

FOR PLANNING COMMISSION USE ONLY  
Rezoning No. CP-23-001  
Date Filed: \_\_\_\_\_

WASHINGTON COUNTY PLANNING COMMISSION  
ZONING ORDINANCE MAP AMENDMENT APPLICATION

Department of Planning and Zoning

Applicant  
747 Northern Avenue, Hagerstown, MD 21742

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: \_\_\_\_\_

Address  
Jill Baker

240-313-2430

Primary Contact  
same

Phone Number  
jbaker@washco-md.net

Address

E-mail Address

Property Location: 23226 Fruit Tree Drive, Smithsburg, MD 21783

Tax Map: 40 Grid: 8 Parcel No.: 225 Acreage: 22.4

Current Zoning: Residential Policy Area: Low Density Requested Zoning: \_\_\_\_\_ Policy Area: Agricultural Rural

- 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.**

Applicant's Signature

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires on \_\_\_\_\_

Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Fee Worksheet
- Application Fee
- Ownership Verification
- Boundary Plat (Including Metes & Bounds)
- Names and Addresses of all Adjoining & Confronting Property Owners
- Vicinity Map
- Justification Statement
- 30 copies of complete Application Package



# RZ-23-004

**Applicant**

- Troy and Elisabeth Jernigan

**Location**

- 23226 Fruit Tree Drive

**Present Zoning**

- RT - Residential, Transition District

**Proposed Zoning**

- A(R) Agricultural (Rural) District

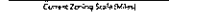
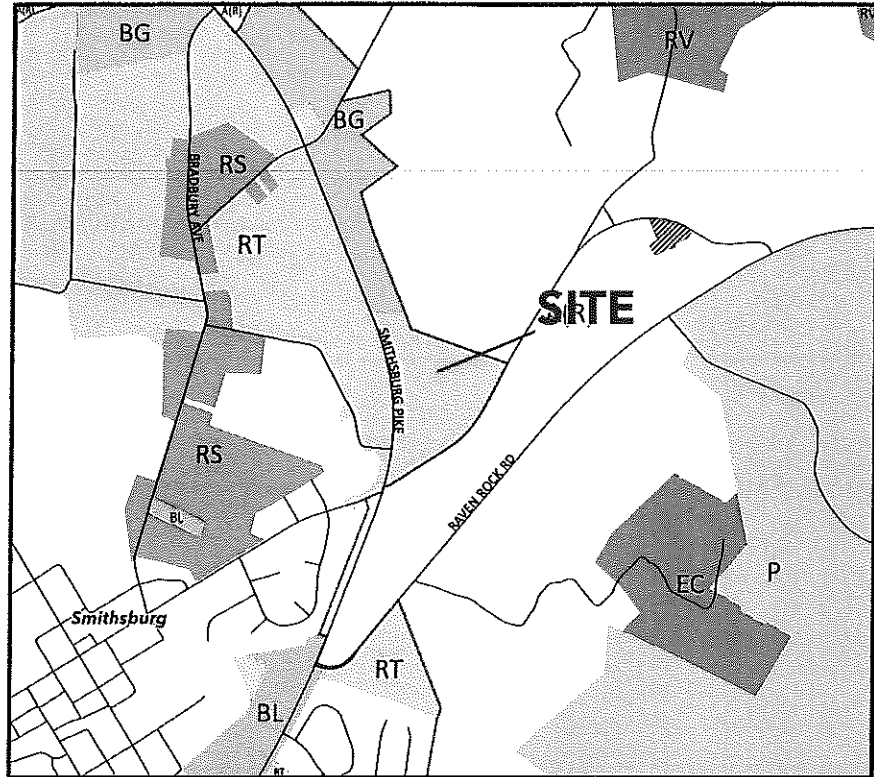
**Acreage**

- 22.4 acres

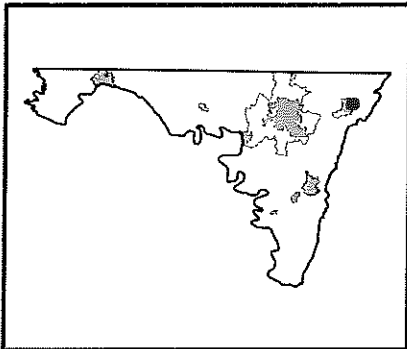
**Map/Parcel**

- Map 40, Parcel 225

Current Zoning



County Location



Aerial (2017 NAPP/USDA)





## DEPARTMENT OF PLANNING & ZONING

PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

CP-23-001

June 20, 2023

### APPLICATION FOR TEXT AMENDMENT WASHINGTON COUNTY COMPREHENSIVE PLAN

#### STAFF REPORT AND ANALYSIS

##### Land Use Plan Map

The Washington County Planning Department proposes to coordinate an amendment to the land use plan map of the Comprehensive Plan to be consistent with the proposed rezoning request for Troy and Elisabeth Jernigan, Case No. RZ-23-004.

##### **Background:**

A rezoning case has been applied for by Troy and Elisabeth Jernigan to amend the current zoning of property located at 23226 Fruit Tree Drive, Smithsburg, MD from Residential, Transition (RT) to Agriculture, Rural (AR). The application states that there was a mistake made in the zoning of the property as part of the 2013 Town Growth Area rezoning.

The property is located at the edge of the delineated Town Growth Area (TGA) for the Town of Smithsburg. The growth area boundary establishes the demarcation between urban and rural zoning districts for the purpose of growth management in the County. The land use policy area assigned to this particular property in the Comprehensive Plan is Low Density Residential.

This property is also under the influence of the Town of Smithsburg Comprehensive Plan. The property is also included within the Town delineated growth area and has two policy areas assigned to it. The majority of the parcel is assigned a commercial policy area while a thin strip of land that bisects the property is assigned an open space policy area. The open space area was assigned to associate itself with the existing stream that exists on the property.

##### **Analysis:**

The location and environmental features of this property contribute to a complicated evaluation of what type of growth could possibly occur on this site. That can be readily seen in the diverging opinions of the County comprehensive plan versus that of the Town. The County designates a policy area of low density residential, while the Town Plan designates a policy area of commercial.

The fact that two independent planning documents delineate this parcel as being included with a growth area lends some weight to the determination that the parcel is appropriately designated. The parcel has access to a good transportation network, is

relatively flat and is close proximity to an existing population center. Conversely, the property also contains environmentally sensitive areas, is heavily wooded, and does not have access to water and sewer utilities. Based upon these conditions, it appears that this parcel is currently more suited for limited growth than would be expected for a parcel located within a growth area. This does not preclude the opportunity that this parcel may become more suitable for urbanized development once appropriate infrastructure can be extended.

**Recommendation:**

While it does seem plausible that this parcel could eventually see a more urbanized land use, its current lack of utilities coupled with existing sensitive areas seem to make it more suitable for less intensive development activity. In order to be consistent with long term land use policies outlined in the Comprehensive Plan, this amendment should be directly linked to the decision of the corresponding rezoning case. Should the Planning Commission recommend changing the zoning of the property to a rural designation, this amendment should also be approved to remove the parcel from the Smithsburg growth area. Conversely, if the rezoning would be denied, this amendment should also be denied in order to keep consistency between zoning and the Comprehensive Plan.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jill Baker".

Jill Baker, AICP  
Director