

ORDINANCE NO. ORD-2020- 30

AN ORDINANCE TO AMEND THE ZONING MAP
FOR WASHINGTON COUNTY, MARYLAND
(RZ-20-001)

Pursuant to the provisions of Section 18.5 of the Zoning Ordinance for Washington County, Maryland (*Zoning Ordinance*), Jone L. Bowman Residuary Trust and Linda Lou Ebersole Family Irrevocable Trust, the Applicants, have petitioned the Board of County Commissioners for Washington County, Maryland (*Board*), seeking to designate 11.64 acres (four lots) of its parcel located on the south side of Hopewell Road, 1/3 mile south of the I-70 underpass, as Residential, Transition.

The matter has been designated as Case No. RZ-20-001.

This application was reviewed by the Planning Commission, and the Planning Commission recommended that the application be approved.

This Board has considered all information presented at the public hearing conducted on August 11, 2020, and the recommendation of the Planning Commission. This Board has made factual findings and conclusions of law that are set forth in the attached Decision. The findings of fact and conclusions of law are incorporated herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that the property which is the subject of Case No. RZ-20-001 be, and hereby is, designated as Residential, Transition (RT).

IT IS FURTHER ENACTED AND ORDAINED that the official Zoning Map for Washington County be, and hereby is, amended accordingly. The Director of Planning and Zoning shall cause the Zoning Map to be amended pursuant to this Ordinance.

Adopted and effective this 15th day of September, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



Krista L. Hart, Clerk

BY:



Jeffrey A. Cline, President

Approved as to form and
legal sufficiency:



B. Andrew Bright
Assistant County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

BEFORE THE
BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

DECISION

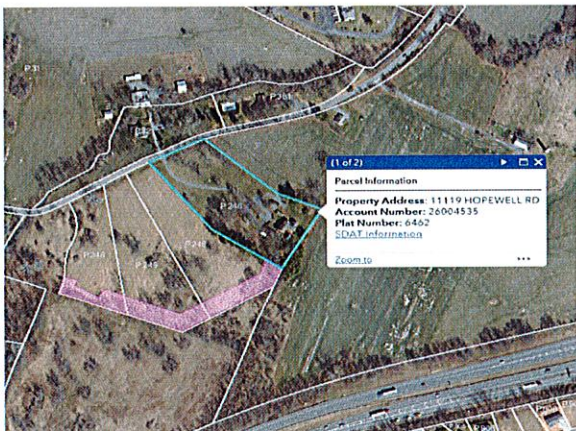
Rezoning Case RZ-20-001

Property Owner:	Donald M. Bowman, Trustee
Applicants:	Jone L. Bowman Residuary Trust, Linda Lou Ebersole Family Irrevocable Trust
Requested Zoning Change:	Highway Interchange (HI) to Residential, Transition (RT)
Property:	South side of Hopewell Road, 1/3 mile south of the I-70 underpass

Pursuant to Md. Code Ann., Land Use Article § 4-204 and Washington County Zoning Ordinance § 27.3, the Board of County Commissioners of Washington County, acting upon the Applicants' Request, makes findings of fact with respect to the following matters: population change, availability of public facilities, present and future transportation patterns, and compatibility with existing and proposed development for the area. We also consider the recommendation of the Planning Commission which were made in this case, and the relationship of the proposed reclassification to the Comprehensive Plan. After considering the recommendation of the Planning Commission and hearing evidence presented by the Applicant at a Public Hearing on August 11, 2020, with no evidence or witnesses presented in opposition, the Board will grant the requested zoning map amendment and makes the following Decision, which largely adopts and approves the findings of the Planning Commission and the Staff Report and Analysis.

I. Background and Findings Analysis:

1. Site Description



The site is located at 11107, 11111, 11115 and 11119 Hopewell Road, approximately 1/3 mile south of

Interstate 70. The total acreage of the four lots subject to this rezoning case is 11.64 acres. All properties are located within the Urban Growth Area (UGA) that surrounds the City of Hagerstown and the Towns of Williamsport and Funkstown.

Currently, three of the four lots are undeveloped land which is being used for agricultural purposes. A 1.44-acre forest easement encompasses the rear portion of these three lots, numbers 2-4. Lot 1 has an existing home built upon it.

There are no floodplain areas within the proposed rezoning site itself, but a perennial stream, Semple Run, runs through the adjacent residential properties located immediately across Hopewell Road before turning south and crossing the road just west of 11107 Hopewell Road.

2. 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 two parcels subject to this rezoning are located within the Halfway Election District (#26). As shown in the table below, the population in this district has grown more slowly than the County has over the thirty-year time frame between 1980 and 2010. District 26 has grown 13.54% over the thirty-year period (.45%) per year while the County as a whole has increased in population by 30.36% (1.01% per year) during the same period. Both the Halfway Election District and the County experienced their greatest population increase during the thirty-year period surveyed between 2000 and 2010.

Table 1: Halfway Election District Population Trends

Population Trends 1980 - 2010			
Year	Area	Population	% change from previous decade
1980	District	9,489	
	County	113,086	
1990	District	9,418	-0.7%
	County	121,393	7.3%
2000	District	9,854	4.6%
	County	131,932	8.7%
2010	District	10,774	9.3%
	County	147,430	11.7%

Source: US Census Bureau

3. Availability of Public Facilities

A. 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:

W-5-Long Term Planned Service (City of Hagerstown)

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

Public water is not currently available at the site. The site is permitted to access water by well. The site is given the W-5 designation in the County's 2009 Water and Sewerage Plan, denoting long term planned service. Neighboring parcels in the vicinity of the site generally also do not have present access to public water. The City of Hagerstown Water Division offered no comment on the proposed development when sent the application for review.

Wastewater:

S-3-Programmed Service (County)

The subject parcels are programmed for public sewer service in the Water and Sewer Plan but are currently slated to utilize onsite septic systems. Future wastewater service would be provided by the County at the Conococheague Wastewater Treatment Plant. Most neighboring parcels in the immediate vicinity also utilize onsite septic systems.

Neither the Washington County Health Department nor the Department of Water Quality offered comment about the application when provided a copy for review.

B. Emergency Services

Fire and Emergency Services:

Volunteer Fire Company of Halfway (1114 Lincoln Avenue) – 1.5 miles away

The proposed rezoning site is located within the service area of the Volunteer Fire Company of Halfway. This same entity also provides the nearest emergency rescue services. Their station is located approximately 1.5 mile away from the subject properties.

A copy of the application was sent to the Washington County Division of Emergency Services. No comments were received.

C. Schools

Elementary - Williamsport, Middle – Springfield, High School - Williamsport

The subject site is within the districts of Williamsport Elementary, Springfield Middle and Williamsport High schools. The requested zoning classification, Residential Transition (RT), would have the potential to generate students which are tracked under the County's Adequate Public Facilities Ordinance (APFO) to determine school capacity.

The APFO went into effect in 2004. The four-lot subdivision at the proposed rezoning site occurred in 2000. Therefore, while the proposed zoning classification would be expected to generate students that would impact the schools noted above, the pupil generation is considered as being part of the background enrollment for these schools. In essence, the impact of the subdivision should already be accounted for in present school capacity projections. **Accordingly, these lots would not be subject to the school capacity mitigation requirements of the APFO under present circumstances.** If the lots were subdivided again in the future, they would become subject to APFO requirements, provided they had a residential zoning classification at the time.

4. Present and Future Transportation Patterns

A. Highways – Access and Traffic Volume

The proposed rezoning site is located on Hopewell Road. The Functional Road Classification for Hopewell Road is as a minor collector in the Transportation Element of the 2002 Comprehensive Plan. This classification accounts for mobility and access characteristics of the roadway in its categorization. **Minor Collector** roads are designed to carry between 1,000 –

3,000 Average Daily Traffic in rural areas, and 2,000 to 10,000 vehicles daily in urban areas. The County's road classification system is based upon the Federal Highway Functional Classification System but modified to reflect local road conditions.

All lots within the subdivision are plated to be served by individual driveways accessing Hopewell Road.

Approximately ½ mile south of the site, Hopewell Road intersects with Wright Road. Within the County's current 10-year Capital Improvement Plan (2020-2029), funds have been earmarked for the relocation of Wright Road. Approximately 2,000 linear feet of Wright Road will be rerouted to the north of its current alignment, onto adjacent parcel 57, through what is currently agricultural land. The project, which is contingent upon developer contributions and grant funding, would result in the creation of a 3-lane closed section road (one lane in each direction with a continuous left turn lane). Wright Road frequently experiences flooding issues as much of the road is located within the floodplain.

In addition to evaluating public access of a parcel for rezoning purposes, it is also important to evaluate traffic generation and existing traffic volumes. This is commonly accomplished through analysis of historic and existing traffic counts as well as any existing traffic impact studies. As the proposed rezoning site is located on a County road, the only available data on traffic in the vicinity comes from nearby intersections with other County roads.

The County's Division of Engineering & Construction Management collected single day traffic counts at a number of locations in the vicinity of the site in 2016. These locations include the intersections of Hopewell Road and Hunters Green Parkway (north of the site), Hopewell Road near Shawnee Terrace (south), plus Wright Road and Elliott Parkway. Since these were first time collections at these locations, trends cannot be discerned. These counts do, however, give us an idea of traffic volume occurring in the "neighborhood." The

highest traffic volume was recorded at Hopewell Road near its intersection with Hunters Green Parkway at 2046 vehicles. This intersection is within the Hopewell Valley Industrial Park. The lowest count was at Wright Road near Elliott Parkway where 1073 vehicles were counted.

Table 2: 2016 County Traffic Volumes

Hopewell Road at Hunters Green Parkway	2046
Hopewell Road near Shawnee Terrace	1453
Wright Road near Elliott Parkway	1073

Source: Washington County Division of Engineering and Construction
Management Traffic Inventory Map

Washington County Engineering Plan Review had no comment after receiving a copy of the rezoning application.

B. Public Transportation

This area is not directly served by public transportation. Routes 441 of the Washington County Commuter travels along Virginia Avenue in the vicinity south of the site from Hagerstown to Williamsport.

The Hopewell Express, an employment shuttle provided by the Washington County Community Action Council, serves the Hopewell Valley Industrial Park from downtown Hagerstown. It does not travel along Hopewell Road as far south as the rezoning site, however.

5. Compatibility with Existing and Proposed Development in the Area:

A. Zoning

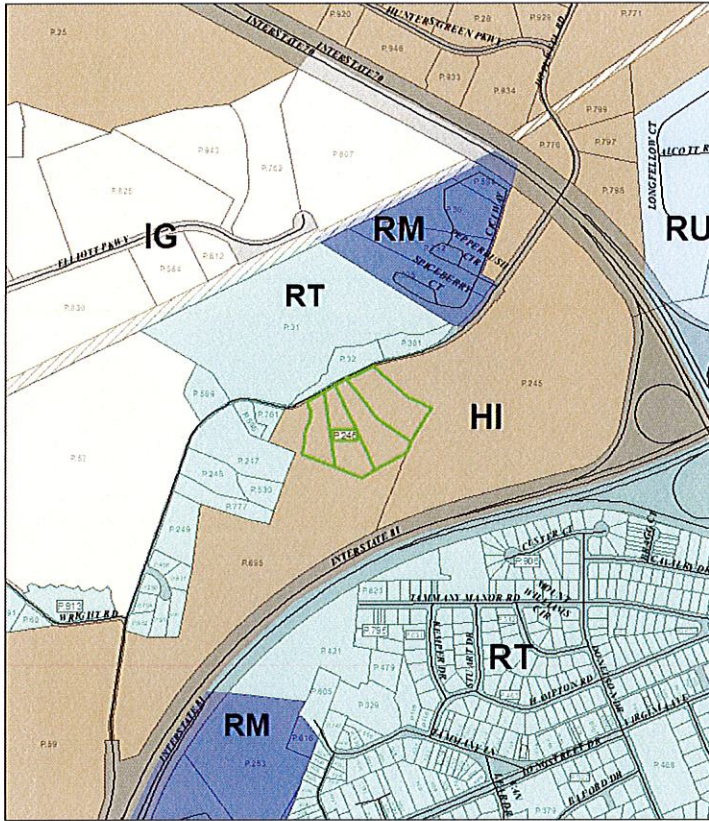
The subject parcels are currently zoned Highway Interchange (HI) and are requesting to change to Residential Transition (RT). The purpose of the RT zoning district is:

"...to provide appropriate locations for single-family and two-family residential development in Urban and Town Growth Areas. The Residential, Transition District is usually located on the outer fringes of the Growth Areas, rather than the inner core, and is intended to be the least dense residential district in the Growth Areas at a density of between 2 and 4 dwelling units per acres ..."².

Aside from single-family, two-family and semi-detached residences, other select principal permitted uses allowed in a RT zoning district include agriculture, churches, schools, mixed use developments and childcare facilities. Land uses such as bed and breakfasts, banquet and reception facilities and home-based businesses are allowed by special exception.

² Washington County Zoning Ordinance, Section 7A

Map 1: Surrounding Zoning Classifications



There is a mix of zoning classes in the immediate vicinity of the four lots subject to this rezoning which are highlighted in green above on Map 1. Highway Interchange (HI) surrounds the properties to the south, northeast and southwest near the intersection of I-70 and I-81. Above I-70 along Hunters Green Parkway is also HI, part of the Hopewell Valley Industrial Park. The land along Elliott Parkway, which backs up to a railroad line, is zoned Industrial General.

To the north, across Hopewell Road, and to the south, below I-81, is Residential Multifamily (RM) and Residential Transition (RT). Residential Urban (RU) is found in the northwest corner of the I-70/I-81 intersection.

B. Land Use

In the immediate “neighborhood” which is formed naturally around Hopewell Road as it passes under I-70, is bounded by the railroad line to the north and I-81 to the south, the land use is entirely residential or agricultural. Both single-family residential and multifamily apartments (Hopewell Manor and Hopewell Station) are found in the vicinity. Lakeside trailer park is found nearby on the north side of I-70, where it intersects with I-81.

This “neighborhood” is mostly self-contained by the barriers presented by these major transportation routes. Therefore, the heavily industrial lands along Elliott Parkway and in Hopewell Valley Industrial Park have limited influence on the immediate environs of these four lots.

C. Historic Sites

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 3 existing historic sites located within an approximately ½ mile radius of the proposed rezoning areas. One of the three sites, known as Sprechers Mill, is located on Lot 1 of the area subject to this rezoning. Below is a listing existing historic resources within a ½ mile radius of the subject parcels.

- WA-I-357: “Sprechers Mill House,” early-19th century, 2-story brick dwelling associated with Sprechers Mill (gristmill) formerly located nearby on Semple Run. Listed on National Historic Register.
- WA-I-356: “Hopewell Hereford Farm,” early-19th vernacular, farm complex encompassing 2-story stone house and two bank barns, associated with Sprechers Mill.
- WA-I-364: “Salisbury Mill Site and House (Sprechers Mill)” early-18th century, 1.5-story stone farmhouse associated with Sprechers Mill formerly located on same property.

6. 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.

Each of the properties is located in the sub-policy area Low Density Residential. The Comprehensive Plan offers the following definition for this policy area:

"This policy area designation would be primarily associated with single-family and to a lesser degree two-family or duplex development. It is the largest policy area proposed for the Urban Growth Area and becomes the main transitional classification from the urban to rural areas."³

7. "Change or Mistake" Rule

When rezonings are not part of a comprehensive rezoning by the governing body, individual map amendments (also known as "piecemeal rezonings") are under an obligation to meet the test of the "Change or Mistake" Rule. The "Change or Mistake" Rule requires proof by the applicant that there has been either: a substantial change in the character in of the neighborhood since the last comprehensive zoning plan (2012), or a mistake in designating the existing zoning classification.

As part of the evaluation to determine whether the applicant has proven whether there has been either a change or mistake in the zoning of a parcel, the

³ 2002 Washington County, Maryland Comprehensive Plan, Page 243

Maryland Annotated Code Land Use Article and the Washington County Zoning Ordinance state that the local legislative body is required to make findings of fact on at least six different criteria in order to ensure that a consistent evaluation of each case is provided. Those criteria include:

1) population change; 2) the availability of public facilities; 3) present and future transportation patterns; 4) compatibility with existing and proposed development for the area; 5) the recommendation of the planning commission; and 6) the relationship of the proposed amendment to the local jurisdiction's Comprehensive Plan.

Even when change or mistake has been sufficiently sustained, it merely *allows* the local governing body the authority to change the zoning; it **does not require** the change. When conditions are right for a change, the new zone must be shown to be appropriate and logical for the location and consistent with the County's Comprehensive Plan.

II. Staff Analysis:

The analysis of a rezoning request begins with a strong presumption that the current zoning is correct. It is assumed that the governing body performed sufficient analysis, exercised care, and gave adequate consideration to all known concerns when zoning was applied to a parcel of land. However, there are instances by which a case can be established to show that the governing body either erred in establishment of the proper zoning of a property or that enough change has occurred within the neighborhood surrounding the property since the governing body's last assessment to require a new evaluation of the established zoning designation.

The applicant in this case has indicated in their justification statement that they believe that a **mistake** was made by the local legislative body to rezone the property in 2012. As noted in the prior section describing the "Change or Mistake" Rule, the Washington County's Zoning Ordinance requires data to be presented to the local legislative body on factors such as population change,

present and future traffic patterns, the availability of public facilities, the relationship of the proposed change to the Comprehensive Plan and its compatibility with existing and proposed development in order to determine how the area subject to rezoning has evolved since the comprehensive rezoning.

1. Evidence for Mistake in the Current Zoning

In order to demonstrate that a mistake was made by the regulatory body in applying the existing zoning classification to the parcel, the applicant must establish that an error occurred as a result of factors such as:

1. A failure to take into account projects or trends probable of fruition;
2. Decisions based on erroneous information;
3. Facts that later prove to be incorrect;
4. Events that have occurred since the current zoning; or
5. Ignoring facts in evidence at the time of zoning application.

The last Comprehensive Rezoning in Washington County was completed in 2012, affecting the Urban Growth Area that surrounds the City of Hagerstown and the towns of Williamsport and Funkstown. The Rezoning affected approximately 17,000 parcels and 38,000 acres of land.⁴ Information such as population projections, growth trends, transportation and infrastructure data, and the recommendations of the Comprehensive Plan were considered as a part of this effort. The input of property owners, local officials, County staff and the general public was also solicited and considered in the assignment of each parcel affected by the Comprehensive Rezoning. Landowners were also given the opportunity to appeal the rezoning of their property at that time if they felt aggrieved by the Board's decision.

The applicant contends that the Board of County Commissioner's erred in their decision during the 2012 UGA Comprehensive Rezoning to rezone the lots

⁴ Washington County Ordinance No. ORD-2012-08

in question to HI. The applicant claims that factors such as following were not fully considered by the Board in their 2012 decision:

- The existing fact that substantial road improvements would be necessary to make the property suitable for commercial development;
- The existing fact that public water is generally unavailable to the property;
- The assumption that the property would likely be developed in conjunction with neighboring Parcel 695.

i. Property Background Information

Before analyzing the applicant's assertion that the local legislative body erred in their decision to rezone the property in 2012 from HI-2 to HI, it is important to understand some background context on the property's developmental history.

First, the original intent of the owner for the property was to develop them as residential lots. This is evident by virtue of the recordation of Washington County Plats 6462-6463 in the year 2000, which created the four-lot subdivision (Applicant's Exhibit 1). Lot 1, as noted earlier, already had a house on it at that time which dated to the early 1800s and was built in the vicinity of a nearby grist mill which operated during the same time period. The plat, which depicts proposed locations of dwellings and septic areas, therefore represented a continuation of the rural residential land use long present in the area of the site.

Second, the zoning of the property prior to 2012 was HI-2. The now repealed HI-2 zoning district was a predominantly high-density residential zoning district that also allowed some light industrial uses. The rezoning of the property from HI-2 to HI, which does not allow residential development, thereby constituted an intensification of the permitted land uses on the property from its historical pattern of development.

Finally, a significant factor in the Board's decision to rezone the property to HI in 2012 was a formal request from the property owner (Applicant's Exhibit # 4). The applicant's request was based upon the following reasoning or assumptions:

1. The proximity of the property to I-81;
2. The HI zoning would match adjacent parcel 245 (located immediately north of the site);
3. The parcel would be developed in tandem with parcel 695 (also owned by Mr. Bowman, located immediately south of the site)

This request contradicted the County's original proposed zoning for the site in 2012, which was RT (Applicant's Exhibit # 3, line 22). RT is what the applicant is currently requesting for the property.

ii. Substantial Road Improvements

The applicant's first assertion in their contention that a mistake was made to rezone the property to HI in 2012 is that substantial road improvements would be necessary to make the property suitable for commercial development. Consistent with the conditions described in the applicant's Justification Statement, **the suitability of the existing road network in the area to provide for the size or volume of vehicles consistent with an HI zoning designation is highly questionable.**

As noted by the applicant, while there is proximate access to I-81 Exit 3 (Virginia Avenue near Williamsport) less than 2 miles from the subject site, Hopewell Road itself is entirely unsuitable for commercial vehicle traffic in its present condition. Hopewell Road beyond the I-70 underpass can be generally characterized as a typical narrow County road with limited or no shoulders in certain segments. Further, at the intersection of Hopewell and Wright Road, it is necessary to cross a narrow one-lane bridge over Semple Run in order to proceed to I-81 Exit 3.

The applicant goes on to present cost estimates, environmental concerns and other considerations that would essentially make the necessary road improvements to Hopewell Road to serve a commercial/industrial use infeasible (Applicant's Exhibits # 5 - # 9). Commercial vehicle access to I-81 Exit 5 (Halfway Blvd), of similar distance to the rezoning site as Exit 3, would also likely necessitate significant road improvements such as shoulder widening and potentially an upgrade to the railroad crossing just beyond the I-70 underpass where Hopewell Road intersects the CSX rail line.

Further, as noted earlier in this staff report, the existing path of Wright Road frequently experiences closures due to flooding as much of the road is located within the floodplain. For this reason, the County has budgeted for the relocation of the road within its current 10-Year CIP. Therefore, the present condition of Wright Road, which would provide an alternate route to I-70 Exit 24 (MD-63) for truck traffic from a prospective commercial/industrial business at the subject site, is also inadequate for the task.

Thus, staff agrees with the applicant that substantial road improvements would have to be made to the current condition of multiple roads in the vicinity in order to adequately and safely serve a commercial or industrial business at the site of this rezoning. The existing conditions of Hopewell Road as well other alternative routes that would potentially serve the heavy vehicle traffic generated by an HI use would certainly have been evident to the Board at the time of its decision in 2012.

iii. Public Water Availability

The applicant's second major argument in support of a mistake in the current zoning is the lack of public water available to the site. Adequate water and sewer infrastructure are imperative to serve the needs of commercial or industrial land uses. The ability these types of businesses to operate on a well and septic system is typically impractical, as it carries risks to public health and

limits the potential for future expansion of operations at the same site. Therefore, public water and sewer access is optimal to serve commercial and industrial land uses in most cases.

The current W-5 (Long Term Planned Service) and S-3 (Programmed) service designations in the County's 2009 Water and Sewer Plan for the site were noted earlier in this report. These designations indicate that while connection to public sewer service is generally available to the site, public water (via the City of Hagerstown) is not readily available to the site.

It's additionally pointed out by the applicant that **these lots lie outside the City's Medium-Range Growth Area (MRGA). Properties within the MRGA are prioritized by the City for connection to public water or sewer service when it becomes available while those outside the MRGA are not eligible for connection unless a special exception applies.** It is not clear that the site in question would qualify for a special exception under the City's water and sewer connection policies, particularly if it was not developed in tandem with adjacent properties that might then cause such a project to be viewed as a significant boost to economic development for the City and County.

Therefore, when one combines both the difficulty of providing adequate road access with the current hurdles to connecting with public water to the site, it is evident that significant infrastructural hurdles exist to develop these properties into a large scale commercial or industrial use as might be expected with an HI zoning designation. The City's exceptions to its water and sewer policies for extending service outside the MRGA, as well as the boundaries of the MRGA, and the current service designations were all in evidence in 2012 at the time of the Comprehensive Rezoning.

iv. Future Development Assumptions

At the time of the Comprehensive Rezoning of the UGA, it was the assumption of the landowner that that this property would be developed in

tandem with parcel 695, also owned by Mr. Bowman, located to the south. This assumption was set forth in the applicant's request letter mentioned previously. Ultimately, the barriers already discussed to the development of a commercial or industrial use at the site (roads, public water) have proven to be a significant hinderance to developing either of the two parcels in question owned by Mr. Bowman. As a result, the assumption utilized by both the applicant and the Board during the 2012 Comprehensive Rezoning proved to be incorrect with the passage of time.

III. Recommendation:

The applicant has claimed that a mistake was made to rezone the property from HI-2 to HI in 2012. The burden of the applicant in a "Mistake" case is to provide evidence that the Board:

1. Failed to take into account projects or trends probable of fruition,
2. Made decisions based on erroneous information,
3. Used facts that later prove to be incorrect,
4. Couldn't have foreseen Events that have occurred since the current zoning
5. Ignored facts in evidence at the time of zoning application.

Regarding the charge of mistake, while not the sole basis for the County's decision to apply the HI zoning classification to the property in 2012, the property owner's request for this classification surely played a large role in the County's decision. The passage of time has revealed that the rationale utilized to justify the rezoning at the time, such as the proximity of the site to I-81 and the potential for it to build out as a commercial or industrial use in tandem with neighboring parcels, was incorrect. It is also likely that further consideration about the present adequacy of public infrastructure (roads, water and sewer) to support development of this intensity in this location may not have been given full consideration in the decision to apply the HI zoning.

Consequently, staff concludes that convincing proof has been offered by the applicant demonstrating that a mistake was made to rezone the property

from HI-2 to HI in 2012. The applicant's request for the RT zoning classification is entirely logical for the present subdivision of the property and its past development history. The development of a residential use on these properties would fit the existing character of the neighborhood and place significantly less burden on existing public infrastructure in the vicinity. It would also allow the County to proceed with capital road projects, such as the relocation of Wright Road out of its current location in the floodplain, in the timeline currently laid out in the CIP without additional pressure to move up the timeline for capital improvements.

Conclusion

Based on the information provided by the applicant in the initial application, further analysis by Staff, and evidence presented at the public hearing, the Board of County Commissioners believes that there has been adequate evidence submitted to meet the various criteria that would support the application of Residential, Transition (RT) to the subject area.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY,
MARYLAND


Krista L. Hart, Clerk

BY: 
Jeffrey A. Cline, President

Approved as to form and legal sufficiency:

A handwritten signature in blue ink, appearing to read "B. Andrew Bright", is written over a horizontal line.

B. Andrew Bright
Assistant County Attorney