 and 10718 Hoffman Drive. She asked if the property is developed, would these residents still have access to their backyards.
 - There was a brief discussion regarding the right-of-way to access the utilities for these properties.
- Kate Swan, 10716 Hoffman Drive, Williamsport – Ms. Swan encouraged members to consider the timeline of when the parcels were purchased by AC&T and the significant impact that expanding the business would have on the residential properties and residents living in the area. She believes that the development of the Brookmeade Apartments negatively impacted residents in the area thus facilitating the sale of these parcels. She expressed her concern regarding the increase in traffic, property values, and the safety of the residents in the area.

Applicant's Rebuttal

Mr. Divelbiss stated there are no plans to impede access to or the use of Parcel 1065. He noted that from 2005 to 2012, all the properties along Virginia Avenue were zoned HI-2 which permitted commercial uses even though there were residential structures occupying the properties. Until 2012, it was acknowledged that the Virginia Avenue fronting properties were more influenced by what was around them than anything else currently occupying them. Traffic issues would be addressed during the site plan phase during redevelopment of the properties. It is not the intent of the applicant to have any traffic or other negative impacts to the residents on Hoffman Drive. Mr. Divelbiss expressed his opinion that any redevelopment of the property would bring improvements to the area such as buffering, forest conservation, storm water management, etc. over the current conditions in the area.

Commissioner Wagner entered the meeting at 6:35 p.m.

The public input meeting was closed at 6:40 p.m.

NEW BUSINESS

MINUTES

Motion and Vote: Mr. Goetz made a motion to approve the minutes of the June 2, 2025 Planning Commission meeting as presented. The motion was seconded by Ms. Shank and unanimously approved.

ORDINANCE MODIFICATIONS

Keith and Melissa Corwell [OM-25-005]

Ms. Wagner-Grillo presented an ordinance modification to reduce the 50-foot side yard setback to 15-feet on property located at 11954 Big Spring Road. The property is 16.56 acres in size and is currently zoned A(R) – Agricultural Rural. The applicant is proposing to subdivide a 3.43-acre lot for their daughter. The proposed lot requires 50-foot setbacks per the Subdivision Ordinance; however, the Planning Commission may modify the setbacks for properties adjacent to parcels being actively farmed. The proposed subdivision plat shows a 50-foot setback to the adjacent Bragunier farm, which has an agricultural easement. The applicant is unable to meet the 50-foot setback on the remaining sides due to topographical conditions. The remaining setbacks will be 40-foot front yard and 15-foot side yard.

Motion and Vote: Mr. Reeder made a motion to approve the ordinance modification. The motion was seconded by Mr. Goetz and unanimously approved.

SUBDIVISIONS

The Village at Valentia Ridge Lots 1-150 [PP-23-001]

Mr. Stotelmyer presented the preliminary plat for Lots 1-150 at The Village at Valentia Ridge. The property is located at Parcel 162 of Poffenberger Road. Public water will be provided by the City of Hagerstown and public sewer will be provided by Washington County. There is no proposed signage for the property. Forest Conservation requirements will be addressed via on-site planting and retention of existing forest. Approvals are pending from Washington County Department of Water Quality and the Soil Conservation District.

Discussion: Mr. Mike Renn of Apex Land Solutions, the consultant, stated this development will be age-restricted. Ms. Shank asked about the traffic impact on Poffenberger Road. Mr. Renn stated that a traffic impact study was required and completed. Ms. Shank asked if there were comments regarding the one-lane bridge on Poffenberger Road. Mr. Renn stated no comments were received about the bridge. It was noted that the development will be completed in three phases. Road improvements will be made to mimic the closed section road on the other side of Poffenberger Road.

Motion and Vote: Mr. Miller made a motion to approve the preliminary plat contingent upon approval from the Department of Water Quality and Soil Conservation District and that the approval would only be valid through March 7, 2026. The motion was seconded by Mr. Reeder and unanimously approved with Mr. Goetz abstaining from the vote.

SITE PLANS

Reid [SP-24-034]

Mr. Stotelmyer presented a site plan for a proposed 155-foot monopole style wireless telecommunications tower and 50 by 50-foot fenced compound. The site is located at 20095 Lehman's Mill Road and is currently zoned A(R) – Agricultural Rural. No water or sewer will be used on-site. The hours of operation for the tower will be 24 hours per day, 7 days per week. There is no proposed lighting on the site. This site plan is exempt from Forest Conservation Ordinance requirements. Approvals are pending from the Washington County Division of Engineering and the Soil Conservation District.

Discussion and Comments: Mr. Jonathan Yates, 105 Broad Street, Charleston, SC stated that this facility is for Verizon and is designed for additional carriers.

Motion and Vote: Mr. Reeder made a motion to approve the site plan contingent upon approvals from Washington County Engineering and the Soil Conservation District. The motion was seconded by Mr. Semler and unanimously approved.

Downsville Elementary School [SP-24-019]

Ms. Wagner-Grillo presented a site plan for the new Downsville Elementary School located at 10405 Downsville Pike. The parcel is 44.88 acres in size and is currently zoned ORI – Office, Research and Technology. The project consists of a new elementary school, parking area, sidewalks and a play area. A traffic light is proposed at the intersection of Downsville Pike and Sterling Road. The new school is proposed to be 83, 555 square feet with 124 parking spaces and 15 bus spaces. Lighting will be building mounted and pole mounted; a photometric plan has been submitted. There will be a free-standing sign. Trash will be removed by a private hauler. There will be deliveries on a daily basis. The building will be open from 7:30 a.m. to 3:00 p.m. Approximately 600 students and 75 staff members are proposed. Public water will be provided by the City of Hagerstown and public sewer will be provided by Washington County. Storm water management will be handled through bio-retention ponds. Approvals are pending from Land Development Plan Review, Forest Conservation, Washington County Department of Water Quality, City of Hagerstown Water Department, Washington County Engineering, and the Soil Conservation District.

❖ Forest Conservation

Mr. Allen presented a request to remove 5 specimen trees from the site as part of the development for the school. Justification for removal of the trees stated that retention of the trees would impact the location of utilities, circulation patterns, recreational facilities, etc. on the site. All mitigation is being accomplished on site through retention of existing forest on the site which would minimize water quality impacts.

Discussion and Comments: Mr. Miller asked why there are portable classrooms shown on the site plan and Ms. Shank asked why the school would not be built to accommodate more students in the future. Mr. Matt Burn, Washington County Public Schools, and Jason Fritz, Aztec Engineers, were present at the meeting. Mr. Burn stated there is a limited amount of funding available now and WCPS cannot justify the additional space at this time. Mr. Fritz stated that the State of Maryland sets the mandates for the schools; however, if an addition is required in the future, the infrastructure would already be in place. Mr. Semler asked if solar panels are being considered on the roof. Mr. Burn stated there is not enough funding. Mr. Fritz stated that the roof is not designed to accommodate the weight of solar panels.

Motion and Vote: Mr. Goetz made a motion to approve the site plan contingent upon all agency approvals. The motion was seconded by Mr. Reeder and unanimously approved.

Motion and Vote: Mr. Goetz made a motion to approve the removal of five specimen trees. The motion was seconded by Mr. Semler and unanimously approved.

Washington County Tactical Village, Phase 1 Burn Building [SP-25-007]

Ms. Wagner-Grillo presented a site plan for a proposed burn building at the Washington County Public Tactical Village located at 18350 Public Safety Place. The property is 49.29 acres in size and is currently zoned RT (Residential Transition). Phase I of construction includes grading for the entire site, storm water management pond, culverts, a 1500 sq. ft. burn building, utilities, a chain link fence around the property, a retaining wall for the future commercial storefront and pavement for vehicle instructional area and 19 parking spaces. Pole mounted lighting will be provided; a photometric plan has been submitted. Hours of operation will be Monday thru Friday, 7:00 a.m. to 10:00 p.m. and Saturday and Sunday, 8:30 a.m. to 3:30 p.m. Landscaping is proposed. Storm water management will be handled through a bio-retention pond. Approvals are pending from Forest Conservation, the Soil Conservation District and Engineering Plan Review.

❖ Forest Conservation

Mr. Allen presented a request to remove 13 specimen trees and a payment-in-lieu of planting for the 11.5 acres of planting mitigation. Forest Conservation requirements were deferred from the development of the Public Safety Training Center and will now be combined with requirements for this phase of development. The scattered location of the specimen trees throughout the central portion of the site makes it difficult to retain these trees. Several of these trees are also in poor condition. Approximately 5-acres of forest on the site will be retained as part of the mitigation requirement. The planting of trees on the site is not advisable due to future development.

Discussion and Comments: Mr. Goetz expressed his opinion that the County should purchase property to plant the trees or to purchase an easement off-site instead of making a payment-in-lieu. He noted that there are forest banks available for planting and he believes the County should explore

other options before making the payment-in-lieu. Mr. Goetz expressed his opinion that the Planning Commission needs to hold all developers, private or public, to the same standards and administer the Ordinance consistently and fairly. Commissioner Wagner strongly disagreed because the public safety training facility is a huge asset for first responders not just in this county but across the state. It provides training to ensure that all first responders remain safe. He believes it is highly possible that there will be additional development on the site. Mr. Allen explained that the intent of the FCO is to accomplish mitigation on-site to the extent possible. However, in some instances, it is not feasible to plant trees that likely will need to be removed for further development. The site plan for the proposed Tactical Village shows further development of the site with a shooting range, other buildings, etc. in the future.

Motion and Vote: Mr. Goetz made a motion to approve the site plan contingent upon all agency approvals. The motion was seconded by Mr. Semler and unanimously approved with Commissioner Wagner abstaining from the vote.

Motion and Vote: Mr. Goetz made a motion to approve the removal of 13 specimen trees. The motion was seconded by Mr. Semler and unanimously approved with Commissioner Wagner abstaining from the vote.

Motion and Vote: Mr. Goetz made a motion to approve the payment-in-lieu of planting to meet mitigation requirements. The motion was seconded by Mr. Semler and unanimously approved with Commissioner Wagner abstaining from the vote.

Downsville Solar II [SP-23-011]

Ms. Wagner-Grillo presented a site plan for the proposed development of a community solar energy generating system on property located at 17137 Black Stallion Lane. The disturbed area is 26.19 acres in size and the parcel is currently zoned A(R) – Agricultural Rural. A special exception was granted by the Board of Zoning Appeals in September 2022. The developer is proposing 36 rows of panels with a total of 2,724 panels on the site. A 25-foot landscape buffer is proposed around the perimeter of the property with fencing and an access gate. Fifty (50) foot side, rear and front setbacks are required. Forest mitigation will be accomplished by on-site retention of 4.68 acres. All agency approvals have been received.

Discussion and Comments: Mr. Shawn Miller of Kimley Horn and Lou Rappaport of Downsville Solar, LLC were present. Mr. Kline asked what the output will be from the solar array. Mr. Miller stated it would be 2-megawatts. Mr. Kline asked if this is a community solar program through the State. Mr. Rappaport replied it is. Mr. Kline asked if the interconnection has been obtained. Mr. Miller stated it will be completed shortly. Mr. Reeder asked if the connection will overhead or underground. Mr. Miller answered it will be underground on the property and transition overhead before it reaches Downsville Pike.

Mr. Miller asked if the soils are Class I and Class II. It is located within Class I and Class II soil types. Ms. Baker stated that the Zoning Ordinance does not prohibit solar arrays in prime soils; however, it recommends that these types of soils be avoided if possible.

Mr. Semler asked if the arrays would be high enough for animals to graze under them. Mr. Rappaport noted that this property owner is not interested in grazing animals on this parcel.

Motion and Vote: Ms. Shank made a motion to approve the site plan as presented. The motion was seconded by Mr. Goetz.

Discussion: Mr. Lawrence Scott of DSW Law, attorney for the project, stated there are grading issues and the availability for other farming opportunities is limited on this particular parcel.

The motion passed on a 3-2 vote with Ms. Shank, Mr. Goetz and Commissioner Wagner voting yes and Mr. Reeder and Mr. Miller voting no and Mr. Semler abstaining from the vote.

OTHER BUSINESS

Metro Landscape Contractors [SP-15-024]

Mr. Allen presented a request to change the permitted use on an existing Rural Business zoning district from a former automotive repair facility to a landscape/hardscape contracting business. The property is located at 9920 Crystal Falls Drive (formerly Adkins Automotive). Mr. Allen reminded members that the Rural Business floating zone is intended for one specific use at the time of its application. The Planning Commission is charged with determining if a different proposed use is a

minor or major change in use or intensity from the original use permitted. If the Planning Commission deems the change a significant difference in use and intensity of the property, a new public hearing would be required.

Applicant's Presentation

Mr. Adam Hager of Frederick, Seibert & Associates, and Mr. Michael Fanning of Metro Landscape and Construction, were present at the meeting. Mr. Hager gave a brief history of the property. He believes that the proposed business will be less intensive than the auto repair facility that was previously on this property. Mr. Fanning gave a brief description of the landscaping business he operates. There will be no retail sales or customers visiting the property. There are currently 14 employees; only the drivers of the large vehicles will be on site to pick up and drop off equipment.

Motion and Vote: Mr. Goetz made a motion that the request would be considered a minor change in use and intensity. The motion was seconded by Mr. Reeder and unanimously approved.

Harshman, Lot 1 Extension Request [S-23-043]

Mr. Stotelmyer presented a one-year extension request for property located at 16254 Shinham Road. The property is currently zoned EC – Environmental Conservation. The project was submitted on August 4, 2023 and has been in review since that time.

Motion and Vote: Mr. Reeder made a motion to approve the one year extension request until August 4, 2026 as presented. The motion was seconded by Mr. Miller and unanimously approved.

Update of Projects Initialized

Ms. Kinzer provided a written report for land development plan review projects initialized during the month of May including six site plans.

ADJOURNMENT

Ms. Shank made a motion to adjourn the meeting at 7:45 p.m. The motion was seconded by Mr. Miller and so ordered by the Chairman.

UPCOMING MEETINGS

1. August 4, 2025, 6:00 p.m. – Washington County Planning Commission regular meeting

Respectfully submitted,



David Kline, Chairman