



Washington County MARYLAND

FOR PLANNING COMMISSION USE ONLY

Rezoning No. _____

Date Filed: _____

WASHINGTON COUNTY PLANNING COMMISSION ZONING ORDINANCE MAP AMENDMENT APPLICATION

DOWNSVILLE PIKE LAND, LLC

Applicant

10306 REMINGTON DRIVE, 2ND FL.

Address

CHRIS SMITH

Primary Contact

SAME AS ABOVE

Address

☒ Property Owner

☐ Attorney

☐ Other: _____

☐ Contract Purchaser

☐ Consultant

301-733-4365x203

Phone Number

csmith@manorhousebuilders.com

E-mail Address

Property Location: NW Corner of Halfway Blvd / Downsville Pike Intersection

Tax Map: 57 Grid: 002 Parcel No.: 408; 329; 210 Acreage: +/- 2.09 ac.

Tax Account ID: 26-023114; 26-018862; 26-023173

Current Zoning: RS (Residential, Suburban) Requested Zoning: HI (Highway Interchange)

Reason for the Request:

☒ Change in the character of the neighborhood

☒ Mistake in original zoning

☐ Floating or overlay zoning district

Chris Smith

Applicant's Signature

Subscribed and sworn before me this 4 day of June, 20 26.

My commission expires on 12-13-26

Sandra L. Schulte

Notary Public

SANDRA L SCHULTE

Notary Public - State of Maryland

Washington County

My Commission Expires Dec 13, 2026

FOR PLANNING COMMISSION USE ONLY

☐ Application Form

☐ Fee Worksheet

☐ Application Fee

☐ Ownership Verification or
Owner's Affidavit

☐ Boundary Plat (Including Metes &
Bounds)

☐ Vicinity Map

☐ Justification Statement

☐ 2 hard copies and 1 digital copy of
complete Application Package



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: DOWNSVILLE PIKE LAND, LLC Date: _____

Zoning Ordinance Map Amendment \$ 2,000.00
Number of Acres * 2.09 x \$20.00 [1 acre minimum]
per acre \$ 40
Engineering Review Fee \$ 150.00
Technology Fee \$ 15.00
TOTAL FEES DUE – MAP AMENDMENT \$ 2,205

*Minimum charge of \$20.00 [if less than one acre]

Text Amendment \$ 2,000.00
Choose One: ☐ Adequate Public Facilities Ordinance
☐ Forest Conservation Ordinance
☐ Solid Waste Plan
☐ Subdivision Ordinance
☐ Zoning Ordinance
☐ Other: _____
Technology Fee \$ 15.00
TOTAL FEES DUE – TEXT AMENDMENT \$ 2,015.00

Water and Sewer Plan Amendment \$ 2,000.00
Technology Fee \$ 15.00
TOTAL FEES DUE – WATER AND SEWER PLAN AMENDMENT \$ 2,015.00

Forest Conservation Exemption \$ 25.00
Technology Fee \$ 15.00
TOTAL FEES DUE – FOREST EXEMPTION \$ 40.00

Please make checks payable to “Washington County Treasurer”.

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

Search Tax Maps		No Ground Rent Redemption on File		No Ground Rent Registration on File	
Special Tax Recapture: None					
Account Number:		District - 26 Account Identifier - 023114			
Owner Information					
Owner Name:		DOWNSVILLE PIKE LAND LLC		Use:	RESIDENTIAL
Mailing Address:		10306 REMINGTON DR 2ND FLR HAGERSTOWN MD 21740-0000		Principal Residence:	NO
				Deed Reference:	/05486/ 00190
Location & Structure Information					
Premises Address:		10656 DOWNSVILLE PIKE HAGERSTOWN 21740-0000		Legal Description:	0.50 ACRES 10656 DOWNSVILLE PIKE
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0057	0002	0408	26010519.22	0000	
Block:					
Lot:					
Assessment Year:					
Plat No:					
Plat Ref:					
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				21,780 SF	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
				Garage	
				Last Notice of Major Improvements	
				Pending Permit	
				None	
Value Information					
		Base Value		Value	
				Phase-in Assessments	
				As of	
				As of	
Land:		24,500		24,500	
Improvements		0		0	
Total:		24,500		24,500	
Preferential Land:		0		0	
Transfer Information					
Seller:		CARBAUGH BONNIE L ET AL		Date:	04/24/2017
Type:		ARMS LENGTH IMPROVED		Deed1:	/05486/ 00190
Seller:		RICE ANITA V		Date:	12/07/2015
Type:		NON-ARMS LENGTH OTHER		Deed1:	/05119/ 00426
Seller:				Date:	
Type:				Deed1:	
				Price:	\$50,000
				Deed2:	
				Price:	\$0
				Deed2:	
				Price:	
				Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2025	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00/0.00	
				0.00/0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

2 of 2

TM 57/ Parcel 408

Tri-State Signature Settlements, LLC
 File No. TE-10107M
 Tax ID # 26-023114

This Deed, made this 21st day of April, 2017, by and between Connie Proctor, Bonnie L. Carbaugh, Ronald G. Rice and Donald W. Rice, GRANTORS, and Downsville Pike Land, LLC, a Maryland Limited Liability Company, GRANTEE.

- Witnesseth -

That for and in consideration of the sum of Fifty Thousand And 00/100 Dollars (\$50,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Downsville Pike Land, LLC, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All the following described lot of land, together with any improvements thereon situate in Washington County, Maryland, on the Northwest side of the Downsville Hagerstown Turnpike, about two miles South of Hagerstown, and being more particularly described as follows:

Beginning at a stone standing near the west or northwest side of the Hagerstown and Downsville Turnpike and at the end of the 17th or South 79 ¼ degrees East 89 ½ perch line of a deed from Edward A. Shaffer, Executor, to John H. Eldridge, dated July 13, 1892, and running thence reversing said 17th line North 79 ¼ degrees West 181 feet, then leaving the outlines of the aforesaid deed 2 degrees East 185 feet, passing a stone on the North side of the aforesaid turnpike to the middle of said turnpike, then with the turnpike North 63 degrees East 252 feet to the place of beginning; containing approximately 0.50 acres of land, more or less.

Subject to and together with the covenants, restrictions, rights of way and easements of record applicable thereto.

Being the same property described and conveyed in the deed from Bonnie L. Carbaugh, Personal Representative of the Estate of Arthur T. Samuels unto Bonnie L. Carbaugh, Ronald G. Rice, Connie Proctor and Donald W. Rice dated July 17, 2015, and recorded December 7, 2015 in Liber 5119 at folio 0426 among the Land records of Washington County, Maryland.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Downsville Pike Land, LLC, in fee simple.

And the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hands and seals of said Grantors, the day and year first above written.

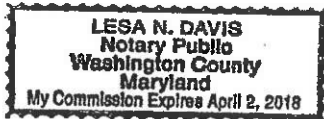
WITNESS:

Connie Proctor (Seal)
Connie Proctor
Bonnie L. Carbaugh (Seal)
Bonnie L. Carbaugh
Ronald G. Rice (Seal)
Ronald G. Rice
Donald W. Rice (Seal)
Donald W. Rice
Connie J. Proctor, His Attorney in Fact

STATE OF MARYLAND } ss
COUNTY OF WASHINGTON

I hereby certify that on this 21st day of April, 2017, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Connie Proctor, Bonnie L. Carbaugh, Ronald G. Rice and Donald W. Rice,* the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

* By **Connie J. Proctor, His Attorney In Fact**
IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]
Notary Public
My commission expires 4/2/18

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

[Signature]
Terri Ann Lowery, Esquire

AFTER RECORDING, PLEASE RETURN TO:
Tri-State Signature Settlements, LLC
1185 Mount Aetna Road
Hagerstown, MD 21740

TODD L. HERSHEY, TREASURER
TAXES PAID 4-24-17

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

Search Tax Maps		No Ground Rent Redemption on File		No Ground Rent Registration on File	
Special Tax Recapture: None					
Account Number:		District - 26 Account Identifier - 018862			
Owner Information					
Owner Name:	DOWNSVILLE PIKE LAND LLC		Use:	RESIDENTIAL	
Mailing Address:	10306 REMINGTON DR HAGERSTOWN MD 21740-		Principal Residence:	NO	
			Deed Reference:	J07063/ 00436	
Location & Structure Information					
Premises Address:		10650 DOWNSVILLE PIKE HAGERSTOWN 21740-0000		Legal Description:	0.49 ACRES 10650 DOWNSVILLE PIKE
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0057	0002	0329	26010519.22	0000	
			Block:	Lot:	Assessment Year:
					2026
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area
					21,078 SF
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
Garage					
Last Notice of Major Improvements					
Pending Permit					
None					
Value Information					
	Base Value		Value		Phase-In Assessments
			As of		As of
			01/01/2026		07/01/2025
Land:	50,500		50,500		As of
Improvements	0		0		07/01/2026
Total:	50,500		50,500		
Preferential Land:	0		0		50,500
					50,500
Transfer Information					
Seller: WASTLER JOHN D		Date: 07/21/2022		Price: \$65,000	
Type: NON-ARMS LENGTH OTHER		Deed1: J07063/ 00436		Deed2:	
Seller: MILLS LEONARD I		Date: 06/01/1992		Price: \$87,000	
Type: ARMS LENGTH IMPROVED		Deed1: J01043/ 00613		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2025		07/01/2026
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00/0.00		0.00/0.00
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:		

Taxes Paid \$2,443.24
Todd L. Hershey, Treasurer
MB 07-21-2022

BOOK: 7063 PAGE: 436

Washington Cty Cir Crt	
IMP FD SURE	\$48.00
RECORDING FEE	\$20.00
TR TAX STATE	\$325.00
CTY TR TAX	\$75.00
CTY REC TAX	\$494.00
TOTAL	\$954.00
KRT RJD	02:06 pm
Jul 21, 2022	

Olde Towne Title, Inc.
File No. OT-18310CO
Tax ID # 26-018862

TM 57/
Parcel 329

This Deed, made this 21st day of July, 2022, by and between John Dean Wastler,
GRANTOR, and Downsville Pike Land LLC, GRANTEE.

Witnesseth --

That in consideration of the sum of Sixty-Five Thousand and 00/100 Dollars (\$65,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

PARCEL 1: Situate along the Northwest side of the original portion of the Downsville Pike approximately 1.6 miles Southwestwardly from the Corporate Boundary of the City of Hagerstown, in District 26, Washington County, Maryland, and more particularly described as follows: Beginning at a point in the Northwest marginal line of said Downsville Pike, said point also being in the margin of the right of way of the State Roads Commission as indicated on Plat No. 13405 of said Commission on file in the Office of the Clerk of the Circuit Court for Washington County, and running thence along the existing fence line along the Northwest side of the original portion of said Downsville Pike South 48 degrees 20 minutes West 143.1 feet to a stake, thence leaving the Pike and running back therefrom North 4 degrees 00 minutes East 288.9 feet to intersect the existing fence line and the lines of the deed from Elizabeth S. Ridenour, widow, to Samuel H. Shank and Ethel Ridenour Shank, his wife, dated February 25, 1949 and recorded in Liber 251, folio 24, one of the Land Records of Washington County, Maryland thence with portions of two lines of said deed South 77 degrees 56 minutes East 101.0 feet to a post, South 4 degrees 00 minutes West 172.4 feet to the place of beginning; containing 0.53 acres of land, more or less.

PARCEL 2: All that lot or parcel of ground situate along the Northwest side of the original portion of the Downsville Pike approximately 1.6 miles Southwestwardly from the Corporate Boundary of the City of Hagerstown, in District 26, Washington County, Maryland and beginning at a point in the Northwest marginal line of said Downsville Pike, said point being at the end of the first line of the deed from Samuel H. Shank and wife to Leonard I. Mills and wife dated August 25, 1959 and recorded in Liber 351, folio 341, one of the Land Records of Washington County, and running thence back from the said Downsville Pike with the second line of said deed North 4 degrees 00 minutes East 288.9 feet to intersect the existing fence lines and the lines of the deed from Elizabeth S. Ridenour, widow, to the said Samuel H. Shank and wife dated February 25, 1949 and recorded in Liber 251, folio 24, another of the Land Records of Washington County, thence with a portion of one of the lines of said deed and running along the existing fence line North 77 degrees 56 minutes West 40.0 feet, more or less, to a marked tree, thence leaving the lines of the last mentioned deed and running South 3 degrees 38 minutes East 299.25 feet to the place of beginning, containing 0.12 acres of land, more or less.

SAVING AND EXCEPTING THEREFROM HOWEVER, all that piece or parcel of land conveyed to the Board of County Commissioners of Washington County, Maryland, a body corporate and politic of the State of Maryland, by Leonard I. Mills and Mary Jane Mills, his wife, by a deed dated 6 June 1983 and which was recorded in Liber 744, folio 1008, one of the Land Records of Washington County, Maryland. The property conveyed in fee simple from Parcel 1, above, contained 356 square feet, more or less, and from Parcel 2, above, 41 square feet, more or less.

For informational purposes only: The improvements thereon being known as 10650 Downsville Pike, Hagerstown, Maryland 21740

Tax ID No.: 26-018862

BEING the same property conveyed to John Dean Wastler by virtue of a Deed from Jack W. Mills, Personal Representative of the Estate of Leonard I. Mills, dated June 1, 1992

and recorded June 1, 1992 among the Land Records of Washington County, Maryland in
Liber DJW 1043, folio 813.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

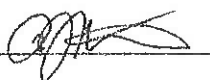
To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Downsville Pike Land LLC, in fee simple.

Subject to and together with all restrictions, covenants, conditions, easements and rights of way of record.

And the Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant Specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

The undersigned certify that he is resident(s) of the State of Maryland, or that this was their primary residence, and therefore is exempt from the tax withholding requirements of Section 10-912 of the Tax General Article of the Annotated Code of Maryland.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.



 (SEAL)
John Dean Wastler

STATE OF MARYLAND } ss
COUNTY OF WASHINGTON }

I hereby certify that on this 11th day of July, 2022, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared John Dean Wastler, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

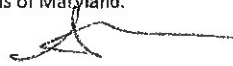


R.L. WITTHAUS
Notary Public, State of Maryland
County of Frederick
My Commission Expires Dec. 21, 2023


Notary Public
My Commission Expires: _____

AFTER RECORDING, PLEASE RETURN TO:
Downsville Pike Land LLC
10306 Remington Drive 2nd floor
Hagerstown, md 21740

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



Allison Bailey, Attorney

Real Property Data Search ()
Search Result for WASHINGTON COUNTY

Search Tax Maps		No Ground Rent Redemption on File		No Ground Rent Registration on File	
Special Tax Recapture: None					
Account Number:		District - 26 Account Identifier - 023173			
Owner Information					
Owner Name:		DOWNSVILLE PIKE LAND LLC		Use:	RESIDENTIAL
Mailing Address:		10306 REMINGTON DR 2ND FLR HAGERSTOWN MD 21740-0000		Principal Residence:	NO
				Deed Reference:	/05488/ 00165
Location & Structure Information					
Premises Address:		10662 DOWNSVILLE PIKE HAGERSTOWN 21740-0000		Legal Description:	1.10 ACRES 10662 DOWNSVILLE PIKE
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0057	0002	0210	26010519.22	0000	
					Block:
					Lot:
					Assessment Year:
					2026
					Plat No:
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				1.1000 AC	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
			/		
					Garage
					Last Notice of Major Improvements
					Pending Permit
					None
Value Information					
		Base Value		Value	
				As of	
				01/01/2026	
				Phase-In Assessments	
				As of	
				07/01/2025	
				As of	
				07/01/2026	
Land:		61,000		61,000	
Improvements		0		0	
Total:		61,000		61,000	61,000
Preferential Land:		0		0	
Transfer Information					
Seller: RICE ANITA VIRGINIA		Date: 04/26/2017		Price: \$175,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /05488/ 00165		Deed2:	
Seller:		Date:		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /01770/ 00701		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2025	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00/0.00	
				0.00/0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Tri-State Signature Settlements, LLC
 File No. TE-10106M
 Tax ID# 26023173

TM 57 / Parcel 210

This Deed, made this 21st day of April, 2017, by and between The Estate of Anita Virginia Rice, Estate No. 69124, Grantor; and Downsville Pike Land, LLC, a Maryland Limited Liability Company, party of the second part, GRANTEE.

Whereas, on February 12, 2014, the Orphans' Court of Washington County, State of Maryland (the "Court") granted administration of the Estate of the Decedent to Connie J. Proctor as Personal Representative of the Estate of the Decedent in Estate No. 69124.

Whereas, Grantor in the capacity as Personal Representative in the Estate of the Decedent has complete and full power and authority by law, to grant and convey the entire fee simple interest in the hereinafter described property; and

Whereas, as part of the administration of the Estate of the Decedent, Grantor desires to convey the entire fee simple estate in the hereinafter described property to the Grantee.

- Witnesseth -

That in consideration of the sum of One Hundred Seventy-Five Thousand And 00/100 Dollars (\$175,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR as Personal Representative as the Estate of the Decedent, does hereby grant and convey to Downsville Pike Land, LLC, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

All that lot or parcel of land situate along the Northwest side of the Hagerstown Downsville Road approximately one and six tenths (1.6) miles from the Corporate Limits of the City of Hagerstown, in District No. 26, Washington County, Maryland and being more particularly described as follows:

Beginning at a stone planted at the end of the South 78 degrees 30 minutes west 89 and 5/10 perch line of the deed from Mary E. Stockslager, widow, to Albert L. Stockslager and wife, dated August 6, 1927, and recorded in Liber No. 178, folio 94, one of the land records of Washington County, Maryland, said stone being in or near the Northwest margin of the aforesaid Hagerstown-Downsville Road and at the North east corner of the parcel of land conveyed by the Downsville and Hagerstown Turnpike Company of Washington County to Arthur T. Samuels and Edna M. Samuels, his wife, by deed dated May 3, 1919 and recorded in Liber No. 155, folio 185, another of the Land Records of Washington County and running thence with the closing line of the first mentioned deed North 62 degrees 45 minutes East 133 feet to a point in said Road, thence crossing a portion of the Road North 27 degrees 15 minutes West 24 feet to an iron pipe in the Northwest margin thereof, thence leaving the Road and running North 59 degrees 50 minutes West 337 feet to an iron pipe, thence South 22 degrees 36 minutes West 212 feet to an iron pipe in the boundary of the entire tract conveyed to Stockslager as aforesaid, thence with said boundary line South 78 degrees 15 minutes East 88 feet, more or less, to the Northwest corner of the aforesaid parcel of land conveyed to Arthur T. Samuels and wife, thence binding on said parcel South 78 degrees 15 minutes East 181 feet, more or less, to the place of beginning, containing one and one tenth acres of land, more or less.

SAVING AND EXCEPTING all that property located along the northwest side of the Downsville Pike in the Twenty Sixth Election District of Washington County, Maryland, as shown on State Highway Administration Plat No. 54605 (Rev. 7/15/97); together with any and all right of vehicular ingress and egress across those portions of the right of

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 5488 p.0165 MSA, CE_18_5440. Date available 4/28/2017. Printed 6/4/2026.

way lines which are marked "Throughout This Portion of the Right of Way Line All Vehicular Access is Denied", as set forth in the Inquisition filed as Case No. 21-C-98-3906 LA in the Circuit Court for Washington County, Maryland, State Roads Commission of the State Highway Administration vs. Anita V. Rice, et. al., dated February 12, 2002, and recorded among the Land Records of Washington County, Maryland in Liber 1756 at folio 1094.

Subject to and together with all covenants, restrictions, rights of way and easements of record applicable thereto.

BEING A PART OF the property described and conveyed in the Deed from Albert L. Stockslager and Nellie A. Stockslager unto William D. Rice and Anita V. Rice, dated November 20, 1945 and recorded November 23, 1945, in Liber 232 at folio 183 among the Land Records of Washington County, Maryland. The said William D. Rice departed this life on or about March 11, 1986 thereby vesting title in Anita V. Rice, as Surviving Tenant by the Entirety. The said Anita V. Rice having departed this life on or about December 14, 2013.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Downsville Pike Land, LLC, in fee simple.

And Grantor does hereby covenant to execute such further assurances of the same as may be requisite.

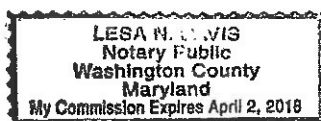
Witness the hand and seal of Grantor the day and year first above written.

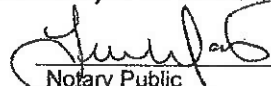

By: Connie J. Proctor, Personal
Representative of The Estate of Anita
Virginia Rice, Estate No. 69124

STATE OF MARYLAND
COUNTY OF WASHINGTON, to wit:

I hereby certify that on this **21st** day of **April, 2017** before me, the undersigned officer, a Notary Public in and for the State aforesaid, personally appeared **Connie J. Proctor**, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged herself or himself to be the Personal Representative of the Estate of The Estate of Anita Virginia Rice, Estate No. 69124 and who, in my presence, signed and sealed the foregoing Deed and acknowledged it to be his/her act and deed as Personal Representative of the foregoing Estate, giving oath under penalties of perjury that the consideration recited herein is correct.

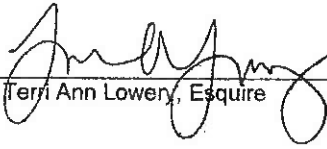
IN WITNESS WHEREOF, I hereunto set my hand and official seal.




Notary Public
My commission expires: 4/2/18

TODD L. HERSHEY, TREASURER
TAXES PAID 42417.00

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


Terri Ann Lowery, Esquire

AFTER RECORDING, PLEASE RETURN TO:
Tri-State Signature Settlements, LLC
1185 Mount Aetna Road
Hagerstown, MD 21740

June 17, 2026

Washington Co. Bd. of County Commissioners
c/o Wash. Co. Planning Commission
747 Northern Avenue
Hagerstown, MD 21742

Re: Zoning Ordinance Map Amendment Request for the +/- 2.09 ac. Property Located at the NW Corner of Halfway Boulevard & Downsville Pike

On behalf of the property owner, Downsville Pike Land, LLC, please accept the within letter in support of the application for Zoning Map Amendment to change the zoning classification for the property located at the NW corner of Halfway Boulevard and Downsville Pike from **RS (Residential, Suburban)** to **HI (Highway Interchange)**.

The subject property consists of three (3) parcels which, in the aggregate, total +/- 2.09 ac. in size (collectively, the "**Property**");

- +/- 0.49 acres with an address of 10650 Downsville Pike (Tax Map 57; Parcel 329);
- +/- 0.50 acres with an address of 10656 Downsville Pike (Tax Map 57; Parcel 408);
- +/- 1.10 acres with an address of 10662 Downsville Pike (Tax Map 57; Parcel 210).

As shown and depicted on the attached aerial photograph, the Property is bounded to the west by the County owned Marty Snook Memorial Park; to the south by the State-owned Park & Ride; to the east by Halfway Boulevard; and to the north by Downsville Pike. It is directly across the intersection from Sheetz.

In addition to being at the intersection of Halfway Boulevard and Downsville Pike, both classified as "Arterial" roadways (Comp. Plan, Map 7-6), the Property is less than 1,000' from the travel lanes of Interstate 70 and directly at the base of the westbound I-70 ramps.

Despite these factors, the Property is currently zoned RS (Residential, Suburban) (see attached Zoning Map) and designated in the County's Comprehensive Plan for "Medium Density Residential" future Land-Use (see attached Comp. Plan Future Land-Use Map).

The purpose of the RS (Residential, Suburban) district is to "provide appropriate locations ... for single and two-family dwellings on moderately sized lots..." (Zoning Ordinance, § 8.0) whereas the purpose of the HI (Highway, Interchange) district is to "provide suitable locations for commercial activities or light industrial land uses that serve highway travelers, provide goods and services to a regional population..." (Zoning Ordinance, § 19.1).

Several factors make the HI (Highway, Interchange) zoning classification more suitable than the RS (Residential, Suburban) for this Property:

- The Property is located immediately adjacent to the intersection of Halfway Blvd. and Downsville Pike, less than 1,000' from the travel lanes of Interstate 70 making single-family or two-family residential dwellings completely inappropriate;
- Without the benefit of any internal or secondary roadways, the Property will need to be accessed directly from Halfway Blvd. and/or Downsville Pike which, given the traffic volumes and speed of vehicular traffic on both roadways, presents a clear incompatibility and potential safety concern; and
- Given the need for future road and/or intersection improvements at this location, future residential use is impractical and not of a scale necessary to provide those improvements as part of the Property's development.

"Change or Mistake" Rule in General

Not only must the new, requested zoning classification be appropriate for the Property, but a request to change a property's zoning classification must also be supported by strong evidence of either (i) mistake in the original zoning (or the most recent comprehensive rezoning); or (ii) substantial change in the character of the neighborhood. *See, Stratakis v. Beauchamp*, 268 Md. 643, 652-653 (1973), which also characterizes "strong evidence" as being sufficient to make the issue "fairly debatable."

Change in the Character of the Neighborhood

There are essentially three (3) elements to be established in a case contending there has been a substantial change in the character of the neighborhood:

- (a) What area constitutes the "neighborhood" of the subject property;
- (b) The changes that have occurred in that "neighborhood" since the original zoning (or last comprehensive rezoning affecting the property); and
- (c) That the changes resulted in a change to the character of the "neighborhood" that justify reclassification of the property to the requested zoning.

See, Montgomery v. Board of County Commissioners for Prince George's County, 256 Md. 597, 602 (1970).

Neighborhood

What constitutes the "neighborhood" is not to be precisely or rigidly defined but instead is defined differently in each case as the area within the immediate environs of the subject property and depends upon geographic location property, whether it is an urban, rural or semi-rural area and other such relative characteristics. *See, Clayman v. Prince George's County*, 266 Md. 409, 418 (1972).

In this case, the Property is located within the "neighborhood" bounded by the following, all of which are less than 1,000 ft. from the Property (see attached, marked aerial photo Exhibit):

- Stone Valley Drive to the North;
- I-70 to the South;
- The limits of Marty Snook Park to the West; and
- Venture Drive to the East.

Because all but two (2) of the neighboring properties are oriented *away from* the Property, it is somewhat difficult to define exactly what “neighborhood” the Property is part of (see attached, marked aerial photo exhibit), thus providing additional support that it is a Property more appropriately utilized for commercial rather than residential uses.

Changes in the Neighborhood

When evaluating the effect and sufficiency of changes which have occurred in the neighborhood, (i) they should be considered in the aggregate, not isolation. *See, Bowman Group v. Moser*, 112 Md. App. 694, 700 (1996); and (ii) changes occurring prior to the original zoning (or last comprehensive rezoning) may be considered in conjunction with other changes occurring after said zoning or rezoning. *See, Buckel v. Board of County Commissioners of Frederick County*, 80 Md. App. 305, 311 (1989).

Numerous changes have occurred within the “neighborhood” in which this Property is located, both prior to and following the last comprehensive rezoning affecting the Property in 2012. Those changes include at least the following:

- Intensification of the commercial areas surrounding the Property, including development of the Sheetz convenience store directly opposite the Property in the SE corner of the intersection; and
- Expansion and improvement of the Halfway Boulevard and Downsville Pike intersection and abutting roadways, both of which are classified as “Arterial” roadways and as shown in the attached aerial photo Exhibit consist of four (4) travel lanes in the case of Halfway Boulevard and between 5-7 travel lanes with a solid median in the case of Downsville Pike.

It is indisputable that the cumulative effect of these changes in the “neighborhood” have made the Property more suitable for the commercial uses permitted in the HI (Highway, Interchange) zoning district than the RS (Residential, Suburban) zoning district.

At one point in time the Property may have been suitable for residential use, but that time has passed and rezoning the Property to HI (Highway, Interchange) is justified and appropriate.

Mistake

For there to be a “mistake” at the time of the original zoning (or last comprehensive rezoning) there must be evidence (i) that there were assumptions or premises relied upon that were invalid or incorrect; or (ii) that existing facts, projects or reasonably foreseeable trends were not taken into account, so that essentially the original zoning (or last comprehensive rezoning) was premised on an error or misapprehension and not just an occasion of bad judgment. *See, Boyce v. Sembly*, 25 Md. App. 43, 50-51 (1975).

When the Property was last comprehensively rezoned in 2012, it was based at least in part on the presumption that the Property, whether collectively as a single +/- 2.09 ac. parcel or individually as separate +/- 0.49 ac.; +/- 0.50 ac.; and +/- 1.10 ac. parcels, could be effectively utilized for the single-family, two-family or limited commercial / institutional (churches, schools, community centers, etc.) permitted in the RS (Residential, Suburban) zoning district.

However, the Property's relatively small size, irregular shape and frontage on two (2) arterial roadways (+/- 400' on Downsville Pike; +/- 350' on Halfway Boulevard) present difficult challenges to its development and utilization, specifically gaining safe points of ingress/egress to Halfway Boulevard and/or Downsville Pike, consistent with all design, sight distance and other regulations of the City of Hagerstown, Washington County and the State Highway Administration.

This challenge would likely be insurmountable if the proposed use were, for example, a single-family dwelling on each of the three (3) parcels each of which would be entitled to an individual private driveway onto either Halfway Boulevard or Downsville Pike to gain access.

These existing facts, as well as the reasonably foreseeable trend of intensifying traffic and commercial uses mentioned earlier when discussing the "change in the character of the neighborhood" were not sufficiently taken into account by the County in 2012.

As confirmed by the more than 14 additional years that have elapsed with still no residential development activity proposed for the Property, this decision by the County was premised on the misapprehension that the Property was more appropriate and suitable for residential use.

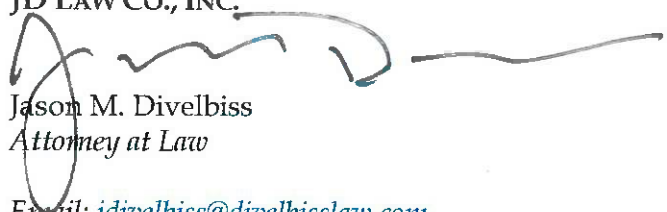
Conclusion

For the foregoing reasons, the requested rezoning of the Property from RS (Residential, Suburban) to HI (Highway, Interchange) is justified on the grounds of either substantial change in the character of the neighborhood or mistake in the last comprehensive rezoning.

The Property is bounded by Halfway Boulevard and Downsville Pike, both major transportation corridors where commercial development should be located and the relatively recent intersection improvements have the intersection and surrounding road network operating better than at any other time in recent memory.

For these reasons, the Applicant / Property Owner respectfully requests that the requested rezoning from RS (Residential, Suburban) to HI (Highway, Interchange) be approved.

Very truly yours,
JD LAW CO., INC.



Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com



Byrd Dental



Sheetz

Subject Property
+/- 2.09 ac.



Downsville Pike

Halfway Boulevard

Park & Ride

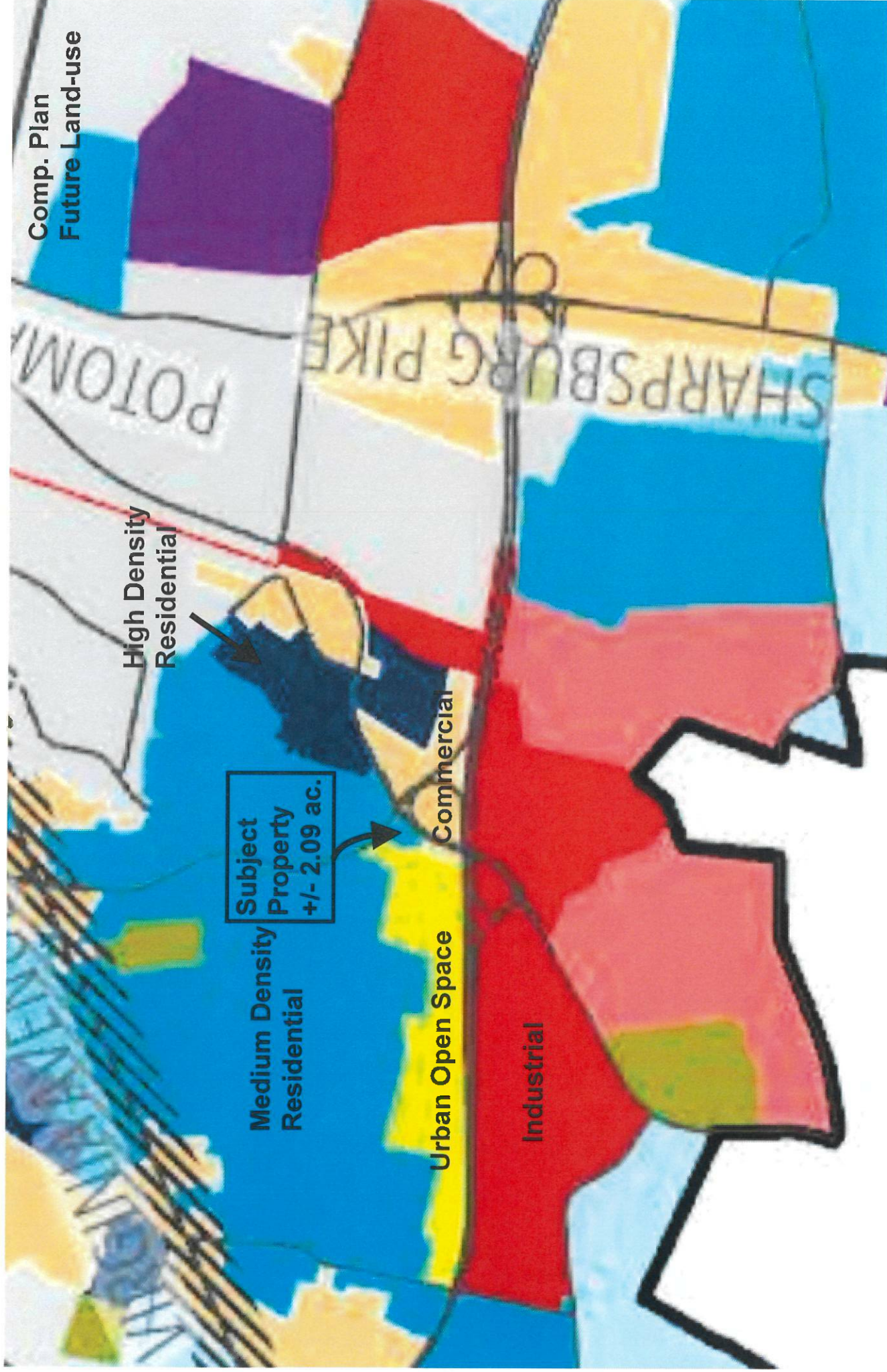
Martin L.
"Marty"
Snook
Memorial Park



Current Zoning Map



**Comp. Plan
Future Land-use**



High Density
Residential

Subject
Property
+/- 2.09 ac.

Medium Density
Residential

Urban Open Space

Commercial

Industrial

The "Neighborhood"

Stone Valley Drive

Venture Drive



Byrd

Martin L.
"Marty"
Snook
Memorial Park

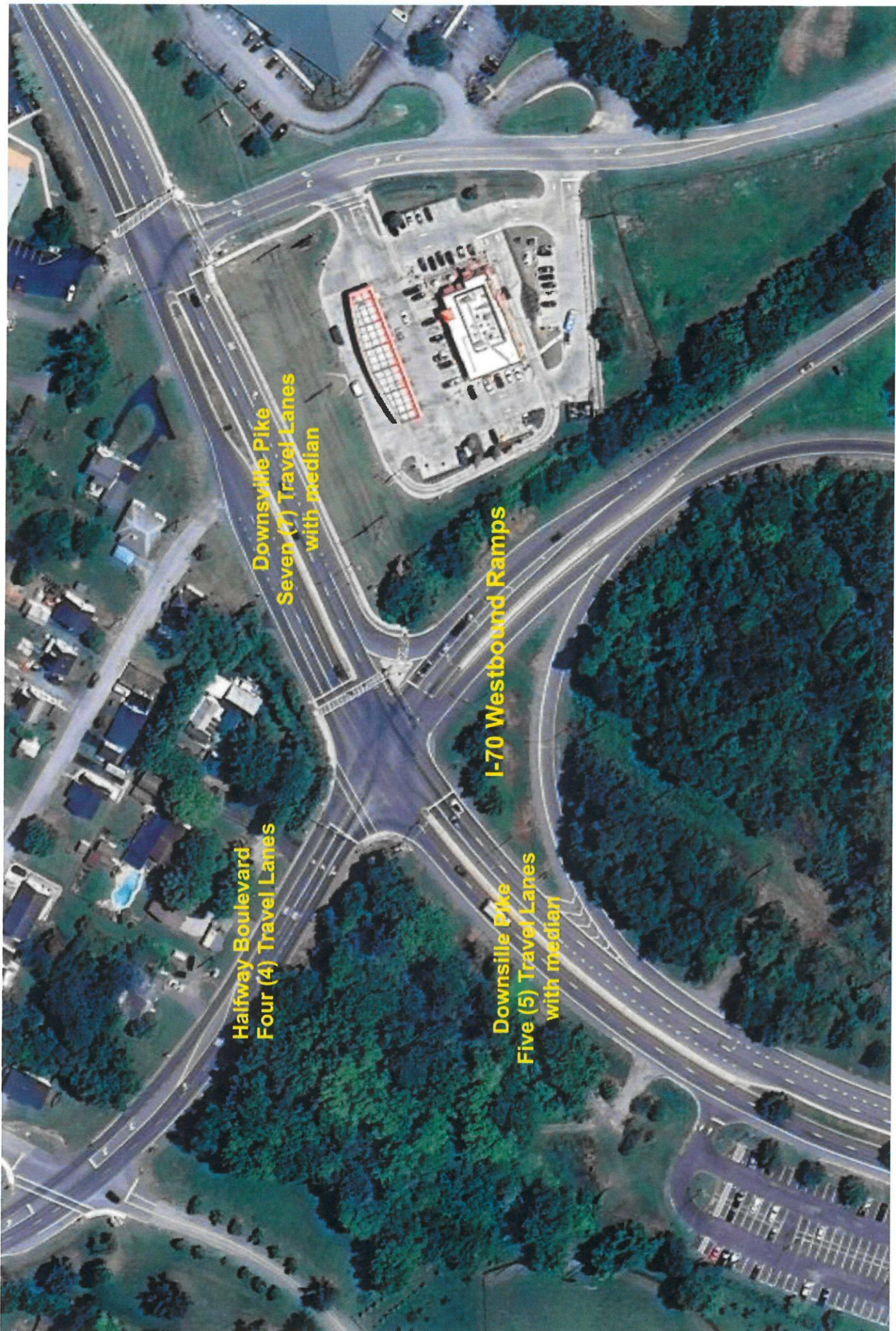




Screenshot

s Courts

Martin L.
"Marty"
Snook
Memorial Park



Downsville Pike
Seven (7) Travel Lanes
with median

I-70 Westbound Ramps

Halfway Boulevard
Four (4) Travel Lanes

Downsville Pike
Five (5) Travel Lanes
with median



RZ-26-004

Applicant

- DOWNSVILLE PIKE LAND, LLC

Location

- NW Corner of Halfway Blvd/Downsville Pike Intersection

Present Zoning

- RS - Residential, Suburban

Proposed Zoning

- HI - Highway Interchange

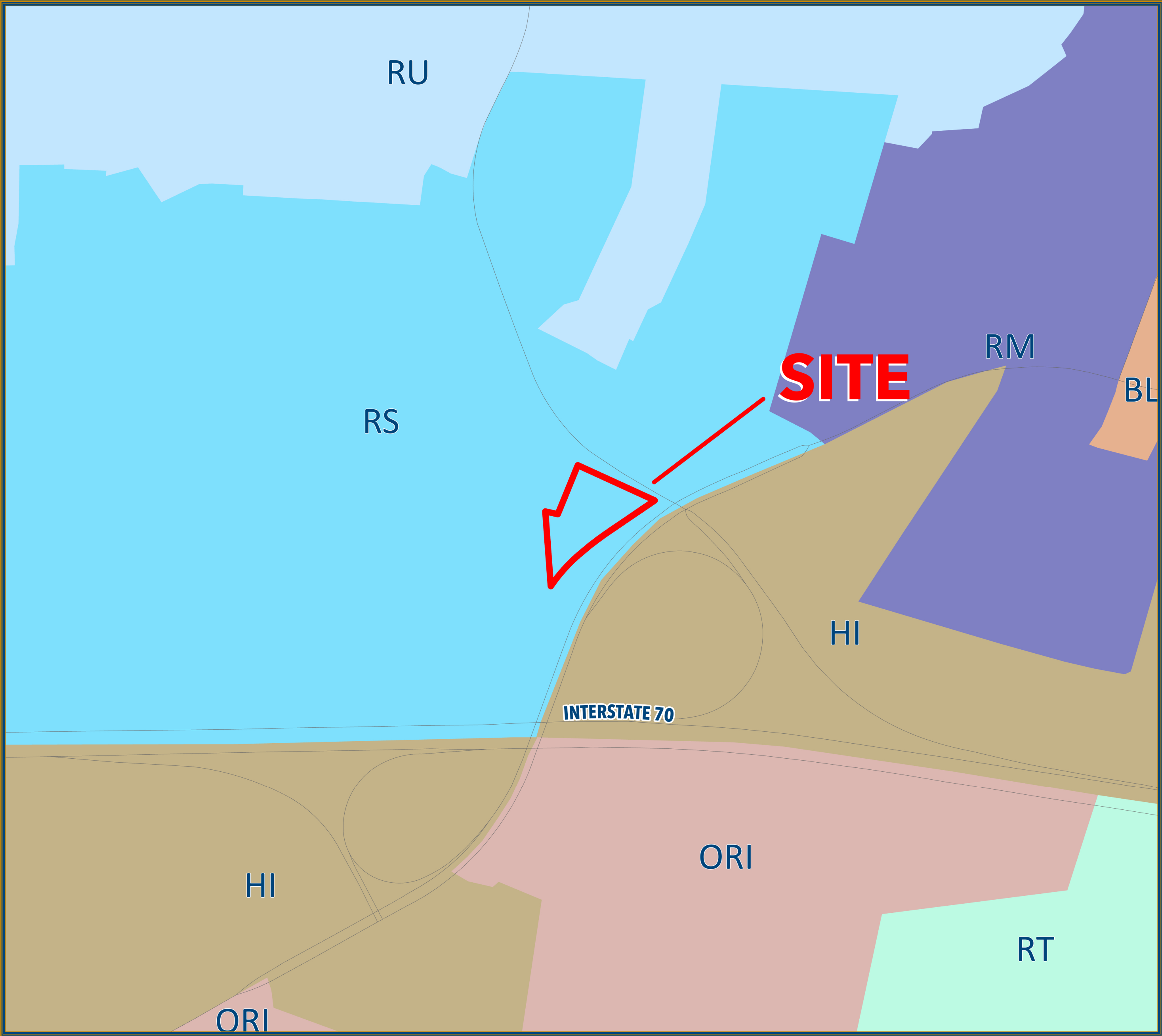
Acreage

- 2.09

Map/Parcel

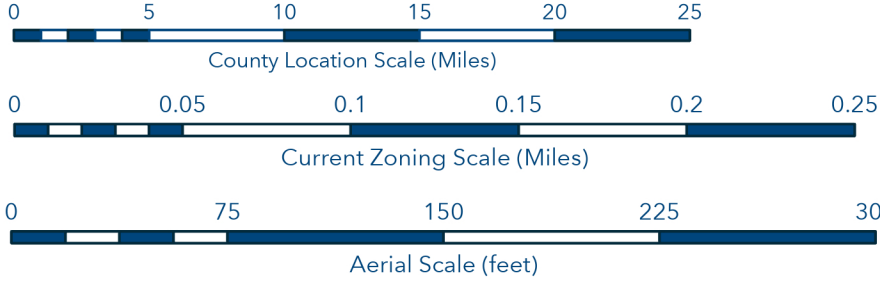
- Map 57, Parcels 210/329/408

Current Zoning

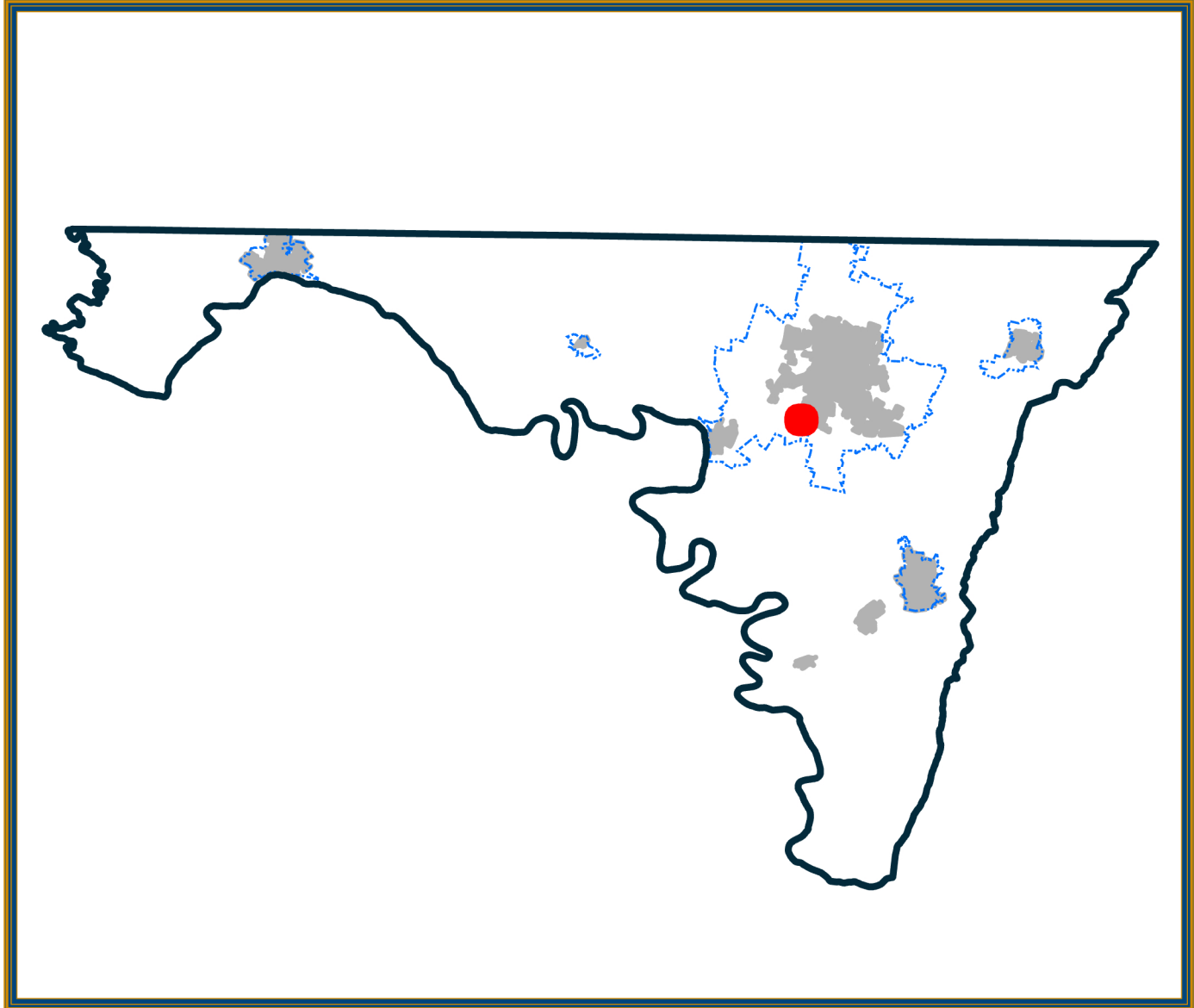


Legend

- Rezoning Site
- Growth Areas
- BL
- HI
- ORI
- RM
- RS
- RT
- RU
- County Boundary
- Roads



County Location



Aerial (2025/MD iMAP)



Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	Downsville Pike Land, LLC
Applicant(s)	:	Christopher R. Smith (Manor House Builders)
Location	:	NW side of Downsville Pike, ¼ mile North of I-70
Election District	:	#26 – Halfway
Comprehensive Plan Designation	:	Medium Density Residential
Zoning Map	:	57
Parcel(s)	:	P. 210, 329, 408
Acreage	:	2.09 acres (P. 210: 1.10 ac; P. 329: .49 ac; P. 408: .50 ac)
Existing Zoning	:	RS – Residential, Suburban
Requested Zoning	:	HI – Highway Interchange
Date of Meeting	:	August 31, 2026

I. Background and Findings Analysis:

1. Site Description



The site of this request is located at the intersection of Downsville Pike (MD 632) and Halfway Blvd, approximately .25 miles north of Interstate 70 exit #28. Marty Snook County Park is located immediately adjacent to Parcels 210 and 329. The Park and Ride lot lies immediately south of Parcel 329. The total acreage of the three parcels that are the subject of this rezoning case is 2.09 acres. All properties are located within the County designated Urban

Growth Area which surrounds the City of Hagerstown and the Towns of Williamsport and Funkstown.

The subject properties are currently undeveloped and covered with mature trees and brush. Single family homes stood on each of these properties for many years until they were demolished after years of neglect by multiple property owners. The homes were demolished in 2018, 2020 and 2022, respectively. The topography slopes moderately downhill to the southwest towards Marty Snook Park. An intermittent stream, James Run, separates adjacent parcel 329 from the Park at the base of the hill, just offsite.

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, and the County as a whole.

The properties 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 1990 and 2020. District 26 has grown 22.1% over the thirty-year period (.74%) per year while the County as a whole has increased in population by 27.4% (.91% per year) during the same period. The Halfway Election District experienced its greatest population increase during the thirty-year period surveyed between 2000 and 2010 (9.3% over those ten years).

Table 1: Halfway Election District Population Trends

Population Trends 1990 - 2020			
Year	Area	Population	% change from previous decade
1990	District	9,418	
	County	121,393	
2000	District	9,854	4.6%
	County	131,932	8.7%
2010	District	10,774	9.3%
	County	147,430	11.7%
2020	District	11,501	6.7%
	County	154,705	4.9%

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 is consistent with the County's adopted Comprehensive Plan. Inherent in this purpose is the realization that the planning and implementation of water and sewer facilities constitute the most physically direct method of guiding development within the County. Extension of service is done according to a priority classification established within the Plan ranging from W-1/S-1 (Existing Service or Under Construction) to W-7/S-7 (No Planned Service).

Water:

W-1: Existing Service (County Line – City Treatment)

All parcels are served by existing public water facilities. Water distribution lines in this area are owned by the County while treatment is provided by the City of Hagerstown. The City of Hagerstown Water Division offered no comment on the proposed development when sent the application for review.

Wastewater:

S-1: Existing Service (County)

The subject parcels are served by existing public sewerage facilities. The County provides wastewater service for this area at the Conococheague Wastewater Treatment Plant.

The Department of Water Quality is the wastewater provider for this area and therefore the application was sent to it for review and comment. The Department had no comments on this application.

B. Emergency Services

Fire and Emergency Services:

Volunteer Fire Company of Halfway (1114 Lincoln Avenue) – 1 mile away

All parcels are 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 mile away from the properties subject to the rezoning.

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

Schools

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

The subject site is within the districts of Lincolnshire Elementary, Springfield Middle and Williamsport High schools. The requested zoning classification, Highway Interchange (HI), does not allow for residential development. Therefore, there would be no school capacity mitigation requirements for pupil generation under the County's Adequate Public Facilities Ordinance.

4. Present and Future Transportation Patterns

Highways – Access and Traffic Volume

The site is located at the intersection of Downsville Pike (MD 632) and Halfway Blvd. Both roads are classified as minor arterials in the Transportation Element of the County's 2040 Comprehensive Plan. This classification accounts for mobility and access characteristics of the roadway in its categorization. Minor Arterial roads are designed to carry between 5,000 – 25,000 Average Daily Traffic 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.

Parcel 210 has approximately 300 feet of road frontage on Halfway Boulevard, extending from the intersection of Halfway Boulevard and Downsville Pike to the northwest. The three parcels combined have approximately 500 feet of road frontage on Downsville Pike, extending south from this same intersection.

The southbound and northbound travel lanes on Downsville Pike are divided by a median. This median extends north of the Halfway Boulevard intersection for approximately 500 feet until ending near Venture Drive. It runs south of this intersection for approximately 1/3 mile until ending at the I-70E off-ramp. The median then extends briefly again for approximately another 600 feet in front of Callas Contractors as Downsville Pike turns southwest.

At present, there is one major new roadway project affecting capacity or traffic flow realignment currently slated to occur in the immediate vicinity of the subject parcels on County, State or Federal roads, according to a review of short and long-term transportation planning documents. Other recent road or intersection improvements in the vicinity of the rezoning site are briefly discussed in the following paragraphs.

The County's current 10-Year Capital Improvement Plan (CIP) budgets for the installation of a roundabout at the intersection of Halfway Boulevard and Oak Valley Drive to improve safety and the level of service. Oak Valley Drive becomes the entrance road into Marty Snook Park as it crosses over Halfway Boulevard heading south. No money is budgeted for this project in the next five years, however, indicating that this intersection improvement is a long-term priority at the moment, not an immediate priority.

Previously, in 2017, a traffic signal was installed at the intersection of Venture Drive and Downsville Pike as a part of the opening of the new Sheetz. This signal was synchronized with the signal at Downsville Pike and Halfway Blvd. Venture Drive was restriped to 3 lanes at that time as well. The store is located directly east of the rezoning site.

Both I-70 bridges over MD-632 are also in the process of being replaced as the existing bridges, built in 1965, are nearing the end of their useful service lives and are rated in poor condition based on deck and substructure.

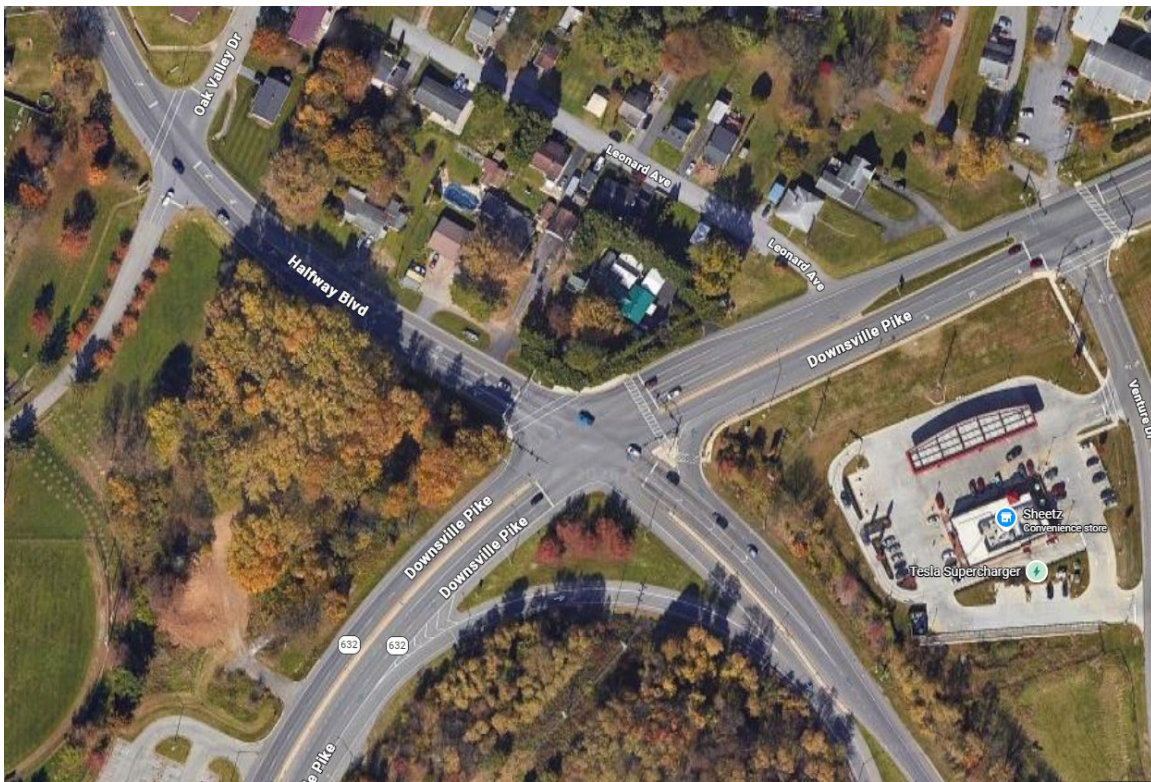


Image showing road and intersection configuration near the rezoning site including: Downsville Pike medians, Venture Drive traffic signal, Marty Snook Park entrance road, Halfway Boulevard turn lanes

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. The intersection of Halfway Boulevard and Downsville Pike, located immediately adjacent to the two parcels to the northeast, offers a proximate location which has recorded traffic counts from the Maryland State Highway Administration (SHA) throughout the time period shown below. The traffic volume data shown in the chart is expressed in annual average daily traffic volumes (AADT).

Table 2: Traffic Volumes 1990-2024

Year	Downsville Pike @ Halfway Blvd
2024	12,515
2020	10,703
2015	12,361
2010	12,152
2005	13,175
2000	6,900
1995	6,250
1990	14,600

Source: Maryland State Highway Administration

As shown in the table above, traffic volumes near the intersection of Downsville Pike and Halfway Boulevard have remained consistent during the last fifteen years, aside from the notable decrease in traffic during the COVID-19 Pandemic in 2020. Outside of that anomalous period, traffic volumes have remained at roughly 12,000 AADT since 2010. The highest traffic counts at this intersection during the period surveyed were actually achieved nearly 35 years ago, in 1990. Traffic has yet to reach those same levels at the intersection since then.

The significant dip in traffic volumes at this location between 1995 and 2000 is likely explained by I-70 interchange construction during that same period, causing traffic to divert onto other roads. Accordingly, the sharp increase in traffic volume in 2005 at this location coincides with the project's completion.

The State Highway Administration had no comment after receiving a copy of the rezoning application.

The County's Division of Engineering & Construction Management also collected single day traffic counts on roads in the vicinity of this proposed rezoning in 2008, 2016 and 2022. These counts, shown in the table below, give us some indication of traffic volumes occurring in the adjacent residential and commercial areas along Downsview Pike and Halfway Blvd.

The only notable variation in these traffic counts taken at various locations is the Venture Drive count in 2022. Traffic increased dramatically from 369 vehicles in 2016 to 4803 vehicles in 2022. This dramatic increase can be almost solely attributed to the Sheetz opening on Venture Drive in 2017.

Table 3: 2008, 2016 & 2022 County Traffic Volumes

Oak Ridge Drive at MD 632	3459	3440	3622
Fairway Lane at MD 632	1380	1273	995
Venture Drive at MD 632	609	369	4803
Oak Valley Drive at Halfway Blvd	1077	1020	915
Leonard Ave	125	NA	NA

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

The rezoning application was sent to the Washington County Division of Public Works and they have supplied the following comment regarding access and circulation related concerns (emphasis added by staff):

- 1. "There are questions and concerns regarding the future ingress/egress locations and the resulting traffic demand associated with Highway Interchange zoning. The existing unsignalized entrance to Marty Snook Park on Halfway Boulevard is located approximately 500 feet from the adjacent intersection. A new commercial access point would be expected to generate substantially more traffic than the current residential zoning, increasing the potential for operational and safety concerns due to the close spacing of access points, particularly if left-turn movements are permitted."*

Additionally, Marty Snook Park is public property. If the proposed development anticipates sharing or connecting to the existing park entrance, this raises concerns regarding the use of public park property to provide access for a private

commercial development and may be inconsistent with the intended public purpose of the park property.”

2. *“Public Works is currently advancing the Marty Snook Park Multimodal Trail and Parking Capital Improvement Project (CIP), which includes planned modifications to the park access road, traffic circulation, pedestrian facilities, and bicycle infrastructure. There are concerns regarding how any proposed commercial entrance(s) would be designed and constructed and the potential impacts on these planned improvements, including the ability of park users to safely access and connect to the surrounding residential neighborhoods.*

Any proposed access configuration should preserve safe, convenient, and continuous pedestrian and bicycle connections between Marty Snook Park and the adjacent residential areas.”¹

Public Transportation

This area is not directly served by public transportation. Routes 111 and 113 (Valley Mall) of the Washington County Commuter both travel along Downsview Pike and Halfway Boulevard. The route turns off onto Oak Ridge Drive however, roughly ½ mile north of the subject parcels, before reaching Halfway Boulevard. The nearest stops are at either the South End or Old Orchard Shopping Centers (both roughly 1.5 miles away from the site).

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

A. Zoning

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

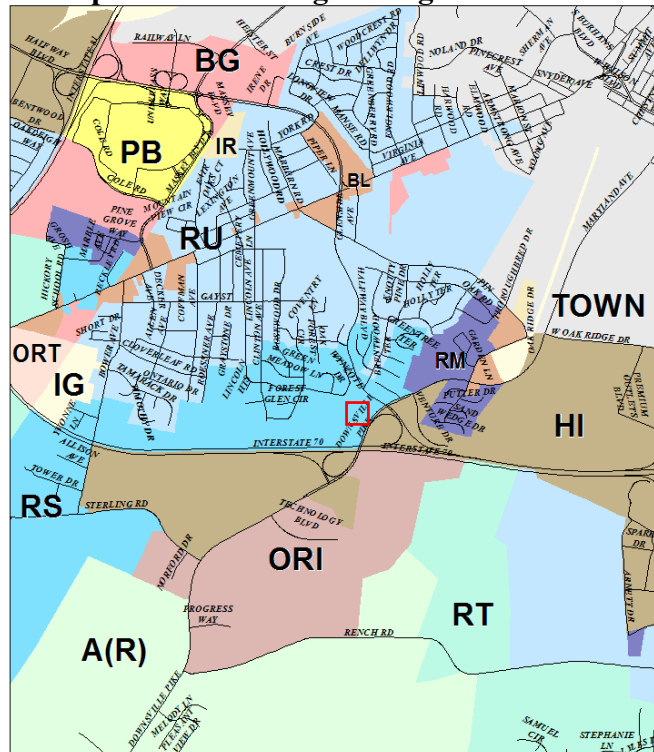
“...to provide suitable locations for commercial activities or light industrial land uses that serve highway travelers, provide goods and services to a regional population, or uses that have a need to be located near the interstate highway system to facilitate access by a large number of employees, or the receipt or shipment of goods by highway vehicles...”²

¹ Washington County Division of Public Works Comment Letter dated July 17, 2026.

² Washington County Zoning Ordinance, Section 19.1, P.170

The HI Zoning District does not establish its own independent list of principal permitted uses aside from agriculture. Instead, it draws permitted uses from the Business Local, Business General, Planned Business and Office Research and Technology Zoning Districts. Accordingly, the range of potential uses permitted by right under the HI zoning classification is vast and wide-ranging.

Map 1: Surrounding Zoning Classifications



The mix of zoning classifications in the immediate vicinity of the three parcels (red box) in question, are shown on Map 1 above. The properties fall within a section of the UGA between I-70, MD-632 and Virginia Avenue that is almost uniformly residential. Zoning classifications within this area to the north and west above Interstate 70 include Residential Suburban (RS), Residential Urban (RU) and Residential Multifamily (RM).

It is only once one crosses I-70 or MD-632 that the zoning becomes predominantly commercial or industrial in the vicinity. To the east, south and southwest one encounters Highway Interchange (HI) and Office, Research and Industry (ORI). There is still a substantial RM area in this quadrant, located immediately east of the subject site near the I-70 interchange.

Lands beyond the direct influence of the I-70 interchange are assigned mostly Residential Transition (RT) and Agricultural Rural (AR) as we reach the boundary of the UGA.

B. Land Use

Land use in the area surrounding the rezoning site follows the assigned zoning classifications just described. Marty Snook Memorial Park borders the subject parcels to the west. Substantial single-family, two-family and multi-family residential development in the Woodmoor, Oak Ridge and Parkview Meadows neighborhoods border the Park to the north and west. Lincolnshire Elementary School lies within this area, north of the subject site, along Halfway Boulevard. A park and ride lot is immediately south of parcel 329.

Across MD-632, one can find the new Sheetz along Venture Drive as well as multiple medical offices at the Downsville Center commercial complex. Immediately northeast of those businesses are the Towne Oak Village townhome community. A small cluster of mostly retail and food service businesses is found in the Oak Ridge Shopping Center, roughly a ½ mile northeast, at the intersection of Downsville Pike and Oak Ridge Drive.

Callas Contractors, a construction firm, is found just after the I-70 underpass on Downsville Pike to the south. The Trammel Crow-Downsville Pike Warehouse (Conair Distribution Center) was constructed at the southwestern corner of the I-70 interchange over the last three to five years.

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 approximately 5 historic sites located within a 0.5-mile radius of the proposed rezoning areas. A 6th historic site, the Anita Rice House (WA-I-692), was formerly located within the boundary of parcel 408 but was demolished in 2018 after many years of neglect. Below is a list of existing historic resources left within a 0.5-mile radius of the subject parcels.

- WA-I-691: “Eldridge Tenant House,” ca. 1900 vernacular, 2-story wood frame dwelling constructed as employee housing for adjoining Shafer Farm (.25 miles away).

- WA-I-264: “Shafer Farm,” mid-19th agricultural complex encompassing five buildings including a 2-story brick farmhouse, two barns, smokehouse and stone springhouse associated with prominent early residents of Washington County (1/3 mile away).
- WA-I-388: “David’s Friendship,” 18th century, 2-story stone farmhouse associated with prominent early residents of Washington County (1/2 mile away).
- WA-I-389: “Thomas-Adams House,” late 19th century 2-story brick farmhouse and wash house outbuilding associated with prominent early residents of Hagerstown (1/2 mile).
- WA-I-376: “Stockslager Farm,” mid-19th century 2-story brick cased log house now converted to commercial through property adaptive reuse (1/2 mile).

4. 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 Medium Density Residential. The 2040 Comprehensive Plan offers the following definition for this policy area:

“Medium Density Residential areas are primarily associated with existing developments that have a slightly higher average density than low density areas. Vacant lands classified as medium density residential are located near or between existing medium and high-density developments and where lands are either currently served or will be served with public water and/or sewer facilities in the near future. Proposed residential densities within these areas are recommended to achieve 6 to 8 units per acre and allow for residential uses that include single-family & two-family residences, triplexes, quadplexes, and townhouses. Zoning districts likely to be associated with these areas are Residential, Suburban and Residential, Urban.”³

5. “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

³ 2040 Washington County, Maryland Comprehensive Plan, Page 14-22.

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 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 of this case has indicated in their justification statement that they believe that there has been both a **substantial change in the character of the neighborhood** since last comprehensive rezoning in 2012 **and** a **mistake in the current zoning** made at that same time. As noted in the prior section describing the “Change or Mistake” Rule, the Washington County’s Zoning Ordinance requires specific criteria to be presented to the local legislative body in order to determine how the area subject to rezoning has evolved since the comprehensive rezoning.

The 2012 Comprehensive Rezoning in Washington County affected 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.

A. Evidence for Substantial Change in the Character of the Neighborhood

The applicant asserts that there has been a substantial change in the character of the neighborhood since the time of the last comprehensive zoning plan. In order to demonstrate that a substantial change has occurred in the character of the neighborhood since the passage of the last Comprehensive Zoning Plan, the applicant must establish:

1. What area reasonably constitutes the “neighborhood” of the subject property;
2. The changes that have occurred in the neighborhood since the comprehensive zoning;
3. Proof that these changes resulted in a change in the character of the neighborhood.

Maryland case law has consistently established that these factors must be considered cumulatively, not individually, if the applicant is to demonstrate proof that a substantial change in the character of the neighborhood has occurred. Correspondingly, a substantial change in any one individual factor doesn’t necessarily illustrate that substantial change has occurred in the neighborhood overall.

B. Neighborhood Definition

While the concept of a neighborhood is flexible according to its geographical context, as the applicant notes citing *Montgomery v. Board of County Commissioners for Prince George’s County (1971)*, subsequent Maryland case law demonstrates that the neighborhood must be reasonable, not “unduly restrictive” and include the “immediate environs of the subject property.”⁵ The Applicant’s Justification Statement presents their interpretation of the boundaries of the “neighborhood.” This Exhibit displays an aerial photo utilizing a radius that extends no more than 1,000 feet from the site in any direction, centered around the Downsville Pike/Halfway Boulevard intersection. The area

⁴ Washington County Ordinance No. ORD-2012-08

⁵ *Sedney v. Lloyd*, 44 Md. App. 633, 410 A.2d 616 (1980)

encompasses both the residential and commercial uses within the “neighborhood.” Geographic reference points offered in their Justification Statement include:

- *Stone Valley Drive to the North*
- *I-70 to the South*
- *The limits of Marty Snook Park to the West; and*
- *Venture Drive to the East*

The Justification Statement also includes the following (paraphrased) assertion:

“Because all but two of the neighboring properties are oriented away from the Property, it is somewhat difficult to define exactly what “neighborhood” the property is part of..., thus providing support that it is a Property more appropriately utilized for commercial rather than residential uses.”⁶

The neighborhood defined by the applicant in the aerial photograph meets the test of including the “immediate environs of the subject property,” as it appropriately encompasses the influence of the commercial and residential areas that are immediately adjacent.

The applicant’s above italicized statement, which is accompanied by another photographic exhibit showing the direction which the nearby residential uses face, is highly subjective. It is unclear why the orientation of nearby houses should play any role in assigning neighborhood boundaries. Proximate residential uses do not need to directly face each other to belong to the same neighborhood, or for nearby residents to foster relations with one another.

C. Changes That Have Occurred in the Neighborhood

The applicant contends in their Justification Statement that a substantial change has occurred in the character of the neighborhood, both before and after the 2012 Comprehensive Rezoning of the UGA. As evidence, they offer:

1. *“Intensification of the commercial areas surrounding the Property, including development of the Sheetz convenience store directly opposite the Property in the SE corner of the intersection; and*

⁶ Applicant’s Justification Statement (page 16 of the application materials)

2. *Expansion and improvement of the Halfway Boulevard and Downsville Pike intersection and abutting roadways, both of which are classified as “Arterial” Roadways and as shown in the attached aerial photo exhibit consist of four travel lanes in the case of Halfway Boulevard and between 5-7 travel lanes with a solid median in the case of Downsville Pike.”*⁷

i. Requirements for Considering the Effect Changes to the Neighborhood Before v. After 2012

A notable point concerning offering proof of “substantial changes in the character of the neighborhood” that is immediately brought up in the Applicant’s Justification Statement is the length of time from which said changes should be judged from. The County’s Zoning Ordinance clearly identifies the time period from which to judge neighborhood changes as “*subsequent to the most recent comprehensive rezoning.*”⁸ As noted previously, the most recent comprehensive rezoning affecting the subject properties occurred in 2012. Therefore, the neighborhood changes which have occurred between 2012 and now is typically the time period that should be considered when evaluating the rezoning request.

The Applicant, however, cites case law which adds more detail to this standard. Citing **Bowman Group v. Moser (1996)**, he notes that changes “*should be considered in the aggregate, not in isolation*” and, citing **Buckel v. Board of County Commissioners of Frederick County (1989)** that “*changes occurring prior to the original zoning (or last comprehensive rezoning) may be considered in conjunction with other changes occurring after said zoning or rezoning.*”⁹

The *Buckel* standard cited, however, omits a critical contextual requirement that was part of that court decision. *Buckel* found that “**Changes contemplated prior to the latest comprehensive zoning are usually not relevant in determining whether a substantial change has occurred to support rezoning of property. Changes in the character of the neighborhood prior to the adoption of the comprehensive zoning may be considered only in conjunction with subsequent changes.”**¹⁰

In essence, the *Buckel* standard demands a clear demonstration that there is a strong linkage between events which happened before the comprehensive rezoning, and the neighborhood changes which resulted afterward. If this direct cause and effect relationship

⁷ Ibid

⁸ Washington County Zoning Ordinance, Article 27.1, P.310

⁹ Applicant’s Justification Statement (page 16 of the application materials)

¹⁰ Guide to Maryland Zoning Decisions, 5th Edition, by Stanley Abrams referencing Maryland Court of Appeals Case *Buckel v. Board of County Commissioners of Frederick County*, 80 Md. App. 305, 562 A.2d 1297 (1989). P.1-27.

is not present, then changes happening to the neighborhood prior to the comprehensive rezoning should not be strongly considered in determining whether or not substantial change to the neighborhood has occurred.

Both the Bowman and Buckel case law standards are material in evaluating the merits of the Applicant's petition in this case. Indeed, it is critical that we consider both "the changes in aggregate, not isolation" and whether or not events which happened before the 2012 Comprehensive Rezoning of the Urban Growth Area materially affected neighborhood character after 2012. These tests will be expanded upon in the sections that follow.

ii. Intensification of Commercial Development in the Neighborhood

The first piece of evidence offered by the Applicant to demonstrate that a substantial change has occurred in the neighborhood since the 2012 Comprehensive Rezoning is the *"intensification of the commercial areas surrounding the Property, including development of the Sheetz convenience store directly opposite the Property in the SE corner of the intersection..."*

First, the contention that commercial uses have intensified in the area surrounding the rezoning site is immediately a debatable assertion. Within the "neighborhood" itself, as defined by the Applicant, the Sheetz opening in 2017 represents the only new commercial business that has opened in the immediate vicinity since 2012. Granted, it is a type of business that does generate enough traffic that it warranted a new traffic signal on Venture Drive. But the opening of a single gas station/convenience store is hardly evidence of strong trend towards more commercial development in the immediate area.

The only other notable development in the immediate vicinity of the site is the opening (in 2023) of the Trammel-Crow Warehouse/Conair Distribution Center on Downsview Pike at the I-70 interchange. This development lies outside of the "neighborhood," as defined by the applicant. So, it is immaterial in the discussion of whether or not there has been substantial change in the character of the neighborhood since 2012. The project does, however, share a common characteristic when it comes to the commercial development which has happened in the immediate vicinity of the rezoning site – it was long anticipated to occur as a result of long-range land use planning for the area.

Both the Sheetz and the Trammel Crow Warehouse parcels were built out under long-established zoning classifications whose origins lie within the Land Use Plan of the adopted Comprehensive Plan for Washington County. Both our Plan, and the assigned zoning classifications for these properties, projected them to support commercial or light industrial development going back at least as far as the 2002 Comprehensive Plan. As a

result, it is a mischaracterization to describe the long-anticipated commercial/light industrial development on either of these two parcels as being a substantial change to the character of the neighborhood these projects did not deviate from our projections in any substantive way.

A strong contrast to an area building-out according to long-established zoning is when piecemeal rezonings occur that invite new development to occur on individual parcels that is not in conformance with long-range land use plans. We can see a concrete example of that process immediately north of the subject properties along the Virginia Avenue corridor between Hagerstown and Williamsport. That corridor has seen many more piecemeal rezonings approved (including multiple since 2012) than has been the case along Downsville Pike in the vicinity of the Halfway Boulevard intersection (where there has been no approved piecemeal rezonings since 2000).

The contrast in neighborhood character of these development approaches (piecemeal v. long-term planning) can easily be seen when traveling down these corridors. Virginia Avenue between Hagerstown and Williamsport is now a patchwork of commercial and residential development throughout the corridor. The loss of a number of homes along the roadway over many years due to commercial development threatens to eventually change this portion of Virginia Avenue corridor into one long commercial strip.

The portion of Downsville Pike near the rezoning site has not seen a similar transition from residential to commercial. Commercial development has not occurred, to this point, in the immediate area to the north or west of the I-70 interchange. That quadrant has remained solidly residential for decades. Rezoning these properties to HI would, in fact, be a substantial change to this portion of the “neighborhood” to a degree that has not happened previously.

iii. Road Improvements in the Neighborhood Before and After 2012

The second piece of evidence offered by the applicant in favor of the argument that a substantial change in the character of the neighborhood has occurred relates to road improvements in and around the Halfway Boulevard/Downsville Pike intersection. As we shall see, these assertions immediately draw in the *Buckel* test which requires demonstration of cause and effect on neighborhood changes.

The aerial images below show the immediate area around the Halfway Boulevard/Downsville Pike intersection in 2005 and in 2023 (the most recent year available). The images demonstrate that the intersection configuration and number of travel lanes have remained the same since the interchange was built in 1999.

A review of the County's CIPs between FY 2012 and FY 2027 does not list any CIP projects that had, or will have, an effect on this intersection. As previously noted, no money is budgeted in the next five years for the installation of a roundabout at the intersection of Halfway Boulevard and Oak Valley Drive noted in the FY 2027 CIP, indicating that this intersection improvement is a long-term priority at the moment, not an immediate priority. Therefore, aside from the 2017 Venture Drive improvements affiliated with the Sheetz store which have modestly impacted the area, it is unclear what roadway improvements the Applicant is referring to which have dramatically affected the character of the neighborhood.

2005



2023



Since the vast majority of the roadway improvements cited as being catalysts to neighborhood change appear to have been completed long before the 2012 Comprehensive Rezoning, the *Buckel* test of showing a clear linkage between these pre-2012 improvements with the neighborhood impacts that resulted after 2012 comes into play.

To that end, we have already looked at traffic counts in the vicinity of the proposed rezoning site (see pages 6-7). Beyond state and local traffic counts, a traffic impact analysis was also conducted in February 2017 as a part of the development review process for the Sheetz gas station and convenience store near the site of this proposed rezoning. The study concluded that traffic volume has remained largely flat at the Downsview Pike/Halfway Blvd intersection in the time since the interchange was constructed in 1999.¹¹

Thus, aside from a notable increase in traffic on Venture Drive after the Sheetz opened, no other state or local traffic counter in the vicinity shows a dramatic increase in traffic since 2012 as a result of previous road improvements. Traffic has remained essentially stable at the Downsview Pike/Halfway Boulevard intersection for the past twenty years.

Thus, when we put all the previously established facts together including:

- **Stable traffic counts**
- **No approved piecemeal rezonings in the vicinity since 2000**
- **Limited new commercial or industrial development in the vicinity, and that which has occurred conforms to long established land use planning**
- **Slow population growth in the Halfway Election District**

We are left with a picture of a stable neighborhood that has not changed dramatically since the 2012 Comprehensive Rezoning.

D. Evidence for Mistake in the Current Zoning

In addition to the claim that the neighborhood has changed substantially since 2012, the applicant also claims that the Board made a mistake in assigning the RS Zoning Classification at that time. 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;

¹¹ Traffic Impact Analysis (TIS-17-001) conducted February 13, 2017 by Street Traffic Studies, Ltd.

4. Events that have occurred since the current zoning; or
5. Ignoring facts in evidence at the time of zoning application.

The applicant claims that factors such as following were not fully considered by the Board in their 2012 decision. (Note, the text below is paraphrased while retaining all central elements of the applicant's argument in favor of a mistake):

1. *"When the property was last comprehensively rezoned in 2012, it was based at least in part on the presumption that the property ... could be effectively utilized for the single-family, two-family or limited commercial/institutional permitted in the RS Zoning District."*

However, the property's relatively small size, irregular shape and frontage on two arterial roadways present difficult challenges to its development and utilization, specifically gaining safe points of ingress/egress to Halfway Boulevard and/or Downsville Pike"

This challenge likely would be insurmountable if the proposed use were, for example, a single-family dwelling on each of the three parcels each of which would be entitled to an individual private driveway onto either Halfway Boulevard or Downsville Pike to gain access.

These facts, as well as the reasonably foreseeable trend of intensifying traffic and commercial uses... were not taken into account by the County in 2012."¹²

A similar argument, framed slightly differently, is put forth earlier in the Applicant's Justification Statement:

1. *Without the benefit of any internal or secondary roadways, the property will need to be accessed directly from Halfway Boulevard and/or Downsville Pike which, given the traffic volumes and speed of vehicular traffic on both roadways, presents a clear incompatibility and potential safety concern; and*
2. *Given the need for future road and/or intersection improvements at this location, future residential use is impractical and not of a scale necessary to provide those improvements as part of the property's development.¹³"*

¹² Applicant's Justification Statement (page 17 of the application materials)

¹³ Applicant's Justification Statement (page 15 of the application materials)

i. Site Specific Access Barriers to Residential and Commercial Development

A central linchpin of the Applicant's argument in favor of the Board making a mistake in 2012 to not assign a commercial zoning classification to the subject properties rests on their contention that a commercial development would be better able to address site access challenges than a residential development would. The logic of this argument is again, eminently debatable.

There is logic to portions of this argument, as certain types of development offer much greater financial viability to making major infrastructural upgrades than others. In simple terms, development often needs to be of a certain scale or profitability to possess the amount of financial resources needed to make costly upgrades to roads, water and sewer lines, stormwater management facilities, etc. A small-scale development often does not generate the profitability necessary to make such costly upgrades worth a developer's time and money unless they have substantial financial reserves elsewhere to draw from. So, in that sense, contrary to what many may assume, development can sometimes improve the condition of public infrastructure within a given area. Particularly, if developers are required to contribute to such upgrades as part of the project's approval, as is often the case in Maryland and Washington County.

However, while new development can indeed positively contribute to the improvement of public infrastructure at a given location in many cases, there are clearly sites where development of a certain scale or intensity can be inappropriate for the conditions of the site and the neighborhood. Intensive development has myriad effects on the surrounding area, including traffic generation, noise, lighting, additional burden on water and sewer lines, and many more. There are clear cases where development exacerbates these issues instead of solving them. Put simply, in some locations "more, is not always better."

The current conditions of both the site and the neighborhood point to significant downsides that could result from the introduction of an intensive commercial development to this location. Foremost among them is finding a way to safely provide access to the site from Downsville Pike and/or Halfway Boulevard. The challenges to accessing this site were introduced on pages 7 and 8 in comments provided by the Washington County Division of Public Works. To recap, their comments noted the following:

- *"The existing unsignalized entrance to Marty Snook Park on Halfway Boulevard is located approximately 500 feet from the adjacent intersection. A new commercial access point would be expected to generate substantially more traffic than the*

current residential zoning, increasing the potential for operational and safety concerns due to the close spacing of access points, particularly if left-turn movements are permitted.

- *Marty Snook Park is public property. If the proposed development anticipates sharing or connecting to the existing park entrance, this raises concerns regarding the use of public park property to provide access for a private commercial development and may be inconsistent with the intended public purpose of the park property.”*
- *Public Works is currently advancing the Marty Snook Park Multimodal Trail and Parking Capital Improvement Project (CIP), which includes planned modifications to the park access road, traffic circulation, pedestrian facilities, and bicycle infrastructure. There are concerns regarding how any proposed commercial entrance(s) would be designed and constructed and the potential impacts on these planned improvements, including the ability of park users to safely access and connect to the surrounding residential neighborhoods.”¹⁴*

The comments from Public Works focus on the potential conflicts and spillover effects of providing access to a new commercial development that might impact the existing access road into Marty Snook Park. That access road is only roughly 500’ from the Halfway Boulevard/Downsville Pike intersection. A separate access road onto Halfway Boulevard from a new commercial development could not meet the minimum 500’ distance between all new access points on minor arterial roads required by the Highway Standards set forth in the Transportation Element of the County’s 2040 Comprehensive Plan.¹⁵ Therefore, it’s very possible that a new business would want to connect to the Park road to access the site. Thus, the significant level of concern expressed by Public Works.

If the commercial development instead looked for an entrance onto Downsville Pike, they face a similar dilemma because of both the location of the Park and Ride lot, and the Downsville Pike median. From the northern exit road of the Park and Ride lot to the Downsville Pike/Halfway Boulevard intersection is roughly another 500’ linear distance. A new access between those points from the rezoning site would again violate the required access spacing of the County’s Highway Standards.

Secondly, there is the barrier of the median on Downsville Pike running all the way from the I-70 interchange to the Downsville Pike/Halfway Boulevard intersection. This barrier prevents left turn movements into the site as it would be a safety hazard to turn into

¹⁴ Washington County Division of Public Works Comment Letter dated July 17, 2026.

¹⁵ Washington County 2040 Comprehensive Plan. Transportation Element. P.7-19.

the property across three lanes of traffic so close to a busy intersection. So, an entrance from the Downsville Pike side of the properties seems unattractive from a site planning standpoint as well.

How exactly a commercial development would solve the circulation dilemma is a good question, given the fact that the three parcels together are only a little over 2 acres in size. That modest acreage doesn't leave a lot of room for the creation of an internal network of roads as part of a project that would solve the issue in some way. Particularly, given all the other site planning requirements commercial developments have to meet besides road access, such as providing stormwater management, accommodating utilities, etc.

A residential development at this location would undoubtedly face similar challenges finding a safe access point onto Downsville Pike or Halfway Boulevard. When houses stood on these lots, however, they did have driveways providing access onto these roadways, making it at least theoretically possible they would be allowed an access onto the County or State roadways.

Even if the access issue was solved for the potential commercial development, there is a vast difference in the amount of traffic that would be generated from that type of land use, versus a single or two-family homes on these lots. It would not be a small number of individual property owners navigating these challenges as they carried out their daily routines. It would be potentially hundreds or thousands of vehicles per day spilling out onto these two busy roadways throughout the day, right at the intersection where traffic is busiest in the neighborhood. So, while the commercial development might offer the economic advantage of being able to pay for necessary road improvements that would be generated by its impacts, it is hard to see how this new type of land use would make the intersection safer, produce fewer impacts to the neighborhood, and not conflict with the function of existing anchor land uses in the immediate vicinity such as the County Park or the Park and Ride lot.

ii. Factors Affecting Continued Residential Usage of the Properties

The continued viability of a residential usage at the site is another point repeatedly brought up in the Applicant's Justification Statement as part of their contention that the Board made a mistake in assigning the RS zoning classification in 2012. They contend that:

1. *"The property is located immediately adjacent to the intersection of Halfway Boulevard and Downsville Pike, less than 1,000' from the travel*

lanes of Interstate 70 making single-family and two-family residential dwellings completely inappropriate;

Before delving into other factors influencing the viability of residential usage of these properties, it is important to be initially reminded that the subject parcels have a long history of residential usage. Residential use on parcel 408 goes back more than 100 years, for example. Residential usage of these properties continued for many years after the I-70 interchange was constructed, only ceasing completely within the last several years after the properties were purchased by the developer.

At the time of the 2012 Comprehensive Rezoning, all residences at the subject site were still occupied. So, absent a request by one of the property owners to change the zoning, there would have been a disincentive by the Board to change to a commercial zoning class. In the years since 2012, the tenants have either passed away and/or sold the property to developers and been left vacant of new owners or tenants. Maintenance of these properties had not been kept up for many years, and the result was their continual deterioration. Service requests for County inspectors responding to junk and weed complaints on all three properties are documented in the County's permitting system.

Accordingly, while the Applicant may contend that this deterioration was due to lack of buyer interest as a result of spillover effects from traffic on the adjacent roads, staff would contend that this is a clear case of demolition by neglect by multiple owners of these properties. By not keeping up with the maintenance of the existing structures, it removed almost any likelihood that the houses would be re-occupied by new owners or tenants. In the end, the inevitable result of this neglect was the demolition of all three of the houses which stood on these parcels, including a property on the Maryland Inventory of Historic Properties (the Anita Rice home on parcel 408 in 2018).

Aside from the neglect of these properties leading to inevitable demolition of the formerly existing homes, there is no evidence offered by the Applicant in the material submitted that they have actively pursued continued use of the properties for residential purposes under the current RS zoning. Indeed, **the current rezoning petition marks the third effort by this same developer to rezone the property from RS to HI since 2017 (see County rezoning files RZ-17-003 & RZ-19-003).** With that much time, money and effort expended into obtaining a commercial zoning classification for the property, it is hard to imagine that there has been a parallel effort of comparable magnitude to market these properties for residential usage.

Much of the rhetoric in the Applicant's petition turns the request into a zero-sum proposition between either residential or commercial being pursued at the site. In reality, given all the challenges cited throughout this report that lay out what it would take to

successfully develop either residential or commercial at the site, the most reasonable use for the property may be neither. Under different circumstances, the area could be utilized as required forest mitigation for development projects the County undertakes in Marty Snook Park which would retain forest cover onsite in accordance with the County's Forest Conservation Ordinance. Another potential use could be the expansion of the Park and Ride lot. Neither of these uses would require changing the zoning. Obviously, under the current ownership, these alternative uses are unlikely to be pursued. They are offered merely to illustrate that residential and commercial are not the only types of land uses which are suitable for this location, given the notable challenges to its development. There are times when, given site specific constraints, the "highest and best use" of a property is not always the one which produces the largest economic return.

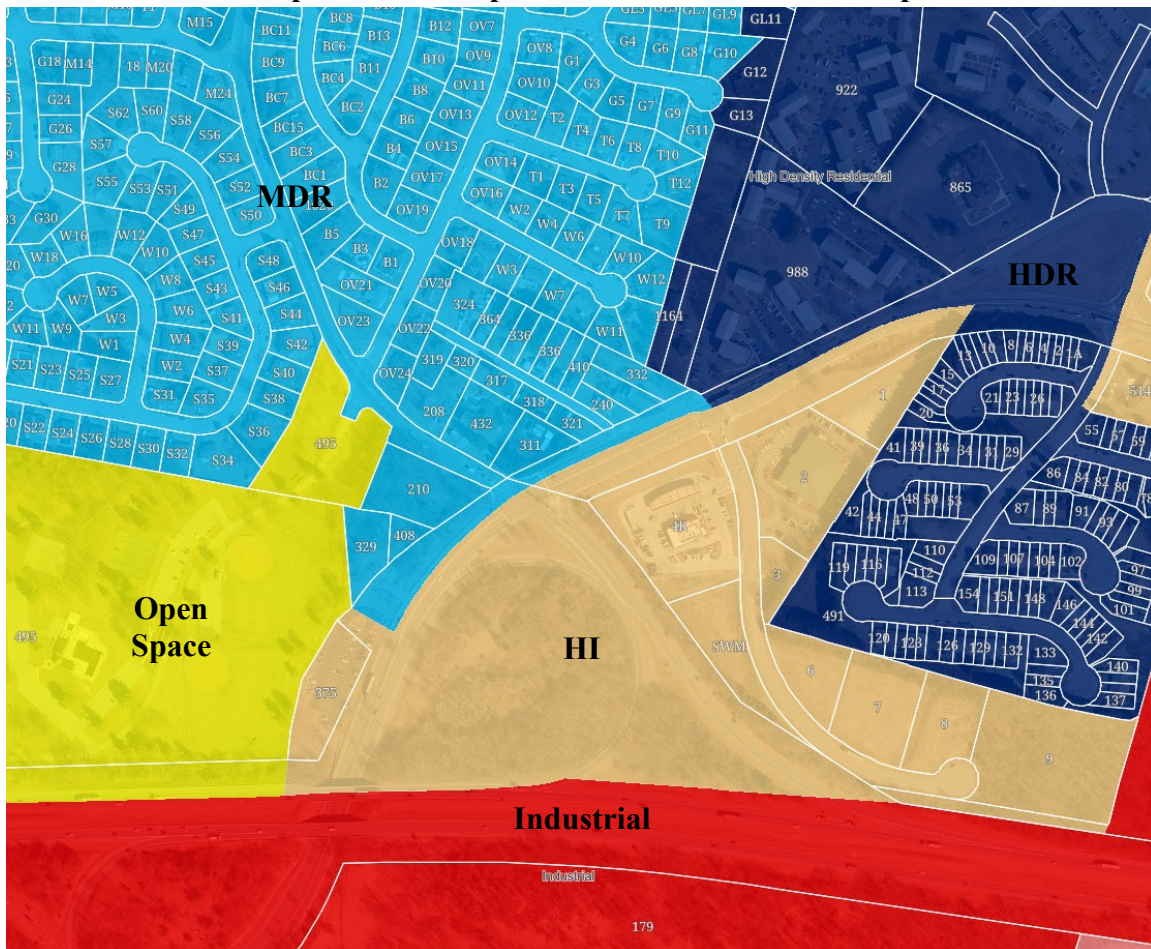
E. Relationship to 2040 Washington County Comprehensive Plan

In 2025 the Washington County Comprehensive Plan was updated, including the Land Use Plan. The Land Use Plan takes all of the policies, strategies and recommendations articulated in the other chapters of the Plan to form a blueprint of sorts for how the community should develop in the future.

To develop this guide for future land uses decisions, information such as population projections, growth trends, transportation and infrastructure data, and environmental factors was considered. The input of property owners, local officials, County staff and the general public was also solicited and considered in the assignment of policy areas to properties on the Land Use Plan.

In considering all of this information, County staff assigned these properties a Medium Density Residential land use policy classification. Many of the factors previously cited throughout this report factored into the decision made by staff to assign this classification. These factors include site access challenges, the close proximity of the property with Marty Snook Park and the Park and Ride lot and the predominance of residential uses on the west side of Downsview Pike above the I-70 interchange, among others. Accordingly, the requested HI zoning classification is not consistent with the recently adopted Land Use Plan. The subject parcels are shown in context with other land use policy classifications in the immediate area in Map 2 below.

Map 2: 2040 Comprehensive Plan Land Use Map



F. Other Staff Comments

Beyond the access and circulation concerns expressed by the Washington County Division of Public Works, they also brought up broader compatibility issues that further call into question how logical and appropriate a commercial land use would be at this location. Their additional comments are below:

1. *“The proposed Highway Interchange (HI) zoning permits a broad range of commercial uses, including businesses that may operate during the evening and nighttime. In contrast, Marty Snook Park is open only from dawn to dusk, and restricting pedestrian access into the park after hours is difficult. The County currently experiences recurring issues with after-hours vandalism, including graffiti, arson, and property damage.*

Given the wide variety of uses permitted within the HI zoning district, there is significant uncertainty regarding the type of commercial development that may

ultimately occur and its compatibility with the adjacent public park. Public Works is concerned that certain commercial uses or extended hours of operation could increase nighttime activity, attract loitering, or otherwise contribute to undesirable behavior that could spill over into the park after it has closed, creating additional public safety, security, and maintenance concerns.

2. *The west side of Downsville Pike along Halfway Boulevard is characterized by single-family residential development and Marty Snook Park. The subject property is heavily wooded and is consistent with the character of the surrounding area, providing a natural buffer between the residential neighborhood and the existing commercial development located on the east side of the intersection.*

Development under the proposed Highway Interchange (HI) zoning could substantially alter this transition area. Depending on the eventual commercial use, development may require significant tree clearing, introduce larger building footprints and impervious surfaces, increase noise and nighttime lighting, and result in more intensive activity immediately adjacent to Marty Snook Park. In addition, the property adjoins a tributary located within the park, raising concerns about the potential for increased stormwater runoff, litter and debris, and other environmental impacts associated with more intensive commercial development of which the impacts extend beyond the property boundaries. Such impacts could also result in increased maintenance responsibilities for the Washington County Department of Public Works.”¹⁶

III. Recommendation:

The applicant claims that a mistake occurred in the designation of the existing RS zoning classification in 2012 and that there has been substantial change in the character of the neighborhood since the time of the last comprehensive zoning, thereby warranting their petition to rezone the property from RS to HI.

The burden of the applicant in a “Change” case is to illustrate three points:

1. Defining the boundaries of the neighborhood,
2. Demonstrating that substantial changes have occurred since the last Comprehensive Zoning Plan, and
3. Showing that those changes resulted in the altered character of the neighborhood.

¹⁶ Washington County Division of Public Works Comment Letter dated July 17, 2026.

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.

The preceding analysis has led staff to conclude that the applicant has not met the burdens in proving that a substantial change has occurred in the neighborhood since the 2012 UGA Rezoning. Limited commercial development has occurred in the immediate vicinity of the subject properties. The commercial development which has occurred conforms with long-established land use plans for the area. The lack of approved piecemeal rezonings in the immediate vicinity demanding new zoning classifications testify to this fact. To this point, no commercial development has taken place in the residential neighborhoods which lie immediately west of Downsville Pike and north of the I-70 interchange.

The traffic improvements cited by the applicant largely happened before 2012, and there has been no consistent increase in traffic volume according to traffic counts performed by the State, County and outside consulting agencies on multiple roads in the vicinity over the past twenty years. The only notable traffic improvement in the area since 2012 is the signal at Venture Drive created in tandem with the opening of the Sheetz in 2017. Aside from increased traffic on Venture Drive, evidence of widespread impacts elsewhere in the neighborhood from the Sheetz are not supported by available data. The population in the Halfway election district has also grown more slowly than the County as a whole.

Regarding the charge of mistake, the evidence offered by the Applicant which contends that a commercial development is necessary to make improvements to the site which would improve access and circulation onto Downsville Pike or Halfway Boulevard for safety purposes is unconvincing. Creating an intensive commercial development at a location which has limited access due to the close proximity of Marty Snook Park and a Park and Ride lot on each side is likely to exacerbate traffic and safety issues on Downsville Pike and Halfway Boulevard rather than solve them.

The request for an HI zoning classification is not consistent with the County’s recently adopted Comprehensive Plan. The Land Use Plan within this document assigned these properties a Medium Density Residential land use policy classification. The close proximity of these properties to the neighboring Park and solidly residential areas west of

Downsville Pike and above I-70 were key among many important factors considered by staff when assigning this land use classification, which was adopted by the BOCC in 2025.

Consequently, staff's analysis has concluded that convincing proof has not been offered by the applicant demonstrating either a mistake in the current zoning, or a substantial change in the character of the neighborhood since the 2012 UGA Rezoning in their petition to rezone the property from RS to HI. Overall, the facts outlined in this report have not led to a conclusion that an intensive commercial development would be logical and appropriate for the proposed location.

Finally, please do be reminded that the HI Zoning District permits a very wide range of land uses, by right. Any of the principal permitted uses in the BL, BG, PB and ORT Zoning Districts would, at least theoretically, become legal to pursue under the new zoning at the site. Not all of these uses may be compatible with the surrounding neighborhood.

Respectfully Submitted,

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Senior Planner